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

DEPARTMENT: **City Development Department**

AGENDA DATE: **Introduction: 12/18/12**
Public Hearing: 01/02/13

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

DISTRICT(S) AFFECTED: **City-wide**

SUBJECT:

An Ordinance amending Title 13 (Streets, Sidewalks and Public Places) Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.070 (Installation of Sidewalk On Property On Which Building Permit Issued) of the El Paso City Code to amend the requirements for installation of sidewalks. The penalty being as provided in Section 13.08.140 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:
See attached.

PRIOR COUNCIL ACTION:

At a special City Council meeting on November 5, 2012, Council requested staff to make amendments to Titles 13 and 19 relating to exceptions to requirements for installation of sidewalks.

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) has reviewed and had no objections.

********************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:** _____

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City Development Department

DATE: Dec. 11, 2012

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

FROM: Kimberly Forsyth, Lead Planner

SUBJECT: Title 13 amendment

The City Council, in a special meeting on November 5, 2012, requested staff to make amendments to Titles 13 and 19, relating to requirements for installation of sidewalks.

There has been **no opposition** to this request.

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
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson

El Paso All-America City 2010

City Development Department
Two Civic Center Plaza – 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799

ORDINANCE NO._____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES) CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.070 (INSTALLATION OF SIDEWALK ON PROPERTY ON WHICH BUILDING PERMIT ISSUED) OF THE EL PASO CITY CODE TO AMEND THE REQUIREMENTS FOR INSTALLATION OF SIDEWALKS. THE PENALTY BEING AS PROVIDED IN SECTION 13.08.140 OF THE EL PASO CITY CODE.

WHEREAS, Title 13 (Street, Sidewalks and Public Places) of the El Paso City Code (the "Code") was adopted to guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

WHEREAS, requirements for installation of sidewalks in Title 13 (Street, Sidewalks and Public Places) can inhibit development in areas where no sidewalks have traditionally existed; and,

WHEREAS, Title 19 (Subdivision and Development Plats) has established certain criteria for developments where sidewalks are not required; and

WHEREAS, an administrative review of the same criteria is more expeditious for use in permitting; and

WHEREAS, 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,

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

SECTION 1. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.04, (Street and Sidewalk Construction and Maintenance), Section 13.04.070, (Installation of Sidewalk on Property on Which Building Permit Issued), of the El Paso City Code shall be amended as follows:

13.04.070 - Installation of sidewalk on property on which building permit issued.

A. The director of city development or his designee shall inspect each piece of property on which a building permit has been issued or for which a building permit has been applied for to determine whether the property owner shall be required to construct sidewalks. If there is no sidewalk on the part of the street or streets abutting the property, the director of city development

or his designee shall proceed to order such sidewalk installed, unless the director or his designee authorizes that such sidewalk may be waived because of one or more of the conditions listed below. Such finding shall not deprive the city of its authority to order the installation of sidewalks at any subsequent time, as provided in this Title.

1. In existing single-family residential neighborhoods where sidewalks are not present and have not historically been provided or comply;

2. On local streets within an approved subdivision where all the lots provide a minimum one-half acre lot area and the adjoining properties have no sidewalks;

3. On mountain residential and divided mountain residential streets within an approved mountain development subdivision;

4. On local streets within an approved planned unit development where pedestrian access is provided within the approved subdivision through an alternative sidewalk design not installed within the street right-of-way; provided, however, that an easement may be required by the city manager or designee to provide for the installation of traffic signage and signalization, utility services, neighborhood delivery and collection box units, or other similar facilities;

5. On local streets within an approved subdivision which meet all of the following criteria as determined by the Director of City Development or designee:

a. A characteristic of the neighborhood is that no sidewalks have been required to date,

b. The subdivision adjoins or lies within a neighborhood in which buildings or structures have been constructed on at least fifty percent of the lots within the neighborhood, and

c. The type of subdivision and intensity of land use is compatible with the character of the neighborhood;

6. On streets within neighborhoods that meet the criteria in Title 20 for infill development, where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks; and

7. In areas with severe topography or other natural constraints that will constrain proper implementation of this title.

SECTION 3. These requirements shall apply to both public and private streets.

SECTION 4. Except as herein amended, Title 13 (Street, Sidewalks and Public Places) of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

PASSED AND APPROVED this _____ of _____ 2013.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

_____
Mathew McElroy, Director
City Development

APPROVED AS TO FORM:

Lauren Ferris
Lauren Ferris
Assistant City Attorney

CITY CLERK DEPT.
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