

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Development Services
AGENDA DATE: Introduction: May 20, 2008
Public Hearing: May 27, 2008
CONTACT PERSON/PHONE: John Neal, 541-4193
DISTRICT(S) AFFECTED: All

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SUBJECT:

An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103 (Permits), of the El Paso City Code to amend to add new requirements concerning issuance of building permits when subdivision improvements have not been completed. The penalty as in 1.08 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

These changes to Title 18 (Building and Construction) mirror changes recently adopted by the City Council in the subdivision ordinance rewrite. When subdivision improvements have not been completed, no building permits above 50% of the subdivision nor any occupancy permit may be issued without financial security for the remaining improvements.

PRIOR COUNCIL ACTION:

Yes. Adoption of revised Title 19 (Subdivision Regulations) on May 6, 2008.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A _____ **FINANCE:** (if required) N/A _____

DEPARTMENT HEAD: Victor O. Torres, Director _____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

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**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION),
CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE),
SECTION 18.02.103 (PERMITS), OF THE EL PASO CITY CODE TO AMEND TO ADD
NEW REQUIREMENTS CONCERNING ISSUANCE OF BUILDING PERMITS WHEN
SUBDIVISION IMPROVEMENTS HAVE NOT BEEN COMPLETED. THE PENALTY
AS IN 1.08 OF THE EL PASO CITY CODE**

WHEREAS, the City is amending the Subdivision provisions contained in the El Paso City Code and such amendments require that certain provisions in Title 18 also be amended; and,

WHEREAS, the amendments herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing, promotes economic development and enhanced quality of life for the citizens of El Paso.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103 (permits), shall be and hereby is amended as follows:

a. Subsection 18.02.103.1.1.6.1 (Building Permits for Lots in Approved Subdivision Plats), paragraph 2Biii shall be and hereby is amended as follows:

Subsection 18.02.103.1.1.6.1 Building Permits for Lots in Approved Subdivision Plats

2B. iii. A conditional “B” building permit may be issued for the remaining lots within the subdivision provided that the following have been constructed and installed within the right-of-way servicing each lot:

- Water and sewer service;
- Curbing conforming with the appropriate street design cross-section;
- Any drainage facility;
- Any other remaining public improvement required by the deputy director for building services to adequately provide for construction on the lot;

In addition, a finding has been made by city council that additional permits should be issued based on economic hardship or public benefit demonstrated by the subdivider; and

The developer and the permit applicant shall execute a development agreement and file it of record with the county clerk. A copy shall be provided with the building permit application. And provided that no conditional “B” building permits shall be issued until financial security for completion of the remaining subdivision improvements has been provided in accordance with Title 19 Section 19.8.4.

b. Subsection 18.02.103.1.1.6.2 (Subdivisions with Development Agreement), shall be and hereby is amended as follows:

Subsection 18.02.103.1.1.6.2 Subdivisions with Development Agreement

For purposes of this section, a development agreement shall be defined as a document that acknowledges that all required subdivision improvements have not been completed and accepted for maintenance by the city, or approved by the deputy director for building services; and that a certificate of occupancy will not be issued for any dwelling unit until all subdivision improvements have been inspected and approved for acceptance by the city or approved by the deputy director for building services, or financial security is provided for completion of the remaining subdivision improvements in accordance with Title 19 Section 19.8.4. A development agreement shall be executed by the developer and permit applicant, and shall be filed of record with the county clerk. A copy of the development agreement shall accompany the building permit application. Upon satisfactory completion of the required public or private improvements, the deputy director for building services shall be authorized to execute a release of the development agreement, which may be filed of record by the developer or the permit applicant

c. Subsection 18.02.103.9.1.2.1.1 (Unconditional Building Permits) shall be and hereby is amended as follows:

18.02.103.9.1.2.1.1 Unconditional Building Permits

No certificates of occupancy shall be issued for lots receiving unconditional building permits as described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits until the structures meet the building and zoning codes, and provided that all subdivision improvements have been completed in accordance with Title 19.8 or financial security has been provided for completion of the remaining subdivision improvements in accordance with Title 19.8.4.

d. Subsection 18.02.103.9.1.2.1.2 (Conditional “A” Building Permits) shall be and hereby is amended as follows:

18.02.103.9.1.2.1.2 Conditional “A” Building Permits

No certificates of occupancy shall be issued for lots receiving conditional “A” building permits as described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits, until the structures meet the building and zoning codes; and that the subdivision or approved phase of a subdivision has been approved for acceptance by the deputy director for building services, or financial security has been provided for completion of the remaining subdivision improvements in accordance with Title 19.8.4.

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e. Subsection 18.02.103.9.1.2.1.2 (Conditional “B” Building Permits) shall be and hereby is amended as follows:

18.02.103.9.1.2.1.3 Conditional “B” Building Permits

No certificates of occupancy shall be issued for lots receiving conditional “B” building permits described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits until the structures meet the building and zoning codes; and that the subdivision or approved phase of a subdivision has

been accepted for maintenance by the city, or financial security has been provided for completion of the remaining subdivision improvements in accordance with Title 19.8.4

f. Subsection 18.02.103.9.1.2.1.4 (Subdivisions with Development Agreement) shall be and hereby is amended as follows:

18.02.103.9.1.2.1.4 Subdivisions with Development Agreement

A certificate of occupancy will not be issued for any building permit in subdivisions with development agreement as described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits, until all subdivision improvements have been inspected and approved for acceptance by the city or approved by the deputy director for building services, or financial security has been provided for completion of the remaining subdivision improvements in accordance with Title 19.8.4.

Section 2. Except as herein amended Title 18 (Building and Construction) Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103 (permits), of the El Paso City Code shall remain in full force and effect.

Passed and approved this _____ day of May, 2008.

THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto

Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

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