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Article 2 – Subdivision Standards

Section 19.9 – General Requirements

Section 19.9.1 General Policy

- (a) **Adequate Service for Areas Proposed for Development.** Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park and open space facilities. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.
- (b) **Responsibilities of the Developer.** The subdivider shall pay all design, engineering, labor, and construction costs for facilities required by this Chapter, except to the extent that this section specifically provides for full or partial payment by the City of El Paso, the El Paso Public Water Utilities or others. The provisions of this section shall apply to re-subdivisions as well as to subdivisions. Specifically, the developer shall be responsible for the following:
- (1) Phasing of development or improvements in order to ensure the provision of adequate public facilities;
 - (2) Extensions of public facilities and roadways including any necessary on-site and off-site facilities to connect to existing public facilities;
 - (3) Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities, whether on-site or off-site;
 - (4) Demonstrating to the City that the public facilities are adequate;
 - (5) Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable;
 - (6) Providing for all operations and maintenance of the public facilities until the City or other public entity accepts the improvements;
 - (7) Providing all security, if required in Section 19.8, for the construction of the public facilities;
 - (8) Obtaining approvals from the applicable utility providers other than the City; and
 - (9) Complying with all requirements of the utility providers, including the City and applicable drainage districts

Section 19.9.2 Reserved

Section 19.9.3 Conformance to Plans

- (a) **Conformance.** Proposed capital improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services including parks and open space, bikeway and transit, and applicable capital improvements plans, and shall meet the service levels specified in such plans.
- (b) **Thoroughfare Plan (Map) Amendments.** No Final Plat shall be approved for any subdivision within the City or its extraterritorial jurisdiction until the applicant has made adequate provision for thoroughfares as shown on the Thoroughfare Plan (Map) as approved by the City. The Thoroughfare Plan is a guide for the roadway connections and types that will be needed in the future. Subject to City Manager, or designee approval, as long as the connection is made, whether or not it is close to the exact alignment shown on the Thoroughfare Plan, no Thoroughfare Plan amendment should be necessary. The design and construction of the proposed thoroughfare shall be in conformance with the City's master plans for thoroughfares and with the *City of El Paso Development Standards for Construction (DSC)*, and shall be subject to approval by the City Manager, or designee. If a different roadway type is found to be adequate or if the connection is not proposed to be made, then the thoroughfare plan shall be amended, upon provision of a Traffic Impact Analysis of the proposed amendment in accordance with Section 19.18.
- (c) **Water and Wastewater Plans.** No Final Plat shall be approved for any subdivision within the City or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary wastewater system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided. The design and construction of the water system and of the sanitary wastewater system to serve the subdivision shall be in conformance with the El Paso Water Utilities master plans and construction standards for water and wastewater facilities and with the Rules and Regulations of the Public Service Board/El Paso Water Utilities and with the *City of El Paso Design Standards for Construction (DSC)*, and shall be subject to approval by the Utility Manager. Subdivisions either in the ETJ or recently annexed and that are not served by the EPWU but by other systems shall either meet the same EPWU requirements or the requirements of the other utility provider but also be subject to approval by the City Manager, or designee.

Section 19.10 – Dedication, Construction Requirements and City Participation

Section 19.10.1 Findings on Necessity for Right-of-Way Dedication and Construction as a Condition of Development Approval

(a) Support for New Development.

- (1) New development must be supported by adequate public facilities and services as provided for in this ordinance.
- (2) It is necessary and desirable to provide for dedication of rights-of-way and easements for capital improvements to support new development at the earliest stage of the development process.
- (3) Requirements for dedication and construction of capital improvements to serve a proposed new development shall be attached as conditions of approval of any development application that contains a specific layout of the development.

(b) Essential Nexus. There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

(c) Mitigation of Development Impacts; Proportional Share. The City desires to assure both that development impacts are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a development project contributes not more than its proportional share of such costs in accordance with this ordinance.

Section 19.10.2 In General

(a) Dedication and Construction of Improvements. The property owner shall dedicate all rights-of-way and easements for and shall construct, capital improvements within the rights-of-way or easements for water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans and construction design standards, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed, subject to the rough proportionality requirements of this ordinance.

(b) Facilities Impact Studies. The City Manager, or designee, may require that a property owner pay the costs including any consulting fees associated with the preparation of a comprehensive Traffic Impact Analysis, drainage study or other

public facilities study in accordance with this ordinance in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The City Manager or designee may also allow the developer to arrange for such studies in lieu of the City preparing such studies. If the study is to determine rough proportionality in accordance with this ordinance, then the City shall provide such study.

Section 19.10.3 Timing of Dedication and Construction

- (a) **Initial Provision for Dedication or Construction.** The City shall require that the submitted documents for approval and any related studies demonstrate that a proposed development shall be adequately served by public facilities and services at the time of consideration by the City Plan Commission of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a petition for an annexation agreement or a Development Agreement; an application for a Land Study, or an application for a Preliminary Plat or Final Plat. As a condition of approval of the development application, the City may require provision for dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.
- (b) **Deferral of Obligation.** The obligation to dedicate rights-of-way for or to construct one or more capital improvements to serve a new development may be deferred until approval of a subordinate development permit, or, in the case of a development proposed to be developed in phases, until a subsequent phase of the development, on the sole discretion of the City, upon written request of the property owner, or at the City's own initiative. The City must find that the deferral of the obligation to a later phase has no negative impact on the proposed development and that any additional costs are provided for. As a condition of deferring the obligation, the City may require that the developer enter into a capital improvements agreement pursuant to Section 19.8, specifying the time for dedication of rights-of-way for or provide Security for construction of capital improvements serving the development.

Section 19.10.4 Relief from Obligations

- (a) In order to achieve proportionality between the demands created on public facilities by a proposed development and the obligation to provide adequate public facilities, the City may participate in the costs of capital improvements in accordance with this Article, credit or offset the obligations against payment of any City fees, or relieve the property owner of some or part of the obligations in response to a petition for relief from a dedication or construction requirement pursuant to Article 5 of this ordinance.

Section 19.10.5 Roadway Participation Policies - Improvement of Adjacent (Perimeter) Roads and Utilities

- (a) **Improvement of the Proportional Share of an Adjacent Substandard Road.**
When an area within a proposed Plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road, drainage or utility facility as shown on the City's Thoroughfare Plan and/or adopted plans related to water and wastewater, the developer shall be required to improve the development's proportional share of the road (including appurtenant sidewalks, bikelanes, barrier-free ramps, storm drainage facilities, screening and landscaping, medians and landscaping, median openings, left turn lanes, and water quality or erosion controls), the traffic mitigation (including signalization, medians, access and deceleration lanes) and utility facilities, to bring the facilities to City standards, or to replace them with standard City road, traffic mitigation or utility facilities as determined by a traffic or other public facilities impact study. The study, if required, shall be at no cost to the City unless it is used to determine rough proportionality in accordance with this ordinance, in which case the study will be provided by the City.
- (b) **Calculation of Minimum Proportional Share.**
- (1) The developer's share of improvements to a substandard perimeter road is a minimum of twenty and a half feet (20'-6") of pavement (not including curb), or the equivalent of one-half of a collector street, along the entire front footage of the subdivision, unless the traffic impact study determines that the proportional share of the development is more, in which case that shall become the minimum share of improvements.
 - (2) The minimum developer's share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a local roadway, which is thirty-six (36') of pavement, plus the curbs, unless the traffic impact study determines that the proportional share of the development is more, in which case that shall become the minimum share of improvements. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision.

(3) The City shall participate in the costs of perimeter roads in excess of the developer's proportional share obligations and where such costs are not borne by another public entity, and in cases where the application of the standards in this Section result in a disproportional burden on the development, as determined in accordance by the City Council in accordance with Section 19.46. If the City Council determines that funds are not adequate, the City Council may choose to do one of the following;

- a. Defer the construction of the improvement, allowing the developer to provide for their share of the improvement at a later date in accordance with this ordinance; or
- b. Allow the developer to install just their portion of the improvement, provided it is adequate for minimum traffic circulation and fire protection; or
- c. Sign an agreement with the developer, if the developer proposes to construct the entire perimeter facility and be reimbursed the City's proportional share over time with interest.

(c) **Participation in Construction of Other Necessary Facilities.** The developer's share for major bridges and similar region-serving drainage structures and for railroad crossings (including the appurtenant roadway paving, sidewalks/pedestrian pathways, abutments, safety railings and cross-arms, median areas, etc.) shall be in accordance with the City of El Paso's policies for the construction of such facilities, and shall not be more than the development's proportional share of such improvement in accordance with this ordinance.

(d) **Improvements.** All streets bordering subdivisions shall be improved, and/or rights-of-way platted, in accordance with the standards prescribed herein. If the subdivider widens existing pavement, the existing pavement shall be cut back a distance required by the City Manager, or designee to assure adequate sub-base and pavement joint before additional paving material is laid on top.

(1) Existing Boundary Streets. For boundary streets which exist to some degree, for example, by previous partial dedication or prescriptive easement, the following standards shall apply.

- a. For all classifications of such streets, the subdivider must dedicate up to one-half the additional right-of-way necessary to comprise the full street width required. Dedication of more than half this additional increment may be required, in some instances, to maximize use of existing roadway and/or ensure a consistent street alignment with a minimum of undesirable curvature.
- b. For all classifications of such streets, except freeways to be completed by others, the subdivider must pave the additional portion of street right-of-way remaining to be paved, according to the adopted Thoroughfare Plan of the City for improving that street cross section. In no instance, however, shall the subdivider be required to construct

at subdivider expense more than thirty-six feet (36') of additional paving, nor shall there result in any less than a twenty-seven-foot (27') paved roadway (except if the rough proportionality portion required by a TIA is less). If the TIA indicates that the developer has a rough proportional share of additional roadway or traffic mitigation that is more than required herein, they may be required to install or pay for such improvements including turn bays, acceleration or deceleration lanes or traffic signal improvements. In lieu of actual street improvement, the subdivider may request the following exceptions, subject to City Manager, or designee and City Plan Commission approval:

- i. The subdivider shall contribute to the City their proportional share of an amount of money necessary to complete all paving, curbing and/or traffic improvements required. These funds shall be held, and eventually disposed of, in the manner described within Section 19.15.2, or
- ii. The City may participate in the road and allow the subdivider to construct such street meeting City standards and designating a time frame for completion, or
- iii. If the subdivision includes no more than two lots, then the subdivider may execute a Developer's Agreement prior to development which runs with the ownership of the land and which obligates the landowner at the time of development to place into a City of El Paso cash escrow fund the amount of money necessary to cover the developer's proportional share of the cost of all required public street improvements. The Developer Agreement shall be on a City-designated form, signed by the property owner, notarized, and filed with the official property records of the County in which the property is located. The agreement shall provide that if any proportions of the improvements have not been made within 10 years of the completion of the development, the remaining cash escrow plus any accrued interest shall be returned to the lot owners.

(2) New Boundary Street. For new boundary streets forming part of the subdivision boundary, the following standards shall apply.

- a. Local Streets. Where a local street forms part of the subdivision boundary, the subdivider shall dedicate right-of-way sufficient to make such streets conform to the requirements of this Ordinance. The subdivider shall also improve such street in conformance with all standards and specifications of the City of El Paso, including installation of curbs on both sides of the street. The City Plan

Commission may grant an exception to provide a portion of the right-of-way and street width, provided two travel lanes are provided, projected traffic is accommodated and a future phase or development will provide the balance of the right-of-way and roadway. Additional right-of-way shall be dedicated and paving shall be constructed to maintain proper intersection alignment.

- b. Collector or Arterial ROW. Where a proposed thoroughfare (other than a local street) forms part of a subdivision boundary, the subdivider shall dedicate approximately one-half the additional right-of-way necessary to comprise the full street width required by this Ordinance, up to a maximum of sixty feet (60'). Dedication of more than this additional increment may be required, in some instances, to maximize the use of existing streets and/or to ensure a consistent street alignment with a minimum of undesirable curvature.
- c. Partial Boundary Street Construction. If the right-of-way for an arterial or collector street forms part of the subdivision boundary, the subdivider shall comply with requirements of either one of the following two paragraphs:
 - i. The subdivider, as required by the City Manager, or designee, shall pave up to thirty-six feet (36') of the right-of-way in accordance with City standards and specifications (except if the rough proportionality portion required by a TIA is less). If the TIA indicates that the developer has a rough proportional share of additional roadway or traffic mitigation, they may be required to install or pay for such improvements including turn bays, acceleration or deceleration lanes or traffic signal improvements. .
 - ii. The City Manager, or designee and City Plan Commission may approve an exception allowing the subdivider to contribute to the City an amount of money equal to that necessary to complete paving and curbing as required by this Section.
- d. Freeway. If the right-of-way for a freeway lies adjacent to or forms part of the subdivision boundary and the paving will be provided by others, no paving improvements shall be required of the subdivider.

Section 19.11 - Extraterritorial Jurisdiction (ETJ) Standards

Section 19.11.1 General Provisions

- (a) Owners of property within the extraterritorial jurisdiction who propose a subdivision of land shall be subject to the provisions of Section.11. The regulations contained within this Section 19.1 and including the Design Standards for Construction, shall be applicable except as modified by this Section 19.1.
- (b) **Plat Applications within the Extraterritorial Jurisdiction.** Where the land to be platted lies within the extraterritorial jurisdiction of the City of El Paso, no Minor Plat, Preliminary Plat, Final Plat or Replat application shall be accepted as complete in accordance with Section 19.37.2 for submission by the responsible official unless the application is accompanied by verification that a copy of such Plat has been delivered to the County of El Paso. If the City has not received a decision from the County of El Paso on matters pertaining to the Final Plat application which are to be determined by the County of El Paso, the application for Final Plat approval shall be accepted for submission by the City, but shall either be approved subject to subsequent County approval or be denied, unless a Waiver of Right to 30-day Action is approved. No Final Plat shall be recorded with the County Clerk until both the City of El Paso and El Paso County have approved and the appropriate officials have signed such Final Plat.
- (c) **Ordinance Conflicts.** Since the area within the ETJ is subject to the subdivision platting rules and regulations of both the City of El Paso and the County of El Paso, and those regulations may be different, conflicts between the regulations will arise. The more stringent of those rules and regulations shall apply.
- (d) **Connections to Existing EPWU Water or Wastewater System Outside the City Limits.** Applications for connection to existing portions of the EPWU water or wastewater system, pursuant to the EPWU Rules and Regulations, for uses located outside the City limits will be granted only with the approval of the Utility Manager.

Section 19.11.2 Water and Wastewater Service

Subdivisions within the extraterritorial jurisdiction shall provide water and wastewater service in accordance with the provisions of this section, provided that nothing within this section is intended to conflict with state law or the rules and regulations of the Texas Commission on Environmental Quality, or to interfere with any permit, license or certificate, to include but not limited to a certificate of public convenience and necessity, granted by the State or TCEQ that establishes who is responsible for providing water and waste water service to a specified area. The City Plan Commission shall not grant a subdivider Final Plat approval unless the subdivision application meets all of the following:

- (a) **Water Service.** All subdivisions shall provide a complete water service and distribution system capable of delivering potable water to every lot in the subdivision

in sufficient capacity to provide for the complete water use needs of the subdivision, and complying with the following:

- (1) Water service shall be provided by the El Paso Water Utilities in accordance with the EPWU Rules and Regulations.
- (2) In the event the El Paso Water Utilities does not agree to provide water service within the time limits stated in this ordinance, the subdivider shall provide water service in accordance with this ordinance.
- (3) Where drinking water is to be supplied to a subdivision from a public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in the Texas Administrative Code (TAC).
- (4) **Retail Utility Agreements.** Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility on the Retail Public Utility Agreement Form available at the City. The agreement must provide that the retail public utility has or will have prior to Final Plat approval the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty years. The agreement must reflect that subdivider has paid, or provided financial guarantees for the payment of, the cost of water meters or other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service will be available to each lot.
- (5) **Design and Construction.** All water facilities within a subdivision within the ETJ of El Paso meeting Section 19.12.1 shall be designed and constructed to City and El Paso Water Utilities (EPWU) standards and to all state laws, policies, standards, rules and regulations for an approved public water system, including those covering the preparation, submittal and approval of plans and specifications for water systems and acceptable operating practices, and in conformance with all laws, policies, standards and rules and regulations for establishing the ISO rating of the City and current fire codes of the City, provided such service is to be provided by EPWU. If water is provided by a water district or other provider holding a permit of Certificate of Convenience and Necessity (CCN), the water facilities shall be designed and constructed per the standards of that entity and the TCEQ. If an area is subsequently deannexed by the non-EPWU provider, then water facilities shall be designed and constructed to EPWU standards.
- (6) **Non-EPWU Systems.**

Within the extraterritorial jurisdiction, if the El Paso Water Utilities determines within 60 days of the filing of a complete application, as defined in EPWU Rules and Regulations, that public water service cannot be provided within twelve months from the date of its action on the water

application, the subdivider shall be allowed to provide water service through a TCEQ approved water system..

(7) Nonpublic Water Systems.

- a. An exception may be granted by the City Plan Commission in unique situations for a subdivision to be supplied by a non-public water system.
- b. The developer shall provide documentation that a financial mechanism such as a Public Improvement District to fund and operate such a non-public water system is or will be in place prior to development. Such systems must meet all requirements of this Section and be approved by the City Manager, or designee.

(8) Individual Wells Within the ETJ.

- a. Individual wells within the ETJ shall be subject to approval by the appropriate health official and this approval shall be documented by the appropriate health official's signature on the water system statement on the Plat. The developer must submit with the Plat application a certificate from a professional engineer registered in Texas or a geoscientist licensed to practice in Texas verifying the adequacy of the proposed source of well supply prior to Plat approval.
- b. Compliance with Other Regulations. Installation, operations and maintenance of individual wells shall comply with City and EPWU standards, regulations of the TCEQ, any other applicable State rules and regulations. In the event of conflict among these regulations, whichever is the most stringent shall apply.

(9) Testing. Where individual wells or other nonpublic water systems are proposed for the supply of drinking water to residential establishments, a test well or wells located so as to be representative of the quantity and quality of water generally available from the supplying aquifer shall be drilled by the subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. The subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (thirty years) quantity of the available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC.

- a. Without any treatment to the water; or
- b. With treatment by an identified and commercially available water treatment system.

- (10) **Transportation of Potable Water.** The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.
- (b) **Wastewater Service.** All subdivisions shall provide a complete wastewater collection system capable of properly removing wastewater from every lot in the subdivision in sufficient capacity to provide for the complete removal of all wastewater generated by the subdivision, and complying with the following:
- (1) Wastewater service shall be provided by the El Paso Water Utilities in accordance with EPWU Rules and Regulations.
 - (2) The EPWU shall process an application and determine wastewater provision in the same manner as the water service determination in 19.11.2 (a) (6). If wastewater cannot be provided within said 12 months, the subdivider shall provide wastewater service in accordance with one the following:
 - a. **Public sewerage facilities** (other than El Paso Water Utilities):
 - i. A subdivider who proposes the development of an organized wastewater collection and treatment system shall obtain a permit to dispose of wastes from the Texas Commission on Environmental Quality (TCEQ) and approval of engineering planning materials for such systems in accordance with the 30 Texas Administrative Code (TAC).
 - ii. A subdivision that proposes to dispose of wastewater by connecting to an existing permitted facility shall provide a copy of the written agreement with the permittee or retail public utility on the Retail Public Utility Agreement Form available at the City. The agreement shall indicate a willingness and capacity to serve the proposed development, the total occupancy of the proposed subdivision. Engineering plans for the proposed wastewater collection lines shall be approved by the TCEQ prior to construction.
 - b. **On-site sewage facilities.** Where the El Paso Water Utilities or other public wastewater system is not required or planned to be extended in the ETJ, in accordance with applicable standards of this Section, the authorized health authority may grant an exception to provide wastewater service to a subdivision with on-site sewage disposal systems. Plans shall be prepared for installation of on-site sewage disposal systems designed to serve each lot in the subdivision. Where non-EPWU wastewater lines are planned to collect wastes for transport to private, self-contained sewage treatment facilities within the subdivision, both the sewage collection system as well as necessary treatment facilities shall be installed by and at the expense of the subdivider. Plans and installation of such

improvements must be approved by the City Manager, or designee. The developer shall provide documentation that a financial mechanism such as a Public Improvement District to fund and operate such a waste-water system is or will be in place. Such systems must meet all requirements of this Chapter and be approved by the City Manager, or designee

- i. A sewage disposal plan shall be designed by a registered professional engineer or registered sanitarian.
 - ii. On-site sewerage facilities for the on-site disposal of sewage in the amount of five thousand gallons per day or greater shall obtain a wastewater permit from the TCEQ.
 - iii. On-site sewerage facilities not required to obtain a wastewater permit from the TCEQ shall obtain a "permit to construct" from an authorized agent in accordance with the Texas Health and Safety Code, other applicable state codes and the Sewage Facility Order of El Paso County, Texas.
 - iv. On-site sewerage facilities proposed near lakes, water retention ponds or rivers shall be licensed and installed in accordance with the requirements established by the TCEQ in the Texas Administrative Code (TAC).
 - v. On-site sewerage facilities proposed within aquifer recharge zones shall be licensed and installed in accordance with the requirements established by the TCEQ in the Texas Administrative Code (TAC).
 - vi. Proposals for on-site sewage disposal systems shall be subject to the review, approval and inspection of the TCEQ or its authorized agent to assure that the systems are in compliance with the Texas Health and Safety Code and the Texas Administrative Code (TAC).
 - vii. Plans for on-site sewage disposal, as well as actual installation of such facilities, shall be subject to approval by appropriate public health authorities in order to meet requirements of this Chapter. Sewage disposal facilities requiring soil absorption systems may be prohibited where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. To this end, the City Plan Commission shall require that the subdivider note on the face of the Plat that soil absorption fields are prohibited in designated areas
- c. **Reclaimed Water Systems for Reuse of Treated Wastewater.**
- i. Any proposal for sewage collection, treatment and disposal which includes reclaimed water reuse shall meet the minimum criteria of the Texas Administrative Code (TAC).
 - ii. Any proposal for on-site sewerage facilities which includes provisions for reclaimed water reuse shall meet the minimum criteria of the Texas Administrative Code (TAC).

- d. The disposal of sludge from water treatment and wastewater treatment facilities shall meet the criteria of the 30 Texas Administrative Code (TAC).
- e. The subdivider shall provide the following setbacks for all lots within a subdivision, notwithstanding the separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or potable water supplies: a minimum of ten feet from streets and other public rights-of-way and a minimum of five feet from adjacent property lines.

(c) Submission Contents.

1. Final Engineering Report. The Final Plat shall be accompanied by an engineering report regarding the availability and methodology of providing wastewater treatment service prepared meeting the requirements of the DSC, and bearing the signed and dated seal of a professional engineer registered in the state of Texas.
2. On-Site Sewerage Facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by the TAC, including the site evaluation described by the TAC, requirements and all other information required by applicable OSSF regulations.
3. Public Water Systems. Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement with the retail public utility on the Retail Public Utility Agreement Form available at the City. It must provide that the retail public utility has or will have prior to development the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty years and that the subdivider has provided for the payment of costs or fees for the connection of each individual lot to the public water system, including water meters, water acquisition fees, or other necessary expenses required by the retail public utility. Before Final Plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project, which may include the TCEQ and the health in addition to the responsible departments of the city. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study which shall include comments regarding the long term (thirty years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision.
4. Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a certificate of convenience and necessity ("CCN") from the TCEQ and include evidence of the CCN issuance with the Plat. Before Final Plat submission, an acquisition or wholesale water supply agreement that will

provide a sufficient supply to serve the needs of the subdivision for a term of not less than thirty years must be provided.

5. **Nonpublic Water Systems.** Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with Section 19.11.2(A)(3). The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to Section 19.11.2(A)(3) does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the County at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The engineer shall issue a statement confirming the availability of groundwater supplies to serve the fully developed subdivision over the next thirty years. Such statement may be based on information available from the Texas Water Development Board's Office of Planning. The description of the required sanitary control easement shall be included.
6. **Organized Sewerage Facilities.** Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish a contractual agreement with the retail public utility on the Retail Public Utility Agreement Form available at the City. It must provide that the retail public utility has or will have prior to development the ability to treat the total flow anticipated from the ultimate development and that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is immediately available to each lot. Before Final Plat approval, an appropriate permit to dispose of wastes shall have been obtained from the TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
7. Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility, and obtain a CCN from the TCEQ. Before Final Plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the TCEQ and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(d) Prerequisites to Approval.

1. Since State law requires action on a plat within 30-days of a determination of completeness, the City shall, in accordance with this ordinance, approve,

deny or approve subject to conditions a final plat in the ETJ unless a Waiver of Right to 30 day action is provided by the developer. The conditions may include a requirement that County or utility approvals be obtained.

2. The subdivider shall provide evidence that the plans and specifications for construction including any change orders filed with the appropriate authorities have been approved in accordance with the criteria established within this Chapter and the approval from the TCEQ.
3. The subdivider shall provide evidence that the subdivision application has received approval from the El Paso authorized local health agent or department with jurisdiction in accordance with the Texas Administrative Code (TAC) regarding On-site Sewage Facilities, and the Sewage Facility Order of El Paso County, Texas, as applicable.
4. Additional Information. The city may, at its option, require additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the Plat approval process. Such information may include, but not be limited to:
 - a. Layout of proposed street and drainage work;
 - b. Legal description of the property;
 - c. Existing area features;
 - d. Topography;
 - e. Flood plains;
 - f. Description of existing easements;
 - g. Layout of other utilities;
 - h. Notation of deed restrictions;
 - i. Public use areas; or
 - j. Proposed area features.

(e) **Scope of Standards.** All Plats for residential developments and manufactured home parks shall comply with the minimum standards of this section. Subdivisions are presumed to be residential developments unless the land is restricted to nonresidential uses on the Final Plat and on all deeds and contracts for deeds, or by restrictive covenants recorded in the office of the County clerk with the Final Plat.

Section 19.11.3 Lot Requirements -Extra-Territorial Jurisdiction

(a) Residential Subdivision Lot Sizes:

- (1) In a subdivision in the ETJ where public water and public sewers are provided and on-site ponding is not used, the minimum lot areas shall be six thousand square feet or as approved by the County El Paso, provided a minimum lot width of fifty feet and a minimum lot depth of ninety feet shall be provided.

- (2) In a subdivision in the ETJ where public water and public sewers are provided, and on-site ponding is used, the minimum lot areas shall be ten thousand square feet with a minimum lot width of at least one-third the lot depth.
- (3) Subdivisions in the ETJ served by a public water system, but utilizing individual methods of sewage disposal shall provide for lots of at least one-half acre. In calculating lot or tract sizes, access easements or rights-of-way adjacent to or through such lots shall not be used to satisfy the one-half acre requirement.
- (4) Subdivisions in the ETJ utilizing individual water supply systems, individual methods of sewage disposal shall provide for lots of at least one acre. In calculating lot or tract sizes, access easements or rights-of-way adjacent to or through such lots shall not be used to satisfy the one-acre requirement.
- (5) An exception to the minimum lot size requirements in the ETJ of this section may be granted by the City Plan Commission, upon approval in advance by the TCEQ and the appropriate health official of a sewage disposal plan for on-site sewage disposal prepared by an engineer or sanitarian registered in the State of Texas.
- (6) No more than one single-family detached dwelling shall be located on each subdivision lot in the ETJ. A notation of this restriction shall be placed on the face of the recording Plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the ETJ subdivision. Where otherwise authorized, proposals which include multifamily residential structures shall include adequate, detailed planning materials required by the city for determination of proper water and wastewater utility type and design.

(b) Manufactured Home Park Space Sizes.

- (1) The minimum lot area for a manufactured home park where public water and public sewers are provided shall be thirty thousand square feet with a minimum lot width of one hundred feet and a minimum lot depth of three hundred feet. In a manufactured home park where individual manufactured spaces are for lease, the minimum manufactured home space area shall be four thousand five hundred square feet with an average space width of forty-five feet and a minimum space depth of one hundred feet.
- (2) The minimum lot requirements for manufactured homes on individually owned lots in subdivisions shall meet the requirements for a single family lot in Section 19.11.3.a.
- (3) Parks for manufactured homes served by a public water system, but utilizing individual methods of sewage disposal, shall provide a minimum one-half acre for each manufactured home space. In calculating the minimum

manufactured home space area, access easements or rights-of-way adjacent to or through such manufactured home space shall not be used to satisfy the one-half acre requirement.

- (4) Parks serving manufactured homes utilizing individual water supply systems and individual methods of sewage disposal shall provide a minimum one acre for each manufactured home space. In calculating the minimum manufactured home space area, access easements or rights-of-way adjacent to or through such manufactured home space shall not be used to satisfy the one-acre requirement.
 - (5) The space size requirements of this section may be modified by the City Plan Commission, upon approval in advance by the TCEQ and authorized local health agent or department with jurisdiction of a sewage disposal plan for on-site sewage disposal prepared by an engineer or sanitarian. The design shall show proposed well locations within a one hundred fifty foot radius (sanitary control easement) around the well in which no subsurface sewage system may be constructed; except that a watertight sewage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than one hundred fifty feet. In no instance shall the area available for the on-site sewage system be less than two times the design area. The on-site sewage system shall be designed in accordance with the requirements of this Chapter. A finding under this subsection shall only be made upon proof that the on-site sewage system can be operated without causing pollution, a nuisance, or a threat or harm to an existing or proposed water supply system. When a property abuts any public street or alley in which there is a public sewer within three hundred feet from the closest point of the property, and when the on-site sewage system causes pollution, a nuisance, or a threat or harm to an existing or proposed water supply system as determined by the TCEQ and/or the authorized local health agent or department with jurisdiction, the property shall be required to connect to the public sewer.
 - (6) No more than one manufactured home shall be located on each manufactured home space in a manufactured home park. A notation of this restriction shall be placed on the face of the Final Plat of the subdivision.
- (c) **Building Lines.** Front building lines shall be shown for all lots on all Plats submitted for land within the City's ETJ, and shall be as follows:
- (1) The minimum building setback from lot boundaries adjacent to street rights-of-way shall be as follows in subsection "a" below, except as specified in subsection "b."
 - a. Setback from boundary adjacent to freeway (without frontage road in place): Forty feet (40').
Setback from boundary adjacent to freeway (with frontage road in place): Thirty feet (30').

Setback from boundary adjacent to arterial or Collector Street: Thirty feet (30').

Setback from boundary adjacent to a local street: Twenty-five feet (25').

- b. For new lots created by re-subdivision of land originally subdivided before 1985, the minimum building setback from street-side boundaries shall be the same as that indicated on the most previously recorded Plat or Replat of the particular lot(s) under consideration. In all cases, however, there shall be required a front yard of not less than twenty feet (20') and an exterior side yard of not less than fifteen feet (15'), where no building setback lines are represented on a previously recorded Plat or Replat.

Section 19.11.4 Other Infrastructure Requirements in the ETJ

- (a) **Parks.** Subdivisions located within the ETJ of El Paso shall meet the park requirements of the City contained within Section 19.20. Any land conveyed to the City for future park purposes shall be identified on the plat as a legal lot with lot number. The developer shall provide to the City a warranty deed, approved by the city attorney's office, conveying the property to the City for park purposes. Land acquired by the city for park purposes under the provisions of this section will not be maintained or improved by the County. A sign with city contact information shall be placed upon the site noting that the lot is owned and maintained by the City of El Paso. Upon acceptance by the City, the City shall have the responsibility to maintain the parkland, facilities and any improvements provided by the dedication or subsequently made to the park in accordance with Section 19/20.
- (b) **Street Lighting.** Subdivisions within the ETJ of El Paso shall make provisions for street lighting in accordance with the requirements of the County.

Section 19.11.5 Deferred Construction of Improvements in the ETJ

In order to not create disincentives to development within the City Limits of El Paso and to avoid future expenses for the taxpayers of the City to bring newly annexed, developed areas up to city standards, the City will require, where possible, the actual infrastructure required by this ordinance to be installed or constructed. Where such improvements cannot be constructed at the time of plat approval, the City may require cash escrow to offset the future expense in accordance with Section 19.8. If the City Manager or designee determines that an improvement may not be constructed within 10 years, it may waive the requirement for cash escrow for such improvements.

Section 19.12 - Water

Section 19.12.1 Water Extension and Installation

- (a) **Water Required for Public Safety.** All lots, tracts or parcels on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection.
- (b) **Responsibility.**
- (1) Within the corporate limits and the extraterritorial jurisdiction (ETJ) the subdivider shall make application to the El Paso Water Utilities if within their designated service area for water service prior to submitting an application for subdivision approval. The El Paso Water Utilities shall act upon the water application within sixty days of the receipt of the completed application.
 - (2) Within the corporate limits, if the El Paso Water Utilities determines that public water service can be provided to the subdivision within twelve months from the date of its action on the water application, the subdivider shall provide water service through the public water system. If the EPWU determines that service cannot be provided to the subdivision within 12 months, then the development shall be considered to not have adequate facilities under Section 19.9.1 until such time as service can be provided or the developer makes arrangement for such service.
 - (3) The subdivider shall install and pay for all water extensions and associated facilities, including fire hydrants, in accordance with all standards required by this Section of this Chapter, the El Paso Water Utilities (EPWU) and all other City ordinances, except to the extent that Sections 19.14.1 and 19.10 provide for refunding the cost of certain water mains larger than eight inches (8") in diameter.
 - (4) All such extensions and facilities shall be installed within a public right-of-way or easement designated for utility access.
 - (5) Upon certification that municipal water extensions and associated facilities have been completed in conformance with applicable standards and specifications, such extensions and facilities shall be dedicated to and accepted by EPWU.
- (c) **Extension and Related Expense.** Where the EPWU's water distribution system is not planned to be extended, all necessary water facilities shall be provided by and at the expense of the subdivider.

Section 19.12.2 The El Paso Water Utilities System

- (a) **Installation of Water Facilities.** Where water is to be provided through the EPWU system, the developer shall install adequate water facilities, including fire hydrants, in accordance with the current Rules and Regulations for Public Water Systems of the TCEQ, the Rules and Regulations of the El Paso Water Utilities/Public Service Board (EPWU/PSB) and the firefighting standards of the Texas Board of Insurance, and the standards and specifications of the City and EPWU.
- (b) **Facilities for Health and Safety Emergencies; Alternative Water Sources.** All water facilities connected to the EPWU water system shall be capable of providing water for health and emergency purposes, including fire protection. Water supply facilities shall be in accordance with City and EPWU. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:
- (1) Design and construction of a water source on the site shall be in accordance with applicable regulations of the TCEQ.
 - (2) Design and construction of water service from the EPWU shall be in accordance with the standards in the City's DSC and of EPWU.
 - (3) Design and construction of a fire protection and suppression system shall be in accordance with the standards of the DSC, the EPWU, the City's adopted Fire Code, Section 9.52 of the Code and be approved by the City Manager, or designee, Utility Manager and Fire Department.

Section 19.12.3 Location; Performance Guarantees

- (a) **Subdivision Improvement Plans.** The location of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the Subdivision Improvement Plans and shall be in accordance with the Rules and Regulations of the El Paso Water Utilities/Public Service Board (EPWU/PSB) and the City of El Paso, if applicable.
- (b) **Cost.** The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.
- (c) **Location of Lines.** Extension of water and wastewater lines shall be made along the entire frontage of the Plat adjacent to a street or thoroughfare.
- (1) If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions.
 - (2) If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the Utility Manager and City Manager,

or designee may waive the requirement for construction of utility lines adjacent to or extending utility lines to beyond the subdivision at the time of Final Plat approval and prior to construction of the subdivision.

- (d) **Compliance with Other Regulations.** Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ, and with any other applicable State rules and regulations, whichever is the most stringent requirement.

Section 19.12.4 Individual Wells

- (a) **Within the Corporate City Limits.** Individual wells within the Corporate City Limits of El Paso shall be discouraged. If, in a unique case, an exception is granted to a single property that may not otherwise be served by the authorized local health agent or department with jurisdiction to utilize individual wells, such individual well shall meet all requirements for individual wells contained in Section 19.11.

Section 19.13 - Wastewater

Section 19.13.1 Wastewater Extension and Installation

- (a) **Wastewater Collection and Treatment Required for Public Safety.** All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment. The El Paso Water Utilities (EPWU) Utility Manager shall be responsible for determining the approved means of wastewater collection and treatment. The Utility Manager may coordinate with the City to require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. Subdivisions either in the ETJ or that have recently been annexed and are not served by the EPWU shall meet the same requirements but be subject to approval by the City Manager, or designee.
- (b) **Responsibility.**
- (1) Within the corporate limits and the extraterritorial jurisdiction (ETJ) the subdivider shall make application to the El Paso Water Utilities for wastewater collection service prior to submitting an application for subdivision approval. The El Paso Water Utilities shall act upon the wastewater application within sixty days of the receipt of the completed application.
 - (2) Within the corporate limits, the subdivider shall provide wastewater service through the public wastewater system.
 - (3) Within the corporate limits, if the EPWU determines that public wastewater service can be provided to the subdivision within twelve months from the date of its action on the wastewater application, the subdivider shall provide wastewater service through the public wastewater collection system. If the EPWU determines that service cannot be provided to the subdivision within 12 months, then the development shall be considered to not have adequate facilities under Section 19.9.1 until such time as service can be provided or the developer makes arrangement for such service.
 - (4) The subdivider shall install and pay for all municipal wastewater extensions and associated facilities in accordance with all standards required by this Section of the Chapter, the EPWU/PSB Rules and Regulations and all other City ordinances, except to the extent that Sections 19.14.1 and 19.10 provides for refunding the cost of certain wastewater mains larger than twelve inches (12") in diameter.
 - (5) All such lines and facilities shall be installed within a public right-of-way or easement designated for utility access.
 - (6) Upon certification that municipal wastewater extensions and associated facilities have been completed in accordance with applicable standards and specifications, such extensions and facilities shall be dedicated to the El Paso Water Utilities.

Section 19.13.2 The El Paso Water Utilities Wastewater System

- (a) **Extension.** Extension of the EPWU wastewater system shall be required for any subdivision within City limits. Extension of municipal wastewater lines shall be done in accordance with adopted policies and Rules and Regulations of the EPWU/PSB.
- (b) **Design Requirements.** Where wastewater is to be provided through a centralized system, the developer shall install adequate facilities, subject to the standards and specifications of the EPWU and state design criteria for wastewater systems.
- (c) **Existing System.** Where insufficient capacity exists downstream of a proposed connection, the replacement and upsizing of the existing main is required of the developer. The installation of a parallel main is prohibited, unless approved by the Utility Manager. Installation for lines in excess of 12 inches may be eligible for reimbursement in accordance with Section 19.10.

Section 19.13.3 Location; Performance Guarantees

- (a) **Subdivision Improvement Plans.** The location of all wastewater improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, shall be shown on the Subdivision Improvement Plans and be in accordance with the Rules and Regulations of the EPWU.
- (b) **Cost.** The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

Section 19.14 – Utilities Generally

- (a) General Provisions.
- (1) Utilities shall include water, wastewater, natural gas, electric, cable television, telephone and other public utilities.
 - (2) All utilities shall be located underground in any new residential subdivision.
 - (3) Within nonresidential subdivisions, utilities shall be located underground unless the adjacent property has overhead utility lines.
 - (4) Underground utilities may be buried in dedicated easements or in rights-of-way.
 - (5) In residential or non-residential subdivisions and in those that are considered "infill" development or redevelopment, overhead electrical utilities may be utilized if the surrounding existing development has overhead electric utilities.
 - (6) Electrical transmission lines over 24 KV shall not be required to be placed underground.
 - (7) Overhead electrical distribution lines shall be permitted in industrial and/or commercial parks.
- (b) Placement.
- (1) The placement and separation of the various utilities within an easement or right-of-way shall conform to the Development Standards for Construction contained in the DSC. The placement and separation of water and wastewater utilities shall also conform to the requirements of the Texas Commission on Environmental Quality (TCEQ).
 - (2) If a water or wastewater main is to be placed in a shared easement, the location of such main in relation to the other utilities shall be coordinated with the affected utility agencies.

Section 19.14.1 Utility Connection

- (a) **Participation and Extension Policies.** A property may not be served or connected with water, wastewater, electricity, gas or other utility service unless the owner of the property has been issued or otherwise holds a certificate of compliance applicable to the land to be served or connected as provided in Section 19.37.14. For purposes of this section, utility service and connection shall not include the laying of utility facilities, or the installation and use of meters or hook-ups required for construction of any required subdivision improvements or buildings. Provided, however, that a property may be served or connected with water, wastewater, electricity, gas or other utility service regardless of whether an entity is presented with or holds a certificate of compliance when:
- (1) The property, or any portion thereof, was first served or connected by a public utility that provides water, wastewater, electricity, gas or other utility service before September 1, 1987; or
 - (2) The property, or any portion thereof, was first served or connected by either a utility service corporation organized and operating under Article 1434a, Vernon's Texas Civil Statutes or a special district or authority created by or under state law

that provides utility service, with water, wastewater, electricity, gas or other utility service before September 1, 1989; or

- (3) The City Manager or designee issues a certificate stating that:
- a. The land, before September 1, 1995, was sold or conveyed to the person requesting service by any means of conveyance, including a contract for deed or executory contract; and
 - b. The land is located in a subdivision in which utility service has been previously provided; and
 - c. The land is located within the extraterritorial jurisdiction; and
 - d. Construction of a residence on any portion of the property, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 1997; and
 - e. The person requesting utility service provides either:
 - i. A copy of the means of conveyance or other documents that show that the land was sold or conveyed to the person requesting utility service before September 1, 1995, and a notarized affidavit by that person that states that construction of a residence on the property, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 1997, or
 - ii. A notarized affidavit by the person requesting utility service that states that the property was sold or conveyed to that person before September 1, 1995, and that construction of a residence on the property, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 1997; and
 - f. The utility service provider provides utility service to property described by subsection 19.14.1(a) (3) only if the person requesting service:
 - i. Is not the land's subdivider or the subdivider's agent, and
 - ii. Provides to the utility service provider a certificate from the City Manager or designee as described by subsection 19.14.1(a) (3).
- (4) **Applicability.** This section shall apply to land that is first served or connected with water or wastewater service, or both, on or after July 11, 1995 (passage of Ordinance No. 012475). (Ord. 13907 § 4, 1998: Ord. 13111 § 1 (part), 1997)
- (5) **Exception.** An exception may be granted in accordance with Section 19.48 when the City Plan Commission determines, following a recommendation by the director of the authorized local health agent or department with jurisdiction, that a threat to public health and safety may result from an existing water supply system or on-site sewage system on property which has been privately developed without a subdivision as required by this Chapter; and where the strict application of these regulations cannot be observed due to the existing

conditions of the property. For purposes of this subsection, property which has been privately developed shall include any portion of a tract or parcel of land on which a structure has been permanently located on the ground, or has been attached to something having a permanent location on the ground, and which has been continuously occupied for any use.

Section 19.14.2 Utility Location Policies

- (a) **Placement.** It is in the City's best interest to coordinate and regulate the placement of utilities within public right-of-ways or public or private easements. Such regulations and coordination shall be managed under the general standards of this Section 19.14.
- (b) **Standards.**
- (1) Public Street rights-of-way shall be the preferred location for all utility extensions to the extent reasonably possible.
 - (2) In order to accommodate the multiple public and franchise utilities within the public street right-of-way, there shall be a minimum amount of unpaved right-of-way outside of and in addition to the right-of-way covered by street paving, sidewalk and curb-and-gutter in accordance with the DSC street cross sections and requirements. This unpaved area may be between the curb and sidewalk or on the outside of the sidewalk. The minimum roadway cross sections in Section 19.15 have been designed with a minimum area behind the curb, and sufficient right-of-way to meet this requirement in accordance with the DSC shall be dedicated to accommodate over-width sidewalks, bikeways, or any surface improvement.
 - (3) Easements on private property may be used in the following instances and under conditions specified therein:
 - a. For pedestal, transformer and utility hut pads;
 - b. Where special developments (i.e. cluster subdivisions and planned development districts) occur;
 - c. Where public or private streets are platted lacking sufficient parkway to install required and franchise utilities and, even then, such easements as needed shall be provided adjacent and parallel to the street;
 - d. Where on site ponding is proposed and the parkway is proposed to be removed to accommodate the onsite ponding, then the utilities must be located in an adjacent easement; and,
 - e. Where unusual circumstances prevent use of the public right-of-way or Private Street.

- f. Easements shall be a minimum of 10 feet on private property, or as specified by the utility provider utilizing the easement.
- (4) Prior to the pavement installation, the subdivider shall obtain a written release from each utility provider indicating that required utility installation is complete. Subdividers shall provide such release to the City.
- (5) A joint trench for electric and communication utilities shall be provided, in accordance with the DSC. Separate trenching for electric and communication utilities will be allowed only:
 - a. In the Mountain Development Area, in accordance with Section 19.24.
 - b. For individual street crossings.
 - c. For service drops
 - d. Where existing service feeds or sources are coming from demonstrably different directions
 - e. In replats where existing utilities are in separate trenches.
- (6) Conduit, to accommodate electric, telephone and cable television service lines at street crossings extending from closures on one (1) side of the street, shall be provided. Utilities shall meet the locational criteria, if any, contained in the DSC.

Section 19.14.3 Utility Easements on Platted Lots

- (a) **Side of Platted Lots.** Side lot easements are discouraged and shall be allowed only where severe topographic constraints exist or the easements are necessary to serve the property or adjacent property. If one or more utilities must be located at the side of platted lots, an easement shall be designated as prescribed below:
 - (1) The easement shall be a minimum of ten feet (10') in width or as specified by the utility provider utilizing the easement and shall be located entirely within the boundaries of one lot.
 - (2) The property owner whose property is subject to such easement shall be responsible for its maintenance and shall keep it free and clear of any permanent building or structure with the exception of fencing. No building permits shall be issued to place any building or other improvement on, over, or within such easement, in whole or part.

Section 19.15 - Roadways

Section 19.15.1 Adequacy of Streets and Thoroughfares

- (a) **Responsibility for Adequacy of Streets and Thoroughfares.** The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the City's cost participation policies on oversized facilities. Additional right-of-way may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.
- (b) **General Adequacy Policy.** Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular, bicycle and pedestrian traffic to be generated by the development. Adequacy as it relates to public improvements including roadways is attained by complying with the requirements and standards of this ordinance, the DSC and all related City ordinances. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be related to the City's Thoroughfare Plan, road classification system, Comprehensive Plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
- (c) **Road Network.** New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, safe and efficient traffic circulation and roadway network connectivity. The adequacy of the road network for developments that meet the requirements of Section 19.18.1(b), Traffic Impact Studies (TIA), shall be demonstrated by preparation and submission, prior to or along with Land Study or the Preliminary Plat application, of a Traffic Impact Analysis prepared in accordance with Section 19.18 (Traffic Impact Analysis). The study shall address accommodating traffic generated by the development, land to be developed in common ownership and other developed property.
- (1) In the event the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the City Manager, or designee may require a demonstration of adequacy pursuant to this article for additional phases or portions of the property as a condition of approval for the proposed Preliminary Plat.
- (d) Major and minor arterials, collectors and other thoroughfares appearing on the City's adopted bike plan shall have bike and hike pathways constructed on both sides of the street. For major and minor arterials, collectors and other thoroughfares not appearing on the City's adopted bike plan, bike and hike pathways may be constructed on one side or both sides of the street.
- (e) **Traffic Calming.** Traffic calming may be provided by the developer or may be required in accordance with the adopted Neighborhood Management Policy and in accordance with the DSC by the City Manager or designee.

Section 19.15.2 Subdivider Responsibility

- (a) **Safety, Convenience, Functionality.** Proposed roads serving new development shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall conform to the applicable master thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New developments shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation as determined by staff and or a Traffic Impact Analysis.
- (b) **Streets, Generally.** All streets, including curb and gutter improvements, sidewalks, and required infrastructure shall be provided by and at the expense of the subdivider, subject to the rough proportionality provisions of this ordinance. The subdivider shall dedicate all rights-of-way in accordance with 19.15.5(c). The subdivider shall install streets at all locations and in accordance with all standards required by this Chapter.
- (1) The subdivider shall pay the cost of all such improvements, except as follows:
- a. Arterial Streets and Collectors Within Subdivision Boundaries. If the right-of-way for any arterial or collector street lies entirely within the boundaries of any subdivision or portion thereof, the City shall have the option of designing the arterial or collector and/or of being responsible for awarding the contract for construction of required improvements, or allowing the subdivider to arrange for the construction of such arterial provided developer/city participation is in accordance with state bidding statutes. The subdivider shall deposit his share of construction costs with the City prior to award of the contract. The subdivider's share shall include the cost of pavement, curb and gutter, and sidewalks for a street thirty-six feet (36') wide or the roughly proportional share as determined by a TIA.
 - b. Arterial and Collector Streets Bordering Subdivision Boundaries. If the right-of-way of any arterial or collector street forms part of the subdivision boundary, the subdivider shall dedicate the right-of-way and either improve the street in conformance with this Section and Section 19.10.5 or contribute to the City an amount of money equal to that necessary to improve the street in conformance with this Section and Section 19.10.5. All money received from subdividers for improving boundary streets shall be deposited in an appropriate fund(s) of the City. When the City Council resolves to design and improve a bounding arterial or collector street to standards appropriate to its use, then the Assessment Fund or similar funds shall be utilized in payment of necessary construction costs.
 - c. Improving State or Federally Owned Right-of-Way. If the right-of-way for any thoroughfare owned by the State or Federal government lies within or adjacent to the subdivision, the subdivider shall not be required to

pave any portion of it. The subdivider shall, however, arrange to construct or contribute to the City an amount of money equal to that necessary to furnish curb and gutter and sidewalk improvements to any State- or Federally-owned arterial lying within or adjacent to the subdivision, if adequate improvements do not already exist but are determined to be necessary within the next 10 years and are not funded by others. The developer may also be required, based on the TIA, to contribute their rough proportional share of additional frontage road lanes, acceleration or deceleration lanes or bus turnouts. Funds shall be deposited and disposed of in a fashion similar to that described in the preceding paragraph (1) b of this subsection, concerning improvements to arterial streets bordering subdivision boundaries.

- (2) Existing Boundary Streets For Small Subdivisions. If the right-of-way of an existing street forms part of the boundary for a subdivision meeting all of the following conditions, the subdivider shall have the option to make the contribution to the City for the cost of required street improvements, as determined by the City Manager, through an extended payout arrangement consistent with the assessment paving program.
- (3) Alleys. Where provided, alleys shall be installed and improved in accordance with all standards required by this Section and the DSC. Alleys shall be provided by and at the expense of the subdivider.

Section 19.15.3 Street/Thoroughfare Escrow Policies and Procedures

- (a) **Request for Escrow.** Whenever this Chapter requires a property owner to construct a street or thoroughfare, or other type of public improvement, the property owner may petition the City Manager or designee to construct the improvement at a later time, in exchange for deposit of escrow as established in Subsection (b) below, if unusual circumstances exist, such as a timing issue due to pending improvements by another agency such as TXDOT or the County of El Paso, that would present undue hardships demonstrated in the petition or that would impede public infrastructure coordination or timing. If more than one street or thoroughfare must be constructed in order to meet adequacy requirements for roadways, the City Manager, or designee may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of the affected roadways. The City Manager, or designee, shall review the particular circumstances involved and may require a Traffic Impact Analysis with both roadway and traffic mitigation recommendations. The City Manager, or designee, shall determine whether or not provision of escrow deposits will be acceptable in lieu of the property owner's obligation to construct the street or thoroughfare.
- (b) **Escrow Deposit with the City.** Whenever the City Manager or designee agrees to accept escrow deposits in lieu of construction by the property owner, the property

owner shall deposit in escrow with the City an amount equal to the owner's share of the costs of design, construction, permits, reviews and approvals, inspections, any additional land acquisition, and the interest on such funds will be used to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future. This amount shall be reviewed and approved by the CPC upon recommendation by the City Manager or designee, and shall be paid prior to recording of the Final Plat. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.

- (1) Determination of Escrow Amount: The amount of the escrow shall be determined by using comparable "turnkey" costs for construction of the improvements (including design, permits, reviews and approvals, inspections and any additional land acquisition that may be needed). The determination of the escrow amount shall be made as of the time the escrow is due hereunder, and shall be subject to the review and approval of the City Manager, or designee.
- (2) Termination of Escrow: Escrows, or portions of escrowed amounts, which have been placed with the City under this section and which have been held for a period of ten (10) years from the date of such payment or agreement, in the event that the City has not committed or encumbered the funds, approved a contract or authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall, upon written request, be returned to the abutting property owners along with its accrued interest. Such return does not remove any obligations of the property owner for construction of the required facilities if a building permit has not been issued on the subject lot(s) or if application for a new building permit(s) is made.
- (3) Refund: If any street or highway for which escrow is deposited is constructed by a party other than the City, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the property owner after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another party or governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
- (4) Interest Limitation: If money is refunded within six (6) months of deposit, only the principal will be refunded. After that date, monies returned after this date will be refunded with its accrued interest less the first six month's interest.

Section 19.15.4 Street and Alley Abandonment/Vacation

- (a) **General.** The abandonment or vacation of a street or alley shall be achieved by a Replat, a Vacation Plat or a separate instrument. If such was originally dedicated to the City by a Plat, then a Replat or a Vacation Plat may be required for abandonment. If such was dedicated by a separate instrument, then a Replat or Vacation Plat cannot be required, but such abandonment shall be in accordance with City Ordinances regarding such abandonment. Abandonment of a temporary ROW or easement, drainage area or other temporary dedication of land to the City shall be in accordance with the dedicatory language or adopted policy and approved by the City Council.
- (b) **Quit Claim Deed.** A Quit Claim deed that eliminates any and all future claim for City responsibility for the abandoned thoroughfare or alley may be required by the City Council as part of the approval of the document (i.e., Plat or separate instrument) that achieves abandonment.

Section 19.15.5 General Requirements

- (a) **Approach Roads and Access.** All subdivisions with a single point of access must have no roadway that exceeds 300 feet or 60 dwelling units from the access point or an Average Daily Traffic (ADT) of greater than 1200. All other subdivisions must have at least two (2) points of vehicular access, and must be connected with improved roadways to the City's improved thoroughfare and street system by two or more approach roads of the dimensions and standards hereinafter set forth. An access road that is divided with 20 feet in each direction to the intersection of two streets shall be considered two means of access.
- (1) Requirements for dedication of right-of-way and improvement of approach roads, signalization, median breaks, additional lanes and other traffic mitigation or safety improvements may be increased depending upon the size or density of the proposed development, or if the need is demonstrated by Traffic Impact Analysis.
 - (2) An exception for a subdivision may be allowed by the CPC provided a second emergency access that is controlled in a manner acceptable to the Fire Marshall shall be provided.
 - (3) Each non-residential lot shall have a minimum frontage on a dedicated public street as required by the applicable zoning, unless other provisions have been authorized through a Commercial Unit Development with cross access easements to the property. The City Plan Commission may approve alternative solutions provided the intent of providing adequate emergency access for public safety vehicles is met.
 - (4) Adequate lighting of access points shall be coordinated and provided by the subdivider.
- (b) **Roadway Network Connectivity.**

- (1) All proposed developments must have a connectivity index of 1.4 or greater. The connectivity index shall be calculated by dividing the total number of links (streets including stub-out streets) by the total number of nodes (intersections, cul-de-sacs, no-outlets, dead-ends).
- (2) The City Plan Commission may grant exceptions to these requirements only upon a finding that the development is constrained by topographic features, existing development or other impassible features. The grant of the exception requires the affirmative vote of at least three fourths of all members of the City Plan Commission.
- (c) **Off-Site Improvements.** Where Traffic Impact Analysis demonstrates the need for the facilities or upon the affirmative recommendation of the City Manager or designee, the property owner shall make their proportional share of improvements to off-site collector and arterial streets and intersections necessary to mitigate traffic impacts generated by the development or in conjunction with related developments. The City may participate in the costs of additional/oversize improvements with the property owner as set out herein, and subject to the City's cost participation policies on additional/oversized improvements.
- (d) **Street Right-of-Way Dedication:** The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan and as required by the DSC or by other valid development plans approved by the City, subject to the rough proportionality provisions of this ordinance. There shall be sufficient right-of-way such that sidewalks and related pedestrian activity is not impeded by the location of utilities, including solid waste pick-up, fire hydrants, and utility poles. If such right-of-way is not sufficient, then the developer and/or the respective utility shall be responsible for obtaining additional easements or right-of-way.
- (e) **Street Construction.** All streets and thoroughfares shall be constructed and paved to City standards and within rights-of-way as required by the Thoroughfare Plan and this article, and in accordance with the DSC and other City standards, as may be from time to time amended or adopted.
- (f) **Intersection Improvements and Traffic Control Devices.** Intersections shall be designed and improved in accordance with the DSC. Any additional improvements and/or traffic control devices shall be required only as a result of the findings of a Traffic Impact Analysis when required per Section 19.18.
- (g) **Private Streets.** See Section 19.15.15.
- (h) **Access Management.** Roadway access management standards and requirements related to TXDOT roadways and City roadways shall be in accordance with this ordinance, the DSC, all other City and TXDOT regulations, and as determined by the Traffic Impact Analysis.
- (i) The City Plan Commission may grant exceptions to these requirements in cases where the proposed subdivision is constrained by topographic features, existing

development, or other impassable features, as determined by the City Manager or designee.

Section 19.15.6 Street Standards

- (a) **DSC Standards Met.** In addition to the requirements of the *City of El Paso Development Standards for Construction* (DSC), the requirements of the street standards in this Section shall be met.
- (b) **Arrangement of Streets and Conformance to the Thoroughfare Plan.** Except as provided in subsection (b)(1) below, the City's adopted Thoroughfare Plan shall be used to determine the minimum type of roadway, the general location of the roadway, and the areas that the roadway is intended to connect as part of the platting process. For streets that are not shown on the City's Thoroughfare Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:
- (1) Conform to any plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
 - (2) Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely not have incompatible land uses; and
 - (3) Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided arterial, in which case new streets shall align with such driveway openings such that median openings can be shared).
- (d) **Projections and Related Requirements.** Where adjoining un-subdivided areas exist, the subdivision street arrangement shall make provision for projection of streets into such areas. Dead-end streets shall otherwise be prohibited, except where projections into un-subdivided land are necessary or where turnarounds are provided in accordance with Section 19.15.10 of this Section. Private streets shall not be allowed to project beyond the subdivision boundary, and therefore shall not be allowed to dead-end at the subdivision boundary.
- (e) **Transitions of Right-of-Way Width.** Wherever the right-of-way width of a residential, local, collector or arterial Street must transition to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of the street intersection.
- (f) **Lots Accessing Arterial Streets.** Where a subdivision abuts or contains an existing or proposed arterial street, the City Manager, or designee may require that Single family lots shall not directly access an existing or proposed arterial and no residential lot frontage, other than the side of the lot with no access, shall be

allowed on arterial streets, except where the proposed subdivision meets one or more of the following criteria as determined by the City Plan Commission:

- (1) Where residential lot frontage is provided from an arterial street on an adjoining property, and the City Plan Commission determines that a public benefit would result from permitting the proposed development to be similarly designed; or
 - (2) Where the only street frontage which may be provided to the residential lots is from an arterial street due to the shape, topography or other physical condition of the property; or
 - (3) Where otherwise an exception is granted by the City Plan Commission as provided in Section 19.48 of this Chapter. The City Plan Commission may approve an exception to single family lot direct access in those situations where the property being platted is so shallow that no alternative exists or the lots are large with circular driveways or with some other means of reducing conflicts with arterial traffic. Pedestrian access points from single family residential to provide for maintenance and access to the arterial right of way may also be required.
 - (4) Where residential lot frontage is permitted on an arterial street, the lot(s) shall be designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the arterial street.
- (g) **Configuration Shall Reduce Minimal Offsets.** Intersecting streets onto an existing or future divided roadway must be configured in accordance with Section 19.15.12, such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening). Median openings and offsets should be analyzed in the Traffic Impact Analysis, and a determination made if developments sharing a median opening may cause additional traffic conflicts, where an exception to sharing a median opening may be made.
- (h) **Right-of-Way Widths.** Street right-of-way widths shall be as shown on the Thoroughfare Plan and as defined by the corresponding roadway cross-sections on the Thoroughfare Plan, in Section 19.15.11 and in the City's DSC.
- (i) **Extensions of Existing Streets.** New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable, unless a lesser street is justified by a TIA.
- (j) **Construction of Streets.** All streets shall be constructed in accordance with paving widths and specifications as set forth in the DSC of the City of El Paso at the time at which any required application is officially submitted and deemed a complete application, in accordance with the vesting provisions of this ordinance.

- (1) Intersections of major and minor arterials shall be constructed with concrete in accordance with the DSC, unless a specific exception is granted by the CPC and upon the affirmative recommendation of the City Engineer.
- (2) All other streets may be constructed with asphalt in accordance with the DSC.
- (k) **Street Grades and Horizontal Curves.** Minimum and maximum street grades and horizontal curves will conform to standards set forth in the DSC.
- (u) **Street Signs.** Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to City standards and in conformance with the Texas Manual on Uniform Traffic Control Devices.
- (v) **Streetlights.** Streetlights shall be installed in accordance with Section 19.16.
- (x) **Screening Along Roadways.** Screening requirements for roadways shall be in accordance with the zoning districts and requirements outlined in the Zoning Ordinance.
- (y) **Pedestrian Connectivity.** Pedestrian connectivity and access shall be provided between subdivisions, schools (where access is allowed by the School District), cul-de-sacs (i.e., bulb-to-bulb access) and park and open space areas. In cases where a subdivision is constructed in a location that is adjacent to another subdivision, pedestrian access shall be provided such that adjacent development can connect to such access at a later date, when development occurs. Gated subdivisions, subdivisions with severe topography problems or subdivisions where such connectivity may interfere with arroyo or sensitive environmental protection may be exempt from this requirement upon approval by the City Plan Commission.
- (z) **Conformance with the Comprehensive Plan.** Streets and the layout of streets shall be consistent with the adopted Comprehensive Plan, and specifically the Thoroughfare Plan.
- (aa) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the City Plan Commission.

Section 19.15.7 Intersections, Half-Streets

- (a) **Intersections.** Street intersections shall be situated at an angle of ninety degrees (90°), plus or minus fifteen degrees (15°) except where the intersection utilizes knuckles, turning heels or eyebrows in accordance with the DSC. Such intersections shall maintain proper intersection visibility as determined by the latest edition of AASHTO's *"A policy on Geometric Design of Highways and Streets."* The major access driveway to large multi-family, commercial and industrial developments shall also meet the requirements of this section.
- (b) **Half Streets.** Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other

requirements of this Code and the Thoroughfare Plan, and where the CPC makes a determination at the time of preliminary plat approval that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The CPC may also find that it would be more practical, or cost effective, to delay construction of the other half or some portion thereof of a street until when the adjoining property is developed.

Section 19.15.8 Street Length

- (a) **Length of a Block or Street Segment.** The maximum length of any block or street segment (including a looped street) shall be sixteen hundred feet (1,600') along arterial streets and 1,200 feet along other streets, except when Table 19.15-3 specifies otherwise or where topographic features or parcels of one-half (1/2) acre or larger would justify an exception from this requirement. Cul-de-sac streets shall adhere to Table 19.15-1 or other requirements herein. Measurements shall be as measured along the centerline of the street from the centerline or center point of one intersection to the centerline or center point of the next intersection. For the purposes of measurement, either a full four way intersection or a "T" three way intersection shall be considered an intersection. Traffic calming may be provided by the developer or may be required in accordance with the adopted Neighborhood Management Policy and in accordance with the DSC by the City Manager or designee.
- (b) **Maximum Length of a Cul-De-Sac Street.**
- (1) No cul-de-sac served by one access point in any single family multiple-family, industrial, or commercial subdivision shall exceed six hundred feet (600') in length or the length as shown in Table 19.15-1, whichever is less.
 - (2) No cul-de-sac in any single family subdivision district shall be designed to serve more than twenty-five (25) single family dwelling units, unless an exception is granted by the CPC to the maximum length, in which case the maximum number of dwelling units shall be increased in the same percentage as the maximum length has been increased.
 - (3) For purposes of this paragraph, cul-de-sac length shall be measured along the centerline of the cul-de-sac from a point beginning at the intersection of the cul-de-sac street with the centerline of the street from which it extends to the center of the turnaround at the end of such cul-de-sac. (Also see Section 19.15.9 for cul-de-sac requirements.) For the purposes of measurement, either a full four way intersection or a "T" three way intersection shall be considered an intersection.
 - (4) An exception may be granted by the City Plan Commission to develop a parcel:
 - a. With topographic problems; or

- b. With arroyos or environmental areas requiring protection surrounding such parcel; or
- c. That is effectively landlocked with no other alternative than a cul-de-sac exceeding 600 feet.
- d. Is in a proposed subdivision that has such a unique configuration that the only way to serve the area in question is with a cul-de-sac exceeding 600 feet. Such exception shall not be granted if the length of the cul-de-sac can be reduced by connection to an adjacent and/or parallel street. The desire to gain additional lots from the cul-de-sac exception by itself is not reason enough to grant such exception to the maximum length.
- e. Additional modifications may be required by the City Plan Commission upon recommendation by the Fire Marshall's office including intermediate turnarounds (eyebrows) to accommodate emergency vehicles being provided at a maximum distance of 600 feet.
- f. Building construction within the area of the cul-de-sac beyond the 600 feet distance shall be fire sprinklered and a note shall be added to the recording Plat and the subdivision improvement plans indicating that buildings are required to be sprinklered within the subdivision, and which lot numbers have such requirement.

(c) **Cross-Reference.** Also see Section 19.15.9 below for cul-de-sac requirements.

Section 19.15.9 Cul-de-Sac Streets

Cul-De-Sac Streets. Except where projecting into adjacent unsubdivided areas, any street having only one vehicular access to another street shall be terminated by a permanent turnaround. Standards for both the turnaround and its street approach are set forth within this Section 19.15.9. Exceptions to these standards shall be discouraged due to firefighting and solid waste collection requirements. Any turnaround, either temporary or permanent, that does not meet these requirements shall be permanently signed for no parking or marked as a fire lane in accordance with the DSC.

- (a) That portion of any street extending from an intersection to a turnaround shall be improved and rights-of-way platted with the minimal dimensions provided in *Table 19.15-1* below.

TABLE 19.15-1: WIDTH FOR CUL-DE-SAC STREETS FOR CERTAIN ACTIVITIES

Activity Served	<i>Paving Width*</i>	<i>Right-of-Way Width</i>	<i>Additional Requirements</i>
Less than 12 dwellings	32'	48'	300' maximum length
1-25 dwellings	36'	52'	600' maximum length - Single family, duplex only**
Non-Residential Zoning Districts (except as otherwise specified)	36'	52'	300' maximum length
Heavy Commercial District and Industrial Districts	40'	60'	300' maximum length
* Measured from the front of adjoining curbs **Cul-de-sacs (dead end streets) serving triplex, quadraplex and higher density multi-family uses shall be discouraged. Exceptions may be granted by the CPC where no alternative exists and meeting the Heavy Commercial Standard or in infill development situations.			

(b) The turnaround portion of any cul-de-sac shall be improved, and rights-of-way platted, as prescribed below:

TABLE 19.15-2: WIDTH FOR CUL-DE-SAC TURNAROUNDS FOR CERTAIN ACTIVITIES

Activity Served	<i>Paving Width*</i>	<i>Right-of-Way Width</i>	<i>Additional Requirements***</i>
Residential and Non-Residential Zoning Districts (except as otherwise specified)	90' diameter'	110' diameter or 100' with 10' utility and sidewalk easement**	Shall be a min. of 10' of ROW or ROW/Easement Combination behind curb
Heavy Commercial District and Industrial Districts	100' diameter'	120' diameter	
* Measured to front of adjoining curbs. **7 foot to provide room for fire hydrants and other utilities, street lights and traffic/no parking signs, and still meet ADA compliance. ***or in accordance with the DSC.			

Section 19.15.10 Dead-End Streets

Dead-End Streets. Except when recommended by the City Manager or designee, no public dead-end streets will be approved unless they are provided to connect with existing streets (including stubbed-out streets) or future platted streets on adjacent land.

- (a) In the case of dead-end streets which will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end.
- (b) A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in Section 19.15.9 above.
- (c) A note shall be placed on the Final Plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property. Any required temporary turnaround easements shall be shown on the Final Plat along with their appropriate recording information, if they are off-site or established by separate instrument.

Section 19.15.11 Street Width and Design

- (a) **Pavement Widths and Rights-of-Way.** Pavement widths and design and rights-of-way shall be as follows:

TABLE 19.15-3: WIDTHS/DESIGN REQUIRED BY STREET TYPE

Street Type	Minimum Right-of-Way Width*****	Min. Utility Right-of-Way Width**	Minimum Paving Width*	Median Width	Sidewalk Required (See Section 19.21)
Minor Major Boulevard	76'/ 86'***** 98'/108'***** 96'	9'/14'*** 9'/14' 9'	44'+ 14' turn lane**** 66'+ 14' turn lanes***** 62'	14' 14' 8'/8'	Yes, 5 ft on property line or 10' hike/bike 5' walk on Boulevard
Arterial	The minimum centerline radius shall be sufficient to accommodate a design speed of 45 miles per hour. All arterials shall have an improved median unless an exception is granted due to existing conditions or traffic issues				
Residential Nonres 4 lanes	54' 68'/80'*****	9' 9'	36' 50'/62'*****	14' Option 12'	Yes, 5 ft property line
Collector	Additional right-of-way and paving width may be required on approaches to collectors, arterial streets and freeways.				
	The minimum centerline radius shall have a design speed of 35 miles per hour.				
Multi-family/ Commercial/ Industrial	54'/62'	9'	36'/44'	n/a	Yes, 5 ft property line.
Local	The minimum centerline radius shall be have a design speed of 30 miles per hour except for L-shaped (90°) intersections.				
Local 1 Local 2 Local 3 Lane	54' 46'*** 50' 38'***	9' 9' 9' 9'	36' 28'*** 32' 20'***	n/a n/a n/a	
Local, Single Family	The minimum centerline radius shall have a design speed of 30 miles per hour on a Local 1 and 25 miles per hour on a Local 2 or Local 3, except for L-shaped (90°) intersections.				

* Measured to face of adjoining curbs. Boulevard Arterials, Residential and Non-residential Collectors and Multi-family streets may be utilized for angle parking provided additional right-of-way is provided so that all other measurements in this table are met.

** Where all public and private utilities are required or provided within street right-of-way. This is the minimum combination width behind the curb of the right-of-way and any easements. More may be required if additional utilities are to be provided. (See Section 19.14.2, Utility Location Policies.)

***Single family and two family residential streets of less than 640 feet in length may use the smaller width when the facing lots are 50 feet or wider with two car driveways 18 feet in width or with rear entry from alleys. Lanes may be used where the street length is less than 400' and the lots are greater than 20,000 square feet with 50 foot setbacks and driveways are 20 feet in width,

****Local multifamily and commercial streets provide 4 additional feet on the outside lanes for bikeways. Roadways designated for bike lanes on the MPO Transportation Plan will have striped bike lanes. On residential collectors, the bike lanes shall be included in an 18' outside lane with no center lane. On arterials and non-residential collectors, the outside lane shall be 17 feet including an additional 6' of bike lane. The CPC may allow an exception to provide a bike and hike path in lieu of bike lanes.

*****ROW at intersections shall be flared to accommodate the exclusive right turn lanes and other improvements as required in the TIA or as shown in the typicals in the DSC. On major and minor arterials, the flaring shall also accommodate 24 foot medians to provide for future dual left turn lanes.

(b) **Design.** Streets shall be designed according to the following requirements:

- (1) Freeways. Streets shall be designed to accommodate cross-country and/or limited cross-city traffic movement, with partial control of access and possible grade separation at major intersections.
- (2) Arterial. Streets shall be designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets.
- (3) Collector. Streets shall be designed to collect traffic from local streets and connect with arterial streets and freeways.
- (4) Residential Collector. Generally, the term “subcollector” shall refer to streets designed to accommodate traffic movement from local streets to higher classifications of streets as well as provide direct access to activity on individual lots. Specifically, a subcollector may be defined as any street or portion thereof providing direct access to property within commercial or industrial districts as designated on the official Zoning Map of the City of El Paso, any street or portion thereof providing the shortest direct route to a collector street for twenty-five (25) dwelling units or more, or any street segment extending without offset from a collector street and connecting two or more collector streets. Where subcollector streets are terminated by a permanent turnaround, standards for street width and paving shall be as described in *Table 19.15-3*.
- (5) Local. Streets shall be designed to provide direct access to residential activity, and in such a way as to discourage through traffic.

Section 19.15.12 Street Offsets

Intersection Off-Sets. No combination of two (2) streets intersecting a third shall have their centerlines offset any less than the distance specified in *Table 19.15-4* unless a Traffic Impact Analysis recommends a greater distance to preserve safe and efficient traffic operations. The City Manager or designee may grant an exception where infill, topographic or other physical features render the required offset unnecessary or impractical:

TABLE 19.15-4: MINIMUM OFF-SET DISTANCES

Types of Streets Intersecting at Offset*	Type of Street Intersected	Minimum Off-Set Distances** ***	
		Intersection Type A	Intersection Type B
Local/Local	Local	125'	125'
Local/Local	Collector	125'	125'
Local/Local	Arterial****	125'	300'
Local/Collector	Collector	125'	300'
Local/Collector	Arterial	125'	300'
Local/Arterial w/o median or median break	Arterial	200'	400'
Collector/Collector	Collector	250'	400'
Collector/Collector	Arterial	300'	400'
Collector/Arterial	Arterial	300'	400'

* For the purposes of this paragraph freeways shall be considered as arterial streets with no median breaks unless an interchange is provided.
 **Measured from closest property line to closest property line. as shown in the DSC. If one intersection is signalized, the minimum spacing to the next unsignalized intersection shall be 600' or as dictated by TIA.
 *** Existing and future signalized intersections shall be at least 2650 feet apart in order to match the desired spacing in the Thoroughfare Plan and shall be required to have left turn storage in both directions. The City Manager or designee may approve a reduction to the required signal spacing to meet a specific need. The City Traffic Engineer may also require lining up of intersections for future or existing signalization or median breaks, as required in Section 19.15.6.g. Signal spacing in central business districts may be reduced upon approval of the Traffic Engineering Division. Signals shall be spaced at least 2650 feet or more from frontage roads
 ****Local streets intersecting with an arterial with no median break shall not be required to be offset.

Section 19.15.13 Curbs and Gutters

Curbs and Gutters. Curbs and gutters shall be installed according to the provisions of this Section and to the DSC. Combination curb and gutter improvements shall be provided to mark the edge of pavement and carry off surface water, as set forth below:

- (a) Beside Freeways. The subdivider shall be required to install curbs along the outside lanes in rights-of-way designated for freeways, as per the TXDOT approval or construction plans.
- (b) Beside Arterial and Collector Streets. The subdivider shall install curbs on both sides of all arterial and collector streets within the subdivision, and on one side of all such streets at the subdivision boundary.

- (c) Beside Local Streets. The subdivider shall install curbs on both sides of all local streets within the subdivision and at subdivision boundaries, except for existing boundary streets, in which case curb and gutter installation shall be required on the subdivision side only.
- (d) At Street Intersections. The minimum curvature of curbs at street intersections shall be as prescribed in the DSC and shall maintain proper stopping sight distance as determined by the latest edition of AASHTO's *"A policy on Geometric Design of Highways and Streets"*.

Section 19.15.14 Street Names and Addresses

(a) Street Names.

(1) Requirement. New streets in a subdivision shall be named in a way that will provide continuity of street names and prevent conflict or confusion with existing street names in the City, in the City's extraterritorial jurisdiction or in a neighboring jurisdiction, subject to the approval of the City Manager, or designee for subdivisions located within the corporate limits, or by the County engineer within the extraterritorial jurisdiction. Subdivisions submitted as a Preliminary Plat shall indicate proposed street names for streets within the subdivision. The City Manager, or designee or County engineer may review, coordinate with the Fire Department and 911 and accept, in accordance with these standards, any street name that is proposed. The City Manager, or designee or County engineer, when requested by the subdivider, may originate street name(s) as needed. Approved street names shall be shown on the Final Plat of the subdivision.

(2) Standards.

- a. Preliminary street names shall be shown on the Preliminary Plat and final street names shall be approved with the Final Plat and shown on the recorded Plat. Street names shall not conflict with or duplicate any existing street name within the city or County of El Paso. Conflict may be based on the following;
 - 1. Close pronunciation to another street name,
 - 2. Street name is too difficult to pronounce,
 - 3. Street names with undesirable meanings or connotations, and
 - 4. Street names with language translation problems.
- b. New streets which are extensions of, or obviously in alignment with, existing streets shall bear the name of the existing street.
- c. Cul-de-sac streets having six or more lots fronting on them, or that have more than one hundred fifty feet or more in length measured from the center line of the intersecting street to the center of the turnaround, shall have street names assigned to them. All other cul-de-sac, inlets, turning heels or

eyebrows shall carry the street name, suffix and house numbering sequence of the main street.

- d. Street names shall be in accordance with the DSC.
- e. Street names shall not begin with initials.
- f. Street names shall contain suffixes according to the standards listed below, except that streets within the extraterritorial jurisdiction shall be provided a street name suffix of "road" except where otherwise approved by the County engineer:

General Direction of Street	Street Length 1,000' or More	Street Length Less than 1,000'
North and south	Street	Place
East and west	Avenue	Court
Diagonal	Drive	Way
Curving	Drive	Lane or Circle

- g. Boulevards built in accordance with ordinance may be designated as "Boulevard" regardless of orientation.
 - h. Frontage roads within a freeway right-of-way shall be assigned the suffix of "Gateway".
 - i. Streets with curves, doglegs or offsets up to 90 degrees with fewer than 6 lots fronting on them and no intersecting streets shall maintain the same name and addressing as the street at each end.
3. Renaming of existing streets shall also be in accordance with this Section and all other applicable City ordinances.

(b) Street Addresses.

- 1. Requirement. Street addresses shall be assigned, after consulting with the Fire Department and 911 reviews, by the City for subdivisions located within the corporate limits, or by the County engineer if within the extraterritorial jurisdiction, as part of the Preliminary Plat submittal. Street addresses shall be shown on the final recorded Plat of the subdivision, including residential,

commercial and industrial lot addresses. Blocks to be divided into lots in the future by replatting shall show the address range on the recorded Plat.

2. Standards.

- a. Addresses on the north side of streets which are subdivided in a generally east-west direction shall have odd numbers assigned.
- b. Addresses on the south side of the street shall have even numbers assigned.
- c. Addresses on the west side of the street which are subdivided in a generally north-south direction shall have odd numbers assigned.
- d. Addresses on the east side of the street shall have even numbers assigned.
- e. Addresses shall be assigned numerically in intervals of four, except where otherwise approved by the director or County engineer.
- f. Cul-de-sac having less than six lots fronting on them, or less than one hundred fifty feet in length measured from the centerline of the intersecting street to the center of the turnaround, shall be assigned the same house numbering sequence as the main street.
- g. A property not requiring a subdivision shall have frontage on a dedicated public or private street before an official street address may be assigned to it.
- h. Assignment of addresses to corner lots within single-family residential subdivisions shall be determined by the location of the main entrance to the building; except that assignment of addresses to lots with nonresidential uses and having more than one street frontage shall be determined by the location of the main entrance to the building, unless otherwise requested by the property owner and approved by the director.
- i. Addresses shall not be assigned to landlocked or illegally subdivided properties.
- j. As adjacent territory is annexed into the city, the existing street names and addresses in the newly annexed areas shall be reviewed by the director and modified as necessary to eliminate duplication of street names already existing within the city, and to ensure that all addresses follow the numbering sequence existing in the city.

Section 19.15.15 Private Streets

- (a) **Permitted Only as Local Street.** Private streets shall require approval as an exception at the time of Preliminary Plat approval by the City Plan Commission in accordance with this ordinance. No streets or thoroughfares shown on the adopted Thoroughfare Plan may be a non-public street. Construction and development of

private streets shall meet the standards for right-of-way width and improvement as set forth in this Section 19.15 as applied to public streets.

- (b) **Classification.** At the time a private street is proposed, it shall be classified as either a local or sub-collector street, as described herein and made to conform in all respects with right-of-way paving, curb and gutter, construction, and design requirements as applicable to a public street.
- (c) **Subdivision Boundary Streets.** New subdivision boundary streets shall not be private.
- (d) **Private Streets, General.** Private streets, general. In order to be considered for an exception to allow the construction of private streets, the developer shall meet the requirements set out in this section.
 - (1) Construction: All private streets shall be designed, constructed, and maintained to meet city standards. The construction and improvement plans shall be reviewed by the city in the same manner as construction and improvement plans for public infrastructure. The city shall not participate in any portion of the cost of constructing a private street.
 - (2) Inspection during construction: All private streets shall be subject to inspections by city staff in the same manner, at the same intervals, as public streets, including the payment of applicable inspection fees. A construction schedule shall be submitted with the construction and improvement plans in order to assist in scheduling the inspections. Failure to pass an inspection and meet city construction standards shall require re-inspection, and re-construction, as necessary. No certificates of occupancy shall be released for structures along a private street until all inspections shall have been completed satisfactorily
 - (3) Traffic Control Devices: All private traffic control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic Control Devices", as amended, and to City standards.
 - (4) Restricted Access: The subdivision homeowners association shall clearly mark entrances to all private streets with a sign, in accordance with the DSC, placed in a prominent and visible location, indicating that the streets within the subdivision are private, and not maintained nor regularly patrolled by the City. All restricted access entrances shall be manned twenty-four (24) hours every day, or they shall provide a reliable, alternative means of ensuring access into the subdivision by the City, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method used to ensure City and emergency access into the subdivision shall be approved by the City's Fire Department and by any other applicable emergency service providers during the final platting process. Gates on private streets shall provide a traffic queue analysis and provide adequate on-street storage in advance of the gate. If the homeowners association fails to maintain reliable access as required by City codes, the City

may enter the private street subdivision and remove any gate or device which is a barrier to access, and bill the expense to the association. If the bill is not paid, the City may file a lien for the expense against any property owned by the association.

- (5) Waiver of Services: Certain city services may not be provided for private street subdivisions, including street maintenance, routine law enforcement patrols, enforcement of traffic and parking regulations, preparation of accident reports, and payment of costs for street lighting. A note as to waiver of services may be required on the face of the plat.
- (5) Street lighting: Street lighting as required by this chapter shall be entirely at the expense of the developer and subsequent property owners. Decorative poles or alternative spacing may be approved by the City Manager or designee, following a recommendation by the DSC, who shall make such recommendation based on the lighting type, the lumens necessary to effectuate safe traffic and pedestrian travel, and a finding that the proposed lighting plan provides as well or better for the health, safety and welfare of the future residents of the private street subdivisions.
- (6) Maintenance. The developer shall provide for the establishment of a homeowners or property owners association, in covenants, conditions, and restrictions (CCRs), to assume the obligation of perpetual maintenance of private streets and other improvements held privately, including a mandatory assessment for such private streets and improvements to be placed on all property owners within the subdivision, allowance for city staff to inspect the streets to assure they are being maintained to city standards, hold harmless provisions as required in subparagraph 9, and providing for notice to the City Attorney and City Manager of any amendments to these relevant sections. The city shall be a necessary party for the amendment of any portions of the CCRs dealing with these requirements. The proposed CCRs shall be submitted for review by the City Attorney at the time of filing the preliminary plat. The City Attorney shall review the CCRs to ensure that the requirements of this section are met, and shall submit recommended changes to the developer, who shall incorporate such changes. Absence of City Attorney approval of the CCRs shall require the denial of the exception for private streets.
- (7) Petition to Convert to Public Streets: A property owners association may petition the city to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members, and the favorable vote of a majority of the membership, or as required in the CCRs. A dedication instrument shall also be submitted, and shall be reviewed and the final form approved by the City Attorney prior to submission of this request to City Council.

The city shall not be required to accept any private streets for public dedication and maintenance. The staff shall review the request and make a

recommendation to CPC, who shall forward a recommendation to City Council. City Council shall make their decision based on the public health, safety and welfare considerations of the streets.

As a condition of accepting the dedication and maintenance of private streets, the city may impose a requirement for repairs and improvements at private expense prior to acceptance, enter into an agreement for an assessment or pro-rata sharing of costs for repairs or improvements prior to acceptance, or other legal or equitable options to ensure that the streets being accepted are not a liability to the city. The city shall be the sole judge of the nature and extent of repairs or improvements needed. The city may also require, at the sole expense of the association's or property owner's expense, the removal of any guard houses, access control devices, landscaping or other amenities located within the streets or common areas prior to city acceptance.

- (9) Hold Harmless: The property owners association, as owner of the private streets and appurtenances, shall release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the City or governmental or utility entity.

Section 19.15.16 Alleys

- (a) **Required.** The dedication of alleys shall be optional in all subdivisions, except where alleys must be dedicated as direct continuations or extensions of alleys existing in adjacent subdivisions. Such continuations shall be extended in the same alignment as evident from adjacent lots in the existing subdivision, except where an existing alley is less than sixteen feet (16') wide. In that case, additional land shall be dedicated so as to form an alley at least sixteen feet (16') wide.
- (b) **Existing Subdivisions with Alleys.** Where lots are subdivided or resubdivided adjacent to or within subdivisions already having alleys, the alley must be improved only to the same extent as may be evident from the existing alley. Where lots are subdivided as continuations of existing subdivisions already having alleys, alleys in the new subdivision shall be improved only to the same standards as those existing alleys, all the way to the first street intersection. Thereafter, if alleys are required or desired, they should conform to standards for alley dedication and improvement set forth in subsections (c) below:
- (c) **Alley ROW and Paving Widths.**
- (1) Alley ROW's in commercial, industrial, and multiple-family residential districts (including townhouses and patio homes where rear automobile access is intended) must be a minimum width of twenty-eight feet (28'). Twenty-four feet (24') of the minimum width must be surfaced in accordance with the DSC.

- (2) Alley ROW's in subdivisions, or portions thereof, proposed for single-family residential use must be a minimum width of sixteen feet (16'). Sixteen feet (16') of the minimum width must be surfaced in accordance with the DSC.

(d) **General Requirements.**

- (1) Alleys shall be as nearly parallel to the street frontage as reasonably possible.
- (2) Alley intersections with streets shall be as close to right angles (90°) as practical.
- (3) Where two alleys intersect or turn at an angle, a corner clip of not less than ten feet (10') from the normal intersection of the property line shall be provided along each property line.
- (4) If alleys are not straight within each block or do not connect on a straight course with alleys on adjoining blocks, an easement shall be provided for the placement of guy wires on lot division lines necessary to support overhead utility poles set on curving or deviating alley rights-of-way.
- (5) Alleys should not be platted to intersect any arterial streets.
- (6) Dead-end alleys shall not be permitted unless a permanent or temporary turnaround is provided. The following standards shall apply:
 - a. In subdivisions subject to subsection (b) (1) above, turnarounds shall be provided with a minimum radius of thirty-five feet (35').
 - b. In all other subdivisions, turnarounds shall be provided with a minimum radius of thirty-two feet (32').
 - c. In instances where dead-end alleys will clearly be permanent, turnarounds shall be surfaced in accordance with subsections (b) (1) or (b) (2), as applicable.
 - d. In instances where dead-end alleys are of a temporary nature, turnarounds shall be improved with a minimum six inch (6") base of crushed limestone.
- (7) Layout and arrangement of alleys shall be designed to avoid the creation of short cuts for traffic and to discourage use by traffic other than that generated by activity within property abutting the alley.
- (8) Cross intersections of alleys shall not be permitted.
- (9) Alleys forming the boundary of a subdivision, and adjacent to unplatted property, shall be dedicated and improved the same as if situated in the interior of a subdivision.

Section 19.16 – Street Lighting

Section 19.16.1 Street Lighting Required

- (a) **Requirement.** The subdivider shall furnish and install street lights along all public and private streets, whether within the corporate limits or within the extraterritorial jurisdiction. Such street lights shall comply with the requirements of this ordinance, the City of El Paso lighting ordinance found at Chapter 18.18 of the El Paso Municipal Code and with the requirements of the DSC. The standards shall apply in determining the number of street lights required, and are based on approved standards of the American National Standards Institute and the Illuminating Engineering Society of North America, a copy of which is maintained by the City.
- (b) **Standard.** Street lights shall be installed in accordance with the DSC by the developer:
- (1) At all intersections as close to the corner as possible
 - (2) At the beginning of turnarounds of cul-de-sacs exceeding 300 feet in length, unless located by the City Manager or designee at different intervals or at corners to provide better coverage. In no case, however, shall the number of lights provided by the developer exceed the number in paragraph 6 below.
 - (3) Shall have no greater distance than three hundred feet (300') between them within or abutting the subdivision, unless located by the City Manager or designee at different intervals or at corners to provide better coverage. In no case, however, shall the number of lights provided by the developer exceed the number in paragraph 6 below.
 - (4) "Dark Sky" compliant streetlights shall be installed in accordance with the DSC.
 - (5) Street lights shall be placed at approximately equal intervals between intersections and shall be subject to the approval of the City Manager or designee.
 - (6) The number of street lights that are the responsibility of the developer shall be calculated as the total linear footage between street intersections divided by the required spacing of 300 feet for local and collector streets and as required by the illumination plan for arterial streets. Fractions of street lights shall be rounded to the next whole number when the fractional amount is equal to or exceeds 0.50. Fractional amounts less than 0.50 shall not require an additional street light.
- (c) **Easements:** Where required, electrical service easements for overhead or underground electrical services shall be provided as a part of the subdivision approval. The service connections and street light poles shall be installed by the subdivider.

- (d) **Exceptions:** Exceptions or reductions to the street light spacing requirements for local streets may be authorized by the City Plan Commission at the request of the developer at the time of plat approval:
- (1) On local streets in existing single-family residential neighborhoods where streetlights are not present or have reduced coverage and have not historically complied; or
 - (2) On local streets within an approved subdivision where all the lots have a minimum one-half acre lot area and the adjoining properties have reduced street Lighting; or
 - (3) On mountain residential and divided mountain residential streets within an approved Mountain Development subdivision; or
 - (4) Street lighting shall be provided at all intersections regardless of other exceptions or reductions that may be granted.
- (d) **Expenses prior to Acceptance.** The subdivider shall be responsible for the maintenance and associated cost of electrical energy of the street lights until such lights are accepted by the City or The City of El Paso shall accept the street lights for maintenance and electrical energy costs at the time it accepts the streets and other public improvements within the subdivision for maintenance

Section 19.16.2 Plan Required

- (a) **Illumination Plan.** An illumination plan for all streets within the subdivision, as part of the requirements of this section, shall be filed, together with the subdivision improvement plans, as provided in Section 19.8, and based on approved standards of the American National Standards Institute and the Illuminating Engineering Society of North America, a copy of which is maintained by the City. The plan shall show the proposed location of the street lights. The illumination plan shall be subject to the approval of the city engineer within the corporate limits, and of the county engineer within the extraterritorial jurisdiction.
- (b) Prior to the acceptance of the street lights for maintenance by the city or county, an amended illumination plan showing the final location of the street lights installed by the subdivider shall be submitted to the city engineer or county engineer

Section 19.16.3 Custom Lighting

- (a) The subdivider may elect to provide custom lighting in lieu of the required standard street lighting, subject to the approval of such lighting by the City Manager or designee. Custom lighting shall be furnished and installed to meet the approved standards of Title 18 of the Municipal Code.

- (b) Where custom lighting is approved within the street right-of-way, the city or county shall be liable for the costs of electrical energy of the custom lighting provided that the following conditions are met:
- (1) A separate rate can be charged to the City by the electric utility for the custom lighting proposed; and
 - (2) The total rate charged to the City is equal to or less than the rate for electrical energy for standard street lighting.
- (c) If a subdivider elects to provide and install custom lighting, a Public Improvement District (or other such private entity) shall be created which will be perpetually liable for all costs associated with the maintenance of the lighting fixtures. Where the City is not liable for the costs of electrical energy from the custom lighting as provided in this subsection, the Public Improvement District shall also be liable for the electrical energy costs of the custom lighting.
- (d) An agreement between the City and the Public Improvement District shall be required which makes adequate provision to indemnify and hold the City harmless from any claims which may arise from the custom lighting, whether within or outside of the public right-of-way. The agreement shall provide that the City may require that any or all of the installed custom lights be removed, at the Public Improvement District expense, when a finding is made by the city council or county commissioners' court based on a recommendation of the city engineer or county engineer that the custom lighting creates a nuisance or is unsafe. Upon such a finding, standard street lighting pursuant to this section shall be required to be furnished and installed to replace the custom lighting.
- (e) The City shall reserve the right to review and approve all such provisions of the agreement. The agreement shall accompany the subdivision improvement plan submission. Restrictive covenants which include the provisions for continuous lighting and perpetual maintenance of the custom street lights shall be recorded by the subdivider concurrently with the subdivision.
- (f) Where custom lighting is provided, the subdivider or Public Improvement District shall notify the electric utility before any work is commenced at any street light location.
- (g) Custom street lighting placed within the public right-of-way shall meet the lumen level required in the DSC and provide roadway coverage meeting or exceeding that provided by standard street lighting. Lighting outside the right-of-way shall meet the lumen level and coverage requirements of the DSC.

Section 19.17 - Driveways

Section 19.17.1 Driveway Approaches and Related Requirements

Other Standards. Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered or repaired in accordance with the *City of El Paso Development Standards for Construction* (DSC) and as prescribed by the standards outlined within this Ordinance.

Section 19.17.2 Shared Driveways and Cross-Access Drives

- (a) **Type II Driveway Approaches and Shared Driveways.** Shared access driveways in relation to Type II driveways are encouraged and may be required by the City Manager, or designee in order to ensure public safety access by providing mutual/common access to a median opening, to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots. (See *Figure 19.17-1*)
- (1) Arterial Street. A shared mutual access easement(s) for a driveway(s) may be required between adjacent lots fronting on an arterial street, as designated on the *Thoroughfare Plan* (as the street exists or is planned to be improved in the future);
 - (2) Location and Dimension. The location and dimensions of such easement(s) shall be determined by the City Manager, or designee.

- (3) Easement on Plats. Such easements shall be noted on the Preliminary Plat and Final Plat with the language specified as part of the City's application requirements.

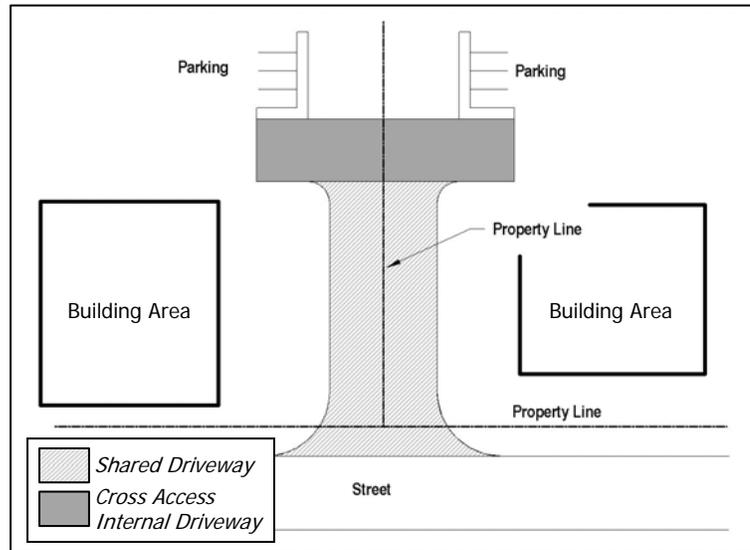


Figure 19.17-1: Shared Access Driveway & Cross Access Internal Driveway

- (b) **Type II Driveway Approaches and Cross Access Internal Driveways.** Cross access easements for internal driveways are encouraged and may be required as part of the Preliminary and Final Plat Approval by the City Manager, or designee in order to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots. (See *Figure 19.17-1*)

- (1) May Be Required. A cross access easement(s) for an internal driveway(s) may be required between adjacent lots. Such easement shall be required between adjacent properties within the same plat, phases of plats or ownership when the following conditions exist;
- a. On arterial frontages between adjacent parking lots
 - b. Between lots when one or more do not have direct access to the thoroughfare
 - c. When accessing shared driveways
 - d. On arterial lots in close proximity to intersections where individual lot driveways do not align with median breaks, thereby giving each lot access to a median break.
- (2) Location and Dimension. The location and dimensions of such easement(s) shall be determined by the City Manager, or designee.

- (3) Easement on Plats. Such easements shall be noted on the Preliminary Plat and Final Plat with the language specified as part of the City's application requirements.

Section 19.18 – Traffic Impact Analysis

Section 19.18.1 Purpose and Applicability

(a) Purposes and Findings.

- (1) New development must be supported by an adequate network of streets and thoroughfares.
- (2) Streets and thoroughfares are an essential component of the City's street network and are necessary to accommodate the continuing growth and development of the City.
- (3) It is necessary and desirable to obtain rights-of-way for off-site, abutting and internal thoroughfares to support new development at the time of platting or development of the land.
- (4) The City desires to assure both that both on-site and off-site development impacts are mitigated through contributions of thoroughfare rights-of-way and improvements and that development projects are not required to contribute more than their proportional share of thoroughfare costs in accordance with this ordinance.
- (5) It is the City's intent to assure that dedications of thoroughfare and street rights-of-way and their construction requirements are proportional to the traffic demands created by a new development.
- (6) It is the intent of the City that a road adequacy determination be made concurrent with consideration and approval of development applications.

(b) Applicability.

- (1) A Traffic Impact Analysis (TIA), in adherence to standards contained within this Chapter and City of El Paso approved guidelines, shall be required by the City Manager, or designee for the following unless the City Manager or designee determines that a TIA is not needed due to studies already completed or improvements already constructed.
 - a. All proposed developments within the City limits and within the City's extraterritorial jurisdiction that are expected to generate traffic in excess of 500 adjusted average daily trips for commercial and industrial uses and 1,000 average daily trips for residential.
 - b. If a development project will generate more than 50 adjusted peak hour vehicle trips for commercial or industrial uses or 100 peak hour trips for residential uses.

- (2) The number of trips generated by the proposed development shall be based on proposed land uses and intensities according to the latest edition of the Institute of Transportation engineers (ITE) Trip Generation Manual or locally approved trip generation rates.
- (3) In the event that land uses and intensities of use for the development are not identified in a development application, the daily trip generation rate shall be computed based upon the maximum land use intensity allowed under the City's adopted Comprehensive Plan for the land proposed to be subdivided or developed.

Section 19.18.2 Standards for and Timing of Traffic Impact Analysis

(a) **TIA and Update Required.** A TIA shall be submitted with a Zoning Application, a Preliminary Plat or with the Land Study, if previously submitted. An updated TIA shall also be submitted with the Final Plat if substantial changes have been made from the Preliminary Plat, and shall be generally consistent with the TIA submitted with the Preliminary Plat. The initial TIA may also be updated whenever the plan for the proposed development is modified to authorize more intensive development.

(b) **Contents.**

- (1) The TIA on a Land Study (or Preliminary Plat or Zoning Application if no Land Study is provided) shall identify or determine the following:
 - a. Trips to be generated by the proposed development trip generation shall be calculated using the latest edition of *ITE's Trip Generation Manual* or trip generation rates approved by the City of El Paso;
 - b. Distribution and assignment of such trips to the road network analyzed;
 - c. The capacity of affected thoroughfares before and after the proposed development. Capacity shall be quantified by level-of-service based on the latest version of the *Highway Capacity Manual*. The volume to capacity ratio (v/c) shall be included in the level-of-service tables. The capacity analysis shall include the AM and PM peak hours, 24-hour, and special times or days of the week dependant of the land use's peak traffic generating time periods as determined from the latest version of *ITE's Trip Generation Manual*. Additional factors such as pedestrian trips, bicycles, and mass transit as possibly mitigating vehicle trip counts shall be considered where warranted.
 - d. Deficient thoroughfares or roadways shall be determined based upon the minimum acceptable level-of-service as put forth in the following table:

TABLE 19.18-1: REQUIRED MINIMUM ACCEPTABLE LEVEL-OF-SERVICE (ROADWAYS)

Proposed Developed Projected Level – of – Service (Full Build-Out Year)	Level-of-Service Without Proposed Development (Full Build-Out Year)						
	A	B	C	D	E	F	
A	A	-	-	-	-	-	
B	B	B	-	-	-	-	
C	B	C	C	-	-	-	
D	B	C	C	^A D	-	-	
E	B	C	C	^A D	^{AB} E	-	
F	B	C	C	^A D	^{AB} E	^{AB} F	

^AThe City may choose to participate in roadway improvements to restore a minimum level-of-service C.

^BIn cases where the level-of-service of the roadway network without development is below a level-of-service D the proposed development shall not increase roadway/intersection delay. The City Manager or designee may deem that the proposed development cannot be supported by the existing roadway network.

- e. The development project’s proportionate share of the costs of such thoroughfares and modifications including rights-of-way.
- (2) The TIA on a Preliminary Plat and a Zoning Application (or Building Permit if not submitted previously, or Final Plat if no Preliminary is provided) shall identify or determine the following:
- a. Turning movements at intersections, access points, and median breaks;
 - b. Analysis of median breaks, ingress and egress and all intersections, including a queue analysis, for both AM and PM peak hours and special times or days of the week dependant of the land use’s peak traffic generating time periods as determined from the latest version of *ITE’s Trip Generation Manual*;
 - c. The capacity of affected intersections before and after the proposed development shall be reported, based on the latest version of the *Highway Capacity Manual*, adjusted to reflect existing signal timing plans. The volume to capacity ratio (v/c) shall be included in the intersection level-of-service tables;
 - d. Deficient intersections and capacity. Deficient intersections shall be determined based upon the minimum acceptable level-of-service as put forth in the following table:

TABLE 19.18-2: REQUIRED MINIMUM ACCEPTABLE LEVEL-OF-SERVICE (INTERSECTIONS)

Proposed Developed Projected Level – of – Service (Full Build-Out Year)	Level-of-Service Without Proposed Development (Full Build-Out Year)					
	A	B	C	D	E	F
A	A	-	-	-	-	-
B	B	B	-	-	-	-
C	B	C	C	-	-	-
D	B	C	C	^A D	-	-
E	B	C	C	^A D	^{AB} E	-
F	B	C	C	^A D	^{AB} E	^{AB} F

^A The City may choose to participate in roadway improvements to restore a minimum level-of-service C.
^B In cases where the level-of-service of the roadway network without development is below a level-of-service D the proposed development shall not increase roadway/intersection delay. The City Manager or designee may deem that the proposed development cannot be supported by the existing roadway network.

- e. Specific recommendations for thoroughfare, intersection, and roadway improvements and traffic control modifications and other traffic improvements to mitigate the traffic from the proposed development (any proposed signal timing must include the entire coordinated system not just intersections within the TIA study area); and
- f. The development project's proportionate share of the costs of such improvements and modifications including rights-of-way.
- g. Specific recommendations including but not limited to bus turnouts, auxiliary lanes, traffic calming, location of access points, location of median cuts, parking lot layout, and site distance.

(2) The method of preparing the TIA shall be determined by the City Traffic Engineer.

(c) **Capital Improvements Plan for Roads.** The capacity of a thoroughfare may be considered adequate for purposes of a TIA if a needed improvement is included, funded, and approved in the City's, County's or state's two(2)-year capital improvements plan for roads, or, if the improvement is included, funded, and approved in the City's, County's or state's three(3)- to five(5)-year capital improvements plan for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This section shall not be construed to prevent the City from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a TIA in order to determine a development project's proportionate costs of improvements.

- (d) **Use Intensity Table.** Where a proposed Plat application does not designate the land use or intensity of use proposed for the development, for purposes of ascertaining the applicability of this Chapter and the trips to be generated, the City may utilize typical uses and intensities of use. For land to be developed for non-residential or multiple-family use in the City's extraterritorial jurisdiction, the City may utilize uses and intensities of use that are typical in the most intensive zoning district that authorizes the type of use proposed in the development.

Section 19.18.3 Criteria for Determining Traffic Impact Analysis Requirements

Scope. The scope of the Traffic Impact Analysis shall be based on the peak hour trips projected to be generated by the proposed development, as set forth in the following table:

TABLE 19.18-3: CRITERIA FOR DETERMINING TRAFFIC IMPACT ANALYSIS

Non-residential Adjusted Peak Hour Trips	Residential Peak Hour Trips	TIA Analysis Period	TIA Scope
49 or less	99 or less	1. n/a	Not Required
50-99	100-500	<ol style="list-style-type: none"> 1. Existing 2. Opening year 3. Full build-out year 4. 5 years after full build-out 5. 10 years after full build-out 	The frontage of the property, all access points (including common access), and all intersections within a ½ mile radius of the proposed development.
101-499	501-1000	<ol style="list-style-type: none"> 1. Existing 2. Opening year 3. Full build-out year 4. 5 years after full build-out 5. 10 years after full build-out 	The frontage of the property, all access points (including common access), and all intersections within a 1 mile radius of the proposed development.
501 or more	1000 or more	<ol style="list-style-type: none"> 1. Existing 2. Opening year 3. Full build-out year 4. 5 years after full build-out 5. 10 years after full build-out 	The frontage of the property, all access points (including common access), and all intersections within a 1 1/2 mile radius of the proposed development.
NOTE: All measurements shall be made from property boundaries.			

Section 19.18.4 City Evaluation and Action

(a) **Criteria.**

- (1) The City Manager or designee shall evaluate the adequacy of the TIA prepared by the applicant. Based upon such evaluation, the City Manager, or designee shall make recommendations concerning:
 - a. Whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare; and
 - b. The extent of the applicant's obligations to make such dedications or improvements.
 - (2) The City Manager, or designee may recommend, and the decision-maker on the application may attach, conditions to the approval of the development application, based on one or more of the following performances by the applicant:
 - a. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
 - b. A reduction in the density or intensity of the proposed development sufficient to assure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
 - c. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development; or
 - d. Any combination of techniques that assures that the traffic impacts of the development will be mitigated.
- (b) **Deferral of Obligation.** Upon request of the applicant or property owner, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on a development application may be deferred until the City's action on a subordinate (i.e., subsequent) development application. As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, the deferral shall be at the sole discretion of the City. The City shall require the developer to execute a Subdivision Improvement Agreement (see Section 19.8.2) acceptable to the City Attorney specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.

Section 19.19 – Stormwater Management Requirements

Section 19.19.1 General Provisions

- (a) **Purpose and Intent.** The purpose of this Stormwater Management Section is to protect, maintain and enhance the public health, safety, environment and general welfare of the citizens of El Paso, Texas and the ETJ, by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff and non-point source pollution associated with new development and redevelopment. It has been determined that proper management of storm water runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water resources. This ordinance seeks to meet that purpose through the following objectives:
- (1) Establish decision-making processes surrounding private and public land development activities that protect the integrity of the watershed and preserve the health of water resources;
 - (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, non-point source pollution and maintain the integrity of natural and man-made channels;
 - (3) Establish minimum post-development stormwater management standards and design criteria to be adopted via a Drainage Design Manual (DDM) as part of the Development Standards for Construction (DSC);
 - (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum stormwater management standards thru the DDM;
 - (5) Encourage the use of nonstructural stormwater management such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the City's Master open space plan;
 - (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety.
 - (7) Establish administrative procedures for the submission, review, and approval of stormwater management plans, and for the inspection of approved active projects, and their continued maintenance.

- (b) **Applicability.** This section shall be applicable to subdivision development. The DDM standards shall apply to all development.
- (c) **Exemptions.** The following activities are exempt from this Section:
- (1) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 - (2) Additions or modifications to existing single-family or duplex residential structures;
 - (3) Agricultural activities within areas zoned for these activities and/or where agricultural activities are legally allowed; and,
 - (4) Repairs to any stormwater management facility ~~or practice~~ deemed necessary by the City Manager (or designee).
 - (5) Subdivisions whose sole means of stormwater management is by individual lot, on-site retention ponds, shall be exempt from the requirement for an inspection and maintenance agreement.
- (d) **Designation and Role of Storm Water Administrator.** The City Manager or designee who is a Professional Engineer licensed in the State of Texas, is hereby authorized and appointed to administer and implement the provisions of this section and related Sections of this ordinance, as may be applicable.
- (e) **Drainage Design Manual.** The City will utilize, apply, and enforce design standards, methods, criteria, and administrative policies and procedures provided in the latest technical edition of the DDM incorporated by reference in its entirety. The DDM may be updated and periodically expanded as required.

Section 19.19.2 Stormwater Requirements for compliance with Subdivision Approval.

Within the current Subdivision review and approval process, no owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity. Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit to the City, with their subdivision the following items for consideration:

- (a) Stormwater management plan in accordance with Section 19.19.3;
- (b) Inspection and maintenance agreement for private facilities in accordance with Section 19.19.4, if applicable;

- (c) The City shall advise the developer or his representative whether the stormwater management plan and inspection and maintenance agreement are compliant.
- (d) If the stormwater management plan or inspection and maintenance agreement are deemed non-compliant, the City shall notify the developer or his representative of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same.
- (e) Upon a finding by the City that the stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the City shall approve the stormwater management component of the subdivision submittal provided all other legal requirements for the such approval have been met.

Section 19.19.3 Stormwater Management Plan Requirements

- (a) The stormwater management plan shall detail how stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this ordinance, including the performance criteria set forth in the DDM.
- (b) This plan shall be in accordance with the criteria established in this section and must be submitted signed and sealed by a Professional Engineer (PE) licensed in the state of Texas, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the DDM.
- (c) The stormwater management plan must ensure that the requirements in this ordinance are being met. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the DDM.

Section 19.19.4 Stormwater Management Inspection and Maintenance Agreements for Private Facilities

- (a) Prior to the approval of any land development activity requiring a stormwater management facility or practice hereunder and for which the City shall require ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility is dedicated to and accepted by the City, execute an inspection and maintenance agreement, if applicable, that shall be binding on all subsequent owners of the site.

- (b) The inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval, and recorded in the deed records upon final plat approval.
- (c) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance activities. Responsibility for the operation and maintenance of the stormwater management facility, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in Chapter. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (d) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- (e) In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the following provisions for ongoing inspection and maintenance.

(1) Maintenance and Inspection of Private Stormwater Facilities

- a. Stormwater management facilities included in a stormwater management plan which is private and therefore subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.
- b. A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City shall notify the person responsible for carrying out the maintenance plan by certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City may correct the violation as provided in

Subsection (4) hereof.

- (2) Right-of-Entry for Inspection of Private Facilities. The terms of the inspection and maintenance agreement shall provide for the City to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.
- (3) Records of Maintenance Activities at Private Facilities. Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the City as required by the agreement.
- (4) Failure to Maintain Private Facilities. If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Section 19.19.5 Construction Inspections of Stormwater Management System

- (a) Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system construction shall be conducted by the City.
- (b) Final Inspection and Record Drawings and Documents. Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit as constructed record drawings and documents for any stormwater management facilities after final construction is completed. The record drawings must include the final design specifications for all stormwater management facilities and must be certified by a Professional Engineer licensed in the State of Texas. For those facilities that included mechanical systems, operations and maintenance manuals shall also be included. A final inspection to be conducted concurrent with other inspections by the City is required before the release of any performance bonds can occur.

Section 19.20 – Parks and Open Space

Section 19.20.1 Policy Plan and Purpose

- (a) Purpose. This Section is adopted to provide recreational areas as a function of subdivision development in the City of El Paso. This article is enacted in accordance with the home rule powers of the City of El Paso granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, V.T.C.A. Local Government Code, Chapter 212. It is hereby declared by the City Council that recreation areas in the form of neighborhood parks, community parks that serve several neighborhoods, linear parks, trails, and open space areas are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the City, whether such development consists of new construction on vacant land or the addition of new construction or re-development on existing developed lands.
- (b) Neighborhood parks, community parks, linear parks, trails and open space areas referred to in this Section are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from the majority of the residences to be served thereby. The primary cost of those parks should be borne by the ultimate property owners who, by reason of their proximity to such parks, shall be the primary beneficiaries of such facilities.
- (c) The requirements for parkland are based in part on the standards, needs and objectives set forth in the El Paso Parks and Recreation Master Plan, routinely amended and adopted by the City Council, a copy of which shall be retained in the office of the Director of Parks and Recreation and which shall be incorporated by reference herein for all purposes.

Therefore, the following requirements and any requirements in the DSC are adopted to effect the purposes stated above and shall apply to any development within the City of El Paso, except as noted therein.

Section 19.20.2 Dedication Required.

- (a) **Dedication required.** All subdivisions located within the corporate limits of the City of El Paso and the City's extra territorial jurisdiction (ETJ) shall be required to provide for the parkland needs of future residents of their subdivisions through the conveyance of fee simple title of suitable land to the City of El Paso, or through a fee in lieu of land as required by the City of El Paso.

- (1.) The land conveyed and deeded to the city shall not be subject to reservations of record, encumbrances or easements which will interfere with the use of the land for park purposes.
- (2.) Where a sub-surface interest is severed from the surface estate, retention of the sub-surface interest may not be considered an encumbrance for the purposes of this section.
- (b) **In Residential Subdivisions.** A residential subdivision shall provide for the parkland needs of the community pursuant to Section 19.20.3.
- (1.) For purposes of this Section, a residential subdivision shall include any subdivision application submitted on property where the zoning allows for single-family, two-family or multifamily development (apartments).
- (2.) This provision may be waived by the City Plan Commission where the city is provided a copy of deed restrictions or other legal instrument verifying that the property within the subdivision application or portion thereof, is restricted to non-residential uses as defined in this section. The evidence shall be provided to the City Manager or designee with the filing of the preliminary plat, and shall be reviewed by the city attorney prior to the City Plan Commission action on the preliminary plat. Failure of the subdivider to provide this information with the filing of the preliminary plat shall result in the subdivision application being considered as a residential subdivision.
- (c) **In non-residential subdivisions.** A subdivision, not otherwise classified as a residential subdivision, shall be required to provide for the parkland needs of the subdivision as provided in Section 19.20.11.
- (d) The requirement to provide parkland to the city pursuant to this Chapter shall not be satisfied using land required to be conveyed by the subdivider to the city as part of a separate legal instrument, condition, covenant, contract, agreement, sale or ordinance, except as specifically provided in Section 19.20.13.

Section 19.20.3 Parkland Calculation

(a) **Rate.**

- (1) Where a residential subdivision application is filed, the amount of parkland required to be deeded to the city shall be as follows:
- a. **Single-Family and Two-Family Units.** One acre of parkland for every one hundred (100) dwelling units calculated as follows:

$$"x" = "y"/100$$

Where:

"x" is the amount of acres of parkland required to be deeded,
and,
"y" is the number of dwelling units in the subdivision.

- b. **Multifamily.** One acre of parkland for every two hundred dwelling units calculated as follows:

$$"x" = \frac{"y" \times "z"}{200}$$

Where:

"x" is the amount of acres of parkland required to be dedicated;
and,

"y" is the gross acres of the proposed multi-family subdivision
and

"z" is the density of the proposed multi-family subdivision

- c. **Density Calculated.** In calculating the parkland requirement for residential subdivision applications where more than one unit per lot may be allowed, density shall be determined by using the gross density permitted by the zoning classification on the property (Title 20).
- d. The City Plan Commission may waive the gross density used in the parkland calculation rate for paragraph c above when the subdivider verifies by means of deed restrictions or other legal instrument that the density permitted within the subdivision is less than the gross density required by subsection (a)(1.)a or b of this section. The evidence shall be provided to the City Manager or designee with the filing of the final plat, and shall be reviewed by the city attorney prior to City Plan Commission action on the final plat. Failure of the subdivider to provide this information with the filing of the final plat shall result in the gross density rates of this section being applied to the parkland calculation.
- e. **Mixed Use Developments.** Subdivisions that provide a mixture of residential and non-residential components shall meet the requirements of this Section in the following fashion.
1. Horizontal mixed use developments – for mixed use developments where residential and non-residential components occur in separate buildings within the same development, the residential components will meet the requirements established in section 19.20.3 above. Non-residential components will meet the requirements of section 19.20.11, fees for non-residential subdivisions.
 2. Vertical mixed use developments – for mixed use developments, where residential developments occur above or beside non-

residential development within the same building, the following requirements shall apply.

- i. If the non-residential component equals or exceeds 20% of the gross square footage of the development, parkland fees for the entire development shall be based on the non-residential fee requirements of Section 19.20.11.
- ii. If the non-residential component is less than 20% of the entire square footage of the development, parkland fees for the entire development shall be based on the number of residential units as per the requirements of Section b. above.

(b) **Types of Park Land that may be dedicated.** The following park configurations of land may be proposed by the Subdivider to meet the dedication requirements of this Section. The lands to be dedicated and the type of dedication to be provided shall be based on the affirmative recommendation of the Director of Parks and Recreation and the approval of the City Planning Commission. An alternative type of dedication may be recommended by the Director of Parks and Recreation, based on the specific nature of the subject property. Any dedication that is proposed shall meet the requirements of Section 19.20.5, Standards, except as noted in this section.

(1) **Neighborhood parks** – lands for parks that serve a neighborhood shall meet the following requirements:

- a. The size of the parkland shall be as determined by the density of the residential subdivision submitted pursuant to Section 19.20.3; provided, however, that under no circumstance shall a park site of less than one (1) acre be approved by the City Plan Commission except where the Commission finds that:
 1. The residential subdivision application is submitted as an infill development, and
 2. The subdivider demonstrates a derived public benefit based on usability and feasibility of the smaller park site, and
 3. The Director of the Parks and Recreation Department makes an affirmative recommendation on the smaller park site;

(2) **Dual Park-Pond.** Parks and drainage retention or detention ponds may be placed side by side or combined to provide for larger and more efficient park and open space lands for neighborhoods.

Conceptual cross-sections for park-pond areas are included in the subdivision standards. These conceptual drawings are intended to serve as a guideline to the designer, and modifications that meet or exceed the intent of this section are encouraged. All park-pond designs shall be approved by the Director of Parks and Recreation and the City Engineer or City Floodplain Administrator.

- a. **Park-Ponds Requirements** - For purposes of this subsection, the ponding area proposed for use as a park-pond shall require an affirmative approval for park usage by the Director of the Parks and Recreation Department, subject to the provisions below being met. Where acceptable, the pond portion of the park may count towards the required parkland dedication amount at ratio of one acre of park-pond for every one acre of required parkland dedication, subject to the following requirements being met.
1. To be considered as a park-pond, the proposed facility must be located no further than one-half mile from all residences that it is intended to serve. The street frontage for the park-pond shall be continuous along one complete side of the park or 35% of the park perimeter whichever is greater.
 2. Flat perimeter areas on the rim of the ponding basin shall be provided. These shall be a minimum of ten (10) feet in width from the edge of the pond slope to the nearest property line to allow for a trail, landscaping and pond maintenance requirements. If abutting a seven (7) foot sidewalk or trail the flat perimeter area shall be a minimum of five (5) feet. Wider and variable width areas are preferred to create a more park-like appearance.
 3. A park-pond shall have a flat contiguous park area adjacent to the detention/retention basin that is not subject to periodic inundation (10 year storm frequency). This area shall be a minimum of one-half acre in size or larger, including the area of the one closest adjacent perimeter flat zone. This area shall meet the minimum improvements requirements set forth in 19.20.5(b) as may be found to be warranted and applicable to a park-pond by the Director of Parks and Recreation. For park-ponds where the pond portion is over two and one half (2.5) acres in size, the size of the upper area shall be at least 20% of the area of the pond. This area shall be shaped to accommodate the placement of permanent park structures such as play features, multi-purpose courts and shade pavilions.
 4. Side slopes in park-ponds shall not exceed a maximum 3 to 1 horizontal to vertical slope. Flatter side slopes are recommended.
 5. If a two tier park-pond is designed, then the lower tier flat area shall not be less than 20% of the upper tier flat area.
 6. The maximum depth of the pond portion of a park-pond shall not exceed ten (10) feet for a two tier park-pond and six (6) feet for a one tier park-pond.
 7. Perimeter areas around the pond shall be planted to create an attractive buffer zone around the park-pond. Plant materials and required irrigation system(s) must be installed and operational

at the time the City accepts the facility. All irrigation and planting shall meet the Park Facilities Standards referenced in Section 19.20.5.

8. Signs shall be provided to inform the public of the dual Park-Pond purpose and to notify them of the potential safety hazard from Storm Water detention/retention.
 9. Percolation tests at the bottom of the park-pond basin shall be performed according to ASTM 5126. Storm water shall percolate within 72 hours or as may be approved by the City Engineer.
 10. A fully accessible route that meets Americans with Disabilities Act (ADA) standards to the lower park area in the basin of the pond shall be provided.
 11. Grading, irrigation and turf in accordance with 19.20.5(b)(3)d.
 12. Credit may be provided for that portion of the park-pond that exceeds the amount of parkland required to be deeded to the city pursuant to this Chapter if the credit to be derived is within the same park zone and upon the affirmative recommendation of the Director of Parks and Recreation.
- b. **Other Ponds not serving as Park Ponds** – shall meet minimum placement, setback and landscaping requirements as established by the City of El Paso Stormwater Drainage Manual.
- (3) **Linear park corridors and trail development** - Trail corridors may be dedicated and constructed by the subdivider, and may serve as credit against required parkland, subject to the following conditions being met:
- a. Where adjacent to private property lines on either side of the corridor, the trail corridor shall be a minimum of 30 feet in width.
 - b. Where the trail corridor is adjacent to a permanently preserved corridor such as a drainage channel or natural open space, the additional trail corridor width may be reduced to fifteen (15) feet. A minimum of ten (10) feet from the nearest edge of the trail adjacent to a private property line shall be maintained except where separated from such private property by a wall.
 - c. If the trail corridor is located adjacent to a street right of way, the trail corridor shall be a minimum of fifteen (15) feet in width as measured from the adjacent back of curb. The additional portion of the corridor that is outside of the street right of way and that is a minimum of five (5) feet in width shall be credited as lands meeting the parkland dedication requirements of Section 19.20.3.
 - d. Trails shall be a minimum of eight feet (8) in width. Narrower trails will not count as credit towards parkland requirements. Trail surface material shall follow the requirements of the City of El Paso Park

Development Standards. The City of El Paso may elect to contribute to the cost of the trail if a width wider than 8' is deemed appropriate for that specific location.

- e. Public access points to the corridor shall be provided at regular intervals. The linear areas adjacent to the corridor shall have open space, street ROW, or other opportunities for immediate and safe ingress/egress along at least 75% of the corridor length on one side or the other.
 - f. A zone that is a minimum of 5 feet wide along each side of the trail shall be improved with a natural non-irrigated landscape treatment, following guidelines contained in the Parks Facility Standards referenced in Section 19.20.5.
 - g. Trails may be built on power line or other utility corridors, but in cases with corridor lands whose ownership is not fully transferable to the City of El Paso, only the lands under built trails and those improved areas meeting the requirements of this subsection will count towards the park land dedication requirements of this Section. In such cases, the easement holder or right of way owner must provide legal acceptance allowing the trail to be built with free public access provided in perpetuity.
 - h. Trail standards in this ordinance and in the DSC may be modified by the City Plan Commission based upon the recommendation of the Director of Parks and Recreation.
 - i. Trail corridor lighting shall not be required where earthen trails are provided nor where corridors are located in public right-of-way and street lighting is provided. Otherwise lighting may be required by the Director of Parks and Recreation or designee in accordance with the Parks Facilities Standards, the DSC and the provisions of the Dark Skies section of Title 18.
- (4) **Open space lands and arroyos** - types of land that are noted as areas that should be preserved in the El Paso Open Space Master Plan, such as natural arroyos, may be used to meet the land dedication requirements of this Section:
- a. For purposes of this subsection, the area open space to be used in applying the reduction shall be the acreage that is deemed acceptable for preservation by the Director of the Parks and Recreation Department and approved by the City Plan Commission.
 - b. Open space lands will not be required to meet the minimum development standards of section 19.20.5.
 - c. One (1) acre of open space dedication will count as one half (1/2) of an acre of required parkland dedication.

- d. Other open space lands, such as arroyos, that exceed the parkland requirements of this section, may be accepted by the City of El Paso. The City of El Paso will assume maintenance of these areas.

Section 19.20.4 Review by Director of Department of Parks and Recreation

The Director of Parks and Recreation, or his or her designee, shall make recommendations based upon the requirements of this Section to the Planning Division at the appropriate time within the plat review process. Recommendations received pursuant to this Section shall be noted on the written report prepared by the City Manager or designee for the subdivision application, and shall be forwarded to the subdivider and the City Plan Commission, where applicable.

Section 19.20.5 Standards for Deeded Parkland

- (a) **General Characteristics.** Parkland deeded to the city as provided in this Section shall meet the standards set forth below and in the DSC:
 - (1) The parkland should be placed in a central location within the subdivision or subdivisions that it serves, with the expressed goal that the park is no further than one-half (1/2) mile measured by walking distance from any residence within the subdivision that it serves.
 - (2) Where the subdivision is an initial phase of multiple phases, the park may be located so that it is accessible to the future phases, provided that the park meets the goal established in (1) above.
 - (3) Park lands submitted for dedication shall be located so that users are not required to cross arterial roads to access the park site.
 - (4) The park land shall have a minimum of one hundred feet of continuous frontage contiguous with a public street that provides direct access to the park site, except where approved by the Director of the Parks and Recreation Department.
 - (5) The placement of rear or side lot lines adjacent to the park boundaries should be minimized. Continuous street frontage around the edges of the park site is required, except where approved by the Director of Parks and Recreation.
 - (6) The parkland may be located adjacent to school sites or ponding areas where possible to facilitate shared facilities.
 - (7) When parkland is deeded to the city as required by this Chapter, the area of the park shall be calculated from the nearest property line or street right of way line, and not from the existing or proposed curb line of an

adjacent street, unless park features are incorporated into the parkway, subject to an affirmative recommendation by the Director of Parks and Recreation and approval by the City Plan Commission. Sidewalks and signs shall not count as park features that allow the inclusion of the parkway area as part of the park area calculation.

- (8) Where possible, and as approved by the Director of the Parks and Recreation Department, parkland shall be designed and located within a subdivision to allow for an extension or connection to a public park or other public recreational facility within an abutting subdivision.

(b) Minimum improvements for lands to be dedicated as parklands. Parkland deeded to the city shall meet the following minimum improvements described by this subsection.

- (1) The subdivider shall indicate the proposed parkland improvement(s) within the subdivision improvement plans as required in Section 19.08.080.
- (2) Construction of the required minimum parkland improvement(s) shall be in accordance with the approved subdivision improvement plans, and shall be completely installed and constructed by the subdivider within the time period specified for construction of subdivision improvements in this Chapter.
- (3) An improved park shall, at a minimum, include the following:
 - a. Paving frontage, curbing, and gutter for all street frontage abutting the outside perimeter of the parkland;
 - b. Utility (water, sanitary sewer and electricity) extensions to the perimeter of the park at a location indicated by the Director of Parks and Recreation and that are consistent with published EPWU Rules.
 - c. An accessible route installed adjacent to the curb on all street frontage abutting the outside perimeter of the parkland of a minimum width and construction to provide accessibility to individuals with disabilities as provided in the subdivision improvement design standards. The sidewalk alignment and width shall be approved by the Director of Parks and Recreation.
 - d. Grading, automatic irrigation and turf within the parkland boundaries shall be installed prior to the acceptance of the proposed parkland submittal. The design and installation shall be approved by the Director of the Parks and Recreation Department. The City Plan Commission may, upon an affirmative recommendation from the Director of the parks and recreation department, allow parkland to remain undisturbed in its natural state.

- e. One age appropriate play structure unit, from an approved Park Department list of acceptable alternatives, including an appropriate safety surface that meets industry requirements.
 - f. A minimum of two accessible picnic tables on concrete pads.
 - g. Perimeter lighting along adjacent public street rights of way
 - h. Where open space lands to be left in an undisturbed state are accepted as required parklands, grading, automatic irrigation and turf establishment requirements shall be waived.
 - i. Facilities and improvements provided by a subdivider on lands dedicated as parkland shall be designed and installed to meet the minimum standards of this ordinance, the DSC and the Parks and Recreation Department as established in the Parks Facilities Standards, a copy of which is maintained by the Director of the Parks and Recreation Department. The Parks Facilities Standards shall be approved by the City Plan Commission and the City Council. The Parks Facilities Standards may be changed from time to time, but each change shall be approved by the City Plan Commission and the City Council.
- (4) The Subdivider may choose to submit an alternative development proposal for the park land to be dedicated. The alternative proposal shall create a suitable park-like character and meet the intent of this ordinance and the direction provided by the City's Parks and Recreation Master Plan and Open Space Plan. The proposal will indicate the proposed alternative park facilities, their locations, and the cost to install such facilities. The proposal shall require an affirmative recommendation by the Director of Parks and Recreation and approval by the City Plan Commission. The cost of such facilities shall at a minimum be equal to that of the basic park infrastructure listed in items a through i above. Upon approval of the proposed alternative park development proposal, the Subdivider may authorize preparation of construction documents for neighborhood park development.
- (5) The Subdivider shall be required to submit development construction plans that conform to this ordinance, the DSC and the Parks and Recreation Department design, construction and specification standards. The Parks and Recreation Department will review the construction documents for compliance with City park construction requirements. The developer must agree to standard City construction inspections of the park improvements.
- (c) **Exceptions.** For purposes of this section, off-site dedications accepted pursuant to Section 19.20.8 shall not be required to satisfy the requirements of subsection (3) of this section at the time of acceptance of the deed by the city. The city shall require the approval of a development agreement as a condition of acceptance of an off-site dedication, requiring such improvements at the time of

subdivision recording by the property owner who deeded the parkland, or a subsequent purchaser.

Section 19.20.6 Exclusions from Dedication Requirement

Exclusions. The following shall be excluded from the calculation for parkland dedication. In all instances, the burden of proof shall be on the subdivider to demonstrate that the plat meets the requirements of this section:

- (1) A residential replat of an area where the density has not been increased from the original subdivision, as evidenced by the original subdivision and replat. In the case of a replat where parkland was not originally provided, the parkland requirements shall prevail.
- (2) A nonresidential replat where easements or rights-of-way are eliminated, added or changed from the original subdivision, as evidenced by the original subdivision and replat; or
- (3) A nonresidential replat which changes the lot location or design, but where the acreage has not been increased, as evidenced by the original subdivision and replat; or
- (4) A replat which changes the use of the original subdivision from residential to nonresidential, and the fees paid (or the equivalent fees which would have been paid based on parkland dedicated) on the original subdivision are more than or equal to the fees required on the replat; or
- (5) A replat which changes the use of the original subdivision from nonresidential to residential, and the fees paid on the original subdivision are more than or equal to the fees required on the replat; or
- (6) All property within a subdivision which is zoned planned mountain development district (PMD) whether for residential or nonresidential uses, as evidenced by the official zoning map; or
- (7) Land shown within an amending subdivision where density is not increased, as evidenced by the original and amending subdivisions, or
- (8) Land shown within a subdivision, whether residential or nonresidential, which is designated for use as a public facility.

Section 19.20.7 Deed Conveyance

Subdivision Dedication. Parkland to be conveyed as part of a residential subdivision application shall be designated as city property on both the preliminary and final plats. At the time the recording plat is submitted, the subdivider shall deliver to the Planning Division the deed conveying fee simple title of all parkland shown on the final plat approved by the City Plan Commission. The city shall join as a signatory on the subdivision, but shall have

no responsibility to provide any public improvements shown within the approved final plat beyond the general responsibilities the city has to improve and maintain all of its parks.

Section 19.20.8 Off-Site Dedication of Parkland

- (a) **Application.** Where a land study is submitted by a subdivider pursuant to Section 19.2, the city or the subdivider may request that an off-site dedication of parkland be accepted within the corporate limits only. An application for off-site dedication of parkland shall be filed by a subdivider with the City Manager or designee.
- (b) **Credit Applicability.** Parkland to be deeded as part of an off-site dedication shall be entirely within the boundaries of the same park zone as the proposed subdivision. Park zone boundaries are designated by the El Paso Parks and Recreation Master Plan and are published by the City of El Paso Parks and Recreation Department.
- (c) An off-site parkland dedication shall be an option available to the subdivider where parkland credits derived are then used to reduce by an equivalent amount any subsequent parkland requirement generated by the submission of phased residential subdivisions. The credit shall be applied to residential subdivisions submitted from within the applicable park zone. Where a parkland dedication straddles two park zones, credits shall be allowed within either park zone if approved by the City Plan Commission, upon an affirmative recommendation of the Director of the Parks and Recreation Department.
- (d) **Formula.**
- (1) For purposes of determining the credit, the following procedure shall be used:
- $$a - b = c$$
- Where:
- "a" is the amount of parkland dedicated or deeded to the city expressed in total acres (credit);
- "b" is the amount of subsequent parkland acreage required to be deeded to the city pursuant to Section 19.20.3 for a residential subdivision, based on the parkland calculation rates in effect at the time of the submittal;
- "c" is the amount of parkland credit available from the parkland dedicated or deeded. If a reduction exceeds the credit, the difference shall be the amount of required parkland to be dedicated or deeded to the city after reduction.
- (e) In no instance shall a parkland credit be from the value of the land dedicated or deeded in terms of fees it would have generated, or the market value of the land

expressed in dollars. This parkland credit option may be exercised by the subdivider who dedicated or deeded the parkland to the city, or may be transferred to a subsequent purchaser of land within the applicable park zone(s). The subsequent purchaser must submit written proof of such a transfer to the City Manager or designee. The City Plan Commission shall approve, upon recommendation by the Director of the Parks and Recreation Department, the residential subdivision(s) to which the credit shall be applied.

Section 19.20.9 Provision for Private Park Facilities and Private Open Space

- (a) **Private park facilities.** Where park areas and recreational facilities are to be provided in a proposed subdivision, and where such areas and facilities are to be privately owned and maintained by the future residents of the subdivision or by the owner of a rental facility, these areas may satisfy a portion of the land or fee requirements of this Section as follows:
- (1) **In single family or duplex developments**, the required parkland or fee in lieu of land may be reduced by providing private parks and facilities that meet the requirements of subsection (b.) below.
 - a. Up to 100% of the land requirement may be met by providing private parkland, where every one acre of private parkland shall count as one half (1/2) acre of the required parkland dedication.
 - b. The value of private park facilities that meet the requirements of subsection (b) below shall provide a 50% credit towards the minimum required land and facility development.
 - c. The City Plan Commission, upon the recommendation of the Director of Parks and Recreation, may accept the remainder of the required parkland dedication, if the entire required dedication is not met, in parklands that are publicly accessible to the public at large, in improvements to existing parkland in the same park zone, or in the form of a fee in lieu of land.
 - (2) **In multi-family developments**, the required parkland or fee in lieu of land may be reduced by providing private recreation facilities that meet the requirements of subsection (b.) below.
 - a. Up to 100% of the parkland requirement may be met by providing private parkland, where every one acre of private parkland shall count as one half (1/2) acre of the required parkland dedication.
 - b. The value of private park facilities that meet the requirements of subsection (b) below shall provide a 50% credit towards the minimum required land and facility development.

- c. The City Plan Commission, upon the recommendation of the Director of Parks and Recreation, may accept the remainder of the required parkland dedication, if the entire required dedication is not met, in parklands that are publicly accessible to the public at large, in improvements to existing parkland in the same park zone, or in the form of a fee in lieu of land.
 - d. Private park facilities for multi-family may include swimming pools and recreational buildings for fitness or community gatherings.
- (b) For purposes of this subsection, the private facility shall qualify for a reduction if the following standards are met.
- (1) That the private ownership and maintenance of such areas and facilities are adequately provided for by recorded written agreement, conveyance, or restrictions.
 - (2) That the minimum size of one acre is met or exceeded. Where the minimum size is not feasible, the fee in lieu of land requirements of Section 19.20.11 shall apply.
 - (3) That the use of such areas and facilities are restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City Council.
 - (4) That such areas and facilities are reasonably similar to what would be required to meet public park and recreational needs of this Section, taking into consideration such factors as size, shape, topography, geology, access and location.
 - (5) Open turf areas in multi-family developments must be a minimum of 5,000 square feet in size, with a minimum average width of fifty feet (50').
 - (6) Unpaved lands to be dedicated must be improved with turf or desert landscaping and irrigation by the subdivider.
 - (7) Such areas and facilities for which reductions towards the required parkland dedication shall be permitted include improvements for the basic needs of a local park. These may include:
 - a. Play structures for ages 2 to 5, including an appropriate safety surface that meets industry requirements.
 - b. Play structures for ages 6 to 12, including an appropriate safety surface meeting industry requirements.
 - c. Multipurpose court.

- d. Trails not previously included as part of the parkland requirements – trail must be a minimum of 8' wide to qualify for credit.
 - e. Picnic areas with a minimum of three tables on concrete pads, with BBQ facilities and trash receptacles.
- (8) Facilities that are part of a multiple condominium ownership or rental development such as privately owned swimming pools, landscaped areas, and recreation buildings for fitness or community gatherings shall not receive credit toward the parkland requirements of this Section.

Section 19.20.10 Provision for Bonus Reductions for Additional Land or Facilities on New or Existing Public Parklands

- (a) **Bonus Reduction Applicability.** The City Plan Commission, upon an affirmative recommendation of the Director of the parks and recreation department, may reduce the amount of parkland to be deeded to the city or reduce the fees in lieu of parkland to be paid to the city as part of a subdivision application where additional facilities beyond the minimum required improvements are provided. The percent reduction proposed by affirmative recommendation of the Director of the parks and recreation department, for single-family, two-family or multi-family development, shall depend upon inspection and approval by city personnel and municipal code compliance of existing and new facilities. In no case shall credits reduce the required park size by more than 25% of the required land dedication, and in no case shall the credit reduce the park below the required minimum park size of one acre.

- (1) Such areas and facilities for which reductions shall be permitted include additional improvements for the basic needs of a local park. These may include:
- a. Play structures for ages 2 to 5, from an approved Park Department list of acceptable alternatives, including safety surface and perimeter rock wall.
 - b. Play structures for ages 6 to 12, from an approved Park Department list of acceptable alternatives, including safety surface and perimeter rock wall.
 - c. Multipurpose court.
 - d. Trails not previously included as part of the parkland requirements – trail must be a minimum of 8' wide to qualify for credit.
 - e. Picnic areas with a minimum of three tables on concrete pads, with BBQ facilities and trash receptacles.

Privately owned swimming pools, landscaped areas, and recreation buildings for fitness or community gatherings shall not receive credit toward the parkland requirements of this section.

- (2) Up to a twenty-five percent (25%) reduction in the minimum parkland dedication requirement may be permitted if additional recreational

improvements as shown above are made to the proposed parkland within the subdivision application that generates the required conveyance. In no case shall the park size be reduced below the required minimum park size of one acre.

- (3) Up to a twenty-five percent (25%) reduction in the park development requirements (grading, turf, and irrigation) may be permitted if the park size is increased by up to 25%.
- (4) Up to a one hundred percent (100%) reduction in both land and fees in lieu of land from the initial parkland dedication requirement may be permitted for additional recreational improvements to existing parkland within the same park zone as the subdivision application that generates the required conveyance.
- (5) The total bonus reduction shall not exceed 50% of the overall requirement.
- (6) Under no circumstance shall a bonus reduction be approved for required improvements to parkland as provided in Section 19.20.5(C), nor shall a bonus reduction be approved for recreational improvements to parkland which are required to be provided by the subdivider as part of a separate legal instrument, condition, covenant, contract, agreement, sale or ordinance.

(b) **Bonus Reduction Calculation.** A bonus reduction approved under this section shall be determined according to the following procedure:

(1) Glossary:

- Parkland Dedication Fee/Unit (A)
- Bonus Reduction (B)
- Cost of Park Improvements (C)
- Number of Units (D)
- Total Parkland Dedication Fee (E)

(2) Formula for Calculation:

- a. $A \times D = E$
- b. $C - E = \text{Difference between Fee and Improvements (F)}$
- c.
$$\frac{F}{A} = \frac{G}{100}$$
- d. Acreage bonus

(3) Example Calculation: Request for bonus reduction on a \$488,872.80 park improvement in a 356 unit subdivision.

- a. $\$1,370 \times 356 = \$487,720$
- b. $\$488,872.80 - \$487,720 = 1152.80$
- c.
$$\frac{\$1152.80}{\$1370} = \frac{.841}{100}$$
- d. .008 acres

- (c) **Excess Bonus Reduction.** Where the bonus reduction applied for recreational improvements made to the parkland within the subdivision application, or to parkland within the same park zone as the subdivision application, exceeds the required conveyance, the balance of the bonus reduction may be offset against the minimum parkland development requirements to be deeded to the city on any subsequent subdivision application(s) submitted by the same subdivider within the same park zone. In no case shall the credit for a subsequent subdivision exceed a 50% overall reduction in the parkland dedication requirements, and the amount of park land required for any one subdivision shall not be reduced by more than 25%.
- (d) **Validation of Costs.** The subdivider shall provide documentation to the City Manager or designee at the time of final plat filing sufficient to establish the validity of the estimated cost(s) that will be used to determine the bonus reduction under this section. The documentation shall accompany the request for a bonus reduction. The Director of the Parks and Recreation Department shall evaluate the documentation submitted and shall approve the value prior to any bonus reduction given under this section. In cases where the estimated cost(s) of the improvement(s) is disputed, the value shall be as finally determined by the Director of the Parks and Recreation Department.
- (e) **Improvements Completion Schedule.** A completion schedule for improvements proposed by a subdivider shall be submitted to the City Manager or designee at the time the final plat is filed. Improvement(s) to be provided by a subdivider pursuant to this section shall be shown on the subdivision improvement plans as required in Section 19.2. Construction of the improvement(s) shall be in accordance with the time periods required in Section 19.2. Failure to complete the improvement(s) within the approved schedule shall be a violation of this Chapter.

Section 19.20.11 Fee in Lieu of Parkland Dedication

(a) **When Applicable.**

- (1) **Residential Subdivisions.** The City may require a cash payment in lieu of parkland dedication under the following circumstances:
- a. When an area of parkland less than one (1) acre is required to be dedicated, or less than two (2) acres if there is an existing park within one-half mile, and upon the recommendation of the Director of Parks and Recreation and the City Plan Commission;
 - b. Where the Director of Parks and Recreation determines that the park needs of the subdivision would be better served by developing other parks in the same park zone.

- c. In instances where the parkland to be dedicated does not meet the standards set forth in this Section.
 - d. In instances where the required parkland dedication meets or exceeds two (2) acres, the City Plan Commission, upon the recommendation of the Director of Parks and Recreation, may require a reduction in land dedication of up to 25% and payment of the balance of the required dedication in improvements to the site or in fees in lieu of land dedication.
 - e. When the City accepts a combination of the following: parkland dedication, cash payment in lieu of land dedication, or bonus reductions received pursuant to Section 19.20.9.
- (2) **Nonresidential Subdivisions.** The subdivider shall be required to pay fees in lieu of the dedication of parkland dedication for all nonresidential subdivisions applications. Where the Director of Parks and Recreation recommends that the park needs of that park zone would be better served by preserving existing open space lands on the property or by developing other parks in that park zone, the following alternatives may be used.
- a. Where open space lands that meet the types noted for preservation in the City of El Paso Open Space Master Plan occur in the non-residential subdivision, the city may accept a dedication of open space lands in lieu of, or in combination with the payment of park fees. The value of the land to be dedicated shall be equivalent to the fee amount required for that subdivision, and the proposed dedication must be at least one (1) acre in size.
 - b. An amount equal to the fee required for the non-residential subdivision may be used by the subdivider to provide additional park facilities in an existing or proposed park within the existing park zone. The types of facilities to be provided and the proposed location for those facilities shall be subject to approval by the Director of Parks and Recreation.
- (b) **Fee Calculation.** Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:
- (1) **Residential Subdivisions.**
 - a. Single-family and two-family: \$1,370 dollars per dwelling unit
 - b. Multifamily: \$680 dollars per dwelling unit.
 - (2) **Nonresidential Subdivisions.** One Thousand dollars (\$1,000) per gross acre multiplied by the number of acres rounded to two decimal places, with a minimum of Three hundred and Thirty Three dollars (\$333) for a subdivision of less than one-third acre.

- (3) These fees shall be indexed to any increase in the national Consumer Price Index (CPI) and adjusted no less frequently than every three (3) years.
- (c) **Form Tendered.** A cash payment made pursuant to this section shall be tendered in the form of a cashier's check, payable to the City of El Paso. The cashier's check shall be submitted to the City Manager or designee and shall accompany the recording plat submission.
- (d) **Refunds.** Under no circumstance shall fees received in lieu of parkland dedication required by this Section be refunded to a subdivider, except as provided in 19.20.12 (f).
- (e) In a subdivision where the density calculation for parkland results in a park site of less than one (1) acre and the developer has paid fees in lieu of dedicating parkland, should the developer, within a period of three years following the recording of the initial subdivision, submit a plat for development of land contiguous to the land in which park land fees were paid, the City shall have the option of refunding to the developer an amount equivalent to those parkland fees paid for the previous development and calculating the parkland requirements for the new subdivision plat based on the density for both the previously submitted subdivision plat and the new subdivision plat. The calculation shall be based upon the parkland dedication requirements in effect at the time of each subdivision plat submittal. For purposes of this Subsection, a refund shall be made from park fees collected and available from within the applicable park zone for each subdivision.

Section 19.20.12 Parkland Fees Special Fund

- (a) **Fund Established.** The city shall establish a special fund for the deposit of all sums paid in lieu of parkland dedication pursuant to this Section. The city shall account for all sums paid in lieu of parkland dedication with reference to the individual subdivisions involved, and all sums received shall be committed by the city within three years from the subdivision recordation.
- (b) **When funds are considered to be committed.** For purposes of this section, funds shall be considered committed:
- (1) When funds are encumbered for expenditure on equipment and materials;
 - (2) When funds are set aside under an earnest money agreement for the purchase of parkland;
 - (3) When funds are to be awarded under a bid in process; (or)

- (4) When funds encumbered are not expended because of delays by reason of strikes, court action or any similar impediment which renders it impossible or illegal to spend the money.
- (c) **Time Extensions.** Where the sums cannot be committed within the initial three-year time period, the Director of the Parks and Recreation Department may request time extensions for expenditure of the sums from the City Plan Commission in one-year intervals; except that no more than two (2) one-year time extensions may be granted by the City Plan Commission. The extension request(s) shall be submitted in writing to the City Manager or designee sixty days prior to the expiration period for sums to be committed by the city, and shall include a detailed justification for the extension request(s).
- (d) **Use of Funds.** Funds may be used for either acquisition or development, or both, of public parkland or other recreational facilities. In no case shall the funds be used for routine park or other recreational facility maintenance.
- (e) **Where funds can be used.**
- (1) For residential subdivisions. Where fees are received in lieu of parkland dedication in residential subdivisions, the funds shall be spent on a neighborhood park within the boundaries of the subdivision that generated the funds, or the applicable park zone, or in any adjacent park zone.
- Provided, however, that the City Plan Commission may authorize the expenditure of sums received in lieu of parkland dedication outside the applicable park zone, as part of the final plat approval, where infill development is proposed within older neighborhoods of the city, and where a park or other recreational facility is not available within the applicable park zone. In these instances, the City Plan Commission shall authorize the expenditure of the sums at the nearest appropriate park or other recreational facility from the proposed subdivision as recommended by the Director of the Parks and Recreation Department.
- (2) For nonresidential subdivisions, fees received in lieu of parkland dedication shall be spent on a neighborhood park within the applicable park zone of the subdivision, or on a community or regional park within adjacent park zones in each direction of the subdivision, as determined by the Director of the Parks and Recreation Department.
- (f) **Non use of funds.** If funds are not committed within the required time period and any approved time extensions, the subdivider who provided the funds in lieu of the parkland dedication shall, upon written request, be entitled to a full refund within one hundred eighty days of the last day of the required period of moneys paid.
- (g) **Accountability.** The City Manager or designee shall maintain a written record of all moneys received in lieu of parkland dedication, including, at a minimum, the

total amount of parkland fees received, the subdivision generating the fees, the subdivision or park zone where moneys are to be spent, the subdivider, the representative district, the date moneys were received, and the expiration date for moneys to be committed.

The Director of the Department of Parks and Recreation shall maintain a written record of expenditures including, at a minimum, the balance after expenditure(s), an itemized statement of expenditure(s), and the parkland description where moneys are spent. These records shall be distributed as an annual progress report on each January to the City Plan Commission and the City Council.

Section 19.20.13 Applicability

(a) Subdivision Related Dedication.

(1) Submittal received on or after June 11, 1996.

- a. Subdivision. A subdivision application filed with the City Manager or designee on or after June 11, 1996 shall be subject to the parkland dedication regulations as herein codified.
- b. Off-Site Dedication. Parkland proposed as an off-site dedication which application is filed with the City Manager or designee on or after June 11, 1996 shall be subject to the parkland dedication regulations as herein codified.

(2) Submittal Prior to June 11, 1996, Pursuant to Ordinance No. 9645, enacted February 28, 1989.

a. Subdivision.

- 1. Application in Process. A subdivision application filed as a preliminary plat, preliminary/final plat, final plat, correction plat or replat with the City Manager or designee before June 11, 1996 shall be subject to the parkland dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989, except that this provision shall not apply to any application which expires before the subdivider obtains final approval, disapproval or conditional approval of the plat or replat.
- 2. Recorded Plat. Parkland deeded to the city as part of a recorded subdivision before June 11, 1996 shall be subject to the parkland dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989.

b. Off-Site Dedication.

- 1. Application in Process. Parkland proposed as an off-site dedication which application was filed with the City Manager or designee before June 11, 1996, and where the city accepts the off-site dedication after the effective date of the ordinance codified in this Section, shall be subject to the parkland

dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989, except as follows:

- i. When a reduction option is exercised by the property owner to a subsequent parkland requirement within the same park zone, the reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision is filed with the City Manager or designee. The reduction shall be on an acreage basis, and shall not be from the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars, unless otherwise provided in the agreement by which the city accepted the off-site dedication.
- ii. The area of the parkland deeded to the city as an off-site dedication shall not include the area to the centerline of a proposed public accessway to be dedicated through a subsequent subdivision, unless otherwise provided in the agreement executed by the city accepting the off-site dedication, or unless a public accessway fronting the parkland is dedicated as part of the off-site dedication.

2. Off-Site Dedication Accepted by City. Parkland accepted by the city as an off-site dedication before June 11, 1996 shall be subject to the parkland dedication regulations contained in Ordinance No. 9645 enacted on February 28, 1989, except as follows:

- i. When a reduction option is exercised by the property owner to a subsequent parkland requirement within the same park zone, the reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision is filed with the City Manager or designee, and the reduction shall not be from the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars, unless otherwise provided in the agreement by which the city accepted the off-site dedication.
- ii. The area of the parkland deeded to the city as an off-site dedication shall not include the area to the centerline of a proposed public accessway to be dedicated through a subsequent subdivision, unless otherwise provided in the agreement executed by the city accepting the off-site dedication, or unless a public accessway fronting the parkland is dedicated at the same time as the off-site dedication.

(3) Dedication of Parkland Prior to Ordinance No. 9645, enacted February 28, 1989. Where a subdivider dedicated parkland through an approved and valid land study (concept plan) prior to Ordinance No. 9645, that dedication may

be reduced from the amount of parkland required in this Chapter for any subdivision application filed within the original land study (concept plan) boundaries of the then-approved park zone. Where a reduction option is applied by the property owner to a subsequent parkland requirement, the reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision application is filed with the City Manager or designee, and shall be on an acreage basis. A reduction shall not be from the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars, unless otherwise provided in an agreement executed by the city accepting the parkland.

- (b) **Dedication through Non-Subdivision.** Where the city accepted or required parkland which was not part of a subdivision-related dedication, and which was executed through an approved development agreement or other legal instrument prior to the effective date of the ordinance codified in this Section, that dedication shall not be subject to the reduction option for a subsequent parkland requirement generated within a subdivision as provided in this title, unless otherwise provided in the agreement or other legal instrument executed by the city, or unless the agreement in which the park committed was executed prior to February 28, 1989. Where authorized, a reduction shall be based on the parkland calculation rates and densities in effect at the time a subdivision is filed with the City Manager or designee. The reduction shall not be based on the value of the land dedication in terms of fees it would have generated, nor the market value of the land expressed in dollars.
- (c) **Documentation Required.** Where a reduction in the parkland dedication requirement of this Chapter is requested on the basis of parkland dedicated prior to June 11, 1996, the subdivider shall submit to the City Manager or designee the proper evidence to demonstrate that the provisions of this section governing applicability are applicable. The evidence may include, but shall not be limited to the following: a copy of the filed deed conveying fee simple title to the parkland to the city, or other legal documentation demonstrating that the parkland is required to be dedicated to the city; a copy of an approved and valid land study (concept plan), where applicable; and a copy of the park zone approved as part of an off-site parkland dedication, where applicable. If a subdivider fails to submit the proper evidence as herein required, the requirements of this Chapter as enacted on June 11, 1996 shall apply to all land within the boundaries of the original land study (concept plan) or approved park zone not previously platted, and no credit shall be given for previously dedicated parkland. (Ord. 13111 § 1 (part), 1997)

Section 19.21 – Sidewalks

Section 19.21.1 Purpose and Applicability

- (a) **Purpose.** Sidewalks are required as a part of subdivision Plat approval as outlined within this Section 19.21 and in Title 13, Chapter 04 to help the City of El Paso achieve the following:
- (1) Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City of El Paso and to implement objectives and strategies of the El Paso Comprehensive Plan.
 - (2) Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians.
 - (3) Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities.
 - (4) Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
 - (5) Establish minimum criteria for the development of sidewalks as a part of the pedestrian element of the transportation system within the City and its extraterritorial jurisdiction (ETJ).
- (b) **Applicability.** These requirements shall apply to all development within the City and its ETJ,
- (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; or
 - (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; or
 - (3) On mountain residential and divided mountain residential streets within an approved Mountain Development subdivision; or
 - (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; or

- (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, and
 - 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; or
- (6) In projects where the cost of establishing sidewalks or walkways would be excessively disproportionate to the cost of the associated roadway construction; or
- (7) On streets where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks; or
- (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; or
- (9) In areas with severe topography or other natural constraints that will constrain proper implementation of this Section of this Chapter, or
- (10) On local streets, in situations inherently adverse to pedestrian activity, such as harmful noise, dust creation, and high volume truck traffic, and on local streets in certain areas, such as agricultural, heavy commercial and industrial developments.
- (11) These requirements shall apply to both public and private streets.
- (12) Where there is a conflict between the requirements of Title 13.04 and this Section, 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 Section 19.48.

Section 19.21.2 General Requirements

General Requirements. The following general requirements and the requirements contained in Table 19.15-3 shall apply to the provision of all sidewalks throughout the City and ETJ.

- (1) Standards Not Otherwise Specified. Where facility standards and requirements are not otherwise specified within this Section, the design of pedestrian facilities shall follow the City's Code, Title 13.04, the DSC and other City Sidewalk Design Standards and applicable State and Federal laws and regulations.

- (2) Maintenance. All sidewalks, sidewalk amenities, and landscaping in the right-of-way shall be maintained by the adjoining property owner unless otherwise specifically provided for by public policy.
- (3) Location and Width of Sidewalks. Unless noted otherwise:
- a. Sidewalks shall have a minimum clear path width of a minimum of five feet (5') on local streets in all zoning districts primarily intended for single-family residential development when located adjacent to the property line. Sidewalks located next to the curb along local streets shall be a minimum five feet (5) in width. Sidewalks along arterials shall have a minimum of 5 feet in width.
 - b. Sidewalks shall have a minimum clear path width of a minimum of five feet (5') in all other locations.
 - c. Sidewalks in areas determined to be high pedestrian traffic areas or pedestrian oriented developments by the CPC may be required to be wider than the minimum widths listed herein by the CPC.
 - d. Sidewalks shall be located in existing areas to match the width and location of existing walks of the block in which they are located. Vacant blocks shall comply with the sidewalk requirements of this ordinance.
 - e. Sidewalks shall not be located next to the curb on collectors or arterial streets except when an exception is approved by the CPC or designee at the time of subdivision Plat approval. Such exception shall be in accordance with Section 19.48 and due to actual physical or topographic constraints. Sidewalks on TXDOT facilities shall be as approved by TXDOT.
 - f. Sidewalks may be required to improve connectivity between subdivisions, to schools, parks, bus stops and retail areas by the CPC at the time of plat approval.
 - g. The CPC may approve alternative sidewalk design and locations at the time of plat approval including meandering or curvilinear sidewalks provided such design and location meets the intent of this ordinance.
- (4) Timing of Improvements. The timing of sidewalk construction shall be as required by this Section and Title 13.04, unless a Developer Agreement between the property owner and the City provides for alternative timing for construction or Security has been provided in accordance with this ordinance.
- (5) Internal Pedestrian Circulation. In addition to sidewalks within the right-of-way, internal pedestrian circulation shall be provided in new development or redevelopment serving any non-residential and at any governmental facility, school, church, or other place of public assembly. Sidewalks shall be installed to connect all buildings to one another and to parking areas and to connect the development to the public street system. All such sidewalks shall be protected from encroachment by parked vehicles.

- (6) Curb ramps shall be provided within a street right-of-way wherever an accessible route for pedestrians (sidewalk or pedestrian way) is required. The design and construction of curb ramps shall be in accordance with the DSC and shall comply with the Texas Accessibility Standards
- (7) Compliance with DSC. Sidewalks shall be constructed in compliance with the standards in the City of El Paso DSC and Title 13.04.

Section 19.21.3 Sidewalk Requirements for New Streets

- (a) **Sides of the Street.** Sidewalks shall be required on both sides of all new streets except in accordance with Title 13.04:
- (b) **Timing of Improvements.**
 - (1) Sidewalks shall be provided by the developer at the time of road construction on all new freeway frontage roads unless disallowed by TXDOT, arterial streets, or collector streets, except on individual lots fronting on or siding up to such street. The developer may choose to provide Security in accordance with this ordinance and to delegate the requirement to construct such sidewalks to the purchaser of a lot or their builder as a part of the building permit for a period of two years from the date of acceptance of the adjacent street. However, at the end of the two year time period, the developer shall make arrangements to complete the missing sidewalks or in lieu of such arrangements, the City may utilize the Security to complete the sidewalks. As sidewalks are completed during the two year period, the developer may request the partial release of Security for the completed portions in accordance with this ordinance.
 - (2) Sidewalks on streets with lots fronting on them shall be provided by the builder as part of the building permit and shall be constructed and inspected prior to final occupancy of the structure. The sidewalk shall match the construction plans for the development and/or the sidewalks on either side of the lot in regards to location and width.
 - (3) Sidewalks shall be installed by the developer concurrently with other street improvements on streets where streets abut non-development areas such as common areas, drainage features, utility rights-of-way, or publicly owned areas.
 - (4) All required sidewalks by the developer in new subdivisions must be constructed within five (5) years of Final Plat approval unless a different schedule is specifically authorized in writing by the City Manager, or designee for the purpose of coordination with other capital improvement activities.
- (c) **Financial Guarantee.** A developer of a new subdivision may contribute the projected cost of the sidewalk construction into an escrow fund or through other form of financial guarantee to delay the time of construction of the sidewalk according to procedures within this Chapter and Title 13.04.

Section 19.21.4 Sidewalk Requirements for Existing Streets

- (a) **Sides of the Street.** Sidewalks shall be required on both sides of existing collector streets, arterial streets, and the external sides of the frontage roads of freeways.
- (b) **Location.** Sidewalks shall be required along block faces of existing local streets where redevelopment is occurring in any of the following categories or combinations of categories:
 - (1) The Central Business District designated by the El Paso Comprehensive Plan.
 - (2) Designated pedestrian routes in a neighborhood plan, corridor plan, or other small area plan adopted by the City of El Paso.
 - (3) Locations that would connect existing or otherwise required sidewalks by closing gaps of less than two hundred and fifty feet (250').
 - (4) Locations in which an adjacent property has a public sidewalk along the same block face.
 - (5) Street frontages in all developments except the following:
 - a. Developments intended primarily for single-family residential purposes and where sidewalks are not present.
 - b. Along local and collector streets in developments intended primarily for warehousing, manufacturing, and industrial uses.
 - c. Developments intended to preserve agricultural activities and open space.
- (c) **Required with Street Improvement.** Any land development or subdivision that triggers a requirement for any street improvements along an existing collector street, arterial street, or freeway frontage road shall include sidewalk improvements. The sidewalks shall be provided concurrently by the developer with other street improvements except as otherwise provided in this Section and Title 13.04.
- (d) **Site Plan.** No new or amended Site Plan shall be approved for development on any property in a location wherein sidewalks are required unless applicable provisions for required sidewalks are included in the Site Plan.
- (e) **Permits.** A Certificate of Occupancy, or any other type of final approval for a residential development that does not require a certificate of occupancy, may not be issued until required sidewalks are installed or brought up to applicable standards when there is development activity requiring:
 - (1) A permit for new construction of a structure other than an accessory structure,
 - (2) A permit for a major addition to a structure other than an accessory structure, or
 - (3) A permit for major alterations or repairs to a structure other than an accessory structure.

- (f) **Removal Requires Replacement.** An existing sidewalk may not be removed unless a replacement sidewalk is constructed to standards current at the time of removal.

Section 19.21.5 Waivers and Deviations

- (a) **Waivers.** A complete waiver of the requirement for sidewalks should be rare and allowed only where there are extreme factors. The waiver shall be approved by the City Plan Commission at the time of Plat approval upon a favorable recommendation of the City Manager, or designee and shall be documented with supporting data that indicates the basis for the decision.
- (b) **Deviations.** Deviations from these requirements and the DSC and other City Sidewalk Design Standards may be allowed by the City Manager or designee as part of Site Plan review when necessary due to the physical circumstance of the street or when necessary to accomplish adopted development goals of the City.
- (1) The specific nature and justification for any deviation must be documented and authorized in writing by the City Manager, or designee.
 - (2) Deviations should be minimal and consist primarily of changes to required width of clear path or alignment within the right-of-way.
 - (3) Deviations shall not allow a minimum clear path width of less than three feet (3').

Section 19.22 – Fire Lanes and Fire Department Access

Section 19.22.1 Reference

See the City's adopted Fire Code.

Section 19.23 – Easements, Block and Lot Design and Improvement Standards

Section 19.23.1 General

(a) Easements for New Development.

- (1) For new development, all necessary on-site easements shall be established on the Final Plat and not by separate instrument, and they shall be labeled for the specific purpose and to the specific entity, if other than the City, for which they are being provided.
- (2) Exceptions. Such easements may be permitted to be established by separate instrument only in the following limited circumstances:
 - a. If requested by the entity providing services with the easement, and
 - b. If permitted by the City Manager, or designee or the EPWU.
 - c. If temporary easements are needed for temporary road or drainage improvements
- (3) The ownership, maintenance, and allowed uses of all designated easements shall be stated on the Plat. Examples include the following: a water, wastewater or drainage easement, which is dedicated to the City for a water or wastewater line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and fire suppression and emergency medical service providers for access purposes; and an electrical, gas or communications easement, which is dedicated to the specific utility provider that requires the easement; and so on.

(b) Fencing.

- (1) Utility Easement. A wall, fence or screen shall be permitted over any utility easement provided that the easement remains fully accessible to the City for maintenance and repair purposes.
- (2) Drainage Easement. A wall, fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the wall, fence or screen.
- (3) Removal. In addition to all other remedies provided by this Chapter, the City may summarily remove any wall, fence or screen erected in violation of this section, and the City shall not incur any liability or assume any duty to compensate the owner or replace the wall, fence or screen.

Section 19.23.2 Lot Area

Easements Included. Lot area shall be computed inclusive of all required public and utility easements. However, the area of required easements on a lot shall in no

case exceed one-half of the lot size. If the property owner disputes the total easement area required for any lot, the owner shall submit a written computation of the percentage of the lot occupied by easements to the City Manager, or designee. The City Manager, or designee, shall in coordination with affected entities, consider a reduction in the area of required easements for the lot.

Section 19.23.3 Blocks - Determination and Regulation of Size

- (a) **Determination Criteria.** The length, width, placement, and shape of blocks shall be determined with due regard to the following:
- (1) Provision of adequate building sites suitable to the particular needs of the type of use contemplated;
 - (2) Zoning and Development Agreement requirements as to lot sizes, setbacks and dimensions; and
 - (3) Convenient access, circulation, traffic control, mobility in general and safety of street traffic and for pedestrians or bicyclists traveling to a public park, public open space or school site or other facility within or close to the neighborhood.
- (b) **Streets.** Intersecting streets, which determine the lengths and widths of blocks, shall be provided in accordance with Section 19.15 to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices.
- (c) **Block Lengths.** Block lengths shall be in accordance with Section 19.15.

Section 19.23.4 Lots - Determination and Regulation of Size

- (a) **Zoning District Requirements, if Applicable:** Lots shall conform to the minimum requirements of the established zoning district in which they are located, if located within the City's corporate limits.
- (b) **Lot Frontage.** All lots shall have at least one boundary abutting either a private or public street.
- (1) Each residential lot in the subdivision shall have a minimum frontage on a public or private street as required by the applicable zoning unless other provisions have been authorized through planned development approval.
 - (2) Each non-residential lot shall have a minimum frontage on a public or private street as required by the applicable zoning unless other provisions have been authorized through planned development approval.
 - (3) No residential lot frontage shall be allowed on arterial streets, except in accordance with section 19.15.6 f.

- (c) **Flag or Panhandle Lots.** Panhandle lots shall be discouraged in residential areas except when, due to unique parcel configuration it is the only way to develop the property, and it shall be considered an exception. It may be allowed as an Alternative Subdivision Design in accordance with this ordinance. It shall also be discouraged in commercial areas except when it is part of a master planned commercial center or commercial unit development with cross access easements allowing additional access. The City Plan Commission must authorize an exception allowing the flag or panhandle lots in accordance with Section 19.48 at the time of Preliminary Plat approval. Such lots shall otherwise conform to the Development Standards for Construction, and shall be based on the following design requirements.
- (1) All lots and structures shall be arranged so the structures and their addresses are visible from the public street from which the lot takes access.
 - (2) **Residential Uses.** The maximum length of the panhandle shall be one hundred feet. The minimum width of the panhandle shall be twelve feet to serve one dwelling unit. A maximum of two dwelling units may jointly use a panhandle, provided that the minimum cumulative width of the panhandle is twenty-four feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the Plat. In the event that a property cannot be developed whatsoever without an exception being granted by the City Plan Commission to allow a panhandle exceeding 100 feet, any buildings served by such panhandle will be required by the Fire Marshall to be sprinklered and have a hard wired alarm system. . A note shall be added to the recording Plat and the subdivision improvement plans indicating whether buildings are required to be sprinklered within the subdivision, and which lot numbers have such requirement.
- (d) **Lot Depth.** The minimum depth of each lot shall conform to requirements of the zoning district in which the lot is located, if applicable.
- (e) **General Shape and Layout.** The size, width, depth, shape and orientation of lots, and the minimum building setback lines shall conform to standards set forth herein or within the appropriate zoning district, as applicable. Lots shall be designed to assure the adequate provision of public facilities and the purpose of these subdivision regulations, taking into consideration the location and size of the subdivision and the nature of the proposed uses.
- (f) **Irregularly-Shaped Lots.** Irregularly-shaped lots shall have sufficient width and depth in accordance with the zoning ordinance to provide a reasonable building pad without encroachment into the required front, side or rear yard setbacks and to provide access including a driveway.
- (g) **Side Lot Line Configuration.** The subdivider shall make every effort to design the lots so that side lot lines are ninety degree (90°) angles or radial to street right-of-way lines.

(h) **Double Frontage Lots.**

- (1) Single family or duplex double frontage lots shall be prohibit, except where they may be essential to provide separation of single family or duplex residential development from arterial streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Such double frontage lots allowed within the City Limits shall provide hardscape improvements to the parkway as set forth in the DSC, to be maintained by the City.
- (2) Where lots have double frontage, are not screened, and/or are provided access directly onto an arterial street, building setback lines shall be established for each street side.
- (3) Lots in singlefamily or duplex residential subdivisions and lots measuring less than one hundred feet (100') wide and located within multi-family residential subdivisions may abut a street on both the front and rear boundaries, but only under the following conditions:
 - a. One lot boundary must abut an arterial street or freeway.
 - b. A reservation or easement at least ten feet (10') wide, across which there shall be no right of access, shall be designated beside the abutting arterial street or freeway.
 - c. The City Plan Commission may require that a parkway at the rear of a double frontage lot be landscaped or other aesthetic treatment be provided by the subdivider, subject to the approval of the City Plan Commission to provide a visual and physical separation between the development and the street.

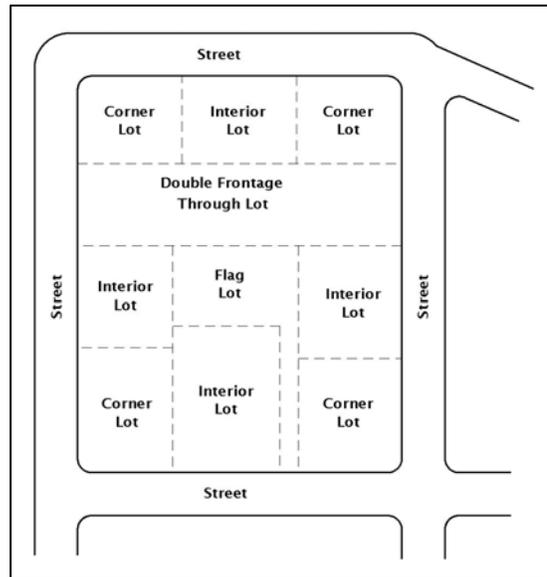


Figure 19.17-1: Types of Lots

(i) **Lots Adjacent To or In Floodplains.**

Subdivision of property in a designated floodplain must meet the requirements for floodplain management in the City's adopted Flood Hazard Prevention Ordinance and/or Chapter of the City Code, as applicable.

- (j) **Remnants.** No remnants of land shall be allowed in the subdivision which does not conform to the lot requirements of the El Paso zoning ordinance, except where proposed easements, rights-of-way or open space areas are approved by the City Plan Commission.

- (k) A lot shall not be divided by the corporate limits boundary, state line, or by another lot, street or alley or any other property.

Section 19.23.5 Monuments and Markers

Requirements. The location of all monuments shall be in accordance with the DSC and is subject to approval by the City Manager, or designee.

Section 19.24 – Mountain Development Area (MDA) **Standards**

Section 19.24.1 Applicability

- (a) General Provisions. A filed subdivision application, or any portion thereof, which incorporates land located within the mountain development area as described in Appendix 111 shall be subject to the regulations contained within this Chapter except as modified by this Section. To the extent that there is any conflict between any of the standards provided elsewhere in this Chapter and the standards contained in this Section, the standards contained in this Section shall control with respect to the mountain development area.
- (b) Purpose and Intent. The mountain development area is characterized by slope, vegetation, drainage, rock features, geologic conditions and other physical factors. These regulations are intended to:
- (1) Preserve the scenic quality of the Franklin Mountains;
 - (2) Reduce the physical impact of hillside development by allowing innovative site and architectural design, minimizing grading and requiring restoration of graded areas;
 - (3) Reduce water runoff, soil erosion and rock slides by minimizing grading and by requiring re-vegetation;
 - (4) Utilize appropriate engineering technology to eliminate unstable slope and soil erosion;
 - (5) Permit reasonable development which is compatible with the characteristics of the mountain development area;
 - (6) Provide vehicular and emergency access which is safe, convenient, and compatible with the terrain of the land.

Section 19.24.2 Procedure and Requirements

A filed subdivision application or any portion thereof, for property within the mountain development area shall follow the general procedural requirements for Plat review and approval as provided in Section 19.37 of this Chapter. The City Manager, or designee, shall make a report of the staff's written comments and recommendations in writing to the City Plan Commission, or City Manager, or designee where administrative approval is authorized, prior to any action on the subdivision application. In all instances, a subdivision application submitted for property within the mountain development area shall be completed within the time period specified in Section 19.1 and 19.37 of this Chapter.

Section 19.24.3 Development Standards

The subdivider shall comply with the following development standards, in addition to those identified in Article 2, Subdivision Standards, and shall incorporate the requirements within the subdivision application.

(a) Drainage and Erosion.

- (1) All necessary erosion control measures shall remain in place until effective stabilization occurs.
- (2) Erosion control shall utilize live native re-vegetation to the extent reasonably possible.
- (3) The existing natural drainage system on the property may be used to satisfy the stormwater drainage requirements of this Chapter when recommended by the City Manager or designee and approved by the City Plan Commission based on findings of hydrology and storm drainage report.
- (4) Ponding areas used as stormwater drainage facilities shall not be permitted, except where recommended by the City Manager or designee and approved by the City Plan Commission. Ponding areas shall remain undisturbed in their natural state to the extent reasonably possible.
- (5) No existing watercourse or other natural drainage system carrying more than five cubic feet per second in a one hundred year frequency storm, whether on-site or off-site, shall be disturbed by any building development or construction activity within the proposed subdivision unless no other reasonable drainage alternative exists as recommended by the City Manager, or designee and approved by the City Plan Commission.
- (6) All floodways in floodplain areas shall be dedicated as drainage easements or rights-of-way.

(b) Vegetation and Re-vegetation.

- (1) Vegetation and re-vegetation shall be required on all disturbed areas. If in the course of construction of buildable areas, non-buildable areas are disturbed, the subdivider shall restore the formerly undisturbed areas through the replanting of appropriate native, adaptive and drought tolerant re-vegetation to mitigate soil erosion. For purposes of this requirement, appearance features which are compatible with the area shall be allowed when approved by the City Manager, or designee.
- (2) Existing natural vegetation on the property shall be retained in its natural state, except where necessary for the construction of subdivision improvements and buildings or to replace or improve undesirable vegetation.

(c) Fire Protection. All lots shall be supplied with adequate fire protection in the form of fire hydrants capable of sustaining a flow rate as follows (as evidenced by flow tests), and spaced at intervals of not more than five hundred feet:

Flow Rates (gallons per minute)	Structures Sprinklered
500 to 999	All buildings
1,000 to 1,499	All buildings exceeding three thousand square feet
1,500 or more	None required

A note shall be placed on the subdivision improvement plans which indicates whether or not buildings within the subdivision are required to be sprinklered based on the flow rate requirements of this subsection.

- (d) Grading, Cuts and Fills. Grading allowed within a subdivision shall be based on the concept of minimal disturbance, and not on maximum buildable footage.
 - (1) Exposed slopes of surfaces of excavation or fill shall comply with the requirements of the geotechnical report, except as otherwise recommended by the City Manager, or designee and approved by the City Plan Commission.
 - (2) The maximum vertical height of a cut or fill shall be fifteen feet, except that the City Manager, or designee may recommend and the City Plan Commission approve a greater vertical height when necessary.

- (e) Streets.
 - (1) Streets shall not exceed 11% grades.
 - a. Under special site-specific circumstances the 11% grades can be exceeded for short distances with the approval of the City Manager or designee
 - b. Streets with grades in excess of 11% shall be permanently signed for no parking.
 - c. Where a street grade exceeds eleven percent, buildings on lots fronting and accessed by the street shall be required to be sprinklered by the City Plan Commission when recommended by the City Manager, or designee and the Fire Chief.
 - d. If the only access to a subdivision is by a street with a grade exceeding 11%, then all structures in the subdivision are considered to be accessed by a street exceeding 11% and required to be sprinklered. A note shall be placed on the subdivision improvement plans which indicates whether or not buildings within the subdivision are required to be sprinklered based on the requirements of this subsection.

 - (2) Mountain residential and divided mountain residential streets shall be designed to meet a design speed as follows:

- a. Twenty miles per hour when the street is designed to carry an average daily traffic (ADT) volume of less than two hundred vehicle trips;
 - b. Twenty-five miles per hour when the street is designed to carry an average daily traffic (ADT) volume of two hundred or more vehicle trips;
 - c. Twenty-five miles per hour when the street is designed as a stub street.
- (3) Mountain Residential Street. A mountain residential street is intended to reduce roadway impact to environmentally sensitive areas and to protect landscape and topography, and shall only be used for development of property within the mountain development area.
- a. The mountain residential street carries residential neighborhood traffic, and provides direct access to abutting properties. This street shall carry traffic from within the neighborhood and shall provide the safest environment.
 - b. Mountain residential streets shall be designed to discourage through traffic unless connection to streets outside the subdivision is recommended by the City Manager or designee.
 - c. The total right-of-way width for a mountain residential street shall be twenty-three feet; which shall include the following:
 - 1. Two ten-foot driving lanes;
 - 2. Header curbing;
 - 3. No sidewalks;
 - 4. No parkways;
 - 5. Utility easements; as needed within the subdivision to accommodate utility service connections.
 - d. On-street parking shall be prohibited. Designated parking areas may be provided on property adjacent to the street right-of-way.
4. Divided Mountain Residential Street. A divided mountain residential street is intended to reduce roadway impact to environmentally sensitive areas and to protect landscape and topography, and shall only be used for development of property within the mountain development area.
- a. The divided mountain residential street carries residential neighborhood traffic, and provides direct access to abutting properties. This street shall carry traffic from within the neighborhood and shall provide the safest environment.
 - b. Divided mountain residential streets shall be designed to discourage through traffic unless connection to streets outside the subdivision is recommended by the traffic division of the engineering department.
 - c. The total right-of-way width for a divided mountain residential street shall vary based on the width of the median, but shall include as a minimum the following:
 - 1. Two ten-foot driving lanes;
 - 2. Header curbing;
 - 3. One median of variable width with header curbing;
 - 4. No sidewalks;
 - 5. No parkways;
 - 6. Utility easements; shall be provided as needed within the subdivision to accommodate utility service connections.

- d. On-street parking shall be prohibited. Designated parking areas may be provided on property adjacent to the street right-of-way.
- (f) Street Lighting. The subdivider shall furnish and install one street light at each street intersection. The design and installation of street lights shall be in accordance with the Development Standards for Construction.
- (g) Panhandle Lots for Residential Uses. Panhandle lots for residential uses shall be permitted to reduce grading and cut and fill. The maximum length of the panhandle shall be seven hundred fifty feet. The minimum width of the panhandle shall be twelve feet to serve one dwelling unit. A maximum of four dwelling units may jointly use a panhandle, provided that the minimum cumulative width of the entire common driveway is twenty feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the Plat. Residential lots with panhandles in excess of 100 feet will be required to provide residential sprinkler systems and hard wired alarm system on structures. A note shall be added to the recording Plat and the subdivision improvement plans indicating whether buildings are required to be sprinklered and have hard wired alarm systems within the subdivision, and which lot numbers have such requirement.
- (h) Signage. Traffic control signs shall be permitted to be installed on shared sign posts to reduce visual clutter in the subdivision.
- (i) Driveway Access.
 - (1) The City Plan Commission may approve a driveway length in excess of two hundred fifty feet, and up to a maximum of seven hundred fifty feet, when the subdivider provides evidence of all of the following:
 - a. A driveway grade at a maximum horizontal distance in feet is provided as follows:

Driveway Grade	Maximum Grade Length (horizontal distance in feet)
12-13	700
14-15	350
16-18	200

Where a driveway grade exceeds eleven percent, buildings on lots fronting the driveway shall be required to be sprinklered by the City Plan Commission when recommended by the City Manager, or designee and the Fire Chief. A note shall be placed on the subdivision improvement plans which indicates whether

- or not buildings within the subdivision are required to be sprinklered based on the requirements of this subsection, and
- b. The driveway is of asphalt or concrete construction to support fire fighting and other emergency apparatus.
- (2) For purposes of this subsection, the driveway length shall be calculated from the abutting street to the nearest face of the primary structure.
 - (3) The City Plan Commission may grant an exception when it makes a finding pursuant to Section 19.48 and allow a greater driveway length than seven hundred fifty feet, the approval shall be subject to the building construction being sprinklered with a hard wired alarm system. . A note shall be added to the recording Plat and the subdivision improvement plans indicating whether buildings are required to be sprinklered and have hard wired alarm systems within the subdivision, and which lot numbers have such requirement.

Section 19.24.4 Reports Required

A filed subdivision application on property within the mountain development area, or portion thereof, shall be accompanied by five copies of the following:

- (a) Soils Report. A soils report containing all of the following information:
 - (1) Soil conservation map of the property, delineating soil types;
 - (2) An accurate topographic map;
 - (3) Major soil hazard ratings in relation to the total area of development;
 - (4) Percentage of area to be disturbed in relation to the total area of development.

- (b) Grading, Drainage and Erosion Plan. A grading, drainage and erosion plan containing all of the following information:
 - (1) Grading plan showing the existing topography and proposed grades, including elevations, lines and grades;
 - (2) A flood analysis for stream channels that occur on the property based on the following criteria:
 - a. One hundred year storm event,
 - b. The peak discharge of stormwater,
 - c. Provisions for storm drainage;
 - (3) A map indicating the on-site and off-site drainage area contributory to the property;
 - (4) Specific erosion control methods to be used on the disturbed areas;
 - (5) Calculations and proposed details used for design and construction, including:
 - a. Rainfall intensity,
 - b. Soil stability,
 - c. Land slope and topography,
 - d. Condition of the soil surface and land management methods in use,
 - e. Surface cover, grass, shrubs and pavement;
 - (6) A geotechnical report for all cuts and fills which addresses stability.

- (c) Vegetation Preservation and Protection Report. A vegetation preservation and protection report containing all of the following information:
 - (1) General description of existing vegetation and proposed use of new vegetation;

- (2) The vegetation to be removed and method of disposal;
- (3) The vegetation to be planted;
- (4) Slope stabilization measures to be installed.

Section 19.25 – Additional Requirements

Section 19.25.1 Postal Delivery Service

- (a) Every subdivision shall provide for appropriate mail receptacles for postal delivery service. The subdivider shall coordinate with the responsible entity in determining the type of delivery service for the proposed subdivision and the location and installation of any mail receptacles. A copy of an Agreement between the subdivider and the responsible entity shall accompany the submission of the recording plat and shall serve as verification that coordination has occurred. The terms of the Agreement are not subject to review by the City.
- (b) Location. Mail receptacles shall be placed in a location that is convenient, accessible, safe and efficient to all lots in the subdivision, and shall be subject to the following location standards:
- a. located in an area with a slope of no more than one-quarter inch per foot;
 - b. located in an area that is illuminated by street lighting;
 - c. not be located on an arterial street;
 - d. not be located in the area of the visibility triangle at an intersection;

Section 19.25.2 Subdivision Identification Signs

- (a) **Where a subdivider proposes an identification sign within the subdivision, the following shall be required:**
- (1) No more than two subdivision identification signs shall be permitted per subdivision entrance;
 - (2) No portion of a subdivision identification sign shall be within a public right-of-way or public easement, except where authorized by special privilege license granted by City Council;
 - (3) The maximum area of subdivision identification signs shall be forty-eight square feet per subdivision entrance. The subdivision identification sign shall only include the name, logo or other identification of the subdivision or project;
 - (4) The location of subdivision identification signs shall be subject to the approval of the City Manager, or designee and shall be shown on the subdivision improvement plans.
 - (5) The subdivider shall secure required city permits for the placement of the subdivision identification sign(s) on the property;
 - (6) Where a subdivision identification sign is proposed, restrictive covenants shall be submitted with the subdivision which provide for the formation of a neighborhood association which shall provide for the perpetual maintenance of the sign. As an alternative, if an improvement district such as a Public

Improvement District has been created to maintain public improvements and amenities, it can also maintain the sign.

Section 19.25.3 Community Facilities

Where the location of a community facility, as defined, within a subdivision is needed based on The Plan for El Paso, and is recommended by the City Plan Commission, the subdivider shall coordinate with the city to locate and assist in the acquisition of land for the facility, in accordance with Section 19.46 on Proportionality.

Section 19.26 – Alternative Subdivision/Smart Code Designs

Section 19.26.1 Purpose

Purpose. It is the purpose of this Section to provide for the consideration of alternative subdivision designs, smart growth and form based subdivisions, infill developments, mixed use districts and alternative improvement designs and engineering which differ from the conventional design standards as outlined within this Article of this Chapter, but which are based upon sound engineering, planning and urban design practice. Infill Development provisions would encourage the development of smaller, isolated tracts of land in the inner city or the area surrounding it that have been passed over by development and have remained vacant for years, and may include platted or unplatted land. “Alternative Subdivision Improvements” mean alternative designs for physical improvements such as streets, water and wastewater, as well as any other infrastructure element of a proposed development. Smart Code Subdivisions are those adopted in accordance with the Smart Code provisions of the City of El Paso.

Section 19.26.2 Infill Development

- (a) **Intent and Purpose:** The following guidelines are designed to meet the intent and purpose of the infill sections, requirements and references in Title 20, the Zoning Ordinance to reinvigorate existing communities and neighborhoods and support new compact, single or mixed-use development. This section is intended to reduce barriers to infill development, and to provide incentives such the use of flag lots and private drives, reduced drainage standards on smaller parcels, reduced fees and participation in or reduced requirements for infrastructure.
- (b) **Application.** An application for an Infill Development Procedure shall be submitted at the time of Preliminary Plat application. The Infill Development subdivision design will be reviewed under the provisions outlined in the Zoning Ordinance under the Alternative Subdivision Design provisions for Infill Development, as well as in Section 19.3, Preliminary Plat, of this Chapter, as amended and provisions outlined in this section. The Infill Subdivision Improvement Plans and applicable incentives must be submitted, requested, reviewed and approved prior to Final Plat approval of an Infill Development and recordation. All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form and meeting the administrative submission requirements available in the Planning Department.
- (c) **Designated Areas.** The provisions of this section shall apply to areas designated for Infill development in Title 20, the Zoning Ordinance.

(d) Zoning Districts and Related Single Family Lot Sizes.

The applicable zoning districts in which the Infill Development procedure may be used and the Infill Development standards that may be permitted for single family uses through the use of the procedure shall be as allowed by the Infill Development provisions of the Zoning Ordinance.

(e) Incentives. In addition to the incentive of smaller lots and higher density in accordance with the Zoning Ordinance, the following incentives are available in developments meeting the requirements of this Section:

- (1) **Reduced Fees.** The City Manager or designee shall waive the development fees associated with the subdivision review and approval process for qualified projects. The El Paso Water Utility may waive one or more fees associated with water and wastewater service, including hookup fees, for qualified projects.
- (2) **Replat Fees and Approval.** While replatting laws of the State of Texas must be observed, replats with less than 4 lots may be administratively approved in accordance with this ordinance without a public hearing and the fees may be waived as described above.
- (3) **Infrastructure Cost Participation.** The City Council may choose to pay for additional participation in public infrastructure beyond what is required by this ordinance for a qualified Infill Development. The determination by the City Council shall be made prior to the approval of the final plat and may include but is not limited to:
 - a. Construction, repair or replacement of public streets, curbs and gutters or alleys.
 - b. Construction, repair or replacement of sidewalks, street lighting or other pedestrian improvements.
 - c. Construction, repair or replacement of storm drainage facilities.
- (4) **Water and Wastewater.** The El Paso Public Water Utility may choose to pay for additional participation in public infrastructure by this ordinance for a qualified Infill Development.
- (5) **Stormwater and erosion control.** Infill projects that create less than 10,000 sf of new impervious surface are exempt from the stormwater requirements, excluding stormwater utility fees.

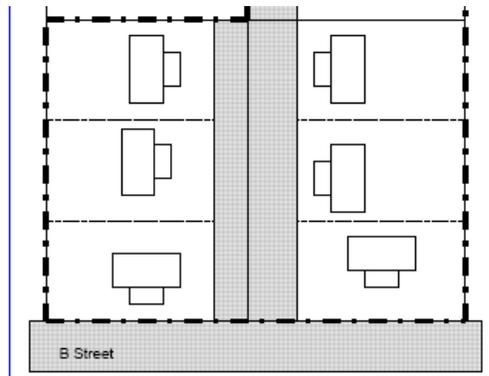
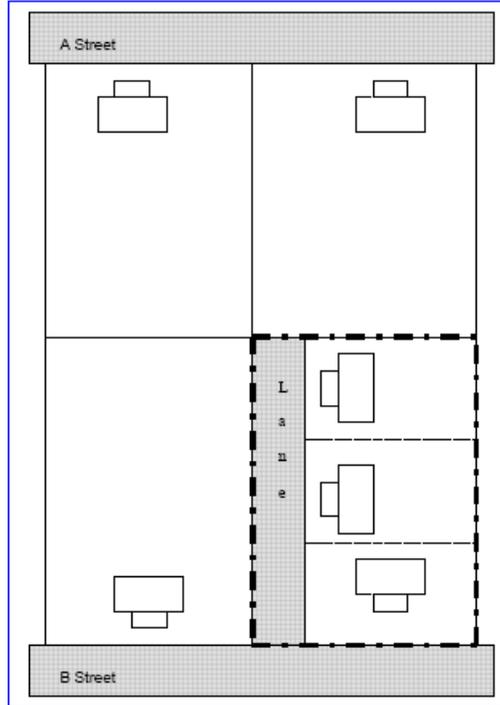
Section 19.26.3 Reduced Roadway and Lot Frontage Requirements

- (1) **Flag Lots and Reduced Roadway and Lot Frontage Requirements.** Public streets serving single family residential lots may be replaced by private

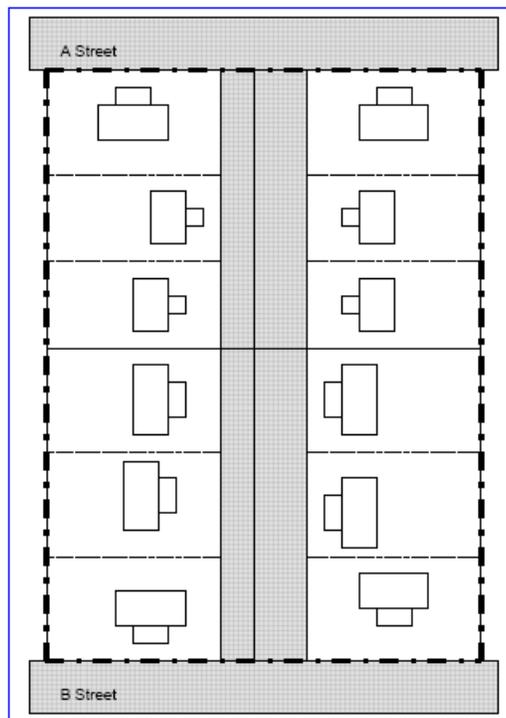
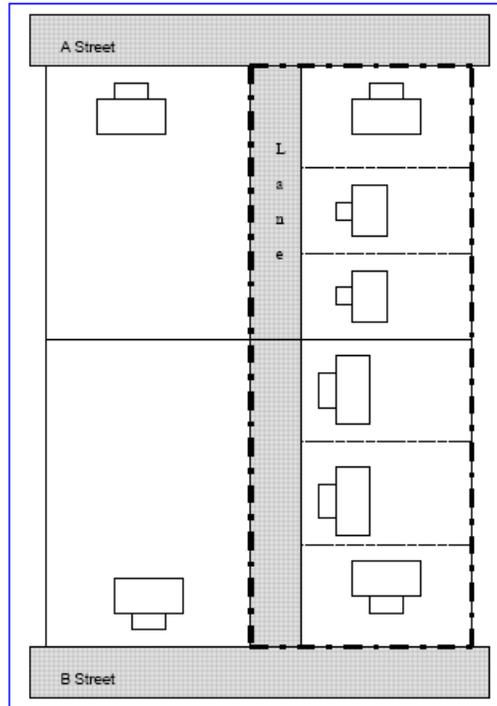
roadways (access lanes) 20 feet wide within a minimum 30-foot easement used to serve up to eight (8) lots.

- (2) Such roadways and access lanes shall be shown in an easement dedicated to the property owners and public agencies that is designated by a note on the recorded plat as a "perpetual reciprocal easement."
- (3) Such private access lane may be allowed with designation as an Infill Development or in other single family residential zoning districts if the CPC finds:
 - a. Physical conditions preclude development of the street, such conditions may include but are not limited to topography or likely impact to natural resource areas such as arroyos, wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area or are source on the National Wetland Inventory or under protection by state or federal law;
 - b. Buildings or other existing development on adjacent lands including previously subdivided but vacant lots or parcels physically preclude a public street now or in the future considering the potential for redevelopment.
 - c. If the applicant can demonstrate that a future street cannot be made to serve the property, then the application for plat approval shall be processed subject to subdivision standards.

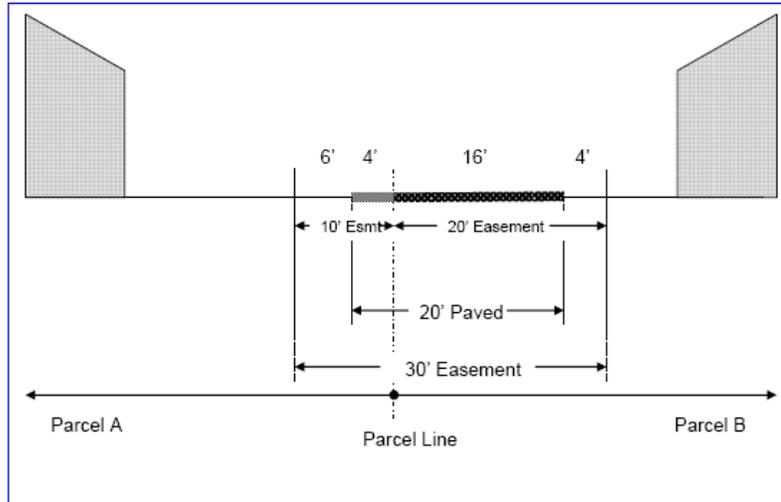
- (4) For lots or parcels that do not extend from one street to another, the following diagram indicates how up to four (4) lots may be platted fronting on a 20 foot wide access lane that extends up to 200 feet in depth. Lanes in excess of 200 feet must be 24 feet wide with an additional 4 feet of easement and be designated as a fire lane.



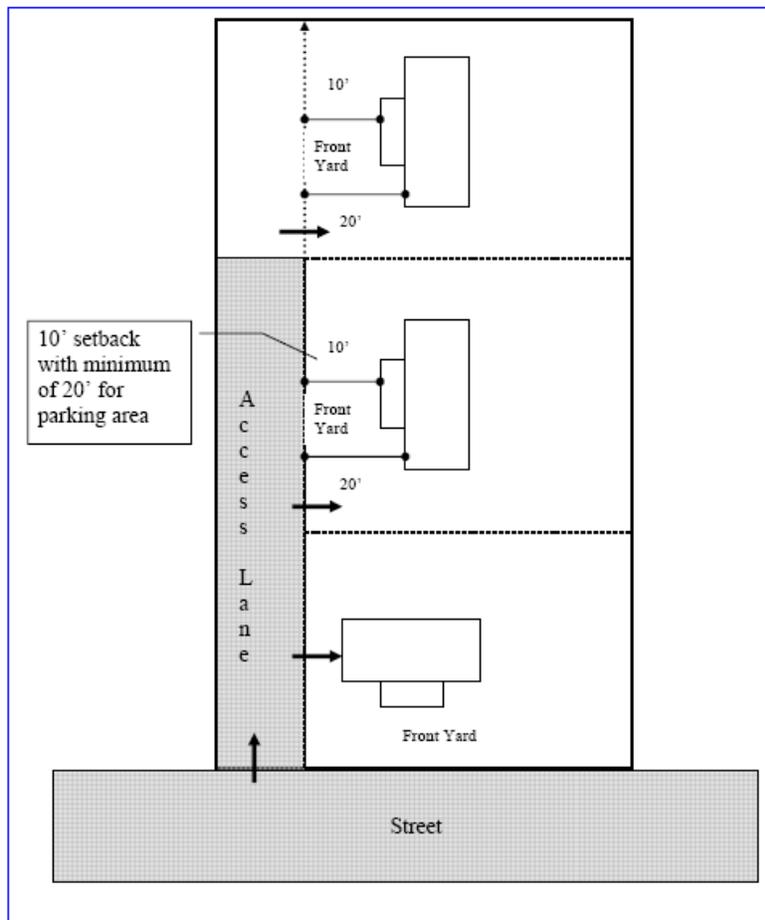
5. For lots or parcels that do extend from one street to another, the following diagram indicates how up to eight (8) lots may be platted fronting on a 20 foot wide access lane that extends up to 400 feet in depth.



6. The following diagram indicates how two separately owned adjoining parcels or lots may provide or be sequenced to provide 30 feet of easement and 20 feet of access lane.



7. The following diagram indicates how lots will front on the access lane and where the front yard and parking setbacks are measured from. (Numbers are for example purposes only. The Zoning Ordinance has the actual dimension requirements.)



Section 19.26.4 Alternative Subdivision Improvement Design

- (a) **Intent.** This section contains the regulations for the Alternative Subdivision Improvement Design procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference. It is in the intent of the Alternative Subdivision Improvement Design procedure to allow one or more alternative improvement designs to those required in this ordinance and the DSC to be utilized in a comprehensive manner throughout a proposed development, provided the improvements meet the intent and have the same or higher level of service or adequacy of the original required improvement. It is not the intent of the Alternative Subdivision Improvement Design procedure to allow an inferior improvement to the original one required by this ordinance for the purpose of reducing costs.
- (b) **Application.** An application for the Alternative Subdivision Improvement Design Procedure shall be submitted at the time of Preliminary Plat application, along with a Subdivision Improvement Plan showing the proposed changes. Subdivision Improvement Plans in accordance with this ordinance with the proposed Alternative Subdivision Improvement Design clearly designated shall be provided in order for the engineering staff to make an evaluation of the proposal. Engineering or other studies should be provided to establish that the proposal meets the intent of this ordinance and provides the same level or greater of protection, service or adequacy of the original requirement. The Alternative Subdivision Improvement design will be reviewed under the provisions outlined in Section 19.3, Preliminary Plat of Section 19.18.1, Subdivision Improvement Plans, as amended, as well as provisions outlined in this section. All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form and meeting the administrative submission requirements available in the Planning Department.
- (c) **Based on Engineering.** Decisions regarding the design of various physical improvements in a subdivision should be based on engineering or other studies. Thus, while this Code provides standards for design, the regulations are not a substitute for sound engineering judgment. Therefore, a licensed engineer may submit alternative designs to be reviewed and considered by the City Manager, or designee.
- (d) **Relationship to Standards in Section 19.15, Roadways.** If the proposed alternative design is approved by the City Manager, or designee, then the applicable provisions of Section 19.15 shall be deemed to have been met. If the proposed alternative design standards are not approved by the City Manager, or designee, then the standards contained within Section 19.15 shall apply.

- (e) **Relationship to all other Improvement Standards.** If the proposed Alternative Subdivision Improvement Design is determined to meet or exceed the standard for such improvement contained in this ordinance and the DSC and approved by the CPC upon recommendation of City Manager, or designee, then the applicable provisions of this ordinance shall be deemed to have been met. If the proposed alternative design standards are determined not to be the equivalent of the standard contained in this ordinance and not approved by the City Manager, or designee, then the standards contained within this ordinance shall apply.

Section 19.26.5 Form Based/Smart Code Subdivisions

- (a) **Standards** - The El Paso Code of Ordinances at Section 20. XX. XXX will set forth standards for subdivisions as part of the form based/smart code initiative. Applicants for a Form Based/Smart Code subdivision approval are required to utilize the standards contained in the Design Standards for Construction in the following Tables in the Smart Code Section:

Table 3A – Vehicular Lane Dimensions
 Table 3B – Vehicular Lane and Parking Assemblies
 Table 4A – Public Frontages - General
 Table 4C – Thoroughfare Assemblies
 Table 17B – Turning Radius
 Table X – Open Space
 Table XX – Drainage

- (b) **Applicability of Form Based and Smart Code Provisions:**

- (1) **Subdivision with Smart Code Zoning In Place:** In cases where the applicant for subdivision approval is currently zoned in a district which will be set forth in Chapter 20 of the El Paso code of ordinances as a “smart code” or “form based” code district, then the applicant shall utilize the form based/smart code standards set forth in Section 20. XX. XXX, Section 19.26.5 of this code and the Design Standards for Construction.
- (2) **Properties Seeking Zoning Approval:** In unplatted properties in which the applicant is seeking zoning approval for districts set forth in the form based/smart code section of Chapter 20 of the El Paso code of ordinance, and is proposing to use form based code/smart code standards in their plat and subdivision improvement drawings, then the applicant shall utilize the form based code/smart code standards set forth in Section 20. XX. XXX, Section 19.26.1 of this code and the Design Standards for Construction.

Section 19.26.6 Approval

- (a) **Infill Development.** The City Plan Commission, as part of the Preliminary Plat Approval, may approve, approve with conditions or deny the proposed Infill Development, provided it meets all the requirements in this Section. Since the applicant is assured of approval of a Preliminary Plat that meets the requirements of this ordinance, the CPC is not obligated to approve an Infill Development. It is the applicant's obligation to document to the CPC that the Infill Development meets the intent of this section and is a better quality development than would otherwise be developed. Replats of existing lots shall meet the requirements of Texas State Statute. If the proposed Infill Development Plat is approved, or approved with conditions by the City Plan Commission, upon recommendation by the Manager, or designee, then the applicable provisions of this ordinance shall be deemed to have been met. If the proposed Infill Development is not approved by the City Plan Commission, then the standards contained within this ordinance shall apply.
- (b) **Alternative Subdivision Improvement Design.**
- (1) Alternative Subdivision Improvement Designs that either alter the road standards and applicable provisions in Section 19.15 or the various other physical improvement standards contained in this ordinance or in the DSC, may be approved by the CPC upon recommendation of the City Manager or designee as part of the Preliminary and/or Final Plat approval, if the CPC and the City Manager or designee agree with the engineering studies provided as part of the submission showing that the proposal meets the intent of this ordinance and provides the same level or greater of protection, service or adequacy of the original requirement.
 - (2) Since there are already acceptable standards for subdivision improvements and the applicant is assured of approval of a Preliminary Plat that meets the requirements of this ordinance, the CPC is not obligated to approve an Alternative Subdivision Improvement Design. It is the applicant's obligation to document to the CPC that the Alternative Subdivision Improvement Design meets the intent of this section and is a better quality development than would otherwise be developed.
 - (3) The City Plan Commission may approve Alternative Subdivision Improvement Designs as part of a Land Study if the Land Study contains sufficient detail and information, to include any necessary engineering studies, showing that the proposal meets the intent of this ordinance and provides the same level or greater of protection, service or adequacy of the original requirement.
 - (4) If the proposed Alternative Subdivision Improvement Design is approved, or approved with conditions by the City Plan Commission, upon recommendation by the Manager, or designee, then the applicable provisions of this ordinance shall be deemed to have been met. If the proposed Alternative Subdivision

Improvement Design is not approved by the City Plan Commission, then the standards contained within this ordinance shall apply.

- (c) **Form Based or Smart Code Subdivisions.** The City Plan Commission, as part of the Preliminary Plat Approval, may approve, approve with conditions or deny the proposed Form Based or Smart Code Subdivision. If the Form Based or Smart Codes Subdivision meets the requirements of El Paso Code of Ordinances for Form Based or Smart Codes, this Chapter and the Design Standards for Construction, then the CPC shall approve the plat.
- (d) Misrepresentation of facts of any kind shall result in the denial or revocation of the approval or conditional approval of the preliminary plat and/or final plat.