

Ivy Avalos
Mayor

Ruben Reyes
At Large/Mayor Pro Tem

Cesar Nevarez
District 1



Alejandro Garcia
District 2

Rudy Cruz, Jr.
District 3

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

NOTICE OF A REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION
OF THE
CITY OF SOCORRO, TEXAS

THE FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATION FOR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY CLERK'S OFFICE AT (915) 858-2915 FOR FURTHER INFORMATION.

LA INSTALACIÓN ES ACCESIBLE PARA SILLAS DE RUEDAS Y HAY PLAZAS DE ESTACIONAMIENTOS DISPONIBLES. LAS SOLICITUDES DE ADAPTACIÓN PARA SERVICIOS DE TRADUCCIÓN DEBEN HACERSE 48 HORAS ANTES DE ESTA REUNIÓN. COMUNÍQUESE CON LA OFICINA DEL SECRETARIO DE LA CIUDAD AL (915) 858-2915 PARA OBTENER MÁS INFORMACIÓN.

NOTICE IS HEREBY GIVEN THAT A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF SOCORRO, TEXAS WILL BE HELD ON TUESDAY THE 1ST, DAY OF NOVEMBER 2022 AT 5:30 P.M. AT THE CITY COUNCIL CHAMBERS, 860 N. RIO VISTA RD., SOCORRO, TEXAS AT WHICH TIME THE FOLLOWING WILL BE DISCUSSED:

THIS WRITTEN NOTICE, THE MEETING AGENDA, AND THE AGENDA PACKET, ARE POSTED ONLINE AT [HTTP://COSTX.US/PLANNING-ZONING/](http://COSTX.US/PLANNING-ZONING/) THE PUBLIC MUST CALL IN 844-854-2222 ACCESS CODE 579797 BY 4:30 PM MOUNTAIN STANDARD TIME (MST) ON NOVEMBER 1ST, 2022 TO SIGN UP FOR PUBLIC COMMENT AND THE AGENDA ITEM THEY WISH TO COMMENT ON. THE PUBLIC THAT SIGNED UP TO SPEAK WILL BE CALLED UPON BY THE PRESIDING OFFICER DURING THE MEETING.

1. CALL TO ORDER.
2. ESTABLISHMENT OF QUORUM.

**REGULAR MEETING AGENDA – SOCORRO PLANNING & ZONING COMMISSION
NOVEMBER 1ST 2022, A 5:30 PM**

3. NOTICE TO THE PUBLIC – OPEN FORUM

The time is reserved for members of the public who would like to address the Commission on any items that are not of the Commission Agenda and that are within the jurisdiction of the Commission. No action shall be taken.

4. CONSENT AGENDA

- a) Approval of Meeting minutes of October 18, 2022.

NOTICE TO THE PUBLIC AND APPLICANTS

The staff report for an agenda item may include conditions, exceptions, or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modifications, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made.

5. Consider and Take Action:

On the proposed approval of Final Plat for Rancho Resendez Subdivision located at 911 Sparks Circle, being Block 3, Tract 4C15A, Socorro Grant, Socorro TX.

6. Consider and Take Action:

On a recommendation to City Council to Amend Chapter 46 Zoning, Article IV. District Regulations by adding Division 16. General Mixed-Used District.

7. Consider and Take Action:

On a recommendation to City Council to Amend Chapter 38 Subdivisions, Article I. General, Section 38-20 Dedication of Land for Public use, by deleting this section in its entirety and adding a new Section 38-20 Parkland Dedication.

8. Planning and Zoning Commissioners Report.

9. Planning and Zoning Department Report.

10. Adjournment

**REGULAR MEETING AGENDA - SOCORRO PLANNING & ZONING COMMISSION
NOVEMBER 1ST 2022, A 5:30 PM**

EXECUTIVE SESSION

The Planning and Zoning Commission of the City of Socorro may retire into EXECUTIVE SESSION pursuant to Section 3.08 of the City of Socorro Charter and the Texas Government Code, Sections 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discuss in Executive Session, but the Planning and Zoning Commission of the City of Socorro may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The Planning and Zoning Commission will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATIONS WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFT
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION

NOTICE TO PROPERTY OWNER

The Commission Policy requires that the applicant or representative be present at the public hearing for their item(s). Failure of the applicant or his/her/its representative to be present may result in the deletion of the matter from the agenda or such matter may be tabled until such time as the applicant or his/her/its representative is present.

I, the undersigned authority hereby, certify that the above notice of meeting of the Planning and Zoning Commission of Socorro, Texas is a correct copy and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at City Council Chambers, 860 N. Rio Vista, Socorro, Texas.

Dated this 28th of October 2022.



Judith Rodriguez, Planning & Zoning Secretary

DATE & TIME POSTED: 10/28/22 12:30 pm /BY: JR

REGULAR MEETING AGENDA – SOCORRO PLANNING & ZONING COMMISSION
NOVEMBER 1ST 2022, A 5:30 PM

**ALL PLANNING AND ZONING COMMISSION AGENDAS ARE PLACED ON THE
INTERNET AT THE ADDRESS BELOW:**

([HTTP://COSTX.US/PLANNING-ZONING/](http://COSTX.US/PLANNING-ZONING/))



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Rudy Cruz Jr.
District 3

Yvonne Colon-Villalobos
District 4

PLANNING AND ZONING COMMISSION MEETING MINUTES OCTOBER 18TH, 2022 @ 5:30 P.M.

MEMBERS PRESENT:

Andrew Arroyos
David Estrada
Juan Baquera
Miriam Cruz – Via Zoom

MEMBERS ABSENT:

Julie Dominguez
Enrique Cisneros

STAFF PRESENT

Yadira Magana, Planning and Zoning Clerk
Myrian Duron, Planning and Zoning Clerk
Judith Rodriguez, Planning and Zoning Clerk
Merwan Bhatti, City Attorney
Carlos Gallinar, City Planner-Via Zoom
Victor Reta, Director of Communication & Historic Preservation
Lizbeth Castro, Recreation Coordinator
Estevan Gonzales, IT Technician

1. CALL TO ORDER

Mr. Arroyos called to order at: 5:37 pm.

2. ESTABLISHMENT OF QUORUM

Quorum with 3 commissioners present and one commissioner by Zoom.

3. NOTICE TO THE PUBLIC-OPEN FORUM

None

4. CONSENT AGENDA

- a) Approval of Meeting minutes of October 4, 2022.

A motion was made by Andrew Arroyos to Approve. Seconded by Juan Baquera.

Motion Carried

Ayes: Andrew Arroyos, David Estrada, and Juan Baquera.

Nays:

Abstain: Miriam Cruz

Absent: Julie Dominguez and Enrique Cisneros.

REGULAR AGENDA-DISCUSSION AND ACTION

5. Public hearing request for the proposed amendment to the City of Socorro's Master Plan and Rezoning of Lot 7, Block 1 Clint Venture Commercial Subdivision Unit Five (Amending), located at 2605 Darrington Road, Socorro, Texas from Unclassified to C-2 (General Commercial) and approving a Conditional Use Permit to allow a Trucking Parking and Repair use.

Chairman Andrew Arroyos opened public hearing at **5:39pm**

Chairman Andrew Arroyos closed public hearing at **5:39pm**

6. Consider and Take Action:

On the proposed amendment to the City of Socorro's Master Plan and Rezoning of Lot 7, Block 1 Clint Venture Commercial Subdivision Unit Five (Amending), located at 2605 Darrington Road, Socorro, Texas from Unclassified to C-2 (General Commercial) and approving a Conditional Use Permit to allow a Trucking Parking and Repair use.

Speaker: Applicant Jose Valenzuela

A motion was made by Andrew Arroyos to approve. Seconded by David Estrada.

Motion carried

Ayes: Andrew Arroyos, David Estrada, and Juan Baquera

Nays: Miriam Cruz

Abstain:

Absent: Julie Dominguez and Enrique Cisneros

7. Consider and Take Action:

On the proposed approval of Final Plat for Eastwind Industrial Subdivision located on Gateway Blvd. East, being a parcel out of Robert E. Nix Survey No. 302, Robert E. Nix Survey No. 303, and Robert E Nix No. 304 in El Paso County, Texas.

Speaker: Jorge Ascarate

A motion was made by Andrew Arroyos to approve. Seconded by Juan Baquera.

Motion carried

Ayes: Andrew Arroyos, David Estrada, and Juan Baquera

Nays:

Abstain: Miriam Cruz

Absent: Julie Dominguez and Enrique Cisneros

8. Consider and Take Action

On the proposed approval of Subdivision Replat and setback variance for Socorro Mission Unit 1, Replat C located at 601 Zebu Rd., being all of Lot 10, Block 10, Socorro Mission Subdivision Unit 1, Socorro TX.

A motion was made by Miriam Cruz to approve with the staff condition that Lot 2 have a 10' side yard setback to the side of Lot 1. Seconded by Andrew Arroyos

Motion carried

Ayes: Andrew Arroyos, David Estrada, Miriam Cruz, and Juan Baquera

Nays:

Abstain:

Absent: Julie Dominguez and Enrique Cisneros

9. Planning and Zoning Commissioners Report.

Commissioner Miriam Cruz had questions in reference to a future project (storage facility) on the North Loop.

10. Planning and Zoning Department Report.

Mr. Carlos Gallinar mentioned that City ordinances will be under review and that staff will be engaging in a new Comprehensive Plan process.

11. Adjournment:

A motion was made by Andrew Arroyos to adjourn. Seconded by Juan Baquera.

Motion Carried.

Ayes: Andrew Arroyos, David Estrada, Juan Baquera, and Miriam Cruz.

Nays:

Abstain:

Absent: Julie Dominguez and Enrique Cisneros

Meeting adjourned at **6:02pm.**

Andrew Arroyos, Chairman

Date minutes were approved

Judith Rodriguez, Secretary

Date minutes were approved



**CITY OF SOCORRO
PLANNING & ZONING COMMISSION
MEETING DATE: NOVEMBER 1, 2022**

**FINAL PLAT
STAFF REPORT**

SUBJECT:
APPROVAL OF A FINAL SUBDIVISION PLAT

NAME: **RANCHO RESENDEZ SUBDIVISION**

PROPERTY ADDRESS: 911 Sparks Circle

PROPERTY LEGAL DESCRIPTION: Tract 4C15A, Block 3, Socorro Grant

PROPERTY OWNER: Rodolfo A Resendez & Emma Catherine Resendez
Revocable Trust

REPRESENTATIVE: Jorge Ascarate, CEA Group

PROPERTY AREA: 1.21 Acres

CURRENT ZONING: R-1 (Single Family Residential)

CURRENT LAND USE: Single Family Homes

FUTURE LAND USE MAP: Rural Residential

PROPOSED LAND USE: Single Family Homes

FLOOD MAP: According to the Flood Insurance Rate Maps, the referenced property lies within Zone X; (Community Panel # 480212 236-B/ FEMA, September 4, 1991)

SUMMARY OF REQUEST: Request to approve Final Plat. The purpose of the plat is to subdivide the lot. There are no changes from Preliminary Plat and no public improvements will be dedicated to the City of Socorro.

STAFF RECOMMENDATION: Staff recommends APPROVAL.

BOARD RECOMMENDATION: PNZ Commission voted to APPROVE on September 6, 2022.

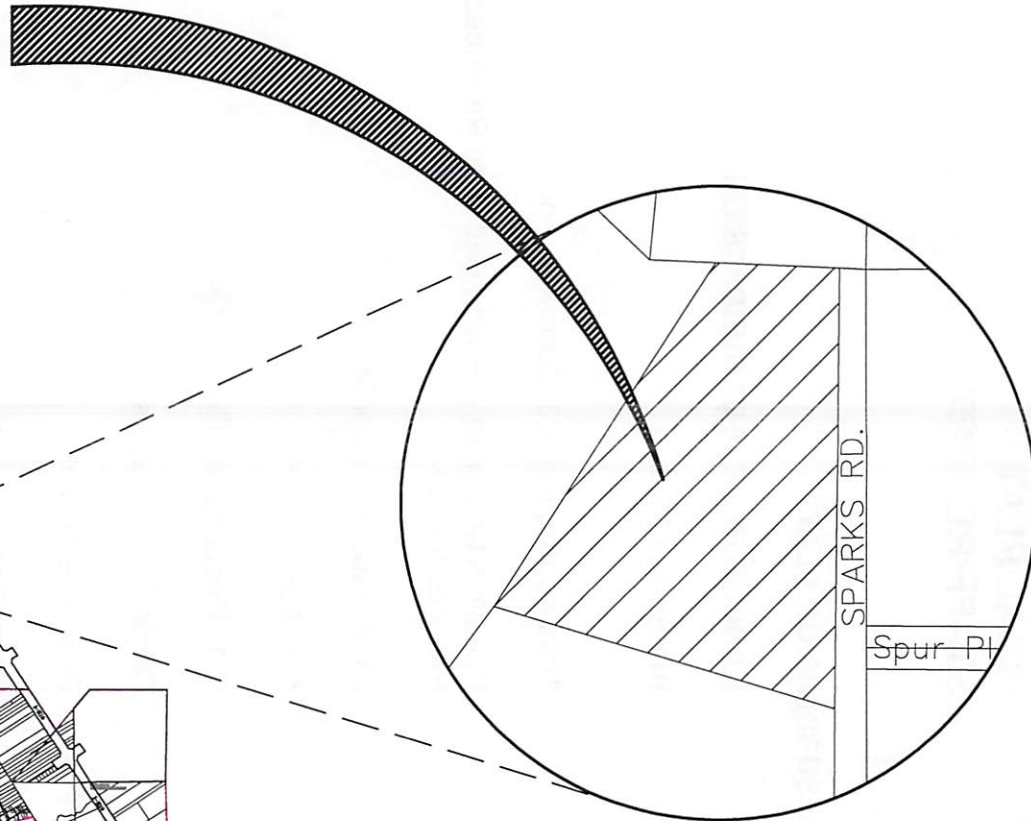
LOCATION MAP



PROJECT SITE;
Rancho Resendez Sub.
Tract 4C15A, Block 3
Socorro Grant



CITY OF SOCORRO



LOCATION MAP

Scale: AS SHOWN



Planning and Zoning Department

860 N. Rio Vista Socorro, Texas 79927 Tel: (505) 875-4531 Fax: (505) 872-4673

SITE PICTURES



AERIAL PHOTO



FINANCIAL IMPACT

Account Code (GF/GL/Dept):

Funding Source:

Amount:

Quotes (Name/Commodity/Price)

Co-op Agreement (Name/Contract#)

ALTERNATIVE

Deny

REQUIRED AUTHORIZATION

1. **City Manager** _____ **Date**_____
2. **CFO** _____ **Date**_____
3. **Attorney** _____ **Date**_____

Ivy Avalos
Mayor

Ruben Reyes
Representative
At Large / Mayor Pro Tem

Cesar Navarro
District 1



Alejandro Garcia
District 2

Rudy Cruz, Jr.
District 3

Francis Calan-Villalobos
District 4

Adrian Hernandez
City Manager

RESOLUTION _____

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR RANCHO RESENDEZ SUBDIVISION, BEING TRACT 4C15A, BLOCK 3, SOCORRO GRANT, SOCORRO, TEXAS AND APPROVING A VARIANCE FOR LOT 2 TO ALLOW THE REDUCTION OF THE REAR YARD SETBACK FROM 25' TO 22'.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOCORRO:

That the property being Tract 4C15A, Block 3, Socorro Grant, Socorro, Texas has been granted a Preliminary Plat Approval as per the Subdivision Ordinance of the City of Socorro, Texas and a variance for Lot 2, to allow the reduction of the rear yard setback from 25' to 22'.

READ, APPROVED AND ADOPTED this _____ day of _____ 2022.

CITY OF SOCORRO, TEXAS

Ivy Avalos, Mayor

ATTEST:

Olivia Navarro, City Clerk

Ivy Avalos
Mayor

Ruben Reyes
At Large / Mayor Pro-Tem

Cesar Nevarez
District 1



Alejandro Garcia
District 2

Rudy Cruz Jr.
District 3

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

ORDINANCE _____

AN ORDINANCE TO AMEND CHAPTER 46 ZONING, ARTICLE IV. DISTRICT REGULATIONS BY ADDING DIVISION 16. GENERAL MIXED USE DISTRICT.

WHEREAS the City of Socorro desires to and believes it is in the best interest of the City to amend Chapter 46. Zoning, Article IV. District Regulations for the safety, general welfare, and health of the residents within the City of Socorro, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS:

Sec. 46-620. Purpose.

The General Mixed Use (GMU) District is intended to provide for greater flexibility and discretion in the more integrated development of residential, neighborhood commercial, and institutional uses and combinations of such uses. The GMU district is intended to provide for a more unified plan for land parcels and provide flexibility to enhance and preserve the City's historic and rural characters.

Sec. 46-621. General Design Principles

1. General Design Principles. These design principles shall serve as guidelines and compliance with any guideline within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan approval. A GMU development shall meet one or more of these Design Principles.

- a. That the development strategy encourages infill and redevelopment within existing neighborhoods.
- b. That a mixture of housing types and densities be distributed throughout the GMU development.
- c. That natural open space and agricultural lands be preserved as part of the development.
- d. That ordinary activity of daily living occurs within walking distance of most dwellings.
- e. That civic, institutional and commercial activity be embedded, and not isolated, in the development.

-
- f. That open spaces including parks, squares, and playgrounds be included within the development.
 - g. That buildings and landscaping contribute to the physical definition of the development.
 - h. That architecture and landscape design grow from local climate, topography, and local history.
 - i. That the preservation and renewal of historic buildings be facilitated.

2. General Design Elements. A GMU is characterized by any combination of the design elements described below. These design elements shall serve as guidelines and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan approval. A GMU development shall meet one or more of these Design Principles.

- a. A mixture of housing types, jobs, shopping, services, and public facilities shall be incorporated into the development.
- b. Residences, shops, workplaces, and other buildings interwoven within the development, all within close proximity.
- c. Natural features and undisturbed areas that are incorporated into the open space of the development.
- d. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
- h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
- i. Parking, parking lots, and vehicular access shall be subordinate to the design and shall not be the focal point of any development.
- j. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.
- k. Human-scale design of buildings, streets, corridors, and other public spaces is incorporated within the development.

Sec. 46-622. General regulations.

- (a). *Area requirements.* Defined by Master Zoning Plan.
- (b). *Setbacks.* Properties within GMU development shall be defined by the Master Zoning Plan, unless otherwise required by the city council as part of the review of the Master Zoning Plan.
- (c). *Permitted uses.* Uses permitted in a GMU development are as approved by city council through a Master Zoning Plan. A GMU may be authorized to encourage use schemes such as but not limited to, residential, neighborhood commercial, office, civic, and institutional uses. In no instance shall a mixed-

use development contain only one type of land use. City council can include uses not listed below as part of the Master Zoning Plan.

- (1). Single-family residential.
- (2). Multifamily dwellings, including, duplexes, triplexes, quadplexes, townhouses, row houses, and other dwellings with a maximum density of 15 dwelling units per acre.
- (3). Accessory structures and uses including garages, carports, private workshop, greenhouses, and other structures that are customarily incidental to the principled structures.
- (4). Public park, playground, or ball field.
- (5). Swimming pool. Permitted only when a protective fence, minimum five feet in height, is provided around the yard, lot or pool area.
- (6). Churches, clinics, schools, and religious and philanthropic institutions.
- (7). Food establishments including restaurants, cafes, coffee shops, bodegas, and food trucks.
- (8). Specialty shops (antiques, art objects and supplies, books, cameras and photo supplies, candy, gift, greeting cards, framing, coins, stationary, tobacco, and pharmacies).
- (9). Personal service shops (interior decorating, watch and jewelry repair, art gallery, museum, photography, dance or fine art).
- (10). Veterinary clinics of up to 3,000 square feet floor space excluding overnight boarding of animals.
- (11). Public building, fire stations, government offices and public libraries.
- (12). Any other neighborhood office, retail, service, or commercial use occupying no more than 3,000 square feet.

(d). *Height requirements.* Maximum heights of any building or structure shall be 35 feet.

(e). *Off-street parking requirements* shall be as determined by the Master Zoning Plan. No loading or unloading is to be conducted on public rights-of-way.

(f). *Signs.* Sign shall be as determined by the Master Zoning Plan.

(g). *Compatibility.*

- (1). The GMU does not contemplate or authorize salvage yards, recycling businesses, vehicle storage facilities, auto-oriented businesses, regional commercial, large scale manufacturing, warehousing or industrial uses.
- (2). No GMU shall be approved by the city council until it has been determined that the planned uses are compatible with the area that it will affect.

Sec. 46-623. Procedures.

Master Zoning Plan (MZP).

(a). As part of any zoning application for a GMU, a Master Zoning Plan shall be required and shall accompany the rezoning application. The MZP shall provide sufficient details necessary about the proposed land uses and proposed development so that the Socorro City Council may determine their compatibility within the proposed district and the impact on the adjacent properties.

(b). The Master Zoning Plan shall include the following information:

- (1). Legal description of area proposed to be developed or metes and bounds description;
- (2). Total acreage as depicted on a survey;
- (3). Building footprints and layout of each proposed land use, labeled and color coded as per the city's zoning map;
- (4). Maximum proposed total number of dwelling units for all residential land uses combined;
- (5). Maximum proposed total floor area for all nonresidential land uses combined, expressed in square feet.
- (6). Abutting sites and all public and private rights-of-way and easements.
- (7). Height of all structures.
- (8). Proposed minimum area regulations including setbacks, lot sizes, depth, side yards, square footage of all structures.
- (9). The location of all off-street parking and loading facilities and location of lighting for the same, numbered and labeled.
- (10). The location and detail of all walls, fences, screening and landscaping, including existing and proposed tree lines. Shipping containers shall not be permissible as walls, fences, screening.
- (11). The location of all streams, ponds, drainage ditches, steep slopes, boundaries of floodway and floodplains and other supporting facilities that have been provided.
- (12). The location of all dumpsters.
- (11). The location of all fire hydrants.
- (13). The location of stormwater facilities.
- (14). The location of all streets, private roads, alleys, and sidewalks, including proposed surface materials.
- (15). The location of underground utility lines, including water, sewer, electric power, telephone, gas and cable television.

(16). The location of all signs and sign design by type and size.

(17). A table or list depicting the proposed land use type, park, open space, trail and school site (as applicable).

(c). A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the development relates to the General Design Principles. A detailed description shall be required for each proposed land use, identifying the permissible uses.

(d). A development schedule indicating the approximate date of when construction begins and the rate of anticipated development to completion shall accompany the application.

(e). The procedure for hearing a request for a zoning change to IC-MUD shall be the same as for a requested change in any other district.

(f). Any revision to a Master Zoning Plan between the public hearing before the planning and zoning commission and the public hearing before the city council, shall necessitate the MZP being referred back to the planning and zoning commission for review and evaluation unless the revision is a minor change in accordance with the list in subsection (g) of this section or the city council orders otherwise.

(g). Minor changes in the development may be authorized by the city planner when such minor changes will not cause any of the following circumstances to occur:

(1). A change in the overall character of the development.

(2). An increase in the ratio of the gross floor area in structures to the area of any lot.

(3). An increase in the intensity of use.

(4). A reduction in the originally approved separations between buildings.

(5). Any adverse changes in traffic circulation, safety, drainage and utilities.

(6). Any adverse changes in such external effects on adjacent property as noise, heat, light, glare, vibration, height or proximity.

(7). A reduction in the originally approved setbacks from property lines.

(8). An increase in ground coverage by structures.

(9). A reduction in the ratio of off-street parking and loading space.

(10). A change in the subject, size, lighting, or orientation of originally approved signs.

(h). Any change deemed not to be a minor change, as indicated in subsection (g) of this section, shall be processed as new application in accordance with the provision of this section.

(i). Provision for public, private, and common open space shall be evaluated with regard to density, site coverage and physical characteristics. This shall be required in the MZP.

(j). A traffic impact analysis may be required.

(k). An MZP shall expire two years from the date of final city council approval unless any part of the mixed use development has already obtained a certificate of occupancy for the use of the property as described in the plan.

(l). General Mixed Used Development zoning shall be revoked if:

(1). Approval of the development was obtained by fraud or deception; or

(2). One or more of the conditions set by the city council has not been met or has been violated.

Sec. 46-624. City Planner.

The city planner shall have the authority to waive or modify the requirements of this division when in the interest of the city.

Section 2. Except as expressly herein amended, Chapter 46 (Zoning) of the Code of Ordinances of the City of Socorro, Texas, shall remain in full force and effect.

Section 3. Savings/Repealing Clause.

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

Section 4. Severability Clause.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Socorro hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

Section 5. Publication/Effective Date.

This ordinance shall take effect immediately from and after is passage and publication of the caption, as required by law.

READ, APPROVED AND ADOPTED this _____ day of _____ 2022.

CITY OF SOCORRO, TEXAS

Ivy Avalos, Mayor

ATTEST:

Olivia Navarro, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

James A. Martinez
Socorro City Attorney

Adriana Rodarte, City Manager

Introduction and First Reading: _____, 2022
Second Reading and Adoption: _____, 202

Ivy Avalos
Mayor

Ruben Reyes
At Large / Mayor Pro-Tem

Cesar Nevarez
District 1



Alejandro Garcia
District 2

Rudy Cruz Jr.
District 3

Yvonne Colon-Villalobos
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Adriana Rodarte
City Manager

ORDINANCE _____

AN ORDINANCE TO AMEND CHAPTER 38 SUBDIVISIONS, ARTICLE I. GENERAL, SECTION 38-20 DEDICATION OF LAND FOR PUBLIC USE, BY DELETING THIS SECTION IN ITS ENTIRETY AND ADDING A NEW SECTION 38-20 PARKLAND DEDICATION.

WHEREAS the City of Socorro desires to and believes it is in the best interest of the City to amend Chapter 38 Subdivisions, Article I. General, Section 38-20 Dedication of Land for Public Use and adding a new Section 38-20 Parkland Dedication, to provide for the safety, general welfare, and health of the residents within the City of Socorro, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO, TEXAS:

~~Sec. 38-20. Dedication of land for public use.~~

~~The subdivider shall transfer to the city 2.5 percent of the total land to be subdivided or an equivalent dollar value which shall be used by the city for parks and recreation or other city use. The option of receiving the money or land shall rest with the city. Land dedicated for public use does not necessarily need to be within the proposed subdivision development. The subdivider will only be assessed 75 percent of the total land requirements if the subdivider so chooses to participate in regional park improvements, on behalf of the city.~~

~~{Ord. No. 480, 10-3-2019}~~

38-20 PARKLAND DEDICATION

38-20.1 Policy plan and purpose.

- A. Purpose. This chapter is adopted to provide recreational areas as a function of subdivision development in the City of Socorro. This article is enacted in accordance with the home rule powers of the City of Socorro granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, V.T.C.A. Local Government Code, Chapter 212. It is declared by the city council that recreation areas in the form of neighborhood parks, community parks that serve several neighborhoods, linear parks, trails, and open space areas are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the city, whether such development consists of new construction on vacant land or the addition of new construction or redevelopment on existing developed lands.

-
- B. Neighborhood parks, community parks, linear parks, trails and open space areas referred to in this chapter are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from the majority of the residences to be served thereby. The primary cost of those parks should be borne by the ultimate property owners who, by reason of their proximity to such parks, shall be the primary beneficiaries of such facilities.
 - C. The requirements for parkland are based in part on the standards, needs and objectives set forth in the Socorro Parks Master Plan, routinely amended and adopted by the city council, a copy of which shall be retained in the office of the city planner and which shall be incorporated by reference herein for all purposes.

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

38-20.2 Dedication required.

- A. Dedication Required. All subdivisions located within the corporate limits of the City of Socorro and within those areas designated in the city's extra territorial jurisdiction (ETJ), as identified on an official map kept in the office of the city planner.
 - 1. The land conveyed and deeded to the city shall not be subject to reservations of record, encumbrances or easements which will interfere with the use of the land for park purposes.
 - 2. Where a subsurface interest is severed from the surface estate, retention of the subsurface interest may not be considered an encumbrance for the purposes of this chapter.
- B. In Residential Subdivisions. A residential subdivision shall provide for the parkland needs of the community.
 - 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 manager or designee 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 nonresidential uses as defined in this chapter. The evidence shall be provided to the city manager or designee with the filing of the preliminary plat, and shall be reviewed by the city attorney prior to the planning and zoning 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.
- C. In nonresidential subdivisions. After parkland fees have been calculated, a subdivision, not otherwise classified as a residential subdivision, that changes the use to include dwelling units or increases the density of dwelling units within the subdivision, shall trigger a recalculation of parkland fees or parkland dedication under Section 38.20. If additional fees are due or if the recalculation requires parkland to be dedicated, then such fees shall be paid, or dedication provided, prior to the issuance of any building permit.
- 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.

38-20.3 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 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:

$$"x" = "y" / 200$$

Where:

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

"y" is the gross acres of the proposed multifamily subdivision; and

"z" is the density of the proposed multifamily subdivision.

- B. Types of parkland that may be dedicated. The following park configurations of land may be proposed by the subdivider to meet the dedication requirements of this chapter. The lands to be dedicated and the type of dedication to be provided shall be based on the affirmative recommendation of the city planner and the approval of the planning and zoning commission.

If the city planner does not provide an affirmative recommendation, the developer may appeal the city planner's decision. The planning director shall provide to the developer, in writing, the reasons for the denial. The appeal will require the developer to file with the city manager an appeal within fifteen business days from receiving the city planner's decision. The appeal shall be accompanied by the following:

- (a) A thirty-day waiver of the thirty-day statutory requirement for approval of the subdivision plat.
- (b) The reasons for the appeal. Upon receipt of the appeal, the planning director shall place the appeal on the next available planning and zoning commission meeting. The planning and zoning commission may overturn the city planner's decision by a super majority, which shall be three fourths of the planning and zoning commission present and voting. In determining whether to overturn the city planner's decision, planning and zoning commission shall consider any evidence presented by the developer and city planner. In no instance can the planning and zoning commission modify or vary any City Code requirements.

An alternative type of dedication may be recommended by the planning director, based on the specific nature of the subject property. Any dedication that is proposed shall meet the requirements of Section 38-20.5, except as noted in this chapter.

- 1. Neighborhood parks. Lands for parks that serve a neighborhood shall be of the quantity determined by the density of the residential subdivision submitted pursuant to Section 19-20.3. The developer may satisfy Section 38-20.3 by providing multiple park sites that comply with Section 38-20.5, for a residential subdivision application.
- 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.
 - a. Park-ponds requirements. For purposes of this subsection, the ponding area proposed for use as a park-pond shall require an affirmative approval for park usage by the public works director, subject to the provisions below being met. 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. The street frontage for the park-pond shall be continuous along one complete side of the park or thirty-five percent of the park perimeter whichever is greater.

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- ii. Flat perimeter areas on the rim of the ponding basin shall be provided. These shall be a minimum of ten 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. If abutting a seven-foot sidewalk or trail the flat perimeter area shall be a minimum of five feet. Wider and variable width areas are preferred to create a more parklike appearance.
 - iii. A park-pond shall have a flat contiguous park area adjacent to the detention/retention basin that is not subject to periodic inundation (ten-year storm frequency). This area shall be a minimum of one-half acre in size or larger, including the area of the one closest adjacent perimeter flat zone. This area shall meet the minimum improvements requirements set forth in Section 38-20.5(B), as may be found to be warranted and applicable to a park-pond by the public works director. For park-ponds where the pond portion is over two and one-half acres in size, the size of the upper area shall be at least twenty percent of the area of the pond. This area shall be shaped to accommodate the placement of permanent park structures such as play features, multi-purpose courts and shade pavilions.
 - iv. Side slopes in park-ponds shall not exceed a maximum three to one horizontal to vertical slope. Flatter side slopes are recommended.
 - v. If a two-tier park-pond is designed, then the lower tier flat area shall not be less than twenty percent of the upper tier flat area.
 - vi. The maximum depth of the pond portion of a park-pond shall not exceed ten feet for a two-tier park-pond and six feet for a one tier park-pond.
 - vii. Perimeter areas around the pond shall be planted to create an attractive buffer zone around the park-pond. Plant materials and required irrigation system(s) must be installed and operational at the time the city accepts the facility. All irrigation and planting shall meet the park facilities standards referenced in Section 38-20.5.
 - viii. Signs shall be provided to inform the public of the dual park-pond purpose and to notify them of the potential safety hazard from stormwater detention/retention.
 - ix. Percolation tests at the bottom of the park-pond basin shall be performed according to ASTM 5126. Stormwater shall percolate within seventy-two hours or as may be approved by the city engineer or other designee of the city manager.
 - x. A fully accessible route that meets Americans with Disabilities Act (ADA) standards to the lower park area in the basin of the pond shall be provided.
 - xi. Grading, irrigation and turf in accordance with Section 38.20.5 B.3.d.
 - b. Other ponds not serving as park ponds. Shall meet minimum placement, setback and landscaping requirements as established by the City of Socorro pond and drainage design requirements.
3. Linear park corridors and trail development. Trail corridors may be dedicated and constructed by the subdivider, and may serve as credit against required parkland, subject to the following conditions being met:
- a. Where adjacent to private property lines on either side of the corridor, the trail corridor shall be a minimum of thirty feet in width;
 - b. Where the trail corridor is adjacent to a permanently preserved corridor such as a drainage channel or natural open space, the additional trail corridor width may be reduced to fifteen feet. A minimum of ten feet from the nearest edge of the trail adjacent to a private property line shall be maintained except where separated from such private property by a wall;
 - c. If the trail corridor is located adjacent to a street right-of-way, the trail corridor shall be a minimum of fifteen feet in width as measured from the adjacent back of curb.

- d. Trails shall be a minimum of eight feet in width. Narrower trails will not count as credit towards parkland requirements. Trail surface material shall follow the requirements of the City of Socorro Parks Masterplan. The City of Socorro may elect to contribute to the cost of the trail if a width wider than eight feet is deemed appropriate for that specific location;
- e. Public access points to the corridor shall be provided at regular intervals. The linear areas adjacent to the corridor shall have open space, street ROW, or other opportunities for immediate and safe ingress/egress along at least seventy-five percent of the corridor length on one side or the other;
- f. A zone that is a minimum of five feet wide along each side of the trail shall be improved with a natural non-irrigated landscape treatment, following guidelines contained in the parks facility standards referenced in Section 38-20.5.
- g. Trails may be built on power line or other utility corridors, but in cases with corridor lands whose ownership is not fully transferable to the City of Socorro, only the lands under built trails and those improved areas meeting the requirements of this subsection will count towards the parkland dedication requirements of this chapter. In such cases, the easement holder or right-of-way owner must provide legal acceptance allowing the trail to be built with free public access provided in perpetuity;
- h. Trail standards in this title may be modified by the planning and zoning commission based upon the recommendation of the city planner;
- i. Trail corridor lighting shall not be required where earthen trails are provided nor where corridors are located in public right-of-way and street lighting is provided. Otherwise lighting may be required by the city planner or designee.

38-20.4 Reserved.

38-20.5 Standards for deeded parkland.

- A. General characteristics. Parkland deeded to the city as provided in this chapter shall meet the standards set forth below:
 - 1. The parkland shall be placed in a location near the center of the subdivision or subdivisions that it serves, with the expressed goal that the park is no further than one-quarter mile measured by walking distance from any residence within the subdivision that it serves;
 - 2. Where the subdivision is an initial phase of multiple phases, the park may be located so that it is accessible to the future phases, provided that the park meets the requirements of Subsection A.1. above;
 - 3. Parklands submitted for dedication shall be located so that users are not required to cross arterial roads to access the park site from within the subdivision, and shall not abut an arterial except in the following circumstances:
 - a. Parks over twelve acres may abut an arterial on one side; or
 - b. The arterial has no more than four lanes and has on-street parking; or
 - c. Parks permitted in Section B.4. (Alternate Park Type Table).
 - 4. If the park is one acre or larger, the entire boundary of the parkland shall abut either a public or private street, dedicated open space or arroyo. Parks of less than one acre shall abut a public or private street, dedicated open space or arroyo on at least two sides. Buildings on lots that have frontage on streets that abut the park shall face the park. Residential lots may abut parkland provided that the subdivider incorporates the following standards:

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- a. Pedestrian connectivity between the parkland and adjacent lots is provided,
 - b. That a front build-to line, in accordance with the zoning ordinance, is delineated on the plat so that residential structures face the park, and
 - c. The park site shall share at least one boundary line with a public or private street;
 5. The parkland should, when possible, be located adjacent to school sites, or public open space to facilitate shared facilities;
 6. When parkland is deeded to the city as required by this title, the area of the park shall be calculated from the nearest property line or street right-of-way line, and not from the existing or proposed curb line of an adjacent street, unless park features are incorporated into the parkway. Sidewalks and signs shall not count as park features that allow the inclusion of the parkway area as part of the park area calculation; and
 7. Where possible, parkland shall be designed and located within a subdivision to allow for an extension or connection to a public park or other public recreational facility within an abutting subdivision.
- B. Minimum improvements for lands to be dedicated as parklands. Parkland deeded to the city shall meet the following minimum improvements described by this subsection.
1. The subdivider shall indicate the proposed parkland improvement(s) within the subdivision improvement plans as required in Section 38-13.1
 2. Construction of the required minimum parkland improvement(s) shall be in accordance with the approved subdivision improvement plans, and shall be completely installed and constructed by the subdivider within the time period specified for construction of subdivision improvements in this title.
 3. An improved park shall, at a minimum, include the following:
 - a. Paving frontage, curbing, and gutter for all street frontages abutting the outside perimeter of the parkland;
 - b. Utility (water, sanitary sewer and electricity) extensions to the perimeter of the park and that are consistent with published Lower Valley Water District rules;
 - c. An accessible route shall be installed per the Texas Accessibility Standards (TAS) on all street frontages abutting the outside perimeter of the parkland of a minimum width and construction to provide accessibility to individuals with disabilities as provided by the Texas Accessibility Standards (TAS). The sidewalk alignment and width shall be approved by the director of parks and recreation;
 - d. Grading, automatic irrigation and turf within the parkland boundaries shall be installed prior to the acceptance of the proposed parkland submittal. The design and installation shall be approved by the director of the parks and recreation department. The city council may, upon an affirmative recommendation city planner, allow parkland to remain undisturbed in its natural state;
 - e. One age appropriate play structure unit entirely covered by a metal shade canopy, for either ages two—five years or ages five—twelve years, with a minimum 50-foot by 50-foot user zone, including an appropriate safety surface that meets industry requirements. If a play structure already exists within a dedicated park within one-fourth mile, other comparable amenities entirely covered by a metal shade canopy of comparable size may be provided such as basketball courts, outdoor exercise stations, splash pads, or picnic tables.
 - f. A minimum of two accessible shaded picnic tables, or four benches or a combination of benches and tables, per acre on concrete pads;
 - g. A minimum of two trash cans per acre on a concrete pad;

- h. Pedestrian-oriented perimeter lighting along adjacent public and private street rights-of-way and one light at the playground or focal point of the park;
- i. Where open space lands to be left in an undisturbed state are accepted as required parklands, grading, automatic irrigation and turf establishment requirements shall be waived;
- j. Standards.
 - i. Facilities and improvements provided by a subdivider on lands dedicated as parkland shall be designed and installed to meet the minimum standards of this chapter. The parks facilities standards shall be approved by the planning and zoning commission and the city council. The parks facilities standards may be changed from time to time, but each change shall be approved by the planning and zoning commission and the city council.
 - ii. Facilities and improvements of a park developed for and owned by the city, shall be designed and installed to meet the minimum standards of the following, or as otherwise approved by planning director, in accordance with related federal, national, state, or local codes, including but not limited to the following:
 - 1. International Play Equipment Manufacturer's Association (IPEMA);
 - 2. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;
 - 3. American Society for Testing and Materials (ASTM);
 - 4. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);
 - 5. Illuminating Engineering Society of North America (IESNA RP-6-01);
 - 6. Sports Turf Management Association (STMA); and
 - 7. American Society for Testing and Materials (ASTM F08).
 - k. Street trees shall be provided in the parkway abutting the park at twenty-foot intervals.
 - j. In addition to the street trees, shade trees shall be provided at a minimum of ten trees per acre.
- 4. The subdivider may use one or more of the designs in the approved alternate park type table (a) and shall receive full credit towards parkland dedication requirements (unless otherwise stated in the table), provided all requirements listed in the table are met. In developments larger than thirty acres, at least two different park types are required.

Alternate Park Type Table:

Park Type	Tot. Lot	Pocket Park	Green	Plaza	Square
Size	< ¼ acre	¼—½ acre	½—8 acres	¼—2 acres	¼—5 acres
Location	Residential/Commercial/Mixed Use	Residential/Commercial/Mixed Use	Low-Medium Density Residential	Commercial/Mixed Use/High Density Residential @ Intersection of roads on the City's MTP with street frontage on 4 sides; abutting buildings must face the plaza.	Mixed Use/High Density Residential @ Intersection roads on the City's MTP with street frontage on 4 sides; abutting buildings must face the square.
Requirements	B.3.a-k;	B.3.a-k; except that e. (play structure) is required in a residential area; but any of the	B.3.a-k; except that the following may be substituted	B.3.a-d, f-k; primarily hardscape surface; a focal	B.3.a-d, f-k; a focal point must be provided (such as a

		following may be substituted in a commercial or mixed-use area: basketball court, outdoor exercise stations or gazebo with a combined structured shade area at least 900 sf & 4 picnic tables or benches or a combination.	with approval of Parks Director for e. (play structure) when a play structure within a dedicated park already exists within ¼ mile of the green: basketball courts, outdoor exercise stations, splash pad, gazebo with a combined structured shade area at least 900 sf & 4 picnic tables or benches or a combination, trails, amphitheaters.	point must be provided (such as a fountain or water feature or gazebo with a combined structured shade area at least 900 sf & 4 picnic tables or benches or a combination).	fountain, water feature, splash pad, outdoor exercise stations or gazebo with a combined structured shade area at least 900 sf & 4 picnic tables, benches or a combination).
Optional	N/A	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.
Conditional	N/A	N/A	10-30% of the dedicated acreage may be open space left in an undisturbed state depending on topography, wildlife habitat, or aesthetic value; up to 50% credit for open space subject to approval of Parks Director.	N/A	N/A

5. The subdivider shall be required to submit development construction plans that conform to this title, construction and specification standards. The parks and recreation department will review the construction documents for compliance with city park construction requirements. The developer must agree to standard city construction inspections of the park improvements.

38-20.6 Exclusions from dedication requirement.

Exclusions. The following shall be excluded from the calculation for parkland dedication. In all instances, the burden of proof shall be on the subdivider to demonstrate that the plat meets the requirements of this chapter:

- A. A residential replat of an area where the density has not been increased from the original subdivision, as evidenced by the original subdivision and replat. In the case of a replat where parkland was not originally provided, the parkland requirements shall prevail;

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- B. A replat or an amendment to a subdivision plat where the only change to the original subdivision plat is that easements or rights-of-way are eliminated, added or changed and there is no increase in density.
 - C. A nonresidential replat which changes the lot location or design, but where the acreage has not been increased, as evidenced by the original subdivision and replat;
 - D. A replat which changes the use of the original subdivision from residential to nonresidential, and the fees paid (or the equivalent fees which would have been paid based on parkland dedicated) on the original subdivision are more than or equal to the fees required on the replat;
 - E. A replat which changes the use of the original subdivision from nonresidential to residential, and the fees paid on the original subdivision are more than or equal to the fees required on the replat;
 - G. Land shown within an amending subdivision where density is not increased, as evidenced by the original and amending subdivisions; or
 - H. Land shown within a subdivision, whether residential or nonresidential, which is designated for use as a public facility.

38-20.7 Deed conveyance.

Subdivision Dedication. Parkland to be conveyed as part of a residential subdivision application shall be designated as city property on both the preliminary and final plats. At the time the recording plat is submitted, the subdivider shall deliver to the planning official a warranty deed conveying fee simple title of all parkland shown on the final plat approved by the city council. The city shall join as a signatory on the subdivision, but shall have no responsibility to provide any public improvements shown within the approved final plat beyond the general responsibilities the city has to improve and maintain all of its parks. If the subdivider has deferred the obligation to install public improvements to serve a subdivision until after recordation of the final plat under this title, then the warranty deed as required in this section shall be submitted prior to final inspection of public improvements under this title. No acceptance of public improvements under this title shall be provided until the subdivider provides a warranty deed in accordance to this section. Delivery of a warranty deed does not constitute acceptance of any improvements by the city. The planning official will record the warranty deed following acceptance of the public improvements as provided in this title.

38-20.8 Reserved.

38-20.9 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.

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- 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 ($\frac{1}{4}$) 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 within the City of Socorro, 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 council upon the affirmative recommendation of the city planner.

38-20.10 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 one acre is required to be dedicated, or less than two acres if there is an existing park within one-half mile, and upon the recommendation of the city planner;
 - b. Where the city planner determines that the park needs of the subdivision would be better served by developing other parks within the city;
 2. Nonresidential Subdivisions. The subdivider shall be required to pay fees in lieu of the dedication of parkland dedication for all nonresidential subdivisions applications. Where the city planner recommends that the park needs of the City of Socorro would be better served by preserving existing open space lands on the property or by developing other parks in the city, the developer may use the following use the following:
 - a. An amount equal to the fee required for the nonresidential subdivision may be used by the subdivider to provide additional park facilities in an existing or proposed park within the City of Socorro. The types of facilities to be provided and the proposed location for those facilities shall be subject to approval by the city planner.
- B. Fee Calculation. Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:
1. Residential Subdivisions.

- a. Single-family and two-family: six hundred fifty (650.00) per dwelling unit;
 - b. Multifamily: three hundred forty dollars per dwelling unit.
2. Nonresidential Subdivisions. One thousand dollars per gross acre multiplied by the number of acres rounded to two decimal places, with a minimum of three hundred and thirty-three dollars for a subdivision of less than one-third acre.
3. These fees shall be indexed to any increase in the National Consumer Price Index (CPI) and adjusted no less frequently than every three years.
- C. Form Tendered. A cash payment made pursuant to this chapter shall be tendered in the form of a cashier's check, payable to the City of Socorro. The cashier's check shall be submitted to the city manager or designee and shall accompany the recording plat submission.
- D. Refunds. Under no circumstance shall fees received in lieu of parkland dedication required by this chapter be refunded to a subdivider.

38-20.11 Parkland fees special fund.

- A. Fund Established. The city shall establish a special fund for the deposit of all sums paid in lieu of parkland dedication pursuant to this chapter. The city shall account for all sums paid in lieu of parkland dedication with reference to the individual subdivisions involved, and all sums received shall be committed by the city within three years from the subdivision recordation. If an extension is granted for the subdivision recordation or subdivision improvements, the same extension shall apply to the time for commitment of park fees.
- B. When Funds are Considered to be Committed. For purposes of this chapter, funds shall be considered committed:
 1. When funds are encumbered for expenditure on equipment and materials;
 2. When funds are set aside under an earnest money agreement for the purchase of parkland;
 3. When funds are to be awarded under a bid in process; (or)
 4. When funds encumbered are not expended because of delays by reason of strikes, court action or any similar impediment which renders it impossible or illegal to spend the money.
- C. Time Extensions. Where the sums cannot be committed within the initial three-year time period, the city planner may request time extensions for expenditure of the sums from the city council in one-year intervals; except that no more than two one-year time extensions may be granted by the city council. The extension request(s) shall be submitted in writing to the city manager or designee sixty days prior to the expiration period for sums to be committed by the city, and shall include a detailed justification for the extension request(s). If an extension is granted for the subdivision recordation or subdivision improvements, the same extension shall apply to the time for commitment of park fees.

38-20.12 Applicability.

- A. Subdivision Related Dedication.
 1. Subdivision. A subdivision application filed with the City of Socorro and approved by City Council after November 1, 2022, shall be subject to the parkland dedication regulations as herein codified.

Section 2. Except as expressly herein amended, Chapter 38 (Subdivision) of the Code of Ordinances of the City of Socorro, Texas, shall remain in full force and effect.

Section 3. Savings/Repealing Clause.

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

Section 4. Severability Clause.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Socorro hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

Section 5. Publication/Effective Date.

This ordinance shall take effect immediately from and after is passage and publication of the caption, as required by law.

READ, APPROVED AND ADOPTED this _____ day of _____ 2022.

CITY OF SOCORRO, TEXAS

Ivy Avalos, Mayor

ATTEST:

Olivia Navarro, City Clerk

APPROVED AS TO FORM:

James A. Martinez
Socorro City Attorney

APPROVED AS TO CONTENT:

Adriana Rodarte, City Manager

Introduction and First Reading: _____, 2022
Second Reading and Adoption: _____, 202