City of El Paso – City Plan Commission Staff Report

Amendments to Title 19

The Subdivision Code requires that subdivision improvements be complete and accepted by the City prior to recording of a plat, and building permits (other than grading permits) cannot be issued until a plat is recorded. The code allows certain exceptions:

- Permits for up to 50% of buildings or lots may be issued provided the improvement plans have been reviewed and approved and the improvements are in process,
- Permits for more than 50% of the building or lots may be issued if security is provided for the remaining improvements.

The code does not currently provide an exception for issuance of permits on a subdivision with a single lot or a single building, without security. The amendment will allow issuance of permits in this circumstance, provided the improvement plans have been reviewed and approved and the improvements are in process.

As with the current exceptions, no construction will be permitted beyond the foundation stage until fully charged fire hydrants and a drivable surface acceptable to the fire marshall have been provided to the site.

Additionally, no certificates of occupancy will be issued until the improvements are complete and accepted by the city, or security is provided for the remaining improvements.

This amendment was requested by industry stakeholders to provide greater efficiency in the development and permitting process, and has been reviewed by the Development and Infrastructure Sub-Committee of the El Paso Chamber of Commerce.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS), SECTION 19.08.020 (TIMNG OF PUBLIC IMPROVEMENTS, PERMIT ISSUANCE), 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 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, Title 19 is being amended in response to requests from industry stakeholders and consideration by City Staff in order to clarify permitting requirements and to streamline the development process; and,

WHEREAS, the City Plan Commission has recommended approval of the amendments, and 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 (Subdivision and Development Plats), Section 19.08.020. (Timing of Public Improvement, Permit Issuance) Subsection D.2 (Permit Issuance, Building Permits), of the El Paso City Code is amended in its entirety to read as follows:

2. Building permits.

a. Plat recordation prior to issuance of permits: Whenever a subdivision is required by this title, no building permit shall be issued for any lot until the subdivision has been recorded and the requirements of Title 18 (Building and Construction) of this code have been satisfied, except on industrial, commercial and multi-family developments, foundation or building permits may be issued by the building official prior to the plat being filed if:

i. On lots with only one industrial or commercial building, improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process.

ii. On industrial, commercial and multi-family developments lots with multiple buildings, or in subdivisions with multiple single family residential lots, permits for up to fifty percent of the buildings or fifty percent of the single family lots may be issued, provided improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process. If permits for more than

fifty percent of the buildings or single family residential lots are requested, sufficient security as required by Section 19.08.040 must be provided in a form acceptable to the city manager, or designee, and accepted by the city prior to the issuance of foundation or building permits.

iii. The final signed copies of the plats for recordation have been delivered to the city to hold until the agreed upon recording date, along with all fees, certificates and until all other recording requirements have been met.

iv. Sidewalks, landscape, and curb ramps on subdivisions within city limits may be deferred until building permits are requested for residential lots; except sidewalks, landscape and curb ramps at the rear of double frontage lots must be installed, inspected, approved and accepted by the city prior to building permits being issued.

b. Subdivision improvements required prior to issuance of permits: No building or foundation permit shall be issued for any lot, or portion thereof, within the subdivision until such time that the required subdivision improvements serving that lot have been completely installed, inspected, approved and accepted by the city as required in Section 19.08.050 of this title, except as follows:

i. On industrial or commercial lots with only one building, if improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process.

ii. On industrial, commercial and multi-family developments lots with multiple buildings, or in subdivisions with multiple single family residential lots, permits for up to fifty percent of the buildings or fifty percent of the single family lots may be issued, provided improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process. If permits for more than fifty percent of the buildings or residential lots are requested, sufficient security as required by Section 19.08.040 must be provided in a form acceptable to the city manager, or designee, and accepted by the city prior to the issuance of foundation or building permits.

iii. Under no circumstance will construction be allowed beyond the foundation stage until such time as fully charged fire hydrants and a drivable surface acceptable to the fire marshal have been provided to such site.

Section 17. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____of _____2015.

THE CITY OF EL PASO

_____
Oscar Leeser, Mayor

ATTEST:

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Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

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Kristen L. Hamilton-Karam
Assistant City Attorney

APPROVED AS TO CONTENT:

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Mathew S. McElroy, Director
Planning & Inspections Department

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ii. ~~i.~~ On industrial, commercial or multi-family lots with multiple buildings, or in subdivisions with multiple single-family residential lots, permits for up to fifty percent of the buildings or fifty percent of the single-family lots may be issued,

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