

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

**DEPARTMENT:** Department of the City Manager  
**AGENDA DATE:** November 13, 2007  
**CONTACT PERSON/PHONE:** Patricia D. Adauto, Deputy City Manager  
Development & Infrastructure Services  
(915) 541-4853  
**DISTRICT(S) AFFECTED:** All

CITY CLERK DEPT.  
07 NOV - 6 AM 11:32

**SUBJECT:**

Discussion and action on (1) a staff report of proposed changes to the Parkland Dedication regulations as part of the Subdivision Ordinance Rewrite and proposed by the City's consultants, Halff & Associates, Inc. and Mickelson & Palumbo, and recommended by the City Plan Commission Ad Hoc Committee; and (2) policy direction on any of the enumerated proposed changes as may be necessary.

**BACKGROUND / DISCUSSION:**

As part of the Subdivision Code rewrite, the City's consultants have recommended various modifications to the parkland dedication chapter which have been recommended for approval by the City Plan Commission Ad Hoc Committee. These proposed modifications will be detailed by Halff & Associates and Mickelson & Palumbo, the City's consultants, and City staff at the meeting. Policy direction is needed as the text proposes change to the requirements given legal and other technical considerations. In summary, the major areas of change include:

- Bonus reductions for private amenities (single-, two- & multi-family developments)
- Required park improvements for dedicated parkland
- Discretion of Parks Director for payment of fees in lieu of land dedication
- Standards for park/pond collocation
- Flexibility in minimum parkland dedication requirements

**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. 16429 – Amended (1) the 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.
- June 5, 2007, Ordinance No. 16663 – Amended the bonus reduction provisions to eliminate credits for any private park amenities.

Other Code amendments have been presented by City staff, the City Plan Commission, the Planning & Development LRC, and members of the City Council during the period February through June, 2007, and each was considered by the City Council and either deleted or no formal action taken.

**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:**

The Planning & Development LRC and the City Plan Commission have made prior recommendations on the various amendments proposed to the parkland dedication requirements. Particular to the proposed draft at issue on this agenda, no formal action of the entire City Plan Commission has been taken nor an LRC convened. The draft has been vetted by the Ad Hoc Committee, of which various members of the Commission, staff, industry and City Representative Byrd are members. City Council policy direction is requested before seeking further review of the draft.

**\*\*\*\*\*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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City of El Paso

**Parkland Dedication**

**Draft Ordinance Modifications for Review and  
Comment**

**Halff Associates Inc.  
November 5, 2007**

The following content is in draft format, and is intended to allow for comment regarding the proposed requirements of this section. This language is subject to further refinement to improve clarity and content. This document is subject to further legal review.

26 **Chapter 19.20 PARKLAND AND OPEN SPACE DEDICATION**

27 19.20.1 Policy Plan and Purpose.

28 19.20.2 Dedication Required.

29 19.20.3 Parkland Calculation.

30 19.20.4 Review by Director Of Department Of Parks And Recreation.

31 19.20.5 Standards for Deeded Parkland.

32 19.20.6 Exclusions from Dedication Requirement.

33 19.20.7 Deed Conveyance.

34 19.20.8 Off-Site Dedication Of Parkland.

35 19.20.9 Provision for Private Park Facilities

36 19.20.10 Provision for Bonus Reductions for Additional Land or Facilities on New or Existing  
37 Public Parklands.

38 19.20.11 Fee In Lieu of Parkland Dedication.

39 19.20.12 Parkland Fees Special Fund.

40 19.20.13 Applicability.

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43 **19.20.1 Policy plan and purpose**

44 **(a.) Purpose.** This chapter is adopted to provide recreational areas as a function of  
45 subdivision development in the City of El Paso. This article is enacted in  
46 accordance with the home rule powers of the City of El Paso granted under the  
47 Texas Constitution, and the statutes of the State of Texas, including, but not by  
48 way of limitation, V.T.C.A. Local Government Code, Chapter 212. It is hereby  
49 declared by the City Council that recreation areas in the form of neighborhood  
50 parks, community parks that serve several neighborhoods, linear parks, trails,  
51 and open space areas are necessary and in the public welfare, and that the  
52 only adequate procedure to provide for same is by integrating such a  
53 requirement into the procedure for planning and developing property or  
54 subdivisions in the City, whether such development consists of new  
55 construction on vacant land or the addition of new construction or re-  
56 development on existing developed lands.

57 **(b.)**Neighborhood parks, community parks, linear parks, trails and open space  
58 areas referred to in this Chapter are those parks providing for a variety of  
59 outdoor recreational opportunities and within convenient distances from the  
60 majority of the residences to be served thereby. The primary cost of those  
61 parks should be borne by the ultimate property owners who, by reason of their  
62 proximity to such parks, shall be the primary beneficiaries of such facilities.

63 **(c.)**The requirements for parkland are based in part on the standards, needs and  
64 objectives set forth in the El Paso Parks and Recreation Master Plan, routinely  
65 amended and adopted by the City Council, a copy of which shall be retained in  
66 the office of the Director of Parks and Recreation and which shall be  
67 incorporated by reference herein for all purposes.

68 Therefore, the following requirements are adopted to effect the purposes stated  
69 above and shall apply to any development within the City of El Paso, except as  
70 noted therein.

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72 **19.20.2 Dedication required.**  
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74 **(a.) Dedication required.** All subdivisions located within the corporate limits of the  
75 City of El Paso and the City's extra territorial jurisdiction (ETJ) shall be required  
76 to provide for the parkland needs of future residents of their subdivisions  
77 through the conveyance of fee simple title of suitable land to the City of El  
78 Paso, or through a fee in lieu of land as required by the City of El Paso.

79  
80 (1.) The land conveyed and deeded to the city shall not be subject to  
81 reservations of record, encumbrances or easements which will  
82 interfere with the use of the land for park purposes.

83 (2.) Where a sub-surface interest is severed from the surface estate,  
84 retention of the sub-surface interest may not be considered an  
85 encumbrance for the purposes of this section.

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87 **(b.) In Residential Subdivisions.** A residential subdivision shall provide for the  
88 parkland needs of the community pursuant to Section 19.20.3.

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(1.) For purposes of this chapter, a residential subdivision shall include any subdivision application submitted on property where the zoning allows for single-family, two-family or multifamily development (apartments).

(2.) This provision may be waived by the City Plan Commission where the city is provided a copy of deed restrictions or other legal instrument verifying that the property within the subdivision application or portion thereof, is restricted to non-residential uses as defined in this section. The evidence shall be provided to the subdivision coordinator with the filing of the preliminary plat, and shall be reviewed by the city attorney prior to the City Plan Commission action on the preliminary plat. Failure of the subdivider to provide this information with the filing of the preliminary plat shall result in the subdivision application being considered as a residential subdivision. **(Consider revising this subsection to not require a deed).**

**(c.) In non-residential subdivisions.** A subdivision, not otherwise classified as a residential subdivision, shall be required to provide for the parkland needs of the subdivision as provided in Section 19.20.11 of this chapter.

**(d.)** The requirement to provide parkland to the city pursuant to this title shall not be satisfied using land required to be conveyed by the subdivider to the city as part of a separate legal instrument, condition, covenant, contract, agreement, sale or ordinance, except as specifically provided in Section 19.20.13. (Ord. 14395 (part), 2000; Ord. 13907 § 19, 1998; Ord. 13111 § 1 (part), 1997).

**19.20.3 Parkland Calculation.**

**(a.) Rate.**

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

a. **Single-Family and Two-Family Units.** One acre of parkland for every one hundred (100) dwelling units calculated as follows:

$$"x" = "y"/100$$

Where:

"x" is the amount of acres of parkland required to be deeded,  
and,  
"y" is the number of dwelling units in the subdivision.

b. **Multifamily.** One acre of parkland for every two hundred dwelling units calculated as follows:

$$"x" = \frac{"y" \times "z"}{200}$$

Where:

"x" is the amount of acres of parkland required to be dedicated;

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and,

“y” is the gross acres of the proposed multi-family subdivision  
and

“z” is the density of the proposed multi-family subdivision

**Density Calculated.** In calculating the parkland requirement for residential multi-family subdivision applications, density shall be determined by using the gross density permitted by the zoning classification on the property (Title 20).

The City Plan Commission may waive the gross density used in the parkland calculation rate for multifamily development when the subdivider verifies by means of deed restrictions or other legal instrument that the density permitted within the subdivision is less than the gross density required by subsection (a)(1.)b. of this section. The evidence shall be provided to the subdivision coordinator with the filing of the final plat, and shall be reviewed by the city attorney prior to City Plan Commission action on the final plat. Failure of the subdivider to provide this information with the filing of the final plat shall result in the gross density rates of this section being applied to the parkland calculation.

c. **Mixed Use Developments.** Subdivisions that provide a mixture of residential and non-residential components shall meet the requirements of this chapter in the following fashion.

i. Horizontal mixed use developments – for mixed use developments where residential and non-residential components occur in separate buildings within the same development, the residential components will meet the requirements established in section 19.20.3 above. Non-residential components will meet the requirements of section 19.20.11, fees for non-residential subdivisions.

ii. Vertical mixed use developments – for mixed use developments, where residential developments occur above or beside non-residential development within the same building, the following requirements shall apply.

1. If the non-residential component equals or exceeds 20% of the gross square footage of the development, parkland fees for the entire development shall be based on the non-residential fee requirements of Section 19.20.11.

2. If the non-residential component is less than 20% of the entire square footage of the development, parkland fees for the entire development shall be based on the number of residential units as per the requirements of Section b. above.

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**(b.)Types of Park Land that may be dedicated.** The following park configurations of land may be provided to meet the dedication requirements of this Chapter. Lands to be dedicated should meet the requirements of Section 19.20.5, Standards, and shall be approved based on the affirmative recommendation of the Director of Parks and Recreation and the approval of the City Planning Commission.

- (1.) **Neighborhood parks** – lands for parks that serve a neighborhood shall meet the following requirements:
- a. The size of the parkland shall be as determined by the density of the residential subdivision submitted pursuant to Section 19.20.3; provided, however, that under no circumstance shall a park site of less than one (1) acre be approved by the City Plan Commission except where the Commission finds that:
    - i. The residential subdivision application is submitted as an infill development, and
    - 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.) **Dual Park-Pond.** Parks and drainage retention or detention ponds may be placed side by side or combined to provide for larger and more efficient park and open space lands for neighborhoods.

Conceptual cross-sections for park-pond areas are included in the subdivision standards. These conceptual drawings are intended to serve as a guideline to the designer, and modifications that meet or exceed the intent of this section are encouraged. All park-pond designs shall be approved by the Director of Parks and Recreation and the City Engineer or City Floodplain Administrator.

- a. **Park-Ponds Requirements** - For purposes of this subsection, the ponding area that qualifies as a park-pond shall be deemed acceptable for park usage by the Director of the Parks and Recreation Department. Where acceptable, the pond portion of the park may count towards the required parkland dedication amount at ratio of one acre of park-pond for every one acre of required parkland dedication, subject to the following requirements being met.
  - i. To be considered as a park-pond, the proposed facility must be located no further than one-half mile from all residences that it is intended to serve.
  - ii. Flat perimeter areas on the rim of the ponding basin shall be provided. These shall be a minimum of fifteen (15) feet in width from the edge of the pond slope to the nearest property line to allow for a trail, landscaping and pond maintenance requirements. Wider and variable width areas are preferred to create a more park-like appearance.
  - iii. A park-pond shall have a flat contiguous park area adjacent to the detention/retention basin that is not subject to periodic

- 231 inundation. This area shall be a minimum of one-half acre in  
232 size or larger, including the area of the one closest adjacent  
233 perimeter flat zone. For park-ponds where the pond portion is  
234 over two and one half (2.5) acres in size, the size of the upper  
235 area shall be at least 20% of the area of the pond. This area  
236 shall be shaped to accommodate the placement of permanent  
237 park structures such as play features, multi-purpose courts  
238 and shade pavilions.
- 239 iv. Side slopes in park-ponds shall not exceed a maximum 4 to 1  
240 horizontal to vertical slope. Flatter side slopes are preferred.
- 241 v. The total square footage of sloped areas shall not exceed  
242 twenty percent (20 %) of the overall park-pond area.
- 243 vi. The maximum depth of the pond portion of a park-pond shall  
244 not exceed six feet (6').
- 245 vii. Transitions from sloped areas to level ground at the top and  
246 bottom of the drainage basin shall be smooth curves.
- 247 viii. Curving pond shapes are preferred to convey a more park-like  
248 appearance. Park-ponds without curved pond shapes shall be  
249 subject to approval by the Director of Parks and Recreation  
250 and approval by the City Plan Commission.
- 251 ix. Perimeter areas around the pond shall be planted to create an  
252 attractive buffer zone around the park-pond. Plant materials  
253 and required irrigation system(s) must be installed and  
254 operational at the time the City accepts the facility. All  
255 irrigation and planting shall meet the Park Facilities Standards  
256 referenced in Section 9.20.5, (b), (3), f.
- 257 x. Signs shall be provided to inform the public of the dual Park-  
258 Pond purpose and to notify them of the potential safety hazard  
259 from Storm Water detention/retention.
- 260 xi. Percolation tests at the bottom of the park-pond basin shall be  
261 performed according to ASTM 5126. Storm water shall  
262 percolate within 72 hours.
- 263 xii. Dry wells, if applicable, shall be installed at the lowest part of  
264 the park-pond area.
- 265 xiii. Usable areas in the basin of the pond shall have ready access  
266 to the rim of the pond via flatter sloped zones on at least two  
267 sides of the ponding area that do not exceed a 6 to 1  
268 horizontal to vertical slope.
- 269 xiv. A fully accessible route that meets Americans with Disabilities  
270 Act (ADA) standards to the lower park area in the basin of the  
271 pond shall be provided.
- 272 xv. Credit will not be provided for that portion of the park-pond that  
273 exceeds the amount of parkland required to be deeded to the  
274 city pursuant to this title.

- 275                    b. **Other Ponds not serving as Park Ponds** – shall meet minimum  
276                    placement, setback and landscaping requirements as established  
277                    by the City of El Paso Stormwater Drainage Manual.
- 278  
279                    (3.) **Linear park corridors and trail development** - Trail corridors may be  
280                    dedicated and constructed by the subdivider, and may serve as credit  
281                    against required parkland, subject to the following conditions being met:  
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283                    a. Where adjacent to private property lines on either side of the  
284                    corridor, the trail corridor shall be a minimum of 30 feet in width.
- 285                    b. Where the trail corridor is adjacent to a permanently preserved  
286                    corridor such as a drainage channel or natural open space, the  
287                    additional trail corridor width may be reduced to fifteen (15) feet. A  
288                    minimum of ten (10) feet from the nearest edge of the trail adjacent  
289                    to a private property line shall be maintained except where  
290                    separated from such private property by a wall.
- 291                    c. If the trail corridor is located adjacent to a street right of way, the  
292                    trail corridor shall be a minimum of fifteen (15) feet in width as  
293                    measured from the adjacent back of curb. The additional portion of  
294                    the corridor that is outside of the street right of way and that is a  
295                    minimum of five (5) feet in width shall be credited as lands meeting  
296                    the parkland dedication requirements of Section 19.20.3.
- 297                    d. Trails shall be a minimum of eight feet (8) in width. Narrower trails  
298                    will not count as credit towards parkland requirements. Trail surface  
299                    material shall follow the requirements of the City of El Paso Park  
300                    Development Standards.
- 301                    e. Trail corridors shall have a public right of way, such as a street  
302                    along a minimum of 75% of one side of the corridor. The public  
303                    right of way does not have to be contiguous. Where the trail  
304                    corridor is adjacent to a wide permanently preserved open space  
305                    area, utility corridor or public corridor, the amount of public corridor  
306                    required above may be reduced or eliminated based on the  
307                    recommendation of the Director of Parks and Recreation and the  
308                    approval of the City Plan Commission. Public access points to the  
309                    corridor shall be provided at regular intervals.
- 310                    f. A zone that is a minimum of 5 feet wide along each side of the trail  
311                    shall be improved with a natural non-irrigated landscape treatment,  
312                    following guidelines contained in the Parks Facility Standards  
313                    referenced in Section 9.20.5 (b)(3), item f.
- 314                    g. Trails may be built on power line or other utility corridors, but in  
315                    cases with corridor lands whose ownership is not fully transferable  
316                    to the City of El Paso, only the lands under built trails will count  
317                    towards the park land dedication requirements of this chapter. In  
318                    such cases, the easement holder or right of way owner must provide  
319                    legal acceptance allowing the trail to be built with free public access  
320                    provided in perpetuity.

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h. Trail standards may be modified by the City Plan Commission based upon the recommendation of the Director of Parks and Recreation.

(4.) **Open space lands and arroyos** - types of land that are noted as areas that should be preserved in the El Paso Open Space Master Plan, such as natural arroyos, may be used to meet the land dedication requirements of this chapter:

- a. For purposes of this subsection, the area open space to be used in applying the reduction shall be the acreage that is deemed acceptable for preservation by the Director of the Parks and Recreation Department and approved by the City Plan Commission.
- b. Open space lands will not be required to meet the minimum development standards of section 19.20.5.
- c. One (1) acre of open space dedication will count as one half (1/2) of an acre of required parkland dedication.
- d. Other open space lands, such as arroyos, that exceed the parkland requirements of this section, may be accepted by the City of El Paso. The City of El Paso will assume maintenance of these areas.

342 **19.20.4 Review by the Director of Parks and Recreation.**  
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344 (a.) The Director of Parks and Recreation, or his or her designee, shall make  
345 recommendations based upon the requirements of this chapter to the  
346 Department of Planning, Research and Development at the appropriate time  
347 within the plat review process. Recommendations received pursuant to this  
348 chapter shall be noted on the written report prepared by the subdivision  
349 coordinator for the subdivision application, and shall be forwarded to the  
350 subdivider and the City Plan Commission, where applicable. (Ord. 13111 § 1  
351 (part), 1997)

352 **19.20.5 Standards for Deeded Parkland.**

353 (a.) **General Characteristics.** Parkland deeded to the city as provided in this  
354 chapter shall meet the standards set forth below:  
355

- 356 (1.) The parkland should be placed in a central location within the  
357 subdivision or subdivisions that it serves, with the expressed goal that  
358 the park is no further than one-half (1/2) mile from any residence  
359 within the subdivision that it serves.  
360
- 361 (2.) Where the subdivision is an initial phase of multiple phases, the park  
362 may be located so that it is accessible to the future phases, provided  
363 that the park meets the goal established in (1) above.  
364
- 365 (3.) Park lands submitted for donation shall be located so that users are  
366 not required to cross arterial roads to access the park site.  
367
- 368 (4.) The park land shall have a minimum of one hundred feet of  
369 continuous frontage contiguous with a public street that provides direct  
370 access to the park site, except where approved by the Director of the  
371 Parks and Recreation Department.  
372
- 373 (5.) The placement of rear or side lot lines adjacent to the park boundaries  
374 should be minimized. Continuous street frontage along at least two  
375 edges of the park site is required.  
376
- 377 (6.) The parkland may be located adjacent to school sites or ponding  
378 areas where possible to facilitate shared facilities.  
379
- 380 (7.) Where up to or less than two (2) acres in size, a minimum of 50% of  
381 the park site shall have slopes that do not exceed a 5% gradient.  
382 Where a proposed park site is between two (2) acres and up to ten  
383 (10) acres in size, 30% of the park site shall not exceed a gradient of  
384 5%, and an additional 30% shall not exceed a gradient of 15%. For  
385 sites above ten (10) acres in size, a minimum of 30% of the site shall  
386 have a gradient that does not exceed 5%.
- 387 (8.) Proposed park sites, trail corridors and open space lands that have  
388 unique physical features or settings may be excluded from the

389 minimum gradient requirements of item (7) above, subject to the  
390 affirmative approval of the Director of Parks and Recreation and the  
391 approval of the City Plan Commission. In the case of open space or  
392 arroyo dedications, existing natural grades shall be maintained.  
393

394 (9.) When parkland is deeded to the city as required by this title, the area  
395 of the park shall be calculated from the nearest property line or street  
396 right of way line, and not from the existing or proposed curb line of an  
397 adjacent street, unless park features are incorporated into the  
398 parkway, subject to an affirmative recommendation by the Director of  
399 Parks and Recreation and approval by the City Plan Commission.  
400 Sidewalks and signs shall not count as park features that allow the  
401 inclusion of the parkway area as part of the park area calculation.  
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403 (9.) Where possible, and as approved by the Director of the Parks and  
404 Recreation Department, parkland shall be designed and located within  
405 a subdivision to allow for an extension or connection to a public park  
406 or other public recreational facility within an abutting subdivision.  
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408 (10.) (exclusion of 100 year floodplain lands deleted per committee  
409 vote).  
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411 **(b.) Minimum criteria for lands to be dedicated as parklands.** Parkland deeded  
412 to the city shall meet the following minimum requirements described by this  
413 subsection.

414 (1.) The subdivider shall indicate the proposed parkland improvement(s)  
415 within the subdivision improvement plans as required in Section  
416 19.08.080.

417 (2.) Construction of the required minimum parkland improvement(s) shall  
418 be in accordance with the approved subdivision improvement plans,  
419 and shall be completely installed and constructed by the subdivider  
420 within the time period specified for construction of subdivision  
421 improvements in this title.

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

423 a. Paving frontage, curbing, and gutter for all street frontage abutting  
424 the outside perimeter of the parkland;

425 b. Utility (water, sanitary sewer and electricity) extensions to the  
426 perimeter of the park at a location indicated by the Director of  
427 Parks and Recreation and that are consistent with published  
428 EPWU Rules.

429 c. An accessible route installed adjacent to the curb on all street  
430 frontage abutting the outside perimeter of the parkland of a  
431 minimum width and construction to provide accessibility to  
432 individuals with disabilities as provided in the subdivision  
433 improvement design standards. The sidewalk alignment and  
434 width shall be approved by the Director of Parks and Recreation.

435 d. Grading, automatic irrigation and turf within the parkland  
436 boundaries shall be installed prior to the acceptance of the

437 proposed parkland submittal. The design and installation shall be  
438 approved by the Director of the Parks and Recreation Department.  
439 The City Plan Commission may, upon an affirmative  
440 recommendation from the Director of the parks and recreation  
441 department, allow parkland to remain undisturbed in its natural  
442 state.

443 e. Where open space lands to be left in an undisturbed state are  
444 accepted as required parklands, grading, automatic irrigation and  
445 turf establishment requirements shall be waived.

446 f. Facilities and improvements provided by a subdivider on lands  
447 dedicated as parkland shall be designed and installed to meet the  
448 minimum standards of the Parks and Recreation Department as  
449 established in the Parks Facilities Standards, a copy of which is  
450 maintained by the Director of the Parks and Recreation  
451 Department. The Parks Facilities Standards shall be approved by  
452 the City Plan Commission and the City Council. The Parks  
453 Facilities Standards may be changed from time to time, but each  
454 change shall be approved by the City Plan Commission and the  
455 City Council.

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458 **(c.) Exceptions.** For purposes of this section, off-site dedications accepted  
459 pursuant to Section 19.20.080 shall not be required to satisfy the requirements  
460 of subsection (3) of this section at the time of acceptance of the deed by the  
461 city. The city shall require the approval of a development agreement as a  
462 condition of acceptance of an off-site dedication, requiring such improvements  
463 at the time of subdivision recording by the property owner who deeded the  
464 parkland, or a subsequent purchaser. (Ord. 16026 § 1, 2005; Ord. 13956  
465 § 111, 1999; Ord. 13111 § 1 (part), 1997)

## 466 **19.20.6 Exclusions from Dedication Requirement.**

467 **(a.) Exclusions.** The following shall be excluded from the calculation for parkland  
468 dedication. In all instances, the burden of proof shall be on the subdivider to  
469 demonstrate that the plat meets the requirements of this section:

470 (1.) A residential replat of an area where the density has not been increased  
471 from the original subdivision, as evidenced by the original subdivision and  
472 replat. In the case of a replat where parkland was not originally provided,  
473 the parkland requirements shall prevail.

474 (2.) A nonresidential replat where easements or rights-of-way are eliminated,  
475 added or changed from the original subdivision, as evidenced by the  
476 original subdivision and replat; or

477 (3.) A nonresidential replat which changes the lot location or design, but where  
478 the the acreage has not been increased, as evidenced by the original  
479 subdivision and replat; or

480 (4.) A replat which changes the use of the original subdivision from residential  
481 to nonresidential, and the fees paid (or the equivalent fees which would

- 482 have been paid based on parkland dedicated) on the original subdivision  
483 are more than or equal to the fees required on the replat; or
- 484 (5.) A replat which changes the use of the original subdivision from  
485 nonresidential to residential, and the fees paid on the original subdivision  
486 are more than or equal to the fees required on the replat; or
- 487 (6.) All property within a subdivision which is zoned planned mountain  
488 development district (PMD) whether for residential or nonresidential uses,  
489 as evidenced by the official zoning map; or
- 490 (7.) Land shown within an amending subdivision where density is not  
491 increased, as evidenced by the original and amending subdivisions, or
- 492 (8.) Land shown within a subdivision, whether residential or nonresidential,  
493 which is designated for use as a public facility. (Ord. 13907 § 21, 1998;  
494 Ord. 13111 § 1 (part), 1997)

#### 495 **19.20.7 Deed Conveyance.**

496 **(a.) Subdivision Dedication.** Parkland to be conveyed as part of a residential  
497 subdivision application shall be designated as city property on both the  
498 preliminary and final plats. At the time the recording plat is submitted, the  
499 subdivider shall deliver to the Department of Planning, Research and  
500 Development the deed conveying fee simple title of all parkland shown on the  
501 final plat approved by the City Plan Commission. The city shall join as a  
502 signatory on the subdivision, but shall have no responsibility to provide any  
503 public improvements shown within the approved final plat beyond the general  
504 responsibilities the city has to improve and maintain all of its parks.  
505

#### 506 **19.20.8 Off-Site Dedication of Parkland.**

507 **(a.) Application.** Where a land study is submitted by a subdivider pursuant to  
508 Section 19.08. 4, the city or the subdivider may request that an off-site  
509 dedication of parkland be accepted within the corporate limits only. An  
510 application for off-site dedication of parkland shall be filed by a subdivider with  
511 the subdivision coordinator.  
512

513 **(b.) Credit Applicability.** Parkland to be deeded as part of an off-site dedication  
514 shall be entirely within the boundaries of the same park zone as the proposed  
515 subdivision. Park zone boundaries are designated by the El Paso Parks and  
516 Recreation Master Plan and are published by the City of El Paso Parks and  
517 Recreation Department.  
518

519 An off-site parkland dedication shall be an option available to the subdivider where  
520 parkland credits derived are then used to reduce by an equivalent amount any  
521 subsequent parkland requirement generated by the submission of phased  
522 residential subdivisions. The credit shall be applied to residential subdivisions  
523 submitted from within the applicable park zone. Where a parkland dedication  
524 straddles two park zones, credits shall be allowed within either park zone if

525 approved by the City Plan Commission, upon an affirmative recommendation of  
526 the Director of the Parks and Recreation Department.

527  
528 **Formula.**

529 (1.) For purposes of determining the credit, the following procedure shall be  
530 used:

531  
532 
$$a - b = c$$

533 Where:

534 "a" is the amount of parkland dedicated or deeded to the city expressed in  
535 total acres (credit);

536 "b" is the amount of subsequent parkland acreage required to be deeded  
537 to the city pursuant to Section 19.20.3 for a residential subdivision, based  
538 on the parkland calculation rates in effect at the time of the submittal;

539 "c" is the amount of parkland credit available from the parkland dedicated  
540 or deeded. If a reduction exceeds the credit, the difference shall be the  
541 amount of required parkland to be dedicated or deeded to the city after  
542 reduction.

543  
544 **(d.)** In no instance shall a parkland credit be from the value of the land dedicated  
545 or deeded in terms of fees it would have generated, or the market value of the  
546 land expressed in dollars. This parkland credit option may be exercised by the  
547 subdivider who dedicated or deeded the parkland to the city, or may be  
548 transferred to a subsequent purchaser of land within the applicable park  
549 zone(s). The subsequent purchaser must submit written proof of such a  
550 transfer to the subdivision coordinator. The City Plan Commission shall  
551 approve, upon recommendation by the Director of the Parks and Recreation  
552 Department, the residential subdivision(s) to which the credit shall be applied.  
553 (Ord. 13907 § 23, 1998)  
554

555 **Section 19.20.9 Provision for Private Park Facilities and Private Open**  
556 **Space**

557 **(a.) Private park facilities.** Where park areas and recreational facilities are to be  
558 provided in a proposed subdivision, and where such areas and facilities are to  
559 be privately owned and maintained by the future residents of the subdivision or  
560 by the owner of a rental facility, these areas may satisfy a portion of the land or  
561 fee requirements of this chapter as follows:

562 (1.) **In single family or duplex developments**, the required parkland or fee  
563 in lieu of land may be reduced by providing private parks and facilities  
564 that meet the requirements of subsection (b.) below.

565 a. Up to 100% of the land requirement may be met by providing  
566 private parkland, where every one acre of private parkland shall  
567 count as one half (1/2) acre of the required parkland dedication.

- 568 b. The value of private park facilities that meet the requirements of  
569 subsection (b) below shall provide a 50% credit towards the  
570 minimum required land and facility development.
- 571 c. The City Plan Commission, upon the recommendation of the  
572 Director of Parks and Recreation, may accept the remainder of  
573 the required parkland dedication, if the entire required dedication  
574 is not met, in parklands that are publicly accessible to the public  
575 at large, in improvements to existing parkland in the same park  
576 zone, or in the form of a fee in lieu of land.
- 577 (2.) **In multi-family developments**, the required parkland or fee in lieu of  
578 land may be reduced by providing private recreation facilities that meet  
579 the requirements of subsection (b.) below.
- 580 a. Up to 100% of the parkland requirement may be met by providing  
581 private parkland, where every one acre of private parkland shall  
582 count as one half (1/2) acre of the required parkland dedication.
- 583 b. The value of private park facilities that meet the requirements of  
584 subsection (b) below shall provide a 50% credit towards the  
585 minimum required land and facility development.
- 586 c. The City Plan Commission, upon the recommendation of the  
587 Director of Parks and Recreation, may accept the remainder of  
588 the required parkland dedication, if the entire required dedication  
589 is not met, in parklands that are publicly accessible to the public  
590 at large, in improvements to existing parkland in the same park  
591 zone, or in the form of a fee in lieu of land.
- 592 (b.) For purposes of this subsection, the private facility shall qualify for a reduction  
593 if the following standards are met.
- 594 (1.) That the private ownership and maintenance of such areas and facilities  
595 are adequately provided for by recorded written agreement,  
596 conveyance, or restrictions.
- 597 (2.) That the minimum size of one acre is met or exceeded. Where the  
598 minimum size is not feasible, the fee in lieu of land requirements of  
599 Section 19.20.11 shall apply.
- 600 (3.) That the use of such areas and facilities are restricted for park and  
601 recreational purposes by a recorded covenant, which runs with the land  
602 in favor of the future owners of property and which cannot be defeated  
603 or eliminated without the consent of the City Council.
- 604 (4.) That such areas and facilities are reasonably similar to what would be  
605 required to meet public park and recreational needs of this chapter,  
606 taking into consideration such factors as size, shape, topography,  
607 geology, access and location.
- 608 (5.) Open turf areas in multi-family developments must be a minimum of  
609 5,000 square feet in size, with a minimum average width of fifty feet  
610 (50').
- 611 (6.) Unpaved lands to be dedicated must be improved with turf or desert  
612 landscaping and irrigation by the subdivider.

- 613 (7.) Such areas and facilities for which reductions towards the required  
614 parkland dedication shall be permitted include improvements for the  
615 basic needs of a local park. These may include:
- 616 a. Play structures for ages 2 to 5, including an appropriate safety  
617 surface that meets industry requirements..
  - 618 b. Play structures for ages 6 to 12, including an appropriate safety  
619 surface meeting industry requirements..
  - 620 c. Multipurpose court.
  - 621 d. Trails not previously included as part of the parkland requirements  
622 – trail must be a minimum of 8’ wide to qualify for credit.
  - 623 e. Picnic areas with a minimum of three tables on concrete pads,  
624 with BBQ facilities and trash receptacles.
- 625 (8.) Facilities that are part of a multiple condominium ownership or rental  
626 development such as privately owned swimming pools, landscaped  
627 areas, and recreation buildings for fitness or community gatherings shall  
628 not receive credit toward the parkland requirements of this chapter.

629

630 **Section 19.20.10 Provision for Bonus Reductions for Additional Land**  
631 **or Facilities on New or Existing Public Parklands.**

632  
633 **(a.) Bonus Reduction Applicability.** The City Plan Commission, upon an  
634 affirmative recommendation of the Director of the parks and recreation  
635 department, may reduce the amount of parkland to be deeded to the city or  
636 reduce the fees in lieu of parkland to be paid to the city as part of a subdivision  
637 application. The percent reduction proposed by affirmative recommendation of  
638 the Director of the parks and recreation department, for single-family, two-  
639 family or multi-family development, shall depend upon inspection and approval  
640 by city personnel and municipal code compliance of existing and new facilities.  
641 In no case shall credits reduce the required park size by more than 25% of the  
642 required land dedication, and in no case shall the credit reduce the park below  
643 the required minimum park size of one acre.

- 644  
645 (1.) Such areas and facilities for which reductions shall be permitted include  
646 additional improvements for the basic needs of a local park. These may  
647 include:
- 648 a. Play structures for ages 2 to 5, including safety surface and  
649 perimeter rock wall.
  - 650 b. Play structures for ages 6 to 12, including safety surface and  
651 perimeter rock wall.
  - 652 c. Multipurpose court.
  - 653 d. Trails not previously included as part of the parkland requirements  
654 – trail must be a minimum of 8’ wide to qualify for credit.
  - 655 e. Picnic areas with a minimum of three tables on concrete pads, with  
656 BBQ facilities and trash receptacles.

657 Privately owned swimming pools, landscaped areas, and recreation  
658 buildings for fitness or community gatherings shall not receive credit  
659 toward the parkland requirements of this section.

660 (2.) Up to a twenty-five percent (25%) reduction in the minimum parkland  
661 dedication requirement may be permitted if additional recreational  
662 improvements as shown above are made to the proposed parkland within  
663 the subdivision application that generates the required conveyance. In no  
664 case shall the park size be reduced below the required minimum park size  
665 of one acre.

666 (3.) Up to a twenty-five percent (25%) reduction in the park development  
667 requirements (grading, turf, and irrigation) may be permitted if the park size  
668 is increased by up to 25%.

669 (4.) Up to a one hundred percent (100%) reduction in both land and fees in lieu  
670 of land from the initial parkland dedication requirement may be permitted  
671 for additional recreational improvements to existing parkland within the  
672 same park zone as the subdivision application that generates the required  
673 conveyance.

674 (5.) The total bonus reduction shall not exceed 50% of the overall requirement.

675 (6.) Under no circumstance shall a bonus reduction be approved for required  
676 improvements to parkland as provided in Section 19.20.5(C), nor shall a  
677 bonus reduction be approved for recreational improvements to parkland  
678 which are required to be provided by the subdivider as part of a separate  
679 legal instrument, condition, covenant, contract, agreement, sale or  
680 ordinance.

681  
682 **(b.) Bonus Reduction Calculation.** A bonus reduction approved under this section  
683 shall be determined according to the following procedure:  
684

685 (1.) Glossary:

686 Parkland Dedication Fee/Unit (A)  
687 Bonus Reduction (B)  
688 Cost of Park Improvements (C)  
689 Number of Units (D)  
690 Total Parkland Dedication Fee (E)

691  
692 (2.) Formula for Calculation: 1.  $A \times D = E$   
693 2.  $C - E =$  Difference between Fee and  
694 Improvements (F)  
695 3.  $\frac{F}{A} = \frac{G}{100}$   
696 4. Acreage bonus  
697  
698

699 (3.) Example Calculation: Request for bonus reduction on a \$488,872.80 park  
700 improvement in a 356 unit subdivision.

701  
702 1.  $\$1,370 \times 356 = \$487,720$   
703 2.  $\$488,872.80 - \$487,720 = 1152.80$   
704 3.  $\frac{\$1152.80}{\$1370} = \frac{.841}{100}$   
705 4. .008 acres  
706

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**(d.) Excess Bonus Reduction.** Where the bonus reduction applied for recreational improvements made to the parkland within the subdivision application, or to parkland within the same park zone as the subdivision application, exceeds the required conveyance, the balance of the bonus reduction may be offset against the minimum parkland development requirements to be deeded to the city on any subsequent subdivision application(s) submitted by the same subdivider within the same park zone. In no case shall the credit for a subsequent subdivision exceed a 50% overall reduction in the parkland dedication requirements, and the amount of park land required for any one subdivision shall not be reduced by more than 25%.

**(e.) Validation of Costs.** The subdivider shall provide documentation to the subdivision coordinator at the time of final plat filing sufficient to establish the validity of the estimated cost(s) that will be used to determine the bonus reduction under this section. The documentation shall accompany the request for a bonus reduction. The Director of the Parks and Recreation Department shall evaluate the documentation submitted and shall approve the value prior to any bonus reduction given under this section. In cases where the estimated cost(s) of the improvement(s) is disputed, the value shall be as finally determined by the Director of the Parks and Recreation Department.

**(f.) Improvements Completion Schedule.** A completion schedule for improvements proposed by a subdivider shall be submitted to the subdivision coordinator at the time the final plat is filed. Improvement(s) to be provided by a subdivider pursuant to this section shall be shown on the subdivision improvement plans as required in Section 19.08.080. Construction of the improvement(s) shall be in accordance with the time periods required in Section 19.28.010. Failure to complete the improvement(s) within the approved schedule shall be a violation of this title. (Ord. 13907 § 24, 1998; Ord. 13111 § 1 (part), 1997).

### **Section 19.20.11 Fee In Lieu Of Parkland Dedication.**

#### **(a.) When Applicable.**

**(1.) Residential Subdivisions.** The City may require a cash payment in lieu of parkland dedication under the following circumstances:

- a. When an area of parkland less than two acres is required to be dedicated, upon recommendation of the Director of Parks and Recreation and the City Plan Commission;
- b. Where the Director of Parks and Recreation determines that the park needs of the subdivision would be better served by developing other parks in the same park zone.
- c. In instances where the parkland to be dedicated does not meet the standards set forth in this chapter.
- d. In instances where the required parkland dedication exceeds five acres, the City Plan Commission, upon the recommendation of the

757 Director of Parks and Recreation, may require a reduction in land  
758 dedication of up to 25% and payment of the balance of the required  
759 dedication in a fee to be used for park improvements on that park site.  
760 e. When the City accepts a combination of the following: parkland  
761 dedication, cash payment in lieu of land dedication, or bonus  
762 reductions received pursuant to Section 19.20.9.  
763

764 (2.) **Nonresidential Subdivisions.** The subdivider shall be required to pay  
765 fees in lieu of the dedication of parkland dedication for all nonresidential  
766 subdivisions applications. Where the Director of Parks and Recreation  
767 recommends that the park needs of that park zone would be better  
768 served by preserving existing open space lands on the property or by  
769 developing other parks in that park zone, the following alternatives may  
770 be used.

771 a. Where open space lands that meet the types noted for preservation in  
772 the City of El Paso Open Space Master Plan occur in the non-  
773 residential subdivision, the city may accept a dedication of open  
774 space lands in lieu of, or in combination with the payment of park  
775 fees. The value of the land to be dedicated shall be equivalent to the  
776 fee amount required for that subdivision, and the proposed dedication  
777 must be at least one (1) acre in size.

778 b. An amount equal to the fee required for the non-residential  
779 subdivision may be used by the subdivider to provide additional park  
780 facilities in an existing or proposed park within the existing park zone.  
781 The types of facilities to be provided and the proposed location for  
782 those facilities shall be subject to approval by the Director of Parks  
783 and Recreation.  
784

785 **(b.) Fee Calculation.** Where the city requires or accepts payment of cash in lieu of  
786 the dedication of parkland, such payment shall be equivalent to the following:

787 (1.) **Residential Subdivisions.**

788 a. Single-family and two-family: \$1,370 dollars per dwelling unit

789 b. Multifamily: \$680 dollars per dwelling unit.  
790

791 (2.) **Nonresidential Subdivisions.** One Thousand dollars (\$1,000) per gross  
792 acre multiplied by the number of acres rounded to two decimal places,  
793 with a minimum of Three hundred and Thirty Three dollars (\$333) for a  
794 subdivision of less than one-third acre.  
795

796 **(c.) Form Tendered.** A cash payment made pursuant to this section shall be  
797 tendered in the form of a cashier's check, payable to the City of El Paso. The  
798 cashier's check shall be submitted to the subdivision coordinator and shall  
799 accompany the recording plat submission.

800 **(d.) Refunds.** Under no circumstance shall fees received in lieu of parkland  
801 dedication required by this chapter be refunded to a subdivider, except as  
802 provided in 19.20.12 (f) below. (Ord. 14395 (part), 2000; Ord. 13907 § 25,  
803 1998; Ord. 13111 § 1 (part), 1997)  
804

805 **Section 19.20.12 Parkland fees special fund.**

806 **(a.) Fund Established.** The city shall establish a special fund for the deposit of  
807 all sums paid in lieu of parkland dedication pursuant to this chapter. The city  
808 shall account for all sums paid in lieu of parkland dedication with reference to  
809 the individual subdivisions involved, and all sums received shall be committed  
810 by the city within three years from the subdivision recordation.

811 **(b.) When funds are considered to be committed.** For purposes of this section,  
812 funds shall be considered committed:

813 (1.) when funds are encumbered for expenditure on equipment and materials;

814 (2.) when funds are set aside under an earnest money agreement for the  
815 purchase of parkland;

816 (3.) when funds are to be awarded under a bid in process; (or)

817 (4.) when funds encumbered are not expended because of delays by reason  
818 of strikes, court action or any similar impediment which renders it  
819 impossible or illegal to spend the money.

820 **(c.) Time Extensions.** Where the sums cannot be committed within the initial  
821 three-year time period, the Director of the Parks and Recreation Department  
822 may request time extensions for expenditure of the sums from the City Plan  
823 Commission in one-year intervals; except that no more than two (2) one-year  
824 time extensions may be granted by the City Plan Commission. The extension  
825 request(s) shall be submitted in writing to the subdivision coordinator sixty  
826 days prior to the expiration period for sums to be committed by the city, and  
827 shall include a detailed justification for the extension request(s).  
828

829 **(d.) Use of Funds.** Funds may be used for either acquisition or development, or  
830 both, of public parkland or other recreational facilities. In no case shall the  
831 funds be used for routine park or other recreational facility maintenance.  
832

833 **(e.) Where funds can be used.**

834 (1.) For residential subdivisions. Where fees are received in lieu of parkland  
835 dedication in residential subdivisions, the funds shall be spent on a  
836 neighborhood park within the boundaries of the subdivision that  
837 generated the funds, or the applicable park zone, or in any adjacent park  
838 zone.  
839

840 Provided, however, that the City Plan Commission may authorize the  
841 expenditure of sums received in lieu of parkland dedication outside the  
842 applicable park zone, as part of the final plat approval, where infill  
843 development is proposed within older neighborhoods of the city, and  
844 where a park or other recreational facility is not available within the  
845 applicable park zone. In these instances, the City Plan Commission shall  
846 authorize the expenditure of the sums at the nearest appropriate park or  
847 other recreational facility from the proposed subdivision as recommended  
848 by the Director of the Parks and Recreation Department.  
849

850 (2.) For nonresidential subdivisions, fees received in lieu of parkland  
851 dedication shall be spent on a neighborhood park within the applicable  
852 park zone of the subdivision, or on a community or regional park within  
853 adjacent park zones in each direction of the subdivision, as determined  
854 by the Director of the Parks and Recreation Department.  
855

856 **(f.) Non use of funds.** If funds are not committed within the required time period  
857 and any approved time extensions, the subdivider who provided the funds in  
858 lieu of the parkland dedication shall, upon written request, be entitled to a full  
859 refund within one hundred eighty days of the last day of the required period of  
860 moneys paid.  
861

862 **(g.) Accountability.** The subdivision coordinator shall maintain a written record of  
863 all moneys received in lieu of parkland dedication, including, at a minimum,  
864 the total amount of parkland fees received, the subdivision generating the  
865 fees, the subdivision or park zone where moneys are to be spent, the  
866 subdivider, the representative district, the date moneys were received, and  
867 the expiration date for moneys to be committed.  
868

869 The Director of the Department of Parks and Recreation shall maintain a  
870 written record of expenditures including, at a minimum, the balance after  
871 expenditure(s), an itemized statement of expenditure(s), and the parkland  
872 description where moneys are spent. These records shall be distributed as an  
873 annual progress report on each January to the City Plan Commission and the  
874 City Council. (Ord. 13111 § 1 (part), 1997)  
875

### 876 **Section 19.20.13 Applicability.**

877 **(a.) Subdivision Related Dedication.**

878 **(1.) Submittal received on or after June 11, 1996.**

879 **a. Subdivision.** A subdivision application filed with the subdivision  
880 coordinator on or after June 11, 1996 shall be subject to the parkland  
881 dedication regulations as herein codified.

882 **b. Off-Site Dedication.** Parkland proposed as an off-site dedication which  
883 application is filed with the subdivision coordinator on or after June 11,  
884 1996 shall be subject to the parkland dedication regulations as herein  
885 codified.

886 **(2.) Submittal Prior to June 11, 1996, Pursuant to Ordinance No. 9645, enacted**  
887 **February 28, 1989.**

888 **a. Subdivision.**

889 **i. Application in Process.** A subdivision application filed as a  
890 preliminary plat, preliminary/final plat, final plat, correction plat or  
891 replat with the subdivision coordinator before June 11, 1996 shall be  
892 subject to the parkland dedication regulations contained in  
893 Ordinance No. 9645 enacted on February 28, 1989, except that this  
894 provision shall not apply to any application which expires before the  
895 subdivider obtains final approval, disapproval or conditional  
896 approval of the plat or replat.

897 ii. Recorded Plat. Parkland deeded to the city as part of a recorded  
898 subdivision before June 11, 1996 shall be subject to the parkland  
899 dedication regulations contained in Ordinance No. 9645 enacted on  
900 February 28, 1989.

901 **b. Off-Site Dedication.**

902 i. Application in Process. Parkland proposed as an off-site dedication  
903 which application was filed with the subdivision coordinator before  
904 June 11, 1996, and where the city accepts the off-site dedication  
905 after the effective date of the ordinance codified in this chapter, shall  
906 be subject to the parkland dedication regulations contained in  
907 Ordinance No. 9645 enacted on February 28, 1989, except as  
908 follows:

909 1. When a reduction option is exercised by the property owner to  
910 a subsequent parkland requirement within the same park zone,  
911 the reduction shall be based on the parkland calculation rates  
912 and densities in effect at the time a subdivision is filed with the  
913 subdivision coordinator. The reduction shall be on an acreage  
914 basis, and shall not be from the value of the land dedication in  
915 terms of fees it would have generated, nor the market value of  
916 the land expressed in dollars, unless otherwise provided in the  
917 agreement by which the city accepted the off-site dedication.

918 2. The area of the parkland deeded to the city as an off-site  
919 dedication shall not include the area to the centerline of a  
920 proposed public accessway to be dedicated through a  
921 subsequent subdivision, unless otherwise provided in the  
922 agreement executed by the city accepting the off-site  
923 dedication, or unless a public accessway fronting the parkland  
924 is dedicated as part of the off-site dedication.

925 ii. Off-Site Dedication Accepted by City. Parkland accepted by the city  
926 as an off-site dedication before June 11, 1996 shall be subject to  
927 the parkland dedication regulations contained in Ordinance No.  
928 9645 enacted on February 28, 1989, except as follows:

929 1. When a reduction option is exercised by the property owner to  
930 a subsequent parkland requirement within the same park zone,  
931 the reduction shall be based on the parkland calculation rates  
932 and densities in effect at the time a subdivision is filed with the  
933 subdivision coordinator, and the reduction shall not be from the  
934 value of the land dedication in terms of fees it would have  
935 generated, nor the market value of the land expressed in  
936 dollars, unless otherwise provided in the agreement by which  
937 the city accepted the off-site dedication.

938 2. The area of the parkland deeded to the city as an off-site  
939 dedication shall not include the area to the centerline of a  
940 proposed public accessway to be dedicated through a  
941 subsequent subdivision, unless otherwise provided in the  
942 agreement executed by the city accepting the off-site  
943 dedication, or unless a public accessway fronting the parkland  
944 is dedicated at the same time as the off-site dedication.

945 (3.) Dedication of Parkland Prior to Ordinance No. 9645, enacted February 28,  
946 1989. Where a subdivider dedicated parkland through an approved and  
947 valid land study (concept plan) prior to Ordinance No. 9645, that dedication  
948 may be reduced from the amount of parkland required in this title for any  
949 subdivision application filed within the original land study (concept plan)  
950 boundaries of the then-approved park zone. Where a reduction option is  
951 applied by the property owner to a subsequent parkland requirement, the  
952 reduction shall be based on the parkland calculation rates and densities in  
953 effect at the time a subdivision application is filed with the subdivision  
954 coordinator, and shall be on an acreage basis. A reduction shall not be  
955 from the value of the land dedication in terms of fees it would have  
956 generated, nor the market value of the land expressed in dollars, unless  
957 otherwise provided in an agreement executed by the city accepting the  
958 parkland.

959 (b.) **Dedication through Non-Subdivision.** Where the city accepted or required  
960 parkland which was not part of a subdivision-related dedication, and which was  
961 executed through an approved development agreement or other legal  
962 instrument prior to the effective date of the ordinance codified in this chapter,  
963 that dedication shall not be subject to the reduction option for a subsequent  
964 parkland requirement generated within a subdivision as provided in this title,  
965 unless otherwise provided in the agreement or other legal instrument executed  
966 by the city, or unless the agreement in which the park committed was executed  
967 prior to February 28, 1989. Where authorized, a reduction shall be based on  
968 the parkland calculation rates and densities in effect at the time a subdivision is  
969 filed with the subdivision coordinator. The reduction shall not be based on the  
970 value of the land dedication in terms of fees it would have generated, nor the  
971 market value of the land expressed in dollars.

972 (c.) **Documentation Required.** Where a reduction in the parkland dedication  
973 requirement of this title is requested on the basis of parkland dedicated prior to  
974 June 11, 1996, the subdivider shall submit to the subdivision coordinator the  
975 proper evidence to demonstrate that the provisions of this section governing  
976 applicability are applicable. The evidence may include, but shall not be limited  
977 to the following: a copy of the filed deed conveying fee simple title to the  
978 parkland to the city, or other legal documentation demonstrating that the  
979 parkland is required to be dedicated to the city; a copy of an approved and  
980 valid land study (concept plan), where applicable; and a copy of the park zone  
981 approved as part of an off-site parkland dedication, where applicable. If a  
982 subdivider fails to submit the proper evidence as herein required, the  
983 requirements of this title as enacted on June 11, 1996 shall apply to all land  
984 within the boundaries of the original land study (concept plan) or approved park  
985 zone not previously platted, and no credit shall be given for previously  
986 dedicated parkland. (Ord. 13111 § 1 (part), 1997)

987  
988

# **City of El Paso Parkland Dedication Regulations**

## **Review of Draft Revision Recommendations**

**November 13, 2007  
Halff Associates Inc.**

# Goals of the Revisions to the Parkland Dedication Ordinance

- To Update Chapter 19.20, Parkland and Open Space Dedication as part of the overall Subdivision re-write process
- To match the ordinance with the goals of the City's approved Parks and Recreation Master Plan and its Open Space Plan
- To increase flexibility for both the City and the Development community as to the types of dedications that can be proposed

# What does the Parkland Ordinance Address?

- Focuses on new development or in some instances redevelopment of existing properties
- Ensures the orderly provision of parkland in those areas
- El Paso has had a parkland ordinance in place since 1989
- Is one of multiple tools used by the City to provide park and recreation amenities

# Two Parts to this Presentation

- Part I - Overview of General Recommendations
- Part II – Presentation of Major Areas of Change
  - Bonus Reductions for Private Amenities
  - Required Park Improvements for Dedicated Parkland
  - Standards for Park/Pond Collocation
  - Flexibility in Minimum Parkland Dedication Requirements
- Legal Considerations
- Discussion Regarding Major Areas of Change

# Overview of Recommended Revisions

- **Section 1 – Policy Plan and Purpose**
  - purpose clarified, approved Parks and Recreation Master Plan noted as guiding document
- **Section 2 – Dedication Required**
  - no substantial changes, specific conservancy park language removed, now covered in Section 11

# Overview of Recommended Revisions

- **Section 3 – Parkland Calculation**
  - Mixed use requirements incorporated
    - Vertical vs. horizontal mixed use
  - Adds different types of parkland dedication
    - Neighborhood parks (as before)
    - Park/ponds (discussed later in presentation)
    - Linear Parks (corridors for trails)
    - Adds Open Space Lands and Arroyos as option (2 acres of open space count as one acre of dedication)
  - Establishes general standards for Park/Ponds, Linear Parks and Open Space dedications

# Overview of Recommended Revisions

- **Section 4 – Review by Director of Parks and Recreation**
  - No change
- **Section 5 – Standards for Deeded Parkland**
  - Size of neighborhood park moved to Section 3 for clarity
  - Central location for dedicated lands required to increase accessibility
  - Minimum street frontage along at least two streets required
  - Maximum amount of sloped areas defined
  - Dedication of 100 year floodplain lands allowed
  - Minimum development criteria defined (to be discussed further in presentation)

# Overview of Recommended Revisions

- **Section 6 – Exceptions from Dedication Requirement**
  - No significant changes
- **Section 7 – Deed Conveyance**
  - Off-site dedication conveyance language removed, covered in Section 8
- **Section 8 – Off Site Dedication of Parkland**
  - Language detailing specific procedure deleted, covered under other subdivision re-write requirements

# Overview of Recommended Revisions

- **Section 9 – Provision for Private Park Facilities**  
(discussed further in presentation)
- **Section 10 (now Section 11) – Fee in Lieu of Parkland**
  - Where dedication is less than 2 acres
  - Fee amounts for single family, two family and non-residential are corrected per 2006 Council action
- **Section 11 – Parkland Fees Special Fund**
  - No significant changes
- **Section 13 – Applicability**
  - Updates, No significant changes

# Overview of Recommended Revisions

## Five major revision areas

1. Section 10 - Bonus reductions for private amenities and other language introducing greater flexibility
2. Section 3 – Park/Pond Collocation Standards
3. Throughout Ordinance - Discretion of Parks Director for payment of fees in lieu of land
4. Section 10 – Flexibility in Minimum Parkland Dedication Requirements
5. Section 5 – Required Park Improvements for Dedicated Parkland

# Major Recommended Revisions - #1

- **Section 9 - Provisions for private amenities**

**Issue** – Included in previous ordinance, but allowed for clubhouses and pools that were not considered typical neighborhood park facilities

- Council action to remove private facilities provision in June of 2007

**Recommendation** - re-introduction into ordinance

- Typically included in parkland ordinances - can provide incentive for fully developed parks
- 1 acre of private parkland = ½ acre of required dedication
- Must meet City development standards
- Private parks must include neighborhood type amenities such as play areas, play fields and pavilions
- Private or community pools or clubhouses not credited

# Major Recommended Revisions - #1 Con't

**Recommendation** - re-introduction into ordinance.

Common feature typically included in parkland ordinances - can provide incentive for private construction of more fully developed parks

- 1 acre of private parkland =  $\frac{1}{2}$  acre of required dedication
- Must meet City development standards, so that City could assume ownership in future if park became public
- Can be used to preserve privately held open space
- Private parks must include neighborhood type amenities such as play areas, play fields and pavilions.
- Private or community pools or clubhouses not credited

# Major Recommended Revisions - #2

- **Section 3 – Park Pond Collocation**
  - **Issue** – no standards previously provided – could result in facilities that are more pond than park
  - **Purpose of Inclusion** – to provide incentive to create more attractive ponds that serve as parkland or open space
  - **Recommendations:**
    - Facility must be reasonably accessible to the homes that it serves
    - Maximum depth – 6'
    - Maximum slope requirements
    - Upper flat area for non-permeable park features
    - Perimeter width requirements
    - Access to lower part of the park

# Major Recommended Revisions - #2



# Major Recommended Revisions - #2 Con't



# Major Recommended Revisions - #2 Con't

- **Section 3 – Park Pond Collocation**  
**(con't)**
  - Companion recommendation for landscaping of perimeter of non- park/ponds (but not part of parkland dedication requirements)
    - Maximum depth considerations
    - Maximum slope considerations
    - Reduction or elimination of walls if deemed safe
    - Would be included in Storm Water Drainage Standards Documents

# What could the ideal park pond look like?



# Overview of Recommended Revisions - #3

## **Discretion of Parks Director for Payment of fees in lieu of land dedication**

- Language introduced throughout ordinance
- Provides for greater approval by Parks Director and CPC
- Determination of preferred course by City, not by development entity
- Encourages greater degree of cooperation to arrive at best solution

# Overview of Recommended Revisions - #4

- **Section 10 – Flexibility in Minimum Parkland Dedication Requirements**
  - Council mandated land for any dedication requirement over 1 acre in size
  - Recommend adjustment to 2 acres in size, so as to provide Parks and Planning with greater flexibility
  - Can allow for dedication of land and partial payment of fee as well
  - Typical cutoff in other cities is 5 acres

# Overview of Recommended Revisions - #5

- **Section 5 – Required Park Improvements for Dedicated Parkland**
  - Ordinances in other cities may require land dedication + park development fee. City then develops park
  - El Paso requires land + base level of development (same effect but done by development entity more efficiently)
  - El Paso ordinance requirements are consistent with other similar cities
  - Base development requires curb, sidewalk, utilities to edge of park site, turf and irrigation system
  - Must meet requirements of published Park Facilities Standards Manual (which will now be approved by CPC and Council)

# Overview of Recommended Revisions - #5 (Con't)

- **Section 5 – Required Park Improvements for Dedicated Parkland (con't)**
  - Provision added to Section 10 that allows up to 25% reduction in size of park in exchange for additional park facilities (only where size reduction does not result in lower level of service)
  - Provision for reduction in turf/irrigation in exchange for other facilities
  - With recommended changes, City has good ordinance

# Legal Considerations

(followed by Discussion of  
each Major Recommendation  
and Council Direction to Staff  
and CPC)