

ORDINANCE NO. 2020-02

**AN ORDINANCE OF THE CITY OF EAGLE PASS
CODE OF ORDINANCES BY ADDING NEW
SECTION 23-94, ARTICLE VII, CHAPTER 23
(SUBDIVISIONS); AMENDING SECTIONS 23-61 (4)
AND 23-61 (a) (2), ARTICLE IV, CHAPTER 23
(SUBDIVISIONS); AMENDING SECTION 23-79 (c),
ARTICLE V, CHAPTER 23 (SUBDIVISIONS);
AMENDING SECTION 23-88 (d) (6) ARTICLE VI,
CHAPTER 23 (SUBDIVISIONS); BY ADDING NEW
SUBSECTIONS AND PROVIDING PROVISIONS TO
NEW DEVELOPMENT FOR UNIFORM
STANDARDS; FINDING THAT THE MEETING AT
WHICH THIS ORDINANCE IS PASSED IS OPEN TO
THE PUBLIC AS REQUIRED BY LAW; PROVIDING
A SEVERABILITY CAUSE; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, Chapter 23 of the City of Eagle Pass, Texas (“City”) Code of Ordinances contains the rules and regulations governing the construction of new subdivisions in the City of Eagle Pass, Texas; and

WHEREAS, the City of Eagle Pass has determined that it is necessary to regulate subdivisions to promote the health, safety, morals, and the general welfare of the City of Eagle Pass, Texas; and

WHEREAS, the City of Eagle Pass has determined that it is necessary to regulate fences within the city limits; and

WHEREAS, the City of Eagle Pass has determined that it is necessary to increase its tree canopy, especially in residential areas; and

WHEREAS, sufficient and proper lighting throughout subdivisions is essential for safety purposes; and

WHEREAS, adequate ingress and egress to subdivisions is a safety concern; and

WHEREAS, development of uniform standards is essential to creating a city-wide character; and

WHEREAS, the City of Eagle Pass has determined that it will be advantageous, beneficial, and in the best interests of the citizens of the City to adopt fence regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF EAGLE PASS, TEXAS:**

SECTION 1. That Section 23-94, Article VII, Chapter 23, of the Code of Ordinances of the City of Eagle Pass is hereby amended by add the following:

ARTICLE VII. – OTHER REQUIREMENTS

Sec. 23-94. Fences

- (a) All new subdivisions must have fencing as described in this chapter or other city ordinances
- (b) No fence material shall be used to construct a fence except for those listed and regulated in this chapter or other city ordinances.
- (c) All fences within a residential zoning shall be constructed of wood that has been stained, pressure treated, painted, or adequately sealed to prevent decay. Requests to upgrade to an alternative fencing material must undergo a concept plan review with the Planning Director and City Engineer.
- (d) fences in commercial and industrial zones must undergo a concept plan review with the Planning Director and City Engineer
- (e) Fence sections essentially parallel with a public street (reverse frontage) shall have their back side (the side with the exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public. Exception: Posts and rails may be oriented to the exterior of the residence when concealed within construction that is consistent with and complementary to the construction of the fence. Visual depictions of construction shall be required for review of appearance prior to issuance of a permit.
- (f) In properties with reverse frontage fence sections, construction of reverse frontage fence sections is the responsibility of the developer. All other fence section construction is the responsibility of the builder.
- (g) In properties with no reverse frontage fence sections, construction of fences is the responsibility of the builder.
- (h) All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times.
- (i) Fences shall be maintained in sound structural condition as a whole or completely removed, including posts.

(j) No fence shall be erected, maintained, or permitted that is electrically charged in any manner, has barbed wire in or on it, has concertina wire in or on it, has razor wire in or on it, has in it or on it bards, projects, broken glass, or anything reasonably capable of causing harm to persons or animals except in industrial zoning districts.

(k) No fence may impede access to public utilities or metering devices.

(j) Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as not part of the fence is, or becomes unsafe, dilapidated, or a public nuisance as determined by the Planning Department.

SECTION 2.

That Section 23-61 (4), Article IV , Chapter 23, of the Code of Ordinances of the City of Eagle Pass is hereby amended by add the following:

(4) All subdivisions must have at least two (2) points of vehicular access for ingress and egress to the subdivision, which must be connected to the City's improved street grid.

- a. The two (2) points of access must provide two (2) separate routes to the interior of the subdivision.
- b. In circumstances where providing two (2) access points to the subdivision is not feasible, City Council may waive this requirement if staff can demonstrate the site can be adequately served by emergency vehicles and that life and safety have not been compromised.
- c. The City Council, at the recommendation of staff, may require more than two (2) access points be constructed if the configuration, number of lots, or other considerations including public safety creates the need for additional access points.

SECTION 3.

That Section 23-61 (p), (2), Article IV, Chapter 23 of the Code of Ordinances of the City of Eagle Pass is hereby amended to read as follows:

(2) All other streets, sixteen thousand (16,000) lumens approximately every - two hundred fifty (250) feet of street length.

SECTION 4.

That Section 23-79 (c), Article V, Chapter 23, the Code of Ordinances of the City of Eagle Pass is hereby amended to read as follows:

(c) Payment schedules for cash contributions in lieu of parkland dedication.

(1) The director of parks and recreation shall recommend to the planning and zoning commission that developers of all minor subdivisions meet the parkland dedication guidelines with a cash contribution. The rate shall be set at a rate of one-thousand one-hundred and fifty dollars (\$1,150) per dwelling unit for single family; seven-hundred and fifty (\$750) per dwelling unit for two-family; and seven-hundred and fifty dollars (\$750) per dwelling unit for multi-family.

(2) The director of parks and recreation shall recommend to the planning and zoning commission that developers of all major subdivisions meet the parkland dedication guidelines with a cash contribution. The rate shall be set at a rate of one-thousand one-hundred and fifty dollars (\$1,150) per dwelling unit for single family; seven-hundred and fifty (\$750) per dwelling unit for two-family; and seven-hundred and fifty dollars (\$750) per dwelling unit for multi-family.

(3) A park plan that consists of a cash contribution in lieu of parkland dedication as provided for in this section may be approved by the director of the parks and recreation department for a residential subdivision of ten (10) dwellings or less.

SECTION 5.

That Section 23-88 (d) (6) Article VI. Chapter 23, the Code of Ordinances of the City of Eagle Pass is hereby amended to add the following:

Sec 23-88. General Requirements

(d)Planting Criteria.

(6) Requirements in Specific Zonings. Residential zones listed below must meet the tree specifications outlined

- a. *R-1 First One-Family District.* Lots zoned R-1 must have at least two (2) trees with at least one in the front yard.
- b. *All Other One-Family Residential Districts.* Lots within all other One-family districts including, but not limited to R-2 Second One-Family District, R-3 Duplex Dwelling District, and R-4 Townhouse Residence District must have at least one (1) tree in the front yard.
- c. *Location of trees must avoid encroachment of property structures and adjacent property by the mature canopy.*

SECTION 6. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable, and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION 7. This Ordinance shall be in full force and effect from and after its final passage and publication thereof, in accordance with the City Chapter of the City of Eagle Pass.

READ, PASSED, AND APPROVED ON FIRST READING on this day 12th Day of November, 2019.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Davis, Villalpando, Ramon
NAYS: None
ABSTAINED: Sifuentes
ABSENT: None

READ, PASSED, AND APPROVED ON SECOND READING, this 3rd Day of December, A.D., 2019.

ATTEST:

William W. Davis
Mayor Pro-Tem

Imelda B. Rodriguez
City Secretary

AYES: Davis, Villalpando, Ramon
NAYS: None
ABSTAINED: Sifuentes
ABSENT: English-Cantu

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this 7th Day of January, A.D., 2020.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Villalpando, Ramon
NAYS: None
ABSTAINED: Sifuentes
ABSENT: Davis

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney

