Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction 11/3/09; Public Hearing 11/10/09**

CONTACT PERSON/PHONE: **Eduardo Garcia 541-4638**

DISTRICT(S) AFFECTED: **All Districts**

SUBJECT:
An Ordinance amending Title 19 (Subdivisions), Chapter 19.15 (Roadways), Section 19.15.110 (Street Width and Design) and Chapter 19.20 (Parks and Open Space), Section 19.20.090 (Provision for private park facilities and private open space) and Section 19.20.100 (Provision for bonus reductions for additional land or facilities on new or existing public parklands), of the El Paso City Code to amend credit procedures for private park facilities and off-site park facilities and to allow for alternative road design. The penalty as provided in Chapter 19.04.090 of the City of El Paso City Code.

BACKGROUND / DISCUSSION:
To amend credit procedures for private park facilities and off-site park facilities and to allow for alternative road design. See attached Ordinance.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) –Unanimous Approval Recommendation
City Plan Commission (CPC) – Unanimous Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Development Services Department
Victor Q. Torres – Director
2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

ORDINANCE NO_____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.15 (ROADWAYS), SECTION 19.15.110 (STREET WIDTH AND DESIGN) AND CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.090 (PROVISION FOR PRIVATE PARK FACILITIES AND PRIVATE OPEN SPACE) AND SECTION 19.20.100 (PROVISION FOR BONUS REDUCTIONS FOR ADDITIONAL LAND OR FACILITIES ON NEW OR EXISTING PUBLIC PARKLANDS), OF THE EL PASO CITY CODE TO AMEND CREDIT PROCEDURES FOR PRIVATE PARK FACILITIES AND OFF-SITE PARK FACILITIES AND TO ALLOW FOR ALTERNATIVE ROAD DESIGN. THE PENALTY AS PROVIDED IN CHAPTER 19.04.090 OF THE CITY OF EL PASO CITY CODE.

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

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

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

WHEREAS, the City Council has determined that providing private park facilities is of public benefit and should be given some credit towards meeting the requirement of providing public park; and,

WHEREAS, the City Council has determined that the existing provisions for providing off-site improvements needs to be amended to clarify the procedures; and,

WHEREAS, City Council has also determined that alternative road designs meeting certain specified criteria should also be allowed; and,

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

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

Section 1. That Title 19, Subdivisions, Chapter 19.15, Roadways, Section 19.15.110, Street Width and Design, Table 19.15-3: Widths/Design Required by Street Type, of the El Paso City Code is amended as follows:

19.15.110 Street Width and Design.

Table 19.15-3: Widths/Design Required by Street Type

*** Single-family and two-family residential streets with blocks less than or equal to 640 feet in length may use the smaller width when the facing lots are 45 feet or wider with two car driveways 18 feet in width or with rear entry from alleys. Lanes may be used where the block length is less than or equal to 400' and the lots are greater than 20,000 square feet with 50 foot setbacks and driveways are 20 feet in width.

Alternative design submissions for these requirements may be permitted.

Section 2. That Title 19, Subdivisions, Chapter 19.20, Parks and Open Space, Section 19.20.090, Provision for Private Park Facilities and Private Open Space, of the El Paso City Code is amended as follows:

19.20.090 Providing Private park facilities to satisfy required parkland dedication or fee requirements.

A. Private Park Facilities. Where park areas and recreational facilities are to be provided in a proposed single family, duplex, or multifamily development, the required parkland may be satisfied provided that the following criteria are met:

1. Facilities shall be privately owned and maintained by the future residents of the subdivision or by the owner of a rental facility.

2. Private ownership and maintenance of such areas and facilities shall be adequately provided for by recorded written agreement, conveyance, or restrictions;

3. The use of such areas and facilities shall be restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and cannot be amended or removed without the consent of the City Council;

4. The areas, improvements and facilities wishing to receive credit shall be reasonably similar or comparable to what would be required to meet public park and recreational needs of this chapter.

B. Recreational Facilities. No credit shall be given for recreational facilities other than the land upon which those facilities are located as defined in this chapter.

C. Size of Park Areas. Open turf or play areas and/or park recreational areas may be of any size provided that a total of one quarter (1/4) acre total functional park space to meet the recreational needs of residents is provided. Functional park space areas may include parks, child play areas, multi-purpose courts , and other similar facilities. However, swimming pools, community, recreational or exercise buildings, and similar facilities shall not be eligible for credit. Any open turf or play area used for parkland dedication credit shall be commonly accessible by all residents and not be used in calculating minimum landscaping requirements in Title 18, any required zoning condition such as a landscaped buffer, be part of any required set back, any yard (front, side, rear) for any single-family home requirement placed as a condition to detailed site plan approval, or any other building code requirement.

D. Credit Calculation.

1. One acre of private parkland shall count as credit for one-half acre of the required parkland dedication. The parkland requirement may be satisfied in its entirety by providing private parkland which meets the criteria in this section.

2. If the required parkland dedication cannot be completely satisfied by providing private parkland, any remaining requirement can be satisfied as follows:

a. Through the dedication of public parkland.

b. Through improvements to existing parkland in the same park zone, provided that if the improvement costs are above $50,000.00 a developer participation agreement is entered into and complies with the provisions of the state statute that governs developer participation agreements or if below $50,000.00, a developer's agreement is entered into.

c. Payment of fees.

E. All private parkland dedication and improvements, improvements to existing parkland, or fees in lieu of dedication, or in combination shall require the approval of the City Plan Commission upon the affirmative recommendation of the Director of Parks and Recreation.

F. The Director of the Parks and Recreation Department in the annual report required in 19.20.120G shall report the amount of private park land accepted for credit by the City Plan Commission at the time of plat approval.

Section 3. That Title 19, (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.100 (Provision for Bonus Reductions for Additional Land or Facilities on New or Existing Public Parklands) of the El Paso City Code is amended as follows:

Section 19.20.100 Provision for Construction of Additional Facilities on New or Existing Public Parklands in lieu of Park Fees.

A. Applicability. The City Plan Commission, upon an affirmative recommendation of the Director of the Parks and Recreation Department, may reduce the fees in lieu of parkland to be paid to the City as part of a subdivision application where additional recreational facilities beyond the minimum required improvements are provided. Up to a one hundred percent reduction of fees in lieu of parkland from the initial parkland dedication requirement proposed for single-family, two-family or multifamily development may be reduced depending upon the need for additional recreational facilities on new or existing parks.

B. Park locations in which the additional recreational facilities beyond the minimum required improvements can be provided are as follows:

1. Parks within the park zone of the subdivision application that generates the required fees, provided that if the improvement costs are above $50,000.00 a developer participation agreement is entered into and complies with the provisions of the state statute that governs developer participation agreements and if below $50,000.00, a development agreement is entered into.

2. Park within adjacent park zones if there is no park within the park zone of the subdivision generating the fees, provided that if the improvement costs are above $50,000.00 a developer participation agreement is entered into and complies with the provisions of the

state statute that governs developer participation agreements and if below $50,000.00, a development agreement is entered into.

C. Additional recreational improvements may include but are not limited to:

1. Play structures for children ages two to five from an approved Parks and Recreation Department list of acceptable alternatives, including safety surface and perimeter rock wall;
2. Play structures for children ages five to twelve from an approved Parks and Recreation Department list of acceptable alternatives, including safety surface and perimeter rock wall;
3. Multipurpose, basketball or volleyball courts;
4. Picnic areas with a minimum of three tables with metal shade covers on concrete pads and trash receptacles;
5. Swings with safety surface and perimeter rockwall;
6. Tree plantings and additional landscaping.

D. In no instance shall a reduction be approved for required improvements to parkland as provided in Section 19.20.5(C), nor shall a reduction be approved for recreational improvements to parkland which are required to be provided by the sub-divider as part of a separate legal instrument, condition, covenant, contract, agreement, sale, ordinance or Annexation Agreement.

E. Validation of Costs. The sub-divider shall provide documentation to the City Manager or designee at the time of final plat application filing sufficient to establish the validity of the estimated cost(s) that will be used to determine the reduction in fees under this chapter. The documentation shall accompany the request for a reduction in fees.
The Director of the Parks and Recreation Department shall evaluate the documentation submitted and shall approve the value and percentage of reduction prior to any reductions given under this chapter. 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. The developer participation agreement or development agreement shall contain a completion schedule for improvements proposed by a sub-divider and shall be submitted to the city manager or designee at the time the final plat application is filed. Improvement(s) to be provided by a sub-divider pursuant to this chapter shall be shown on the subdivision improvement plans as required in Chapter 19.20. Construction of the improvement(s) shall be completed in accordance with the time periods specified in the developer participation agreement or development agreement. Failure to complete the improvement(s) within the approved schedule shall be a violation of this Chapter.

G. As part of the developer participation agreement or development agreement, the Developer shall provide a performance bond or irrevocable letter of credit and a payment bond if required by statute, to the Planning Division of the Development Services Department for the value of the proposed improvements at the final plat application for the plat receiving the credit.

Section 4. Except as herein amended, Title 19, Subdivisions, Chapter 19.20, Parks and Open Space, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____of _____2009

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew McElroy Deputy Director
Development Services Department - Planning Division

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S E R V I C E S O L U T I O N S S U C C E S S

DEVELOPMENT SERVICES
PLANNING DIVISION

M E M O R A N D U M

DATE: October 14, 2009

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Eduardo Garcia, Lead Planner

SUBJECT: **Title 19 Amendments**

The City Plan Commission (CPC) on September 10, 2009 **recommended approval of the amendments to Title 19.**

The CPC determined that the Title 19 Amendments protects the best interest, health, safety and welfare of the public in general; and that the Amendments will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

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