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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **CCA Introduction: 2/9/2010 Public Hearing: 2/16/2010**

CONTACT PERSON/PHONE: **Eduardo Garcia – (915) 541-4638**

DISTRICT(S) AFFECTED: **All**

SUBJECT:
An Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable To All Platting Procedures), Section 19.01.030 (Exemptions) of the El Paso City Code to allow an exemption for duplexes and to clarify an application requirement for exemptions. The penalty is as provided for in Section 19.42 of the El Paso City Code.

BACKGROUND / DISCUSSION:
See attached report.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) - Pending
City Plan Commission (CPC) – Pending

********************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) 541-4725

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.01 (PROVISIONS APPLICABLE TO ALL PLATTING PROCEDURES), SECTION 19.01.030 (EXEMPTIONS) OF THE EL PASO CITY CODE TO ALLOW AN EXEMPTION FOR DUPLEXES AND TO CLARIFY AN APPLICATION REQUIREMENT FOR EXEMPTIONS. THE PENALTY IS AS PROVIDED FOR IN SECTION 19.42 OF THE EL PASO CITY CODE.

WHEREAS, Chapter 212 of the Texas Local Government Code allows the City to adopt rules governing plats and subdivisions of land in order to promote the health safety moral or general welfare of the city and for the safe orderly and healthful development of the City; and,

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 by guiding the future growth and development of the city in accordance with The Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivision of land in order to further the orderly layout and use of land; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by ensuring adequate public facilities and services are available to new development, to include transportation, water, sewerage, schools, parks and other public improvements are available concurrent with development and will have a sufficient capacity to serve the subdivision and to ensure the subdivider provides for the required public improvements attributable to the development; and,

WHEREAS, City Council has determined that an amendment to the title 19 is necessary to allow lots containing duplexes to be split by metes and bounds without having to further subdivide; and,

WHEREAS, the City Plan Commission (CPC) has reviewed and recommends the adoption of the amendment as herein enumerated; and,

WHEREAS, the El Paso City Council finds that the adoption of this amendment 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 19.01, Provisions Applicable to All Platting Procedures, Section 19.01.030, Exemptions, of the El Paso City Code be amended as follows:

Section 19.01.030, Exemptions:

Exemptions. The following land divisions are exempt from the requirements of this article that apply to plats, provided that the applicant has an approved exemption determination application in accordance with Section 19.37.100:

1. The combining of two or more legally recorded lots into one parcel will not be required to be replatted into one lot provided all lots are permanently joined by a structure or improvements built over the property line(s) in accordance with the zoning ordinance;

2. The division of a legally recorded lot into two exact halves and the combining of the halves of the lots with the adjacent lots on each side so as to create two parcels of a lot and a half each shall also be allowed without replatting, provided each lot and half lot is permanently joined by a structure built over the property line in accordance with the zoning ordinance. The parcel line down the center of the middle lot shall become the new lot line and the side setbacks required by zoning shall be measured from that line, rather than the line that is built over;

3. The sale by metes and bounds and subsequent issuance of a permit for improvements upon a portion of a platted commercial lot within a commercial unit development;

4. Provided, however, that on those parcels described in 1, 2 and 3 above, no additional right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed;

5. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended, provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded;

6. Use of existing cemeteries complying with all state and local laws and regulations;

7. A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;

8. Creation of a remainder tract in accordance with Section 19.02.060, provided such remainder tract is suitable for development in the future and does not make any other tracts undevelopable under current city of El Paso ordinances, and provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;

9. Any development activity associated with a plat that conforms to the subdivision requirements set forth in this chapter;

10. Bona fide agricultural activities; and

11. Construction of agricultural accessory structures and related development activities.

12. The acquisition of land by the City for the purpose of providing storm water drainage facilities or land required for water or wastewater infrastructure facilities.

13. The division of a legally subdivided and recorded lot in which a duplex is constructed, located in a district where duplexes are permitted may be resubdivided by metes and bounds into two separate lots, provided that the following requirements are met:

a. One half of the duplex must remain on each separate lot;

b. The metes and bounds and survey map are prepared by a licensed surveyor of the State of Texas;

c. No panhandle lots or lots without access are created;

d. The metes and bounds survey and survey map shall be duly recorded and filed with the office of the county clerk;

e. A copy of the recorded instrument shall be provided with all building permit applications; and,

f. Any future building construction of dwelling units shall comply with all provisions of the zoning code.

SECTION 2. Except as expressly herein amended, Title 19, Subdivisions, Chapter 19.01 Provisions Applicable to All Platting Procedures, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of _____ 2010.

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 S. McElroy, Deputy Director - Planning
Development Services Department

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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: February 4, 2010

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

FROM: Eduardo Garcia, Lead Planner

SUBJECT: **Title 19 Amendment**

The proposed Title 19 amendment is pending City Plan Commission (CPC) action**.**

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