

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: 06/10/14
Public Hearing: 06/17/14

CONTACT PERSON/PHONE: Kimberly Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

DISTRICT(S) AFFECTED: City-wide

SUBJECT:

An Ordinance amending Title 19 (Subdivisions), Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.020.E (Infill Development), of the El Paso City Code to reduce park dedication fees by 50% for non-residential infill development of up to five acres. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.

BACKGROUND / DISCUSSION:

See attached.

PRIOR COUNCIL ACTION:

On Dec. 17, 2013, City Council directed staff to amend the subdivision code to provide relief from parkland dedication requirements for eligible non-residential infill developments.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

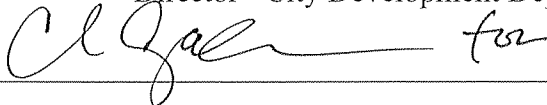
The amendment was reviewed by the City Plan Commission on Feb. 27, 2014 and approval was unanimously recommended.

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Director - City Development Department



APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.26 (ALTERNATIVE SUBDIVISION/SMART CODE DESIGNS), SECTION 19.26.020.E (INFILL DEVELOPMENT), OF THE EL PASO CITY CODE TO REDUCE PARK DEDICATION FEES BY 50% FOR NON-RESIDENTIAL INFILL DEVELOPMENT OF UP TO FIVE ACRES. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 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 City wants to encourage infill development, as it makes use of existing infrastructure, and promotes goals in policies set forth in The Plan for El Paso, specifically, Policy 1.2.3 states that “vacant and underutilized parcels in and around the City’s traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment and recreational options for nearby residents...Additional infill incentives should be considered by the City.”; and

WHEREAS, the collection of 50% of the fee will allow the department to collect resources to provide development of recreational facilities within the developed area and will simultaneously provide relief to the developer.

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:

1. That Title 19 (Subdivisions), Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.020.E (Infill Development), of the El Paso City Code be amended to add the following subsection:
 7. Park dedication or fees are reduced by 50% for a non-residential subdivision up to five (5) acres in size that satisfies the location criteria below for infill development, but that has not been designated by special permit overlay as infill development. At least two of the following factors must be present:
 - a. the property is wholly or partially located within a designated tax increment financing district;
 - b. the property is wholly or partially located within a designated state or federal enterprise zone;
 - c. the property is wholly or partially located within an empowerment zone;

- d. the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of Title 20;
- e. the property is located within a designated historic district;
- f. the property is within an older neighborhood of the city, which is defined as a legally recorded and developed subdivision for at least thirty years.

2. That 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 _____, 2014

THE CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

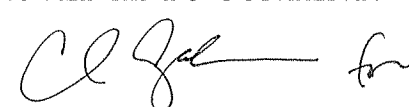
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

for 

Kristen L. Hamilton
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew McElroy, Director
City Development Department



City of El Paso – City Plan Commission Staff Report

Amendments to Title 19

On Dec. 17, 2013, the City Council directed City staff to prepare an amendment to the subdivision code to reduce or waive parkland/fees for non-residential properties on vacant land that would be considered infill development. There are existing code provisions that permit reductions and waivers of parkland/fees for residential properties with an approved infill special permit. The proposed amendment would extend a 50% reduction to non-residential subdivisions up to 5 acres in size that meet the established criteria for infill, but do not seek a special permit. The amendment will implement several Plan El Paso policies including:

Policy 1.2.3: Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment and recreational options for nearby residents...Additional infill incentives should be considered by the City.

Policy 5.8.5: The City will continue to require improved neighborhood parks when land is subdivided, with adequate regulations that ensure they will become important features in the neighborhood.

Policy 6.2.2: Develop programs to focus on infill and rehabilitation of existing neighborhoods.

The proposed 50% fee reduction will encourage redevelopment in older neighborhoods while continuing to provide a source of parkland and funds for development of improved parks within those neighborhoods.



Title 19 – Infill Amendment

- Plan El Paso policies recommend incentives to promote infill development, while also requiring parks with amenities to serve neighborhoods.
- Incentives currently exist for properties with an approved special permit for infill development, including 100% reduction of park fees.
- In Dec. 2013, City Council directed staff to draft an amendment to Title 19 (Subdivisions) that would expand upon the current infill incentives, to reduce park fees for non-residential infill properties, that do not seek a special permit.
- The proposed 50% reduction is for subdivisions up to 5 acres in older neighborhoods that meet the criteria for infill, and will still provide funding for development of neighborhood parks.



Title 19 – Infill Amendment

Applicability

- Non-residential subdivision
- Up to 5 acres in size
- Meets 2 factors for infill
 - within a designated tax increment financing district, or
 - within a designated state or federal enterprise zone, or
 - within an empowerment zone, or
 - within a designated redevelopment area pursuant to [Chapter 20.14](#) of Title 20, or
 - within a designated historic district, or
 - within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years.

Questions?