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Article 6 – Definitions

Section 19.50.1 Usage and Interpretation

- (a) **Usage.** The following definitions are intended to provide descriptions for words and terms used within this Chapter. Absent any conflict, words and terms used in this Chapter shall have the meanings ascribed thereto in this Chapter.
- (b) **Conflicts.** When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter shall control.
- (c) **Present and Past Tenses.** Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.
- (d) **Specific Word Usage.** The word shall is mandatory and not directory. The word structure includes the word building.
- (e) **Words Not Defined.** For any definition not listed in this Section of this Chapter, the definition found within the latest edition of Webster's Dictionary shall be used.

Section 19.50.2 Definitions in Other Locations within this Chapter

For the purpose of this Chapter, certain terms and words are to be used and interpreted as defined within the articles, or sections of this Chapter wherein they apply to certain regulations. These sections include but are not limited to "**Subdivision Ordinance, Dormant Projects,**" specifically within Section 19.47.8

Section 19.50.3 Definitions

- (1) **ABUTTING:** As defined in the Zoning Ordinance, also meaning "adjacent", "adjoining" and "contiguous to". It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, arroyo or open space.
- (2) **ACCESS or Accessway, public or private:** As defined in the Zoning Ordinance. A means of approaching or entering a property. Includes a right of passage to and from an adjacent street, alley, or property.
- (3) **ACCESSORY:** Being secondary or subordinate to something else.
- (4) **ACREAGE, GROSS:** As defined in the Zoning Ordinance, meaning the total area within a parcel of land.
- (5) **ACREAGE, NET:** The total area within a parcel of land, less any rights-of-way, open space or land dedicated to public use.
- (6) **ALLEY:** As defined in the Zoning Ordinance. A public way which is used primarily for vehicular access to the back or side of properties, and affords only secondary means of access to property abutting thereon.
- (7) **AMENDING PLAT:** See *Plat, Amending*.
- (8) **AMENITY:** Aesthetic or other physical improvements to a development that increase its quality, desirability, and/or marketability to the public. Amenities may vary according to the type and nature of development, and examples include a naturalized retention/detention pond (refer to definition herein), a recreational facility, landscaping, or large trees.
- (9) **APARTMENT:** See *Dwelling - Multi-Family*.
- (10) **APPEAL:** A request for review of and relief from any decision applying a provision of this Code and which is authorized pursuant to this Chapter, Article 5.
- (11) **APPLICATION, COMPLETE:** See *Complete Application*
- (12) **APPROVAL:** "Approval" of any application, subdivision improvement plans, plat etc constitutes a determination by the official, board, commission or City Council responsible for such determination that the application or plans are in compliance with the minimum provisions of Title 19. Such approval is not an "approval" of the engineering or surveying contained in the plans as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
- (13) **AREA OF LOT:** See *Lot Size*.
- (14) **AREA REGULATIONS:** The regulations controlling minimum lot area, minimum lot depth and width, maximum building area or coverage, as well as required front, side and rear yards, as contained in this ordinance and in the Zoning Ordinance.
- (15) **ARROYO:** An arroyo, also called a wash or draw, is a usually dry creek bed or gulch that temporarily fills with water after a stormwater runoff event (see Stormwater), or seasonally as such, the term is similar to the word "wadi".

Arroyos can be natural or man-made. The term usually applies to a mountainous desert environment.

- (16) **AS-BUILT/RECORD DRAWINGS:** A group of drawings that depicts the final configuration of the installed or constructed improvements of a development, improvements which have been verified by the contractor as their installation or construction occurs during development. The as-built or record drawings should reflect the construction plans (or working drawings) used, corrected, and/or clarified in the field. For the purposes of this Chapter, the terms "as-built drawing" and "record drawing" shall be interchangeable.
- (17) **ARTERIAL THOROUGHFARE:** See *Street, Arterial*
- (18) **ASSOCIATION:** Usually a homeowners (HOA) or property owners association (POA). An incorporated or unincorporated non-profit organization operating under recorded land agreements through which: a) each lot owner in a planned unit or other described land area is automatically a member; b) each lot is automatically subject to a charge for a proportionate share of expenses for the organization's activities such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.
- (19) **BIKELANE:** A portion of a street that has been designated for exclusive use by bicycles, and which is distinguished from the rest of the roadway by a painted stripe, lane markings or other similar devices.
- (20) **BLOCK:** An area enclosed by streets. If said word is used as a term of measurement, it shall mean the distance along a side of a street between two (2) intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest street and the end of such dead-end street.
- (21) **BLOCK LENGTH:** The distance, as measured along the street centerline, from one end of a row or group of lots to the other end. A block is determined by the streets along its boundary which surround one or more lots. Such streets shall be through streets, not cul-de-sac streets. A block adjacent to a cul-de-sac shall not be counted as a block.
- (22) **BOND:** "*See Security*".
- (23) **BUILDING:** Any structure permanently affixed to a lot or lots and having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property of any kind.
- (24) **BUILDING or BUILDABLE AREA:** The portion of a lot or site, excluding required yard areas, setbacks or open space within which a structure may be built.
- (25) **BUILDING CODE:** All regulations adopted under the International Building Code of the El Paso Code of Ordinances.
- (26) **BUILDING LINE:** A line at a specified distance from the street, marking the minimum distance from the street line that a building may be erected.

- (27) **BUILDING PERMIT:** An instrument in writing signed by the Deputy Director – Building Permits & Inspections or other designated responsible official authorizing described construction on a particular lot.
- (28) **CENTERLINE, STREETS OR ALLEYS:** An imaginary line erected midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline is to be determined by the Subdivision Improvement Plan Engineer. Where the street is private, the centerline shall be measured from the easement boundaries rather than right-of-way.
- (29) **CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN):** A permit issued by the Texas Commission on Environmental Quality (TCEQ) which authorizes and obligates a retail public utility to furnish, make available, render, or extend continuous and adequate retail water or sewer utility service to a specified geographic area.
- (30) **CERTIFICATE OF OCCUPANCY:** A written instrument executed by the Deputy Director – Building Permits & Inspections authorizing a described use of a lot or building as set forth in the Building Code and in this Chapter.
- (31) **CERTIFY:** Whenever it is required that an agent or official attest to the existence of some fact or circumstance, the City by administrative rule may require that such declaration be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the declaration.
- (32) **CITY:** The City of El Paso, Texas.
- (33) **CITY COUNCIL:** The elected body that governs the City of El Paso under state law and charter and is authorized to adopt ordinances. It is responsible for the acceptance and maintenance of any offered dedications indicated on a plat by entry use or improvement within the City Limits.
- (34) **CITY ENGINEER:** See Subdivision Improvement Plan Engineer.
- (35) **CITY MANAGER:** That person holding the office of City Manager under the terms of the El Paso Charter.
- (36) **CITY PLAN COMMISSION:** The appointed board also known as the Planning and Zoning Commission under state law which is responsible for subdivision approval within the Corporate Limits of El Paso and within the Extraterritorial Jurisdiction (ETJ)
- (37) **CITY PLANNER:** See *Deputy Director - Planning*.
- (38) **CITY SECRETARY:** That person holding the office of City Secretary under the terms of the El Paso Charter, or an authorized representative.
- (39) **CITY STANDARDS:** All of the City's technical standards and specifications that apply to development, together with all tables, drawings, and other attachments. All City standards described or referred to in this Chapter are adopted by reference and are a part of this Chapter in the same way as if they were set out at length herein. See also the *City of El Paso Design Standards for Construction (DSC)*.

- (40) **CLEARING:** The removal of surface vegetation without modifying, impacting, or improving the drainage pattern(s).
- (41) **CLUSTER DEVELOPMENT:** See *Subdivision, Cluster*.
- (42) **CODE:** The adopted code of ordinances of the City of El Paso titled The El Paso Municipal Code.
- (43) **COLLECTOR STREET:** See *Street, Collector*.
- (44) **COMMENCE(ING) CONSTRUCTION:** The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction or development.
- (45) **COMMERCIAL UNIT DEVELOPMENT:** A platted lot, zoned for commercial, manufacturing or industrial uses, which is further divided into more than one lot and where all additional lots are provided access to a public or private street through a private easement. The access shall be a parcel of land over which a private easement for road purposes, having a minimum paved width of twenty feet, is granted to all owners of property within the commercial unit development. In each instance the instrument creating such private easement, including the original agreement and any changes thereto resulting from the sale, lease or creation of additional lots, shall be held in perpetuity between all signatories, owners or lessees, to the agreement or their successors in interest, shall run with the land and be unseverable, and shall be duly recorded and filed with the office of the county clerk.
- (46) **COMMISSION:** See *City Plan Commission*.
- (47) **COMPLETE APPLICATION:** An application that meets the standards of the Chapter and has been deemed complete by the City in accordance with Section 19.37.2 of this Chapter and the Texas Local Government Code, Chapter 245, or successor statute.
- (48) **COMPREHENSIVE PLAN:** The official El Paso Comprehensive Plan titled "The Plan for El Paso" as defined in the Zoning Ordinance.
- (49) **CONCEPT PLAN:** A component of the regulations for a Planned Development District that complies with the requirements of the Zoning Ordinance and the Subdivision Ordinance that illustrates elements of the proposed Planned Residential District, such as the location and arrangement of uses, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development.
- (50) **CONSTRUCTION:** See "Development"
- (51) **CONSTRUCTION PLANS:** The drawings and technical specifications that conform to this Chapter and all other applicable ordinances of the City of El Paso. Construction plans, including bid documents and contract conditions, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development. See also *Plans, Subdivision Improvement*.

- (52) **CORNER LOT:** See *Lot, Corner*.
- (53) **CORPORATE LIMITS:** *The boundaries of the City of El Paso.*
- (54) **COUNCIL:** See *City Council*.
- (55) **COUNTY:** The County of El Paso, Texas
- (56) **COUNTY COMMISSIONERS' COURT:** The court of the county of El Paso which is responsible for the maintenance of any offered dedications indicated on a plat by entry, use, or improvement within the extraterritorial jurisdiction
- (57) **COVENANT, RESTRICTIVE:** Also referred to as a "deed restriction." A restriction on the use of land usually set forth or referred to in the deed. Such covenants shall run with the land and are binding upon present and subsequent owners of the property.
- (58) **CUL-DE-SAC:** A local street having one (1) inlet/outlet to another street and terminated on the opposite end by a vehicular turnaround. A cul-de-sac has no intersections with other streets other than the one inlet/outlet.
- (59) **DEED RESTRICTION:** See *Covenant, Restrictive*
- (60) **DENSITY:** The number of dwelling units that may be constructed per acre, calculated by dividing the site area by minimum required lot area in the underlying zoning district.
- (61) **DEPTH OF LOT:** See *Lot Depth*.
- (62) **DEPUTY DIRECTOR – BUILDING PERMITS & INSPECTIONS:** The *Deputy Director for Building Services*, the individual that is the head of the Building Permits and Inspection Division and who ensures compliance with the Building Code of the City of El Paso, Texas, and with any applicable regulations within this Chapter. This definition also includes any designee of the Building Official.
- (63) **DEPUTY DIRECTOR - PLANNING:** The Deputy Director of the Department of Development Services, Planning Division, or an authorized designee, appointed by the City Manager to coordinate the subdivision review process, gather all staff comments and recommendations and convey such recommendations to the City Plan Commission and City Council. The Deputy Director - Planning is also authorized under this ordinance to approve certain plats.
- (64) **DESIGN STANDARDS FOR CONSTRUCTION, EL PASO (DSC):** The detailed specifications, procedures and standards approved administratively for the purpose of regulating the design and construction of specified improvements. The DSC also includes checklists and application forms for approvals required by this ordinance. The El Paso Design Standards for Construction are incorporated by reference to this Chapter and are found in the office of the Subdivision Improvement Plan Engineer or on the web.
- (65) **DEVELOPER:** A person or governmental entity undertaking the division or improvement of land and other activities covered by this Chapter, including the preparation of a plat showing the layout of the land and the public improvements

involved therein. The term "developer" is intended to include the terms "subdivider" and, when submitting platting documents, "applicant."

- (66) **DEVELOPER AGREEMENT:** An agreement, other than a "Development Agreement" or a "Developer Participation Agreement," between the City and a property owner through which the City or property owner agrees to a schedule of improvements, a phasing of a project or any other agreement between the parties.
- (67) **DEVELOPER PARTICIPATION AGREEMENT:** An agreement between the City and a property owner through which the City or property owner agrees to pay a proportional percentage of a required public improvement or public amenity or for a portion of improvements in excess of those required under current ordinance.
- (68) **DEVELOPMENT:** Initiation of any activities related to the platting or subdivision of land or construction, reconstruction, conversion, or enlargement of buildings or structures, the construction of impervious surfaces (e.g., parking lots), the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including without limitation removal of vegetation, grading, paving, clearing, filling, or removal of soil, and any mining, dredging, excavation or drilling operations.
- (69) **DEVELOPMENT AGREEMENT:** An agreement authorized and in accordance with Section 212.172 of the Texas Local Government Code between the City and a property owner in the extra-territorial jurisdiction.
- (70) **DEVELOPMENT APPLICATION:** Either a petition for a legislative decision, such as a zoning amendment, or an application for a development permit, such as a plat or a building permit.
- (71) **DEVELOPMENT COORDINATING COMMITTEE:** Also known as the "DCC." The committee of the City comprised of representatives of City departments and may include other agencies which are responsible for recommending implementation of subdivision ordinance requirements.
- (72) **DEVELOPMENT, INFILL:** A new development on scattered or aggregated vacant parcels of land in a built up area.
- (73) **DEVELOPMENT PERMIT:** A decision by the Commission, Board or responsible official designated by this Chapter, acting in an administrative or quasi-judicial capacity, that authorizes the holder of the permit to undertake one or more development activities or to file further applications needed to initiate or continue development activities authorized under this Chapter. The filing of a complete application for a development permit may or may not stay the City from adopting new standards applicable to the permit or any subordinate permit, depending on the nature of the standards.
- (74) **DEVELOPMENT PLAN:** See Land Study.
- (75) **DEVELOPMENT STANDARDS:** All regulations, design standards, requirements and restrictions that apply to a development.

- (76) **DIRECTOR:** The Director of the Development Services Department of the City of El Paso, Texas, or his/her authorized designee.
- (77) **DRIVEWAY:** An entranceway serving primarily vehicles that allows for access to a lot or facility, and is intended for vehicular movements between the roadway and any portion outside the street right-of-way.
- (78) **DWELLING:** A building, structure or portion thereof, designed or used primarily for residential occupancy with culinary and bathroom facilities. A dwelling does not include boats, trailers, motor homes, hotels, motels, motor lodges, boarding or lodging houses.
- (79) **DWELLING - MULTIPLE-FAMILY (APARTMENT):** As defined in the Zoning Ordinance. A building, or portion thereof, designed or used for occupancy by three or more families, all living independently of each other in separate dwelling units.
- (80) **DWELLING - SINGLE-FAMILY:** As defined in the Zoning Ordinance. A building designed for or occupied exclusively by one family.
- (81) **DWELLING - SINGLE-FAMILY DETACHED:** As defined in the Zoning Ordinance. A dwelling unit for one family that is not attached to any other dwelling unit.
- (82) **DWELLING - TOWN HOME or TOWNHOUSE:** As defined in the Zoning Ordinance. A single-family dwelling designed to be sold as a unit, but forming one of a group or series of three or more attached single-family dwellings separated from one another by common property lines.
- (83) **EASEMENT, EMERGENCY ACCESS:** An area created by plat or separate instrument filed with the office of the county clerk other than a dedicated street or place, or an alley, which is maintained free and clear of buildings, structures and other obstructions for the purpose of providing free passage of service and emergency vehicles.
- (84) **EASEMENT PRIVATE:** A right-of-way granted for the limited use of private land where general use and maintenance of such right-of-way is governed by an agreement which runs with the land. For the purposes of a commercial unit development, a private easement is in-severable there from, and is recorded with the Office of the County Clerk. A private easement may include certain improved portions of private land which are intended for the general use, enjoyment, convenience and benefit of all signatories, owners and lessees, and their permittees, including to but not limited to, parking areas and spaces, roadways (including roads or lateral access drives), driveways, entrances to dedicated public or private streets, sidewalks, landscaped areas, and truck loading or delivery areas.
- (85) **EASEMENT PUBLIC:** An easement dedicated by subdivision plat or metes and bounds to and for use by the public, and which is included within the dimensions or area of lots or parcels.

- (86) **EASEMENT, UTILITY:** An easement dedicated by subdivision plat or metes and bounds to and for use by the public solely for utilities, either public or franchise, and which is included within the dimensions or area of lots or parcels.
- (87) **EL PASO WATER UTILITIES (EPWU):** The Public Service Board established May 22, 1952 by City ordinance 752 to manage and operate the water and wastewater system for the City of El Paso.
- (88) **ENFORCING OFFICER:** The designated official of the City of El Paso or his/her designated representative that ensures that regulations are adhered to and standards required are met.
- (89) **ENGINEER:** A person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas. (Also known as "Engineer", "Professional Engineer", "Registered Engineer", "Registered Professional Engineer", or "Licensed Engineer")
- (90) **ENVIRONMENTAL PROTECTION AGENCY (EPA):** The U.S. Environmental Protection Agency, or, where appropriate, the administrator or other duly authorized official of that agency.
- (91) **ERECT:** To construct, reconstruct, install or build.
- (92) **EROSION:** The wearing away of land surface by detachment and transport of soils by water and wind.
- (93) **ETJ:** See *Extraterritorial Jurisdiction*.
- (94) **EXCAVATION:** Any digging, trenching, scraping or other activity that disturbs natural soil or rock to a depth of two feet (2') or more, other than soil disturbance incidental to the removal of trees or vegetation.
- (95) **EXCEPTION:** A grant of relief to a person from the requirements of this Ordinance under certain conditions when specific enforcement would result in unnecessary hardship. An exception, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance. Also, see *Waiver*.
- (96) **EXEMPTION:** A specified reason why a particular development is not subject to the requirements to plat or to a specific provision of this ordinance.
- (97) **EXTRATERRITORIAL JURISDICTION (ETJ):** The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City of El Paso, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance of five (5) miles as stipulated in Chapter 42 of the Texas Local Government Code and in which area the City may regulate subdivisions and enjoin violation of certain provisions of this Chapter.
- (98) **FAMILY:** As defined in the Zoning Ordinance. Any individual or group of persons related by blood, adoption or marriage, or not more than five unrelated persons living as a single housekeeping unit or home.
- (99) **FARM, AGRICULTURAL:** An area used for the production thereon of farm crops such as vegetables, fruit trees, cotton, or grain, and the storage of such crops.

- (100) **FARM, RANCHING AND LIVESTOCK:** An area used for the raising thereon of the usual farm animals such as horses, chickens, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises, but not including within the City Limits the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.
- (101) **FILING:** See *Submission*.
- (102) **FILING, PLAT:** See *Recording*
- (103) **FINAL PLAT:** See *Plat, Final*.
- (104) **FREEWAY:** See *Street, Freeway*.
- (105) **FRONTAGE, LOT:** As defined in the Zoning Ordinance. The distance for which the front boundary line of the lot and the street line are coincident.
- (106) **FRONTAGE, STREET:** As defined in the Zoning Ordinance. All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or, if the street is dead-ended, then all the property abutting on one side between an intersecting street and dead-end of the street.
- (107) **GRADE:** The horizontal elevation of any surface specified in percentage terms.
- (108) **GRADE, BUILDING:** The average elevation of the highest and lowest elevation measured at the finished surface of the ground at any of the exterior corners of the building or structure.
- (109) **GRADING:** Any excavating or filling or combination thereof, including a) the conditions resulting from any excavation or fill, or b) any alteration of the natural drainage pattern, or c) the removal or rearrangement of surface soil.
- (110) **GROUND COVER:** A spreading plant, including sods and grasses less than 18 inches in height, used mainly for erosion control.
- (111) **IMPERVIOUS COVER:** See *Coverage*.
- (112) **IMPROVED LOT OR TRACT:** A lot or tract that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure or improvement.
- (113) **IMPROVEMENT:** Any man-made fixed item which becomes part of or placed upon real property.
- (114) **IMPROVEMENT, PUBLIC:** Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City may ultimately assume the responsibility for maintenance and operation or ownership, or both.

- (115) **IMPROVEMENT, TEMPORARY:** Improvements built and maintained by a subdivider during construction of the subdivision and removed prior to the acceptance of the improvements for maintenance or the release of any bond required if they are located within the subdivision. Temporary improvements built outside of the subdivision shall be removed when they are no longer necessary as approved by the Subdivision Improvement Plan Engineer.
- (116) **INTERESTED PERSON:** A person who is affected by a final decision of the City to the extent that such impact exceeds the impact of the decision on a member of the general public. An interested person may include any officer or agency of the City.
- (117) **INTERSECTION:** The junction of any two public rights-of-way crossing at grade.
- (118) **LANDLOCK:** to prevent access to a lot or parcel of land, which has no other legal surface access to a public street.
- (119) **LANDSCAPING:** An area devoted to and maintained predominantly with living plant material including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements. Also may be referred to as *Landscaped Area*.
- (120) **LAND STUDY:** The initial plan for a subdivision to be developed in phases that delineates the sequence and timing of development within the proposed subdivision and that is reviewed and decided under Section 19.2 of this Chapter. It is a plan submitted for the purpose of implementing an integrated development scheme for all phases of a proposed development and to foster general consensus regarding compliance with this Chapter. For the purpose of vesting, a Land Study must meet all requirements of this ordinance.
- (121) **LAND USE:** The purpose for which land, or the structure on the land, is being utilized.
- (122) **LOT:** An undivided tract or parcel of land that is or may be offered for sale, conveyance, transfer or improvement and is designated as a distinct and separate tract, and which is identified by a tract, lot number, or symbol in a duly approved subdivision or development plat that has been properly filed of record. Such land is occupied or intended to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas as are required by as the Zoning Ordinance, and having frontage on a public accessway either shown on a plat of record or described by metes and bounds. Provided, however, that access may be provided through a private easement in a commercial unit development or in an alternative subdivision design in accordance with this ordinance.
- (123) **LOT AREA:** The square foot area or the acreage of a lot within the bounding property lines and exclusive of dedicated streets and alleys, but may include easements.

- (124) **LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection(s), as defined in the Zoning Ordinance.
- (125) **LOT COVERAGE:** See *Coverage*.
- (126) **LOT DEPTH** - As defined in the Zoning Ordinance. The distance between the front and rear lot lines, measured as follows:
- (a) Where the lot lines are straight, from the midpoints thereof;
 - (b) Where the lot line curves in or out, from the midpoint of the arc between the side property lines;
 - (c) Where there is no rear lot line, the lot depth shall be the length of a straight line connecting the bisecting point of the front lot line and the intersection of the two sidelines.
- (127) **LOT, DOUBLE FRONTAGE:** As defined in the Zoning Ordinance. Any lot having frontage on two streets which are nonintersecting or which intersect at an angle of less than or equal to seventy degrees with reference to the lot, as distinguished from a corner lot.
- (128) **LOT, FLAG-SHAPED OR PANHANDLE:** An irregularly shaped lot that takes its sole access via a long, narrow strip of land connecting the principal building site to a public street.
- (129) **LOT, INTERIOR:** As defined in the Zoning Ordinance. Any lot having frontage on one street only.
- (130) **LOT, KEY OR KEYED:** Any lot having an essentially trapezoidal shape, with a rear boundary greater in width than the front boundary and located on a street curve having a centerline radius less than two hundred and fifty feet (250').
- (131) **LOT LINE:** A property (ownership) boundary of a lot, as defined herein.
- (132) **LOT OF RECORD:** Means a lot shown upon a plan of subdivision or upon a plat attached or referred to in a deed described by metes and bounds in a deed recorded with the county clerk prior to the date of passage of the first El Paso subdivision ordinance or a tract specifically provided for in this ordinance.
- (133) **LOT, SUBSTANDARD:** A lot that has less than the minimum area or minimum dimensions required in this Chapter or in the zoning district in which it is located.
- (134) **LOT WIDTH, AVERAGE:** As defined in the Zoning Ordinance. The lot area divided by the lot depth.
- (135) **MANUFACTURED HOME:** As defined in the Zoning Ordinance as a *Dwelling – Manufactured Home (HUD-Code)*. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

- (136) **MANUFACTURED/MOBILE HOME PARK:** As defined in the Zoning Ordinance. A parcel of ground, not a part of a manufactured home subdivision, providing sites for the parking or location of one or more occupied manufactured homes, travel trailers, recreation vehicles and similar units.
- (137) **MANUFACTURED/MOBILE HOME SUBDIVISION:** A tract of land, laid out in accordance with this Subdivision Ordinance of the City of El Paso, intended for the specific purpose of providing individual lots for the placement of manufactured/mobile homes.
- (138) **MAXIMUM:** For the purposes of this ordinance, "the maximum" is the amount that is required by this ordinance of a developer but a developer may choose to construct or provide less than the maximum unless otherwise specified.
- (139) **MEDIAN:** A strip of land that separates the opposing flows of traffic on a street, with level or depressed areas within it.
- (140) **MEDIAN, FLUSH:** A median which is level with the surface of the street and created by using header curbing, striping or other approved material.
- (141) **MEDIAN, RAISED:** A median which is created by using standard curbing.
- (142) **METES AND BOUNDS:** A method of describing the boundaries of land by directions and distances from a known point of reference.
- (143) **MINOR PLAT:** See *Plat, Minor*.
- (144) **MINIMUM:** For the purposes of this ordinance, "the minimum" is the amount that is required of a developer but a developer may choose to construct or provide additionally above the minimum required unless otherwise specified.
- (145) **MOBILE HOME:** As defined in the Zoning Ordinance. A structure constructed before 1976 and regulated by the Texas Department of Housing and Community Affairs.
- (146) **MODIFICATION:** The making of a limited change, either required by ordinance or voluntary by the applicant, in a plat submission or set of subdivision improvement plans.
- (147) **MUNICIPAL UTILITY DISTRICT (MUD):** A political subdivision of the State of Texas authorized by the Texas Commission of Environmental Quality (TCEQ) to provide water, sewage, drainage and other services within the MUD boundaries
- (148) **OCCUPANCY:** Any utilization of real property.
- (149) **OFFICIAL SUBMITTAL DATE:** The date an applicant delivers the application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City with all required fees and documents as stated on the application form, as described by Section 19.37.4 of this Subdivision Ordinance. The official submittal date is also subject to complete application provisions within this Chapter; see the definition of Complete Application as well as requirements within Section 19.37.2 of this Chapter.

- (150) **OFF-SITE:** Any premises not located within the area of the property to be subdivided, whether or not in common ownership with the applicant for subdivision approval.
- (151) **OPEN SPACE:** As defined in the Zoning Ordinance and further defined as an area that is intended to provide light and air and is designed for either scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, desert areas, foothills, walkways, active and passive recreation areas, playgrounds, fountains, river banks, swimming pools, wooded areas and water courses. Open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel, or storage.
- (152) **OPEN SPACE, COMMON:** A parcel or parcels of land, or an area of water in combination with land, within a site designed and intended for the use and enjoyment of residents and owners belonging to an association as defined herein. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners belonging to an association. Also may be referred to as *Common Area*. Also see the Zoning Ordinance
- (153) **OPEN SPACE, PRIVATE:** As defined in the Zoning Ordinance. An area that is intended to provide light and air and is designed for either scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, desert areas, foothills, walkways, active and passive recreation areas, playgrounds, fountains, river banks, swimming pools, wooded areas and water courses. Open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel, or storage.
- (154) **OPEN SPACE, PUBLIC:** As defined in the Zoning Ordinance. The land dedicated to and accepted by the City of El Paso that is specifically designated as open area to remain undisturbed in its natural state.
- (155) **OPEN SPACE RATIO/PERCENTAGE:** The square foot amount of open space for each square foot of floor area within lot boundaries. This may be expressed as a percentage of open space within lot boundaries.
- (156) **OPEN SPACE, USABLE:** An open area or recreational facility that is designed and intended to be used for outdoor, active or passive, recreation purposes. An area of usable open space has a slope that does not exceed ten percent (10%), and no dimension of less than ten feet (10'). An area of usable open space may also include landscaping elements (e.g., trees, ground cover), trails, recreational facilities, water features and decorative objects such as art or fountains.
- (157) **OWNER:** The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site
- (158) **PARCEL:** A contiguous tract of land owned by or recorded as the property of the same person(s) or controlled by a single entity.
- (159) **PARK AND/OR PLAYGROUND:** A publicly or privately operated recreation facility, including any land area, which is designed to serve the recreation needs of

El Paso citizens and visitors. Such park or playground may be private, used for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public. Such park or playground may be public, used by the general public without membership or affiliation.

- (160) **PARK ZONE:** The residential areas surrounding a proposed or existing park or other recreational facility that can reasonably derive benefit from that park or other recreational facility pursuant to the El Paso Comprehensive Park and Open Space Plan. The City has divided its Corporate Limits into one (1) square mile park zones which shall be used for acquisition or development of parkland or other recreational facilities; where credit may be applied as part of an off-site dedication of parkland or other recreational facilities; or where bonus reductions for recreational improvements to parkland or other recreational facilities may be given. (Editor’s note: This may need to be revised with the new plan and standards}
- (161) **PARKING AREA or PARKING LOT:** As defined in the Zoning Ordinance. An area, not including a street or alley right-of-way, containing one or more parking spaces for motor vehicles, designed in accordance with the requirements of Chapter 20.14, and intended as an accommodation for patrons, customers, and employees, either with or without a charge for such accommodation.
- (162) **PARKING SPACE, OFF STREET:** As defined in the Zoning Ordinance. An area, not including a street or alley right-of-way, permanently reserved for the temporary storage of one motor vehicle, meeting all of the requirements of Chapter 20.14.
- (163) **PARKWAY:** As defined in the Zoning Ordinance. That area of street right-of-way between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.
- (164) **PEDESTRIAN WAY:** A specifically designated place, path, means, or way by which pedestrians shall be provided safe, adequate and usable circulation through the interior of a property or development and outside any portion of an accessway.
- (165) **PERFORMANCE GUARANTEE:** See “Security”
- (166) **PERMIT:** The written governmental permission required for undertaking any land development activity issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such permission.
- (167) **PERMIT, BORROW OR WASTE:** As defined and governed in Title 18, Grading, of the El Paso Municipal Code.
- (168) **PERMIT, CLEARING AND ACCESS:** As defined and governed in Title 18, Grading, of the El Paso Municipal Code.
- (169) **PERMIT, FINAL GRADING:** As defined and governed in Title 18, Grading, of the El Paso Municipal Code.
- (170) **PERMIT, PREFINAL GRADING:** As defined and governed in Title 18, Grading, of the El Paso Municipal Code.

- (171) **PERMIT, SITE PREPARATION:** _Any permit or series of permits issued under Title 18 and/or this Chapter, that authorizes site preparatory activities other than construction or placement of a structure on the land under one or more site plans and that, upon approval, authorizes the property owner to apply for a construction permit.
- (172) **PERSON:** A human being, his/her heirs, executors, administrators, or assigns and also includes a firm, partnership, corporation or other legal entity authorized by law, its or their successors or assigns, or the agent of any of the aforesaid..
- (173) **PETITION FOR RELIEF FROM DEDICATION OR CONSTRUCTION REQUIREMENT:** A request for relief from a requirement imposed under this Chapter to dedicate or construct a public improvement based on constitutional standards, and that is reviewed and decided under this Chapter, Section 19.46.
- (174) **PLANNING DIRECTOR:** See *Deputy Director - Planning*.
- (175) **PLAN, DRAINAGE SHED CONTROL:** _A conceptual plan for the development of storm water infrastructure as provide for in Section 19.19 of this Chapter.
- (176) **PLAN, MASTER GRADING:** A conceptual plan which shows the proposed phased grading and its effect on adjacent properties.
- (177) **PLAN, TEMPORARY AND PERMANENT EROSION CONTROL:** A plan which shows erosion control measures proposed for the period before and after improvements are completed
- (178) **PLANS, SUBDIVISION IMPROVEMENT:** The plans required by the City for the construction and installation of public improvements necessary to provide required services for proper development; including, but not limited to plans for grading, drainage facilities, water and sewer, open space, parks or other recreational space, streets and illumination of streets. See also Construction Plans.
- (179) **PLAT:** A map, drawing or plan showing the exact layout and proposed construction of a proposed development into one or more lots, blocks, streets, parks, school sites, commercial or industrial sites, easements, alleys and/or any other elements as required by this Chapter and which a subdivider shall submit for approval in accordance with this Chapter.
- (180) **PLAT, AMENDING:** A plat with minor changes to a recorded subdivision as itemized and authorized in Section 19.7.4 of this Chapter.
- (181) **PLAT, DEVELOPMENT:** A plat required prior to development in accordance with Texas Local Government Code, Chapter 212.045 in lieu of other plats required by this ordinance in accordance with Section 19.5.
- (182) **PLAT, FINAL:** The plat of a subdivision for which platting is required which, when authorized, submitted and approved as regulated by this Chapter, Section 19.4, will be recorded in the official public records. Such plat is a final plat submitted under state statute and is subject to the 30 day approval limitation. A combination plat comprised of the preliminary and final plats, as authorized and approved under this ordinance, shall also constitute a final plat.

- (183) **PLAT, PRELIMINARY:** A plat that illustrates and thereby assures the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the applicable requirements of this Chapter and that is reviewed and decided prior to approval of a Final Plat. This type of plat is authorized under Section 19.3 of this Chapter.
- (184) **PLAT, MINOR:** A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Section 19.6 of this Chapter. Such plat is considered the final plat submitted under state statute and is subject to the 30 day approval limitation.
- (185) **PLAT, RECORDED:** A plat that has received all approvals required by this ordinance and has been filed with the County Clerk of the County of El Paso. Recording of a plat creates buildable lots with legal descriptions and dedicates rights-of-ways and easements to the use of the public.
- (186) **PLAT, VACATED:** A subdivision which is vacated through the procedures described in this Chapter and is made legally void.
- (187) **POND, DETENTION:** A manmade or natural reservoir, either public or private, designed to restrict the flow of storm water to a prescribed maximum rate through a controlled release by gravity, and to concurrently detain the excess waters that accumulate behind the control structure. Further defined within the *City of El Paso Design Standards for Construction (DSC)*.
- (188) **POND, RETENTION:** A manmade or natural reservoir, either public or private, designed to completely retain a specified amount of storm water runoff without gravity release. Further defined within the *City of El Paso Design Standards for Construction (DSC)*.
- (189) **POND, AMENITIZED DETENTION/RETENTION:** An area that is designed to capture, store and release stormwater and that is designed as a site amenity by being aesthetically pleasing, by providing recreational or aesthetic value, and by being constructed to seem natural (i.e., without visible concrete). Such areas have a natural edge and are designed to resemble a naturally created lake or pond. Also refer to the definition of *Amenity* above.
- (190) **PONDING, ON-SITE:** The process of containing surface water runoff within individual lots.
- (191) **PRELIMINARY PLAT:** See *Plat, Preliminary*.
- (192) **PROJECT:** A land development project
- (193) **PROPERTY LINE:** As defined in the Zoning Ordinance. The official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or recorded subdivision plat filed in the records and maps of the county clerk.
- (194) **PROPERTY OWNER:** The person(s) with legal title to the property, whether or not the person is in possession of the property.

- (195) **PROPORTIONAL SHARE:** The developer's portion of the costs of an exaction or public improvement as determined and in accordance with Texas Local Government Code 212.904 and considered to be the "roughly proportional share" of such exaction or public improvement that is created by a proposed development or subdivision.
- (196) **PUBLIC IMPROVEMENT DISTRICT (PID):** An assessment district set up under state law and the authority of the City to finance certain public improvements with assessments on property within the district, based on the benefit to the individual properties.
- (197) **PUBLIC RIGHT-OF-WAY:** See *Right-of-way, Public*.
- (198) **PUBLIC UTILITY:** As defined in the Zoning Ordinance. A closely regulated enterprise existing under the provisions of Chapter 402 of the Texas Local Government Code or of Title 32, Chapter 10 of the Texas Revised Civil Statutes, which provides to the public a utility service deemed necessary for the public health, safety, and general welfare. For purposes of this section, a municipality owning or operating a public utility system or an entity with a franchise with the municipality to provide a public utility system shall be considered a public utility.
- (199) **PUBLIC UTILITY FACILITY:** As defined in the Zoning Ordinance. The buildings, structures and facilities relating to the furnishing of public utility services to the public.
- (200) **PUBLIC UTILITY SERVICE:** As defined in the Zoning Ordinance. A service essential to the health, safety and general welfare of the public, such as the generation, transmission and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; the collection, storage or diversion of surface waters from land; and the provision of mass transportation.
- (201) **RECORD DRAWINGS:** See *As-Built/Record Drawings*.
- (202) **RECORDING:** The act of processing a subdivision plat, which has been approved by the City as required by this Chapter, as an official record in the Deeds and Records Section of the Office of the County Clerk.
- (203) **REMAINDER TRACT:** Land that is part of a larger parcel that is not subject to a subdivision plat affecting the parcel.
- (204) **REPLAT:** To resubdivide all or any part of a recorded subdivision, that is beyond the definition of an amending subdivision and which does not require the vacation of the entire preceding plat.
- (205) **RESUBDIVISION:** See *Replat*.
- (206) **RESIDENTIAL USE:** The use of land by a dwelling unit or group of dwelling units.
- (207) **RESPONSIBLE OFFICIAL:** The City staff person who has been designated by the City Manager to accept a type of development application for filing, to review and make recommendations concerning such applications, and where authorized,

to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of this Chapter with respect to such development applications. Also includes any designee of the designated City staff person.

- (208) **RIGHT-OF-WAY, PUBLIC:** A use of land dedicated by subdivision plat or metes and bounds to and for use by the public and which right-of-way is separate and distinct from the lots and parcel abutting it and not included within the dimensions or areas of such lots or parcels.
- (209) **ROADWAY:** The paved area of a street between the face of the curb lines including the driving and parking lanes which is provided for the movement of vehicles.
- (210) **ROADWAY, CENTERLINE:** See *Centerline*.
- (211) **ROUTE, ACCESSIBLE:** A continuous unobstructed path connecting all accessible elements and spaces of a building, facility or site:
- (212) **SCREENING:** As defined in the Zoning Ordinance. A hedge, earth berm, wall or fence constructed in accordance with the requirements of the ordinance codified herein to provide a visual separator or physical barrier.
- (213) **SCREENING WALL:** A solid vertical barrier constructed of masonry materials that is intended to separate and limit visibility between that which is on either side of the barrier, for example adjacent land uses or particular site elements.
- (214) **SECURITY:** A surety instrument or other financial mechanism to guarantee performance of an act or construction of required improvements in accordance with Section 19.8.4, and in an amount and form satisfactory to the City Plan Commission, the City Council or the County Commissioner's Court as applicable
- (215) **SETBACK LINE:** Also referred to as "setback." As defined in the Zoning Ordinance. The distance between a structure and the nearest lot line.
- (216) **SEWAGE:** See *Wastewater*.
- (217) **SHOPPING CENTER:** As defined in the Zoning Ordinance and further defined as a commercial development such as a strip center, mall, or multi-tenant retail building, in which two (2) or more separate retail businesses occupy a single or multiple structures which share on-site parking and common driveways.
- (218) **SIDEWALK:** A hard surface area other than a roadway, used for the movement of pedestrians.
- (219) **SITE:** A tract of property that is the subject of a development application.
- (220) **SITE DEVELOPMENT PLAN:** The final step of the development process within a zoning district, if required by the zoning or this ordinance.
- (221) **SITE PLAN:** A scaled and detailed drawing that conforms to the requirements of this Chapter, and that shows the roads, parking, footprints of all buildings, existing trees, proposed landscaping, parkland, open space, grading and drainage, and similar features needed to verify compliance with the City's approved Comprehensive Plan and development standards.

(222) **SITE PREPARATION PERMIT:** See *Permit, Site Preparation*.

(223) **STORMWATER:** The surface drainage runoff or flow created from any form of precipitation accumulation including rain, snow, sleet and/or hail that exceeds the interception by vegetation and infiltration into the soil. The following definitions are applicable to the management of stormwater and apply to any stormwater requirement contained in this ordinance, in Section 19.19, Stormwater or in the DSC. All other definitions shall be in accordance with Article 6.

- a. **Applicant:** A person submitting a post-development stormwater management application and plan for approval.
- b. **Channel:** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
- c. **Drainage Design Manual (DDS):** The detailed specifications, procedures and standards approved administratively for the purpose of regulating the design and construction of specified stormwater and drainage improvements. The Drainage Design Manual is incorporated by reference to this Chapter and is found in the office of the Subdivision Improvement Plan Engineer or on the web.
- d. **Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters;
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- e. **Floodplain Manager:** The Texas licensed professional engineer designated by the City Manager as the Responsible Official and Initial Decision-Maker to administer and implement the provisions of Chapter 18.60 and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.
- f. **Inspection and Maintenance Agreement:** A written agreement providing for the long-term inspection and maintenance of storm water management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the Chapter to a site or other land involved in a land development project.
- g. **Non-point Source Pollution:** A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Non-point source pollution is a by-product of land use practices such as agricultural, mining, construction, subsurface disposal and urban runoff sources.
- h. **Nonstructural Stormwater Management Practice or Nonstructural Practice:** Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited

- to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.
- i. **Post-development:** The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.
 - j. **Pre-development:** The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.
 - k. **Redevelopment:** A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional non-point source pollution.
 - l. **Runoff:** Stormwater runoff.
 - m. **Site:** The parcel of land being developed, or the portion thereof on which the land development project is located.
 - n. **Stormwater Management:** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.
 - o. **Stormwater Administrator:** The person designated by the City Manager to be the responsible official and initial decision maker for applications pertaining to drainage plans and other drainage decisions as may be required in Title 18 Building and Construction and Section 19.19 Storm Water Management Requirements.
 - p. **Stormwater Management Facility:** Any infrastructure that controls or conveys stormwater runoff.
 - q. **Stormwater Management Measure:** Any stormwater management facility or nonstructural stormwater practice.
 - r. **Stormwater Management Plan:** A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.
 - s. **Stormwater Management System:** The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.
 - t. **Stormwater Runoff:** The flow of surface water resulting from precipitation.
 - u. **Structural Stormwater Control:** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

- (224) **STREET:** The entire width between property lines when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic. This definition shall include public as well as private streets. An "Alley" is not considered to be a street, and is separately defined herein.
- a. Street, Arterial. A street designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets, as indicated by the El Paso Comprehensive Plan or any individual element thereof.
 - b. Street, Boulevard. A street, similar to an arterial and designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets, as indicated by the El Paso Comprehensive Plan or any individual element thereof. A boulevard, however, is designed with marginal access roads and medians and parkways which are landscaped to provide a more aesthetic streetscape.
 - c. Street, Collector. A street designed to collect traffic from local streets (i.e., subcollector and local) and connect with arterial streets and freeways, as indicated by the El Paso Comprehensive Plan or any individual element thereof.
 - d. Street, Freeway. An access controlled, high speed street designed to accommodate cross-country and/or limited cross-city traffic movement, with grade separation at major intersections, as indicated by the El Paso Comprehensive Plan or any individual element thereof.
 - e. Street, Local. A street designed exclusively to provide direct access to abutting property.
 - f. Street, Subcollector. A street designed, generally, to accommodate traffic movement from local streets to higher classifications of streets as well as provide direct access to activity on abutting lots. Specifically, a subcollector is any street or portion thereof designed exclusively to provide direct access to property within nonresidential zoning districts, any street or portion thereof providing the shortest direct route to a collector street for twenty-five (25) or more dwelling units, or any street segment extending without offset and connecting two or more collector streets.
- (225) **STREET CENTERLINE:** See *Centerline*.
- (226) **STREET, PRIVATE:** As defined in the Zoning Ordinance. A privately owned accessway within an approved planned development for which the private owners assume full responsibility for maintenance and control and which has not been dedicated to the use of the public.
- (227) **STREET, PUBLIC:** As defined in the Zoning Ordinance. An accessway dedicated to the use of the public which has been accepted for maintenance and control by the city, county or state.
- (228) **STREET, STUB:** A street that has been designed to allow for the future extension of the street through subsequent subdivisions.
- (229) **STREET, SUBSTANDARD:** An existing street that does not meet the current minimum street standards of the City.

- (230) **STRUCTURE:** As defined in the Zoning Ordinance. That which is built or constructed, an edifice or building of any kind, or other artificially built or constructed work.
- (231) **SUBDIVIDE:** When the owner of a tract of land within the limits or in the extraterritorial jurisdiction divides the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or the for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. A division of a tract under this definition includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey or by using any other method.
- a. This does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.
 - b. This does include the assembly of two (2) or more tracts of land into one (1) tract or lot, unless specifically authorized by this ordinance.
 - c. It also includes the following changes to a recorded plat, unless specifically authorized by this ordinance:
 1. A resubdivision of all or part of the subdivision;
 2. Any change of lot size or lot lines; or
 3. The relocation of any street.
- (232) **SUBDIVIDER:** Any person or any agent of the person, who either directly or indirectly, divides or proposes to divide land, so as to constitute a subdivision, as that term is defined in this section. In any event, the term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of the owner or equitable owner of land to be subdivided. The term "developer" or "applicant" shall also mean subdivider.
- (233) **SUBDIVISION:** Pertaining to land for which a plat has been recorded, *subdivision* means an area of subdivided lots; pertaining to the act of subdividing land, see the definition of *Subdivide* herein.
- (234) **SUBDIVISION, CLUSTER:** A grouping of individual building lots or sites in close proximity, each of which or the majority of which has less land area than required for isolated individual lots, with the additional area in the cluster subdivision being devoted to open space, recreation space, car spaces and access facilities in addition to required yards
- (235) **SUBDIVISION IMPROVEMENT DESIGN STANDARDS:** See *Design Standards for Construction, EL Paso (DSC)*
- (236) **SUBDIVISION IMPROVEMENT PLANS:** See *Plans, Subdivision improvement.*
- (237) **SUBDIVISION IMPROVEMENT PLAN ENGINEER:** The Engineer designated by the City Manager to furnish engineering assistance, approval of construction

drawings as to compliance with City Codes, inspection and acceptance of public improvements in the administration of this Chapter

- (238) **SUBMISSION:** The process by which a person desiring approval of a subdivision plat or subdivision improvement plans makes application to the City Manager, Deputy Director - Planning or their designee, which application meets all of the submission requirements.
- (239) **SURVEYOR:** A registered professional land surveyor, as licensed by the State of Texas.
- (240) **TAC:** The acronym for the Texas Administrative Code.
- (241) **TCEQ:** The acronym for the Texas Commission on Environmental Quality.
- (242) **THOROUGHFARE, MAJOR:** See *Street, Arterial*.
- (243) **THOROUGHFARE PLAN:** The Thoroughfare Plan Element of the Comprehensive Plan including the "2025 Thoroughfare System Map" as amended, and all other adopted thoroughfare plans of the City of El Paso.
- (244) **TRAFFIC, AVERAGE DAILY (ADT):** The average number of vehicles that pass a specified point during a twenty-four (24) hour period.
- (245) **TRAFFIC IMPACT ANALYSIS OR STUDY (TIA):** A report analyzing current and future traffic movements with and without a subdivision's impact and which includes an analysis of mitigation measures.
- (246) **TRIPS:** The total number of vehicles, bicycles and pedestrians that pass a specified point during a specified time period.
- (247) **TRIPS, AVERAGE DAILY:** The average number of trips that pass a specified point during a twenty-four (24) hour period.
- (248) **TRIPS, PEAK HOUR:** The total number of trips passing a specified point during the peak hour. The peak hour is the hour during the specified AM or PM period with the highest recorded traffic volumes on the impacted roadway network.
- (249) **TXDOT:** The acronym for the Texas Department of Transportation.
- (250) **UTILITY:** A business that provides an essential commodity or service, such as electric, gas transmission, and local telephone, and that is generally under government regulations.
- (251) **UTILITY MANAGER:** The Public Service Board of the El Paso Water Utilities or their designated representative that will furnish engineering assistance, approval of utility construction drawings, inspection and acceptance of water and wastewater improvements in the administration of this Chapter.
- (252) **UTILITY, PUBLIC:** See *"Public Utility."*
- (253) **VARIANCE:** For the purposes of this ordinance, a variance is a procedure defined under the replatting standards contained in Chapter 212 of the Texas Local Government Code.

- (254) **VESTED RIGHT:** A right of an applicant in accordance with Chapter 245 of the Texas Local Government Code, as amended, requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this Chapter and/or of any subsequent amendments.
- (255) **VESTED RIGHTS PETITION:** A request for relief from one or more standards of this Chapter based on an assertion that the petitioner has acquired a vested right requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this Chapter. Such petition is regulated under this Chapter, Section 19.47.
- (256) **VIOLATION:** The failure of a development to fully comply with this article.
- (257) **WAIVER:** Authorization to deviate from or vary one or more standards applicable to a development application; such authorization is applied for, reviewed, and decided under this Chapter, Section 19.48. Also, see *Exception*.
- (258) **WASTEWATER:** Water which has been used for domestic, commercial or industrial purposes and has acquired contaminants which must be removed by wastewater treatment processes prior to release in the environment or reuse as treated wastewater or effluent.
- (259) **WASTEWATER DISPOSAL SYSTEM, ON SITE:** One or more systems of treatment devices and disposal facilities that are used only for disposal of wastewater produced on the site where the system is located.
- (260) **WASTEWATER FACILITIES:** The devices and systems which transport domestic wastewater from any property, treat the wastewater, or dispose of the treated wastewater in accordance with the minimum state standards.
- (261) **WASTEWATER FACILITY, ON-SITE:** An on-site sewage disposal system.
- (262) **WASTEWATER SYSTEM, PUBLIC:** A facility owned and operated by a legal entity created under the State of Texas, with authority and responsibility to construct, operate and maintain a wastewater disposal system.
- (263) **WATER DEPARTMENT:** El Paso Water Utilities
- (264) **WATER, DRINKING OR POTABLE:** All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in preparation of foods or beverages, or for the cleaning of any utensil or article used in the course of preparation or consumption of food for human beings.
- (265) **WATER SYSTEM, NONPUBLIC:** Any water system supplying potable water which is not a public water system.
- (266) **WATER SYSTEM, PUBLIC:** A facility owned and operated by a legal entity created under the laws of the State of Texas, with authority and responsibility to construct, operate and maintain a potable water system. The system must provide piped water for human consumption and for all uses described under the definition for drinking water to the public. Such system must have a potential for at least fifteen (15) service connections or serve at least twenty-five (25) individuals at least sixty (60) days out of the year. This term includes any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or

pretreatment storage facilities not under such control which are used primarily in connection with such system. Two (2) or more systems with each having a potential to serve less than fifteen (15) connections or less than twenty-five (25) individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the potential service connections in the combined systems are fifteen (15) or greater or if the total number of individuals served by the combined systems total twenty-five (25) or more at least sixty (60) days out of the year.

- (267) **WATER STORAGE:** Impounded surface water areas or surface tanks used for storage.
- (268) **WAIVER OF RIGHTS:** Still being defined by attorney.
- (269) **YARD:** Including Front, Rear or side; as defined in the Zoning Ordinance. That part of a lot at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward to the sky, except for permitted projections from the ground such as landscaping, fencing or walls.
- (270) **ZERO LOT LINE:** As defined in the Zoning Ordinance. A property line on which a structure is constructed upon, resulting in no yard on that side.
- (271) **ZONING ORDINANCE:** Title 20, Chapter 20 of the El Paso Code of Ordinances. Definitions referred to in this ordinance are located in Chapter 20.02.