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 19 (Subdivisions), Chapter 19.21 (Sidewalks), Section 19.21.010 (Purpose and Applicability) of the City of El Paso City Code to amend the requirements for installation of sidewalks. The penalty being as provided in Chapter 19.42 of the City of El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:
See attached report.

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.
City Plan Commission unanimously recommended approval of Title 19 on Nov. 29, 2012 (CPC does not review Title 13).

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

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS

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 19 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.

The City Plan Commission recommended unanimous approval of the proposed ordinance on November 29, 2012. The CPC determined that the amendment protects the best interest, health, safety and welfare of the public in general; and will have no negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

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

Attachments: Staff Report

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 19 (SUBDIVISIONS), CHAPTER 19.21 (SIDEWALKS), SECTION 19.21.010 (PURPOSE AND APPLICABILITY) OF THE CITY OF EL PASO CITY CODE TO AMEND THE REQUIREMENTS FOR INSTALLATION OF SIDEWALKS. THE PENALTY BEING 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 Subdivision Ordinance helps 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 19 (Subdivisions) can inhibit development in areas where no sidewalks have traditionally existed; 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 19 (Subdivisions), Chapter 19.21 (Sidewalks), Section 19.21.010 (Purpose and Applicability) Paragraph C, Exceptions, of the El Paso City Code shall be amended as follows:

19.21.010 – Purpose and Applicability

C. Exceptions. The city plan commission may approve an exception to the requirement for sidewalks on individual streets or within subdivisions:

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 city plan commission:

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. Where there is a conflict between the requirements of Title 13.04 and this chapter, the more restrictive shall generally apply and be required as part of the subdivision plat approval unless a waiver or exception is granted in accordance with Chapter 19.48.

SECTION 5. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

PASSED AND APPROVED this _____ day 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:

_____
Lauren Ferris
Assistant City Attorney

Matter 12-1007-561/ Doc. # 146113
title 19 sidewalk amendment
LKF

City of El Paso – City Plan Commission Staff Report

Amendments to Title 19

The City Council met on November 5, 2012 to consider changes to Title 13 and Title 19 related to installation of sidewalks. Title 19 (Subdivision and Development Plats) has established criteria for developments where sidewalks are not required.

In order to promote a more walkable community, the City Council directed staff to make revisions to Title 19 to delete some of the exceptions. They also directed staff to amend Title 13 with similar language. The current text and proposed revisions are:

19.21.010.C. Exceptions. The city plan commission may approve an exception to the requirement for sidewalks on individual streets or within subdivisions:

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 city plan commission:

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~~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;

~~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~~7. 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~~8. These requirements shall apply to both public and private streets; or

~~12~~9. Where there is a conflict between the requirements of Title 13.04 and this chapter, the more restrictive shall generally apply and be required as part of the subdivision plat approval unless a waiver or exception is granted in accordance with Chapter 19.48.