

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: 9/11/12
Public Hearing: 9/18/12

CONTACT PERSON/PHONE: Kimberly Forsyth, (915) 541-4668

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.

BACKGROUND / DISCUSSION:

Title 19 (Subdivisions and Development Plats) has established certain criteria for subdivisions where sidewalks are not required. This amendment would add the same criteria in Title 13, to be reviewed administratively by the City Development Director or designee, in evaluating a site that is already subdivided or is not required to be subdivided, and is applying for a building permit.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) reviewed the ordinance 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: _____



City Development Department

DATE: Aug. 30, 2012
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Kimberly Forsyth, Lead Planner
SUBJECT: Title 13 amendment

The proposed amendment was distributed to members of the Development Coordinating Committee (DCC) on July 31, 2012 and no objections or questions were received. Title 19 (Subdivision and Development Plats) has established the following criteria for developments where sidewalks are not required. The proposed amendment would add the same criteria in Title 13 and allow administrative review when a building permit is submitted:

1. In existing single-family residential neighborhoods where sidewalks have not historically been provided;
2. On local streets where all the lots are one-half acre or larger and the adjoining properties have no sidewalks;
3. On mountain residential and divided mountain residential streets;
4. On local streets where pedestrian access is provided through an alternative sidewalk design;
5. On local streets which meet all of the following criteria as determined by the Director of City Development or designee:



City Development Department
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Phone (915) 541-4622 · Fax (915) 541-4799

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

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- no sidewalks have been required to date in the neighborhood, and
 - the neighborhood is at least fifty percent built out, and
 - the land use is compatible with the character of the neighborhood;
6. Where the cost of establishing sidewalks would be excessively disproportionate;
 7. Where a street construction project has been awarded and the project includes sidewalks;
 8. On local streets where a determination has been made that the sidewalks will impede drainage;
 9. In areas with severe topography or other natural constraints;
 10. On local streets, in situations inherently adverse to pedestrian activity;
 11. These requirements shall apply to both public and private streets.

Mayor

John F. Cook

City Council

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Joyce A. Wilson

El Paso



2010

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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. In projects where the cost of establishing sidewalks or walkways would be excessively disproportionate to the cost of the associated roadway construction;

7. On streets where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks;

8. On local streets within an approved subdivision where a determination has been made by the city manager or designee that the sidewalks will impede drainage;

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

10. On local streets, in situations inherently adverse to pedestrian activity, such as harmful noise, dust creation, and high volume truck traffic, and on local streets in certain areas, such as agricultural, heavy commercial and industrial developments;

11. These requirements shall apply to both public and private streets.

SECTION 2. Except as herein amended, Title 13 (Street, Sidewalks and Public Places) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ **of** _____ **2012**

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:



Lupe Cuellar, Assistant City Attorney