

*Elia Garcia*  
Mayor

*Rene Rodriguez*  
Representative  
At Large

*Cesar Nevarez*  
District 1



*Ralph Duran*  
District 2

*Victor Perez*  
District 3  
Mayor Pro Tem

*Yvonne Colon-Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

NOTICE OF A SPECIAL MEETING  
OF THE  
PLANNING AND ZONING COMMISSION  
OF THE  
CITY OF SOCORRO, TEXAS

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This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (915) 858-2915 or fax (915) 858-9288 for further information.

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Notice is hereby given that a special meeting of the Planning and Zoning Commission of the City of Socorro, Texas will be held **Thursday, August 29, 2019** at 5:30 p.m. at City Council Chambers, 860 N. Rio Vista, Socorro, Texas at which time the following will be discussed:

1. **CALL TO ORDER.**
2. **NOTICE TO THE PUBLIC – OPEN FORUM**

This time is reserved for members of the public who would like to address the Commission on any items that are not on the Commission Agenda and that are within the jurisdiction of the Commission. No action shall be taken.

3. **CONSENT AGENDA**

- a. Consider and Take Action:  
On the approval of meeting minutes for the August 6, 2019 Planning and Zoning Commission meeting.

**SPECIAL MEETING AGENDA – SOCORRO PLANNING & ZONING COMMISSION**  
**August 29, 2019 at 5:30 PM**

**4. REGULAR AGENDA-DISCUSSION AND ACTION**

**NOTICE TO THE PUBLIC AND APPLICANTS**

The staff report for an agenda item may include conditions, exceptions, or modifications. The Commission’s motion to approve an item in accordance with the staff report or with all staff comments means that any modifications, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made.

(a) Discussion and Action:

On amending sections 42-69, 42-102, and 46-633 ( c ) of the Code of Ordinances of the City of Socorro, Texas to restrict large commercial vehicle parking and storage within residential and agricultural zoning districts.

(b) Discussion and Action:

On the proposed amended and restated Chapter 38 of the Code of Ordinances of the City of Socorro, Texas relating to Subdivisions.

5. Planning and Zoning Commissioners Report:

6. Planning and Zoning Department Report:

7. Excuse absent commission members:

8. Adjournment:

**EXECUTIVE SESSION**

The Planning and Zoning Commission of the City of Socorro may retire into EXECUTIVE SESSION pursuant to Section 3.08 of the City of Socorro Charter and the Texas Government Code, Sections 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discuss in Executive Session, but the Planning and Zoning Commission of the City of Socorro may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The Planning and Zoning Commission will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

**SPECIAL MEETING AGENDA - SOCORRO PLANNING & ZONING COMMISSION**  
**August 29, 2019 at 5:30 PM**

Section 551.071 CONSULTATIONS WITH ATTORNEY  
Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFT  
Section 551.074 PERSONNEL MATTERS  
Section 551.076 DELIBERATION REGARDING SECURITY  
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

**NOTICE TO PROPERTY OWNER**

**The Commission Policy requires that the applicant or representative be present at the public hearing for their item(s). Failure of the applicant or his/her/its representative to be present may result in the deletion of the matter from the agenda or such matter may be tabled until such time as the applicant or his/her/its representative is present.**

I, the undersigned authority hereby certify that the above notice of meeting of the Planning and Zoning Commission of Socorro, Texas is a correct copy and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at City Council Chambers, 860 N. Rio Vista, Socorro, Texas.

Dated this 26<sup>th</sup>, day of August 2019.

\_\_\_\_\_  
Sergio Morales, Planning & Zoning Secretary

DATE & TIME POSTED: 8-26-2019 2:25 p.m. /BY: \_\_\_\_\_

**ALL PLANNING AND ZONING COMMISSION AGENDAS ARE PLACED ON THE INTERNET AT THE ADDRESS BELOW:**

**([www.ci.socorro.tx.us](http://www.ci.socorro.tx.us))**

**CITY OF SOCORRO PLANNING AND ZONING COMMISSION**  
 Regular Meeting Minutes  
 August 6, 2019

Members Present	Members Absent	Staff Present	Others Present
Daniel Lopez Arturo Lafuente Enrique Cisneros	Ernest Gomez David Estrada Andrew Arroyos	Job Terrazas Sergio Morales	Merwan Bhatti

**Items for discussion and action:**

**1. Call to order.**

Chairperson Mr. Daniel Lopez called the meeting to order at 5:33 p.m.

**2. Notice to the Public – Open Forum.**

Miriam Cruz asked the commissioners not to consider excusing absent commission members that did not contact staff to inform them of their absence.

**3. Consent Agenda.**

**a. Consider and Take Action:**

**On the approval of meeting minutes for the July 6, 2019 Planning and Zoning Commission meeting.**

A motion was made by Mr. Enrique Cisneros to approve, seconded by Mr. Arturo Lafuente. Motion was carried with 2 commissioners yes and 1 abstained.

**4. Regular Agenda – Discussion and Action:**

**a. Rezoning – Public Hearings**

**(1) Proposed: To be used for a commercial venture.**

**Legal: Robert E. Nix Survey 302 ABST 10170, Tracts 11B1, 11B2, & 11B3**

**Location: 16143, 16133, & 16106 Gateway Boulevard West**

**Property Owner: Garcia Family Grantors Irrevocable Trust**

**Representative: Eva Rojas**

**Attachment:**

**PUBLIC HEARING OPEN: 5:39 p.m.** Miriam Cruz asked what type of business will be opened and if TXDOT will be requiring a deceleration lane to enter the business. Eva Rojas the representative explained they had already filled out the paper work with TXDOT and they would let the owner know if a deceleration lane will be required to enter the business that will be a trucking transportation business.

**PUBLIC HEARING CLOSE: 5:43 p.m.**

A motion was made by Mr. Enrique Cisneros to approve, seconded by Mr. Arturo Lafuente. Motion was carried with all commissioners present in favor.

**Rezoning – Public Hearing**

**(2) Proposed: For a second Dwelling.**

**Legal: Lot 8, Friedman Estates #2, Block 11**

**Location: 11460 Datsun**

**Property Owner: Reymundo F. Resendez**

**Representative: Owner**

**Attachment:**

**PUBLIC HEARING OPEN: 5:49 p.m. Reymundo Resendez the owner spoke for his item also providing examples of existing lots with double homes near his property.**

**PUBLIC HEARING CLOSE: 5:55 p.m.**

A motion was made by Mr. Daniel Lopez to let the applicant speak after the public hearing, seconded by Mr. Arturo Lafuente. Motion was carried with all commissioners present in favor.

A motion was made by Mr. Daniel Lopez to enter executive session, seconded by Mr. Enrique Cisneros. Motion was carried with all commissioners present in favor. Executive Session started at 6:12 p.m. and ended at 6:16 p.m.

A motion was made by Mr. Daniel Lopez to approve with the conditions the structure be in back of the main house and not to exceed 800 sq. ft. in size, the motion died because there was no second.

A motion was made by Mr. Enrique Cisneros to deny, seconded by Mr. Arturo Lafuente. Motion was carried with 2 commissioners yes and 1 no.

**b. Replat Approval – Public Hearing**

**(1) Proposed: Navarrete-Blanco Subdivision**

**Legal: Being a replat of Lot 5, Block 2, Sunhaven Farms**

**Location: 557 Sunhaven Drive**

**Property Owner: Grecelda Navarrete and Andres Navarrete**

**Representative: Calderon Engineering**

**Attachment:**

**PUBLIC HEARING OPEN: 6:47 p.m. Lorraine Fresquez the owner of the mobile home in question spoke for this item stating they will be removing the old mobile home and replacing it with a new double wide.**

**PUBLIC HEARING CLOSE: 6:49 p.m.**

A motion was made by Mr. Daniel Lopez to approve with the condition the driveway be 20 ft. wide, the motion died because there was no second.

A motion was made by Daniel Lopez to approve with the condition the driveway be 20 ft. wide, seconded by Mr. Enrique Cisneros. Motion was carried with 2 commissioners yes and 1 abstained.

**c. Consider and Take Action:**

**On the proposed Conditional Use Permit for a mechanic shop for a mechanic shop for Lot 6, Block 2, Bagge Estates Subdivision located at 10074 North Loop.**

**Lorenzo Zapata stated he will only be repairing the cars he will have for sale and he will abide with the staff recommendations.**

A motion was made by Mr. Daniel Lopez to approve with the staff recommendations, seconded by Mr. Arturo Lafuente. Motion was carried with all commissioners in favor.

**d. Consider and Take Action:**

**On amending sections 42-69, 42-102, and 46-633 (c) of the Code of Ordinances of the City of Socorro, Texas to restrict large commercial vehicle parking and storage within residential and agricultural zoning districts.**

**Miriam Cruz commented that heavy hauling vehicles are defined as 26 ft. in length and 13 ft. in height. She believes we should include any work truck or vehicle used for commercial purposes. She also raised questions about the fine and she believes the fine should be substantial enough and if we can include a Fine Fee and she recommended a \$3,000.00 fine.**

A motion was made by Daniel Lopez to postpone the item, seconded by Mr. Enrique Cisneros. Motion was carried with all commissioners in favor.

**5. Planning and Zoning Commissioners Report:**

Mr. Arturo Lafuente asked if any consideration would be given to add new lights along North Loop Road heading east after the double lines end to help with the traffic that will be generated by the new subdivisions going in. Daniel Lopez commented on sending notices to constituents so they would not burn trash or weeds on their properties causing a smoke and fire hazard.

**6. Planning and Zoning Department Report:**

Nothing to report.

**7. Excuse absent commission members.**

A motion to approve absent commission members was made by Mr. Daniel Lopez, seconded by Mr. Arturo Lafuente. Motion was carried with all commissioners in favor.

**8. Consider and take action on adjournment.**

Mr. Daniel Lopez stated since no further business is coming forth to the commission the meeting is adjourned. Meeting adjourned at 7:42 p.m.

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Daniel Lopez, Chairperson

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Sergio Morales, Secretary

*Elia Garcia*  
Mayor

*Rene Rodriguez*  
At Large

*Cesar Nevarez*  
District 1



*Ralph Duran*  
District 2

*Victor Perez*  
District 3/Mayor Pro Tem

*Yvonne Colon-Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

**DATE:** August 29, 2019  
**TO:** PLANNING AND ZONING COMMISSION  
**FROM:** Job Terrazas, Building Official  
**CC:** Adriana Rodarte, City Manager

### SUBJECT

Discussion and Action on amending sections 42-67 sections 42-69, 42-102 and 46-633(c) of the Code of Ordinances of the City of Socorro, Texas to restrict large commercial vehicle parking and storage within residential and agricultural zoning districts.

### SUMMARY

Chapters 42 (Traffic and Vehicles) and 46 (Zoning) currently have regulations for the parking and storage of large commercial vehicles. An amendment to these chapters is needed to restrict large commercial vehicles from being parked and stored in residential areas of the City of Socorro, Texas in order to better protect residents and the residential streets of the City.

### BACKGROUND

Currently these three sections of the Code of Ordinances allow large commercial vehicles to be parked and stored in residentially zoned properties as long as a permit is obtained from the Planning and Zoning Department. Some permits have been issued to allow this and those permits shall continue to be valid as non-conforming uses on the properties. With the proposed amendment, no further permits will be issued and no additional large commercial vehicles shall be permitted to be parked or stored in the residential zoning areas of the City of Socorro. The proposed amendment would restrict large commercial vehicles to be parked and stored in commercial and industrial zoned areas and would limit their access to City streets to those designated for large commercial vehicle routes as listed in section 42-99 of the Code of Ordinances of the City of Socorro.

### STATEMENT OF THE ISSUE

Numerous large commercial vehicles are currently being parked and stored in residential areas of the City of Socorro creating a nuisance to surrounding residents and damaging the residential streets of the City.

### STAFF RECOMMENDATION

The Planning and Zoning Department recommends APPROVAL for the proposed amendment.

*Elia Garcia*  
Mayor

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At Large

*Cesar Nevarez*  
District 1



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District 2

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District 3/Mayor Pro Tem

*Yvonne Colon-Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

## ORDINANCE \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 46-69, 46-102 AND 46-633(c) OF THE CODE OF ORDINANCES OF THE CITY OF SOCORRO, TEXAS TO **PROHIBIT** LARGE COMMERCIAL VEHICLE PARKING AND STORAGE IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS.

WHEREAS, the City of Socorro has heretofore adopted ordinances pertaining to large commercial vehicles; and;

WHEREAS, in order to protect residential areas from large commercial vehicles in the City of Socorro, Texas;

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

(Deletions of current text are noted in red strike through font and additions are noted in blue underline font)

### Sec. 42-67. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial vehicle means every vehicle which is described as a truck tractor, pole trailer, semitrailer, or trailer, as described in this section, including but not limited to the following:

(1) a vehicle or combination of vehicles that has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds;

(2) a vehicle that is a farm vehicle with a gross weight, a registered weight, or a gross weight rating of 48,000 pounds or more;

(3) a vehicle that is designed or used to transport more than 15 passengers, including the driver;

(4) a vehicle that is used in the transportation of hazardous materials in a quantity requiring placarding as required under the federal Hazardous Materials Transportation Act (49 U.S.C. §5101 et seq.);

(5) a vehicle or combination of vehicles has a gross weight rating of more than 10,000 pounds and is operated in interstate commerce and registered in this state;



(6) a vehicle including a school bus that will operate at a speed authorized by Texas Transportation Code, §545.352(b)(A); or

(7) a vehicle including a school activity bus, as defined in Texas Transportation Code, §541.201, that has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds, or is designed or used to transport more than 15 passengers, including the driver.

Local commercial vehicle means any commercial vehicle whose origin and destination is within the city, and any locally operated commercial vehicle.

Motorbus means a vehicle used for transporting persons that has a passenger carrying capacity of more than 16 persons, except those operated by muscular power or exclusively on stationary rails or tracks.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between supporting connections.

Semitrailer means every vehicle without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Through commercial vehicle means any commercial vehicle whose origin and destination is other than the city.

Trailer means every vehicle without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck route means street, road or highway designated by the city council upon which it shall be lawful for all through commercial vehicles and local commercial vehicles to travel.

Truck tractor means every vehicle designed and used primarily for drawing other vehicles and not so constructed so as to carry a load other than a part of the weight of the vehicle and load so drawn.

(Ord. of 9-7-2010, § 2)

**Section 1. That Chapter 42 (Traffic and Vehicles), Article III (Heavy, Oversized and Other Commercial Vehicles), Division 1 (Generally), Section 46-69 (Heavy Hauling Prohibited) be revised as follows:**

Sec. 42-69. - Heavy hauling prohibited.

No person shall operate or park for any period of time any vehicle in excess of 26 feet in length from front axle to rear axle, eight feet in width or 13 feet six inches in height within the districts or upon any of the streets or parts of streets not designated as truck routes ~~unless the person possesses a permit issued by the city to park the vehicle on the property.~~

**Section 2.** That Chapter 42 (Traffic and Vehicles), Article III (Heavy, Oversized and Other Commercial Vehicles), Division 2 (Truck Routes), Section 46.102 (Local Commercial Vehicles Must Use Truck Routes; Exceptions) of the Code of Ordinances of the City of Socorro, Texas, be revised as follows:

Sec. 42-102. - Local commercial vehicles must use truck routes; exceptions.

It is unlawful for any person to operate any local commercial vehicle upon any highway, street, alley or road within the limits of the city, except as follows:

- (1) A local commercial vehicle may travel or be operated upon any highway, street or road designated as a truck route.
- (2) A local commercial vehicle may be off of a designated truck route in order to travel directly to or from a point of destination or origin within the city.
- ~~(3) To and from owner's permitted parking area, provided the owner possesses a permit issued by the city to park the vehicle on the property and owner accesses closest truck route to owner's permitted parking area.~~

**Section 3.** That Chapter 46 (Zoning), Article V (Supplemental Regulations for all Districts), Section 46-6339(c) (Parking Spaces) of the Code of Ordinances of the City of Socorro, Texas, be revised as follows:

Sec. 46-633. - Parking spaces.

- (c) Semitractor and commercial trailer parking and storage shall be prohibited in all residential and agricultural zones areas. ~~Semitractor parking may be permitted in residential and agricultural zones, subject to the following requirements:~~
  - ~~(1) In R-1, R-2, RE, and A-1 subdivisions on lots, no smaller than one-half acre.~~
  - ~~(2) Parking in these zones may be permitted only if the occupant first obtains a permit from the planning director of the city. The permit must be issued pursuant to application prescribed by the planning director and renewed annually. No permit may be issued or renewed until the location is inspected and approved for compliance with these regulations and an inspection report is filed with the planning director.~~
  - ~~(3) Semitractor access on the permitted lot shall only be permitted on an approved driveway consisting of at least four inches of 3,000 pounds per square inch, steel reinforced, concrete, which shall be located from the street to the property boundary entrance, and be adequate to prevent damage to the street surface.~~
  - ~~(4) No maintenance or repairs of the semitractor will be permitted on the premises.~~
  - ~~(5) Semitractors are not permitted to have ignition on for more than five minutes during the hours of 8:00 p.m. through 7:30 a.m.~~
  - ~~(6) One tractor per one-half acre is allowed. A maximum of two tractors per lot may be permitted.~~

**Section 4.** Except as expressly herein amended, Chapter 42 (Traffic and Vehicles) and Chapter 46 (Zoning), of the Code of Ordinances of the City of Socorro, Texas, shall remain in full force and effect.

**READ, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

CITY OF SOCORRO, TEXAS

\_\_\_\_\_  
Elia Garcia, Mayor

ATTEST:

\_\_\_\_\_  
Olivia Navarro, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James A. Martinez  
Socorro City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Adriana Rodarte, City Manager

Introduction and First Reading:  
Second Reading and Adoption:

*Elia Garcia*  
Mayor

*Rene Rodriguez*  
At Large

*Cesar Nevarez*  
District 1



*Ralph Duran*  
District 2

*Victor Perez*  
District 3/Mayor Pro Tem

*Yvonne Colon-Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

**DATE:** August 29, 2019  
**TO:** PLANNING AND ZONING COMMISSION  
**FROM:** Job Terrazas, Building Official  
**CC:** Adriana Rodarte, City Manager

### SUBJECT

Discussion and Action on amending Chapter 38 of the Code of Ordinances of the City of Socorro, Texas to regulate subdivisions and include requirements for Master Planning, Subdivisions and Traffic Impact Analysis requirements.

### SUMMARY

Chapters 38 Subdivisions - currently has regulations for the design and process to file and develop new subdivisions. The existing Ordinance does not have regulations for a master plan or TIA requirements.

### STATEMENT OF THE ISSUE

There have been instances where a proposed development is not consistent with the comprehensive plan. In order to follow the City's Comprehensive Plan, it is necessary to revisit the entire Chapter 38 to ensure that future development follows and is consistent with the comprehensive plan.

The existing Ordinances also lack the requirements for a Master Plan when a developer is going to be subdividing land in phases. It is necessary to outline the requirements to maintain consistent traffic and roadway connections for future development.

Traffic Impact Analysis reports that are also necessary to analyze and/or predict the future growth and the impact the new development will have to City infrastructure.

Finally, the process for recording subdivision plats is outlined and time frames are established in order to facilitate the development process. These provisions are created to be consistent with the new addendums to the Texas Local Government Code.

### STAFF RECOMMENDATION

The Planning and Zoning Department recommends APPROVAL for the proposed amendment.

(#1448760.2) August 14, 2019 2:00 p.m.

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ChapterChapter 38 - SUBDIVISIONS<sup>11</sup>

Footnotes:

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State Law reference— Municipal and county authority to regulate subdivisions, V.T.C.A., Local Government Code § 242.001 et seq.; municipal zoning authority generally, V.T.C.A., Local Government Code § 211.001 et seq.; municipal planning and development generally, V.T.C.A., Local Government Code § 371.001 et seq.; municipal zoning boards of adjustment, V.T.C.A., Local Government Code § 211.008; issuance of local permits, V.T.C.A., Local Government Code § 245.001 et seq.; municipal comprehensive plans, V.T.C.A., Local Government Code § 213.001 et seq.; authority for municipal regulation of signs, V.T.C.A., Local Government Code § 216.001 et seq.

ARTICLE I. - IN GENERAL  
Sec. 38-1. - Applicability.

(a) The provisions of this ChapterChapter apply to any non-exempt (see Section 38-4.) division of land, combination of separate land parcels and/or development of land within the corporate boundaries of the City and within its extra territorial jurisdiction.

(b) No permit shall be issued for any building or structure on a property until a plat has been approved and/or filed for record in accordance with this ChapterChapter with the following exceptions:

(1) Ppermits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, etc.) which involve no increase in square footage; or

(2) demolition permits or permits for removal of a structure from a parcel or tract.

(c) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a subdivision plat is duly recorded with the El Paso County Clerk as provided within this ChapterChapter.

(d) The subdivision of any lot or any parcel of land by the use of metes and bounds description, contract of sale, or any other legal instrument, for the purpose of sale, transfer, lease or development, is prohibited except as otherwise provided for in this ChapterChapter.

(e) When reviewing any application for a subdivision that applies to a particular subdivision that originated prior to September 17, 1989, the applicable subdivision standards for approval shall be those county regulations for subdivisions dated July 15, 1986.

(Ord. No. 77, § 1, 5-1-1989; Amd. No. 2, § II, 12-21-1992)

Sec. 38-2. - Purpose.

The purposes of this chapterChapter are:

(a1) To ensure harmonious and orderly development of the city and the surrounding area and thereby promote the health, safety, morals, and general welfare of the city and the surrounding area.

(b2) To secure equitable treatment of all subdivision plans by providing for uniform procedures and standards for observance by subdividers, the commissionCommission and the city council.

(Ord. No. 77, § 3, 5-1-1989)

Sec. 38-3. - Penalties and enforcement.

Any person violating any provision of this chapterChapter shall be subject to penalties as provided in section 1-15. In addition, the city may enjoin such sale, transfer, or agreement to sell, by action for an

injunction, and may recover the said penalty through civil action. In addition to the above penalties, the city shall be entitled to recover its legal fees and costs for enforcement of this chapterChapter.

(Ord. No. 77, § 5, 5-1-1989)

Sec. 38-4. - ExemptionsExceptions.

The following land divisions are exempt from the requirements of this chapterChapter that apply to plats\* (provided that the subdivider, has an approved exemption determination application in accordance with Section \_\_\_\_\_):

(a) The combining of two or more legally recorded lots into one parcel will not be required to be replatted into one lot provided all lots are permanently joined by a structure or improvements built over the property line(s) in accordance with the zoning ordinance;

(b) The division of a legally recorded lot into two portions and the combining of the portions of the lots with the adjacent lots on each side shall be allowed without replatting, provided each new lot complies with the zoning ordinance. The parcel line dividing the middle lot shall become the new lot line and the side setbacks required by zoning shall be measured from that line;

(c) Provided, however, that on those parcels described in subsections (a) and (b) above, no additional right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed;

(d) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended, provided however, that prior to construction of improvements, a plat meeting the requirements of this chapterChapter shall be completed and recorded;

(e) Use of existing cemeteries complying with all state and local laws and regulations;

(f) A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of this chapterChapter shall be completed and recorded prior to the issuance of permits;

(g) Creation of a remainder tract in accordance with Section \_\_\_\_\_, provided such remainder tract is suitable for development in the future and does not make any other tracts undevelopable under current City of Socorro ordinances, and provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;

(h) Any development activity associated with a plat that conforms to the subdivision requirements set forth in this chapterChapter;

(i) Bona fide agricultural activities;

(j) Construction of agricultural accessory structures and related development activities;

(k) The acquisition of land for the purpose of widening or extending public rights-of-way, stormwater drainage and water or wastewater infrastructure facilities;

(l) The division of a legally subdivided and recorded lot in which a duplex is constructed, located in a district where duplexes are permitted may be resubdivided by metes and bounds into two separate lots, provided that the following requirements are met:

(1) One dwelling unit of the duplex must remain on each separate lot at the time that the division is created;

(2) The metes and bounds survey and survey map are prepared by a licensed surveyor of the State of Texas;

(3) No panhandle lots or lots without access are created;

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(4) The metes and bounds survey and survey map shall be duly recorded and filed with the office of the El Paso County Clerk;

(5) A copy of the recorded instrument shall be provided with all building permit applications; and

(6) Any future building construction of dwelling units shall comply with all provisions of the zoning code.

Nothing in this chapterChapter shall be deemed to require the approval of the city council for divisions of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement of access.

(Ord. No. 77, § 6, 5-1-1989)

Sec. 38-5. - Definitions.

The following words, terms and phrases, when used in this chapterChapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) The following definitions are intended to provide descriptions for words and terms used within this chapterChapter. Absent any conflict, words and terms used in this chapterChapter, shall have the meanings ascribed thereto in this chapterChapter.

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(b) When words and terms are defined herein and are also defined in other Ordinances of the City, such words shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this chapterChapter, shall control.

(c) Words used in the present tense include the future; words in the singular number shall include the plural number; and words used in the plural shall include the singular number.

(d) The word shall is mandatory and not directory. The word structure includes the word building.

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(e) For any definition not listed in this Section of this chapterChapter, the definition found within the latest edition of Webster's Dictionary shall be used.

(f) The following words, terms and phrases, when used in this chapterChapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a minor public way, having a right-of-way width sufficient for vehicular service access to the back or side of properties otherwise abutting on a street.

*Amending Plat* means a plat meeting the requirements of Sec. 38-12.

*Block* means an area bounded by existing or proposed streets. Under certain conditions of terrain, such as where lots back up against a steep slope or a watercourse, etc., this definition may be qualified to say "an area bounded by existing or proposed streets and outside property lines."

*Building* means an edifice, structure, or construction of any kind, which has a permanent foundation, located or proposed to be located on a lot.

*Building setback* means the distance from the lot line to the first contact with a building foundation.

*Clear sight triangle* means an area of unobstructed vision at street intersections.

*Commission* means the city planning and zoning commission.

*Comprehensive plan* means ~~the official City of Socorro Comprehensive Master Plan and all plans which may consist of several~~ maps, ~~plans, (including park plans and major thoroughfare plans)~~ data, and other descriptive matter as may be adopted, altered or revised from time to time by the ~~city~~ council for guiding the orderly physical development of the city and its environs or any portion thereof, including the general locations of streets, parks, or other public open spaces, public utilities, schools and other facilities.

*Covenant* means an express agreement between two or more people to do or not to do a certain thing. As used in this ~~chapter~~Chapter, the term "covenant" refers to a written legally binding agreement between two or more property owners or between one or more property owners and the city to do or not to do certain constructions on the land or to pursue or not pursue certain activities on the land or to use or not use the land in any specific or general manner.

*Crosswalk* means a public right-of-way within a block intended for pedestrian use.

*Cul-de-sac* means a dead-end street having suitable turnaround.

*Dedication* means to set apart for some specified or general use, control or ownership by the city for public use.

*Double frontage lots* means lots which have both front and back property lines fronting on parallel or approximately parallel streets.

*Drainage right-of-way* means the lands required for the installation of stormwater sewers or drainage ditches, or required along a natural street or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

*Dwelling, multifamily*, means a single structure containing two or more dwelling units, including, but not limited to, townhouses, condominiums, duplexes and apartments.

*Dwelling, single-family*, means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

*Dwelling unit* means a structure or part of a structure intended for human occupancy.

*Easement* means a grant of beneficial use by the owner for the use by one or more persons or the public.

*Engineer* means an engineer registered in accordance with ~~Texas~~state law. The city engineer shall be an engineer ~~engaged~~appointed by the city.

*Family* means one or more persons occupying a single dwelling unit, provided that all members are related by blood, consanguinity, marriage, legal or equitable adoption, guardianship, or any other accepted custodial activity.

*Fee Schedule* means ~~the schedule of fees adopted by the City Council as may be amended from time to time by resolution.~~

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*Filing, plat*. A plat shall be deemed to be filed with the commission when ~~a complete application~~ it has been properly received by the city planning department who may refuse to receive a plat if the procedures under this ~~chapter~~Chapter have not been fully observed and correctly followed.

*Final Plat* means a plat meeting the requirements of Sec. 38-9.

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*Future street alignment* means a line, established by the ~~city~~ council, running more or less parallel to the centerline of an existing or proposed street for the purpose of delineating the future boundaries of public right-of-way.

*Improvement guarantee* means a deposit of cash, bond, letter of credit, certified check or negotiable securities and an agreement to the effect that the subdivider will install required improvements.

*Lot* means ~~a parcel of land accommodating a building or buildings of unified design, a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development, or both.~~



*Lot depth* means the dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregularly shaped lots, the mean depth shall be taken.

*Lot frontage* means that portion of a lot abutting on a street.

*Lot size* means the total square footage of the lot as described by the platted lot lines.

*Lot width* means average dimension between side property lines measured parallel to the street right-of-way line or tangent line. In case of irregularly shaped lots, the mean width shall be taken.

*Master Plan* means a plan complying with the provisions of Section 38.7.

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*Mobile home* means a transportable structure, exceeding eight body feet in width or 32 body feet in length, built on a chassis, irrespective of whether the towing tongue has been removed, and designed to be used as a moveable dwelling with or without a permanent foundation when connected to required utilities.

*Modular home* means a factory-fabricated transportable building, which would be transported on something other than its own chassis and designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term "modular home" is intended to apply to major assemblies, which must conform to the local building code, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements, which are to be incorporated in a structure at the building site.

*Monument* means one or more of the following:

- (1) *Benchmark*. A brass cap, set in a base which meets city standards, with the elevation (mean sea level datum) and the land surveyor's registration number inscribed thereon.
- (2) *Permanent survey monument*. A brass cap set in a base which meets city standards, or a standard BLM monument marking sectionalized corners, containing coordinates referenced to the Texas State Plane Coordinate System and the land surveyor's registration number inscribed thereon.
- (3) *Subdivision control monument*. A metal stake or pipe which meets city standards, with the land surveyor's registration number affixed thereto.

*Owner* means any person or legal entity having a proprietary interest in the land to be subdivided but not including a mortgagee, lienor, or lessee.

*Panhandle Lot* means a lot that is platted in the shape of a flag or pan and whose principal building site is connected to a public street by a narrow strip of land.

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*Plan* means a master plan, a preliminary plat, a replat, a final plat subdivision improvement plan, subdivision construction plan, site plan and site development plan, area plan, sketch plan or master plan which generally identifies layouts of land parcels to be subdivided and developed. Plan drawings are not necessarily prepared by a surveyor.

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*Plat* includes a preliminary plat, final plat, replat and amending plat means a map, chart, survey, plan or replat certified by a Surveyor containing a description of the land to be subdivided and containing all other elements required by this chapterChapter and which a subdivider shall submit for approval in accordance with this chapterChapter with ties to permanent monuments.

*Preliminary Plat* means a plat meeting the requirements of Sec. 38-8.

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*Proportional Share* means the subdivider's portion of a cost of an exaction or public improvement as determined and in accordance with Texas Local Government Code 212.904 and considered to be "roughly proportional share" of such exaction or public improvement that is created by a proposed development or subdivision.

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*Public improvements* means the infrastructures required to provide public services to a parcel of land.

*Replat* means a plat meeting the requirements of Sec. 38-10, ~~to prepare and record a new plat replacing all or a portion of a previously recorded plat that has been vacated.~~

*Right-of-way* means land reserved for uses as a street, alley, crosswalk, or for other public ingress and egress.

*Security* means a bond, letter of credit or escrow account in amounts and with surety and conditions satisfactory to the city attorney providing for and securing to the city the actual construction and installation of all approved subdivision improvements and utilities.

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*Street* means a public way for vehicular and pedestrian traffic, whether designated as a street, drive, highway, thoroughfare, turnpike, road, avenue, boulevard, lane, place, way, or however otherwise designated.

*Street, arterial*, means a street or highway usually designed to move high volumes of through traffic.

*Street, collector*, means a street which carries traffic from local streets to the arterial streets.

*Street, dedicated*, means a street accepted for public use/improvement and maintenance, whether by the city, municipal county, state or federal government.

*Street, local*, means a street which is used primarily for access to the abutting properties.

*Subdivider* means any person who undertakes the subdivision of land as defined herein. A subdivider shall be an owner or authorized agent of the owner of the land to be subdivided.

*Subdivision* means the division of any lot or tract of land into two or more parts for the purpose, whether immediate or in the future, to sell, lease, or develop. The term "subdivision" does not include the following:

*Subdivision improvement plans* means the plans required by the city for the construction and installation of public improvements necessary to provide required services for proper development as set forth in this Chapter, including, but not limited to, plans for grading, drainage facilities, water and sewer, open space, parks or other recreational space, streets and elimination of streets.

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*Surveyor* means a registered land surveyor licensed in accordance with Texas state law.

*Traffic Impact Analysis (TIA)* means a report analyzing current and future traffic movements with or without a subdivision's impact and which includes an analysis of mitigation measures as set forth in Sec. 38-59.

*Vacation of plat* means to formally remove a plat from record, as recorded in the office of the county clerk.

*Variations* means modifications to this chapter/Chapter/Chapter granted by the city council for a specific circumstance where strict conformance to this chapter/Chapter is not possible or would create substantial hardship on the subdivider.

(Ord. No. 77, § 7, 5-1-1989)

Sec. 38-6. - General information and guidance.

Sec. 38-6.1 (a) — *Generally*. Every person who desires to subdivide land into two or more parts shall furnish a plat of the proposed subdivision prepared by a surveyor, and shall comply with the requirements of this chapter/Chapter. Upon request, the city planning and zoning department shall furnish the subdivider with basic information on the requirements.

Sec. 38-6.2 (b) — *Subdivision within corporate limits of city*. Any proposed plan or plat subdivision, replat, or vacation of plat occurring within the corporate limits of the city shall conform to the requirements of this chapter/Chapter, and shall be submitted for review and approval by the planning and zoning

~~commission and city council prior to filing with the county clerk and before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.~~

Sec. 38-6.3 (e)—*Subdivision outside corporate limits of the city.* Any proposed ~~plan or~~ subdivision, replat, or vacation of plat occurring outside the corporate limits of the city but within the extraterritorial ~~planning and platting~~ jurisdiction of the city shall conform to the requirements of this chapter~~Chapter~~ as well as the provisions of the county subdivision regulations, and shall be submitted for concurrent review and approval ~~hereunder by the city council and the county planning commission prior to filing with the county clerk, before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.~~

Sec. 38-6.4 (d)—*Annexation or rezoning.* ~~If annexation or rezoning is proposed or required to accomplish the development envisioned in connection with any the sketch plan, the eCommission shall withhold approval of the sketch plan until such time as annexation or rezoning shall be officially adopted by the city council. The city council shall have a written report from the commissionCommission containing its recommendation prior to the public hearing on the annexation or rezoning.~~

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Sec. 38-6.5 (e)—*Considerations for good subdivision platting.* In order to provide guidance to subdividers concerning acceptable proposed plats, the following matters are fundamental:

*(1) Geographic suitability:*

- (1)a-* An area shall be suited to the purposes for which it is to be subdivided, with reference to any officially adopted plans of the city.
- (2)b-* The availability of adequate paved streets, fire protection, police protection, garbage service, public schools, parks and recreation facilities, and utility services shall all be weighted in considering the subdividing of land. They are not all necessarily required.
- (3)c-* Land with the following types of problems shall have subdivision approval withheld until it is demonstrated that such hazards have been or will be eliminated:
  - (a)1-* Special drainage conditions.
  - (b)2-* Difficult topography.
  - (c)3-* Soil conditions which are unusually limiting.
  - (d)4-* Other geographic hazards to life, health, or property.

Sec. 38-6.6 (f2)—*Grading.*

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- (1)a-* No subdivider shall proceed with any grading specifically in relation to a proposed subdivision before approval has been given for the preliminary plat by the ~~city~~ council. Such grading shall be consistent with the recommendations of an approved grading and drainage plan.
- (2)b-* The subdivider shall preserve major trees, scenic points, historic places, and other community landmarks wherever feasible or required.

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Sec. 38-7 - Master Plan

Sec. 38-7.1 Purpose. ~~The purpose of a master plan is to advance the goals and objectives of the city's comprehensive plan and to address a variety of environmental and social issues in an area being proposed for future development. A master plan is considered part of the planning process in which the proposal is viewed as a conceptual tool reflecting the ideas and thoughts for future development. The master plan process is designed to achieve the following objectives:~~

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- (1) To achieve the goals, objections and policies of the city comprehensive plan and the objectives of other city policies.
- (2) To guide future land development and transportation patterns and networks.
- (3) To provide for an efficient process in determining fiscal impacts, neighborhood concerns, the coordination of city capital improvements, and the identification and protection of significant natural features.
- (4) To ensure that all adopted city plans, rules and regulations are followed.
- (5) To ensure that proposed development is suitable and appropriate for a given parcel/parcels of land, based on its location and its environmental characteristics.

Sec. 38-7.2 - General Guide. This Chapter recognizes change in design criteria and the need for flexibility in land development. The master plan process permits changes that conform with the intent to provide health, safety, convenience and general welfare to the citizens of the city. Approved mater plans shall be used as a general guide for land development with successive steps established for specific plans that shall be consistent with the adopted master plan.

Sec. 38-7.3 – Required. A master plan shall be required when any of the following criteria apply:

- (1) A development is to be divided into two (s) or more phases.
- (2) A development application is proposing multiple zoning changes, or a zoning change of property over five (5) acres in size.
- (3) A request for annexation is made.
- (4) An application is for the single development of 50 or more lots.

Sec. 38-7.4 – Contiguous projects. The subdivider is responsible for including on the Master Plan all contiguous property owned, legally controlled by, or of any development and/or financial interest to said subdivider.

Sec. 38-7.5 - Pre-application meeting. The proposed master plan shall first be reviewed at a pre-application meeting scheduled and held by the city staff. A representative for the subdivider shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the proposed master plan.

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Sec. 38-7.6 - Application. The subdivider shall submit to the city planning and zoning department a written application on prescribed forms together with three (3) paper copies of the master plan and one (1) copy of all required supplemental material and all fees as set forth in the Fee Schedule.

Sec. 38-7.7 - Information. A master plan shall include the following information:

- (1) Name of master plan.
- (2) Detailed area/vicinity map clearly showing the surrounding area and the proposal's relationship to existing road networks, and existing natural and/or man-made features that may impact the development or may be impacted by the development. Detail must be sufficient so that the subject property can be located in the field using the map.
- (3) North arrow, date of preparation, written and graphic scale.
- (4) A general legal description that shall include:
  - a. Approximate survey ties;
  - b. Approximate acreage.
- (5) Name and address of the consultant preparing the master plan.
- (6) Name and address of the subdivider.
- (7) Boundary lines of the master plan, with approximate lengths of lines.
- (8) Proposed land use, by parcel or phase. Residential parcels shall provide gross density range.
- (9) Present zoning and proposed zoning (if applicable).
- (10) Contours at 20-foot intervals. In instances whereby 20-foot intervals are not appropriate or applicable, contours may be provided at an appropriate interval that adequately presents the elevation differences of the land as determined by the planning and zoning department.
- (11) Adjacent land use and zoning district identification.
- (12) Transportation system: Proposed approximate location, length, width and point of intersection of all transportation systems, which include any and all roadways, bikeways, trails and any other transportation lines. Identify existing and proposed roads as per city design standards.
- (13) Significant natural features, such as arroyos and approximate floodplains.
- (14) Adjacent roads and other transportation routes.

(15) Easements, existing and proposed.

(16) Tabular information.

- a. Land use of each phase or parcel.
- b. Approximate acreage for each parcel or phase.
- c. Total number of residential dwelling units, minimum and maximum range.
- d. Dwelling units per acre for each parcel or phase.
- e. Approximate acreage proposed for open space, facilities, and right-of-way.
- f. Approximate additional population to be generated by development, based on census data.
- g. Approximate additional traffic estimated to be generated by development, utilizing ITE trip generation information, as amended.

(17) Conceptual utilities plan. The conceptual utilities plan shall contain enough information to provide a general outline of the proposed utility-routing plans for the development, including locations and sizes existing and proposed utilities to be provided to the development. Actual size and location of utilities to be determined at time of development and subject to change based on utility needs of the surrounding area.

(18) Master draining plan and report & post development drainage.

- a. The master drainage plan and report shall contain enough information to provide an understanding of how drainage issues will be addressed by the development. The proposed development shall take into consideration drainage issues on the site of the proposed development and any issues of the adjacent properties.
- b. Total surface street runoff from the proposed improved subdivision into existing or possible future developments shall not exceed the runoff from that area of land before development or the downstream capabilities, whichever is less. The engineer may utilize regional detention ponds, underground storm sewers, drainage channels or any other means that may be deemed appropriate in order to restrict or divert runoff to accomplish this task.

(19) Traffic Impact Analysis (TIA). A TIA will be required from the subdivider where 50 or more new inbound and/or outbound trips are generated by the subdivision during an adjacent street's peak hour or at the discretion of the city. Smaller developments may warrant a study if there are issues, as determined by the city, over traffic safety or the development is located in an already congested area. For the purposes of this section, the development of 50 single-family dwelling units; 100 multi-family dwelling units; 5,000 sq. ft. (gross) retail; 30,000 sq. ft. (gross) office; or 75,000 sq. ft. (gross) manufacturing or a

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combination thereof to equal or surpass 50 peak hour trips will require a study. The analysis will consist of the following:

Sec. 38-7.8 – Staff Review. The application package shall be reviewed by the planning and zoning department staff and the city engineer for compliance with all regulations of this Chapter.

The staff shall recommend to the Commission either:

- (1) approval of the master plan; or
- (2) denial of the master plan; or
- (3) approval of the master plan with conditions; or
- (4) approval of the master plan with recommendations regarding any exceptions provided for in this Chapter.

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Sec. 38-7.9 - Commission Review and Recommendation.

- (1) The Commission shall decide whether to recommend approval, approval with conditions, or deny the master plan application within thirty (30) days after the date the master plan application was filed with the planning and zoning department.
- (2) Prior to the decision, the Commission shall be provided with a full copy of the master plan and all related documents that are needed to make a decision as to compliance with this Chapter.
- (3) Where the Commission conditionally approves or disapproves a master plan application, the Commission shall provide the subdivider a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:
  - i. Be directly related to the requirements in this Chapter; and
  - ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
  - iii. May not be arbitrary.
- (4) After the conditional approval or disapproval of the master plan, the subdivider may resubmit the master plan along with a written response that clearly articulates how each condition for conditional approval or other reason for disapproval has been remedied.
- (5) The Commission shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved master plan within fifteen (15) days of receipt of resubmission and written response.

(6) It shall be the responsibility of the subdivider to insure that the master plan satisfies all the requirements of the city code and any other regulatory requirement.

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Sec. 38-7.10 - Longevity. Approval of a master plan is effective for five (5) years unless extended by the city council. An extension shall only be granted based on a finding that the delay has been unavoidable and that the extension is in the public interest.

Sec. 38-7.11 - Changes. Any substantial change to the master plan will require resubmittal of an application for amendment of the master plan and shall be subject to the same provisions applicable to the initial master plan application. Substantial changes shall include:

(1) Any change in land use or use intensity;

(2) Major modifications of vehicular traffic circulation to adjacent existing streets;

(3) Increase in residential density;

(4) Any change in the master plan that is determined by the planning and zoning department to be substantial.

Sec. 38-7.12 - City Council Decision.

(a) Review and Determination. The city council shall review all master plan applications, findings of the staff, findings of the city engineer, and the Commission's recommendation and any other information available. From all such information, the city council shall determine whether the master plan as shown on the application meets the standards of this Chapter.

(b) Approval or Denial. The city council shall decide whether to recommend approval, approval with conditions, or deny the master plan application within thirty (30) days after the application has been approved by the Commission or is approved by the inaction of the Commission. The action of the city council shall be entered in the minutes of the city council and the subdivider shall be notified of the results.

(1) All changes or conditions required by the city council as part of the master plan approval shall be made a part of the record and any final plat or final subdivision improvement plans shall meet those required changes or conditions.

(2) Where the city council conditionally approves or disapproves a master plan application, the city council shall provide the subdivider a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:

i. Be directly related to the requirements in this Chapter; and



ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and

iii. May not be arbitrary.

(3) After the conditional approval or disapproval of the master plan application, the subdivider may resubmit the master plan along with a written response that clearly articulates how each condition for conditional approval or each reason for disapproval has been remedied.

(4) The city council shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved master plan within fifteen (15) days of receipt of resubmission and written response.

(5) It shall be the responsibility of the subdivider to insure that the master plan satisfies all the requirements of the city code, any other regulatory requirement.

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Sec. 38-89. - Preliminary plat procedure.

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(a) Sec. 38-8.1. Application. Following approval of a master plan (if required), Upon reaching a general understanding established by the preapplication review and sketch plan, the subdivider shall submit to the city planning and zoning department a written application on prescribed forms and together with 44 copies of the preliminary plat; all and other supplementary material as specified herein, together with the preliminary plat fees set forth in the city's fee schedule. Fewer copies may be acceptable with the concurrence of the city planning and zoning department.

Sec. 38-8.2. - Plans and data.

(a) Preliminary plat. The subdivider shall submit 140 copies of the preliminary plat to the planning and zoning department. The preliminary plat shall include all land owned or controlled by the subdivider, which is or may be suitable for or susceptible to subdivision or development, and adjoins the land proposed to be subdivided. The preliminary plat shall be drawn to a scale of one inch to 100 feet for the purposes of showing all details clearly. An adequate number of sheets, 24 inches by 36 inches in size, shall be used to show the proposed subdivision in its entirety. Where more than one sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.

(b) Information. The preliminary plat shall contain the following information:

- (1) Name of proposed subdivision, name and address of subdivider and agent; name and certification of surveyor and any other principal persons preparing the preliminary plat.
- (2) Scale and north arrow.
- (3) Proposed benchmark locations, proposed location of and method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments. Descriptions of all monuments found or set.
- (4) Plat boundary lines: bearing in degrees, minutes, and seconds, with basis for bearings noted or shown; distances in feet to nearest hundredths.
- (5) Existing conditions of the site and its environs, including the following:
  - (a) Present site designation or subdivision name.
  - (b) Easements on site: location, width, and purposes.
  - (c) Public right-of-way and within 150 feet of the site: name, width, type and dimensions of paving.
  - (d) Utilities on and adjacent to the site: location and, if applicable, size of water wells, water reservoirs, water lines, sanitary and storm sewers; location of gas lines, fire hydrants, electric and telephone lines and poles, and streetlights.
  - (e) Ground elevation on the site based on mean sea level datum as established by the United States Coast and Geotechnical Survey.
    - (1) For land that slopes less than one percent, contour intervals shall be one foot.
    - (2) For land that slopes between one percent to five percent, contour intervals of not more than two feet.
    - (3) For land that slopes more than five percent, contour intervals of not more than five feet.
  - (f) Existing storm drainage facilities on and adjacent to the site.
  - (g) Other significant conditions: major rock outcrops, trees, structures, etc.
  - (h) Zoning on and adjacent to the site.
  - (i) Total area of the proposed plat to the nearest one-tenth acre.

- (6) Location map showing location of the site in relation to well known landmarks, abutting property owners, and municipal boundaries. The location map shall be drawn to a scale of one inch to 600 feet.
- (7) Proposed lot lines and public right-of-way and street widths; indicate roadways intended to be private; locations of planned water wells, reservoirs, and pump stations; location, dimensions, and purpose of all easements, public or private rights-of-way for public services or utilities, and any limitations thereof.
- (8) Numbers to identify each proposed lot and letters to identify each proposed block.
- (9) Locations, dimensions, approximate areas, and purposes of lots proposed to be dedicated or reserved for the public.
- (10) Sites and approximate area for any nonresidential use.
- (11) Proposed changes to ground elevations, to standards specified by the city.
- (12) Draft of proposed and existing protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed or existing development.
- (13) A title guarantee by a certified abstractor that the subdivider owns or controls the proposed property and that the property is free from any liens or other encumbrances.

(c) Engineering reports.

- (1) Storm drainage plan. For the purpose of minimizing or eliminating damage resulting from stormwater runoff, the subdivider shall furnish a preliminary plan and report for storm drainage management. Preparation of the storm drainage plan shall be done by an engineer and shall conform to the city design standards.
- (2) Soils analysis. The subdivider shall provide a preliminary soils analysis conducted by a geodetical engineer to determine the adequacy of the soil for the proposed construction.
- (3) Street design. Typical cross sections and construction details of proposed streets, and other proposed improvements conforming to city design standards. Traffic volume projections for roadway layouts.
- (4) Schedule of development. The subdivider shall provide an estimated schedule of lot development. In particular, the schedule shall indicate when subdivision improvements will be provided.
- (5) Special problems analysis. For land with difficult topography or other geographic hazards to life, health, or property, a report and proposed solution shall be prepared satisfactory to the planning and zoning commission and city council.

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(d) FEMA compliance.

The subdivider shall submit to the Federal Emergency Management Agency (FEMA) any required studies or documents required for the proposed subdivision. The subdivider shall provide the city documentation that the proposed subdivision meets all requirements of FEMA. This requirement can be done prior to the submittal of the preliminary plat.

(e) Traffic impact analysis. prepared in accordance with Section 38-59.

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Sec. 38-8.3. Staff Review. The application package shall be reviewed by the planning and zoning department staff and the city engineer for compliance with all regulations of this chapter. Chapter shall be submitted at least 15 working days prior to the regular meeting of the city planning commission at which time the preliminary plat is to be presented for review. The preliminary plat is not a final plat submitted under State statute and is not subject to the thirty (30) day approval limitation, but action by the commission will be taken on the preliminary plat within thirty (30) days after a complete application for preliminary plat approval has been filed by the subdivider with the planning and zoning department. The staff shall recommend to the Commission either:

- (1) approval of the preliminary plat; or
- (2) denial of the preliminary plat; or
- (3) approval of the preliminary plat with conditions; or
- (4) approval of the preliminary plat with recommendations regarding any exceptions provided for in this chapter.

~~The subdivider shall also be required to submit to the Federal Emergency Management Agency (FEMA) any required studies or documents required for the proposed subdivision. The subdivider shall provide the city documentation that the proposed subdivision meets all requirements of FEMA. This requirement can be done prior to the submittal of the preliminary plat.~~

Sec. 38-8.4.(b) ~~Review-Commission~~ Review and Recommendation.

- (1) The Commission shall decide whether to recommend to the city council approval, approval with conditions, or deny the preliminary plat application within thirty (30) days after the date the preliminary plat application was filed with the Planning and Zoning department.
- (2) Prior to the decision, the Commission shall be provided with a full copy of the preliminary plat and all related documents that are needed to make a decision as to compliance with this Chapter.
- (3) Where the Commission conditionally approves or disapproves a preliminary plat application, the Commission shall provide the subdivider a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:
  - i. Be directly related to the requirements in this Chapter; and
  - ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
  - iii. May not be arbitrary.
- (4) After the conditional approval or disapproval of the preliminary plat, the subdivider may resubmit the preliminary plat along with a written response that clearly articulates how each condition for conditional approval or other reason for disapproval has been remedied.

(5) The Commission shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved preliminary plat within fifteen (15) days of receipt of resubmission and written response.

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~~The commission shall review the preliminary plat application package, findings of the staff and city engineer and their recommendations. From all such information, the commission shall determine whether the preliminary plat as presented meets the standards of this Chapter. After the initial review, the preliminary plat application package shall be taken to the next available commission meeting for their consideration and the commission. The city planning department and the city planning commission shall review the required preliminary plat and supplementary material and shall request comments from the city council department heads and other governmental agencies as may be appropriate. The planning and zoning commission shall make a recommendation to the city council to (1) approve the preliminary plat, (2) disapprove the preliminary plat or (3) approve the preliminary plat with conditions for the preliminary plat.~~

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Sec. 38-8.5 (ee) City council Decision.

(a) Review and Determination. The city council shall review all preliminary plat applications, findings of the staff, findings of the city engineer, and the Commission's recommendation and any other information available. From all such information, the city council shall determine whether the preliminary plat as shown on the application meets the standards of this Chapter.

(b) Approval or Denial. The city council shall decide whether to recommend approval, approval with conditions, or deny the preliminary plat application within thirty (30) days after the application was approved by the Commission or was approved by the inaction of the Commission. The action of the city council shall be entered in the minutes of the city council and the subdivider shall be notified of the results.

(1) All changes or conditions required by the city council as part of the preliminary plat approval shall be made a part of the record and any final plat or final subdivision improvement plans shall meet those required changes or conditions.

(2) Where the city council conditionally approves or disapproves a preliminary plat application, the city council shall provide the subdivider a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:

- i. Be directly related to the requirements in this Chapter; and
- ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
- iii. May not be arbitrary.

(3) After the conditional approval or disapproval of the preliminary plat application, the subdivider may resubmit the preliminary plat along with a written response that clearly

articulates how each condition for conditional approval or each reason for disapproval has been remedied.

(4) The city council shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved preliminary plat within fifteen (15) days of receipt of resubmission and written response.

(5) It shall be the responsibility of the subdivider to insure that the preliminary plat satisfies all the requirements of the city code, any other regulatory requirement,

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(1) Following review of the required preliminary plat and other material, and following negotiations with the subdivider on changes as may be deemed advisable, the city council shall, at the next available meeting, within 35 working days of receipt of the application package, act thereon as submitted, or modified. However, if the city engineer or any agency other than the staff of the city should be required to review the submitted materials, the time period within which the council must act may require reasonable extension. If an extension is granted, the council shall act on the preliminary plat within 21 working days after the last opinion requested of the city engineer or any agency is received. If their preliminary plat is approved, the city council shall express its conditional approval and state the conditions of such approval, if any. If the plat is disapproved, the city council shall express its disapproval and its reasons therefor. The action of the city council shall be noted on two copies of the preliminary plat, referenced and attached to any condition determined. One copy shall be returned to the subdivider and the other retained by the city council.

(2) Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

#### Sec. 38-8.6 Criteria for approval.

The following criteria shall be used to determine whether the application for a preliminary plat shall be approved, approved with conditions or denied:

- (a) The preliminary plat is consistent with any zoning requirements for the property, and any approved development agreement, or is approved subject to any proposed zoning change submitted concurrently;
- (b) The preliminary plat conforms to the general layout of the approved master plan land study (with minor variations as described in this chapterChapter \_\_\_\_\_), including any phasing plan approved therein;
- (c) The proposed provision and configuration of roads, drainage and other facilities generally conform to the city's adopted master plans for those facilities, including without limitation, transportation, drainage, and any other municipal plans, but are not required to exceed the development's proportional share;
- (d) The proposed provision and configuration of roads, drainage, park and open space facilities, easements, and rights-of-way are adequate to serve the subdivision and meet applicable standards of this chapterChapter \_\_\_\_\_;
- (e) The preliminary plat meets any County of El Paso standards in accordance with chapter \_\_\_\_\_, wWhen the proposed development is located in whole or in part in the extraterritorial jurisdiction of the city and in the county; the preliminary plat meets any County of El Paso standards.
- (f) The preliminary plat has been duly reviewed by applicable city staff, including the city manager or designee;
- (g) The preliminary plat conforms to the design requirements and construction standards as set forth in this Chapterthe \_\_\_\_\_;

(h) The preliminary plat is consistent with the adopted comprehensive plan, except where application of the plan conflicts with Texas law (e.g., land use);

(i) The preliminary plat is consistent with the parks and open space plan and the proposed provision of parks and open space and/or fees in lieu of dedication is in conformance to this and all other ordinances;

~~(fd) Longevity. Approval of a preliminary plat is effective for one year unless extended by the council. An extension shall only be granted based on a finding that the delay has been unavoidable and that the extension is in the public interest.~~

Sec. 38-8.7. Effect of Approval of Preliminary Plat.

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(a) Right to proceed. The approval of a preliminary plat application by city council shall allow the subdivider to proceed with the development and platting process by submitting subdivision improvement plans and a final plat. The city will not require non-engineering related significant changes in the final subdivision improvement plans or final plat approval that contradict the preliminary plat approval, reserving the right to address life safety or other significant issues that the city, the design engineer or other consultants working on behalf of the subdivider should have addressed in the preliminary plat.

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(b) Installation of subdivision improvements.

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(1) Approval of the preliminary plat by the city council shall be deemed an approval of the layout illustrated on the preliminary plat as a guide to the installation of streets, water, wastewater, parks, open space, drainage infrastructure and other improvements that are planned or required within the proposed subdivision.

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(2) Approval of the preliminary plat by the city council shall not constitute approval of the proposed subdivision, nor shall approval of the preliminary plat by the city council be construed to mean acceptance by the public of the dedication of any roads, utilities, parks, open space, drainage ways, or other such land and improvements.

(3) Construction of all subdivision improvements shall be based upon approved subdivision improvement plans, and shall occur either:

(a) Prior to final plat approval and recordation, but after the preliminary plat and all subdivision improvement plans for public improvements have been completed and approved by the City; or

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(b) Following final plat and subdivision improvement plan approval but prior to recordation. If improvements are delayed beyond two (2) years of the date of final plat approval, the subdivider must provide file sSecurity to the Cityrequired in-Section \_\_\_\_\_.

(c) Expiration of Preliminary Plat Approval. City council approval of a preliminary plat is effective for two (2) one years unless extended by the city council. An extension shall only be granted based on a finding that the delay was has been unavoidable and that the extension is in the public interest.

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Sec. 38-8.8 Review following approval of preliminary plat.

- (a) Submission allowed. Following the approval of a preliminary plat application by the city council, the subdivider may resubmit a revised preliminary plat along with a resubmission fee in accordance with the adopted fee schedule.
- (b) Minor changes. Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity for submittal of a new application for approval of a preliminary plat. Minor changes may include minor adjustments in street or alley alignments, lengths, and paving details; addition or exception of utility easements; adjustment of lot lines and similar minor changes that do not result in creation of additional lots, provided that such changes are consistent with any approved prior applications.
- (c) Amendments. All other proposed changes to the design of the subdivision subject to an approved preliminary plat shall be deemed major amendments that require submittal and approval of a new application for approval of a preliminary plat before approval of a final plat. Approval of major revisions to an approved preliminary plat shall occur prior to the date any approved master plan would have expired for the same land.
- (d) Determination. The planning supervisor shall make a determination of whether changes are deemed to be minor within ten (10) days or shall require new submittal of a preliminary plat.

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(Ord. No. 77, § 11, 5-1-1989)

~~Sec. 38-10. — Plans and data for preliminary approval:~~

- (a) ~~*Preliminary plat.* The subdivider shall submit 11 copies of the preliminary plat to the planning and zoning department commission. The preliminary plat shall include all land owned or controlled by the subdivider, which is or may be suitable for or susceptible to subdivision or development, and adjoins the land proposed to be subdivided. The preliminary plat shall be drawn to a scale of one inch to 100 feet for the purposes of showing all details clearly. An adequate number of sheets, 24 inches by 36 inches in size, shall be used to show the proposed subdivision in its entirety. Where more than one sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.~~
- (b) ~~*Information.* The preliminary plat shall contain the following information:~~
  - (1) ~~Name of proposed subdivision, name and address of subdivider and agent; name and certification of surveyor and any other principal persons preparing the preliminary plat.~~
  - (2) ~~Scale and north arrow.~~
  - (3) ~~Proposed benchmark locations, proposed location of and method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments. Descriptions of all monuments found or set.~~
  - (4) ~~Plat boundary lines: bearing in degrees, minutes, and seconds, with basis for bearings noted or shown; distances in feet to nearest hundredths.~~
  - (5) ~~Existing conditions of the site and its environs, including the following:~~
    - a. ~~Present site designation or subdivision name.~~
    - b. ~~Easements on site: location, width, and purposes.~~
    - c. ~~Public right-of-way and within 150 feet of the site: name, width, type and dimensions of paving.~~



- d.—Utilities on and adjacent to the site; location and, if applicable, size of water wells, water reservoirs, water lines, sanitary and storm sewers; location of gas lines, fire hydrants, electric and telephone lines and poles, and streetlights.
  - e.—Ground elevation on the site based on mean sea level datum as established by the United States Coast and Geotechnical Survey.
    - 1.—For land that slopes less than one percent, contour intervals shall be one foot.
    - 2.—For land that slopes between one percent to five percent, contour intervals of not more than two feet.
    - 3.—For land that slopes more than five percent, contour intervals of not more than five feet.
  - f.—Existing storm drainage facilities on and adjacent to the site.
  - g.—Other significant conditions: major rock outcrops, trees, structures, etc.
  - h.—Zoning on and adjacent to the site.
  - i.—Total area of the proposed plat to the nearest one-tenth acre.
- (6) Location map showing location of the site in relation to well known landmarks, abutting property owners, and municipal boundaries. The location map shall be drawn to a scale of one inch to 600 feet.
  - (7) Proposed lot lines and public right-of-way and street widths; indicate roadways intended to be private; locations of planned water wells, reservoirs, and pump stations; location, dimensions, and purpose of all easements, public or private rights-of-way for public services or utilities, and any limitations thereof.
  - (8) Numbers to identify each proposed lot and letters to identify each proposed lot and block.
  - (9) Locations, dimensions, approximate areas, and purposes of lots proposed to be dedicated or reserved for the public.
  - (10) Sites and approximate area for any nonresidential use.
  - (11) Proposed changes to ground elevations, to standards specified by the city.
  - (12) Draft of proposed and existing protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed or existing development.
  - (13) A title guarantee by a certified abstractor that the subdivider owns or controls the proposed property and that the property is free from any liens or other encumbrances.
- (c) *Engineering report.*
- (1) *Storm drainage management.* For the purpose of minimizing or eliminating damage resulting from stormwater runoff, the subdivider shall be required to furnish a preliminary plan and report for storm drainage management. Preparation of the drainage plan shall be done by an engineer and shall conform to the city design standards.
  - (2) *Soils analysis.* The subdivider shall provide a preliminary soils analysis by a geodetical engineer to determine the adequacy of the soil for the proposed construction. Subdivisions reviewed by the summary procedure of this ~~chapter~~Chapter may be exempt from this subsection unless the ~~city council~~ determines the analysis to be in the public interest.
  - (3) *Street design.* Typical cross sections and construction details of proposed streets, and other proposed improvements. Traffic volume projections for roadway layouts.
  - (4) *Schedule of development.* The subdivider shall provide an estimated schedule of lot development. In particular, the schedule shall indicate when improvements will be provided.

~~(5) *Special problems analysis.* For land with difficult topography or other geographic hazards to life, health, or property, a report and proposed solution shall be prepared satisfactory to the planning and zoning commission and city council.~~

~~(Ord. No. 77, § 12, 5-1-1989)~~

~~Sec. 38-911. - Final plat procedure.~~

~~Sec. 38-9.1(a) *Application Submission.* Application for approval of the final plat shall be submitted on prescribed forms to the planning and zoning department, together with the final plat fees set forth in the city's fee schedule and cost of the review by the City engineer. ~~the commission at least 15 working days prior to the meeting at which it is to be considered.~~ The final plat and all accompanying data shall conform to the preliminary plat as approved by the city council, incorporating all approved exceptions and conditions. The final plat shall be prepared by a sSurveyor. Three originals (one cloth, one reproducible Mylar, and one electronic CAD) and 11 copies of the final plat and other required exhibits shall be submitted to the commission within 12 months following approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time has been granted by the city council. Fewer copies may be acceptable with the concurrence of the city planning and zoning department. The final plat shall conform substantially to the preliminary plat as approved.~~

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~~Sec. 38-9.2. - *Plans and data.* The subdivider shall provide the following plans and data for final approval.~~

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~~(a) *Final plat.* The subdivider shall submit two original (one cloth and one Mylar) and ~~ten (10)~~ 11 copies of the final plat for review in accordance with the following provisions.~~

~~(b) *Size, scale, material.* The final plat shall be drawn, ~~scribed or~~ photo-reproduced in black ink on both tracing cloth and Mylar, on sheets 24 inches by 36 inches in size, and shall be at a scale of one inch to 100 feet. Enough sheets shall be used to show the subdivision in its entirety, with each sheet numbered in relation to the total number of sheets involved, and each shall have a small key map showing its relationship to the whole.~~

~~(c) *Information.* The final plat shall contain the following information:~~

~~(1) Name of subdivision.~~

~~(2) Title, scale, north arrow, and date of survey.~~

~~(3) Location and description of all monuments found or set within the plat area, and all these referred to, including benchmarks with elevation shown, and property corners.~~

~~(4) Plat boundary lines: bearing in degrees, minutes, and seconds, with basis for bearings noted or shown; distances in feet and hundredths, or other functional reference system; both the record and measured bearings and distances.~~

~~(5) Reference the plat to the Texas State Plane Coordinate System. Total acreage of subdivision, to four decimal places.~~

~~(6) Lot lines, and right-of-way lines, existing and proposed; lines to be eliminated shown as dashed lines. Names of streets, right-of-way lines, existing and proposed; lines to be eliminated shown as dashed lines. Names of streets, right-of-way widths, and centerline data and all streets and alleys, including private streets and alleys. The length, central angle, and radius of all curves. The requirements set forth in subsection (c) (4) of this section shall also be complied with.~~

~~(7) Location, dimensions, and areas of all lots and lot lines. Lot acreage shall be to four decimal places.~~

~~(8) Location, dimensions, and purpose of all easements existing or proposed, and any limitations thereof.~~

~~(9) Numbers to identify lots and letters to identify blocks.~~

- (10) Location, dimensions, areas, and purposes of lots proposed to be dedicated or reserved for the public.
- (11) Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book, and page number in the office of the county clerk.
- (12) Linear feet of streets created.
- (13) Certification by the El Paso County Central Appraisal District or by a duly qualified abstract company that the previous ten years' property taxes due and payable have been paid in full.
- (14) Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds.
- (15) Signed statements by the subdivider dedicating any and all right-of-way within or adjacent to the subdivision, sites for public use, and granting the shown easements for public use.
- (16) Certification and seal by a surveyor, in accordance Texas law, certifying the accuracy of the survey and plat, that he prepared or supervised preparation of the plat, and that he has shown all easements of record.
- (17) Certification that all monuments are in place.
- (18) Approval by land authorities and utility companies having franchise in the area.
- (19) Such other certificates, affidavits, endorsements, or dedications as may be required by the city council in the enforcement of this chapterChapter.

(d) Proof of Ownership. The subdivider shall furnish with the final plat application to the city a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the plat. The final plat shall be signed (on the face of the plat in plain view) by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such consent shall be subject to review and approval by the city attorney.

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Sec. 38-9.3. Criteria for Approval. The following criteria shall be used to determine whether the application for a final plat shall be approved, approved with conditions or denied:

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- (a) Staff and city engineer review. The final subdivision improvement plans have been submitted and reviewed by the planning and zoning department staff and city engineer. The final plat approval shall note:
  - (1) Subdivision improvement plans are complete and approved by staff;
  - (2) Subdivision improvement plans are complete and approved by staff subject to revisions; or
  - (3) Subdivision improvement plans are still being reviewed by staff and revised by the subdivider and the final plat's approval is still subject to the planning and zoning department and city engineer's determination of the subdivision improvement plan's compliance with this and all other city ordinances and the planning and zoning department and city engineer's approval of the subdivision improvement plans prior to submission of the final plat or issuance of building permits. Questions of interpretation of the ordinance or resolution of significant engineering issues shall be decided and included in the commission's conditions.

(b) Prior Approved Preliminary Plat.

- (1) The final plat conforms to the preliminary plat approved by city council except for minor changes authorized under Sec. 38-8.8(b) or of this chapterChapter and that may be approved without the necessity of revising the approved preliminary plat;
- (2) All conditions imposed by city council at the time of approval of the preliminary plat have been satisfied;
- (3) Where public improvements have been installed, the improvements conform to the approved subdivision improvement plans and have been approved for acceptance by the city building inspector;
- (4) The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this chapterChapter and all other applicable city ordinances;
- (5) The final plat wWhere the proposed development is located in whole or in part in the extraterritorial jurisdiction of the city and in the county, the final plat meets the requirements of the County of El Paso in Article II of this chapter. The subdivider or its authorized representative will be responsible for making sure the final plat meets all County of El Paso standards and is approved by the county; and
- (6) The plat conforms to design requirements and construction standards as set forth in Article II of this chapterChapter.

(c) No Prior Approved Preliminary Plat:

- (a) The final plat conforms to all criteria for approval of a preliminary plat;
- (b) The subdivision improvement plans conform to the requirements of this chapter and all other applicable city ordinances;
- (c) The final layout of the subdivision or developments meets all standards for adequacy of public facilities contained in this chapter and all other applicable city ordinances; and
- (d) The final plat where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the city and in the county meets the requirements in Article II of this chapter. The subdivider or their authorized representative will be responsible for making sure the final plan meets all County of El Paso standards and is approved by the county.

Sec. 38-9.4.(b) Staff Review.

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Sec. 38-9.4 Staff Review. The staff shall review each final plat application and submit its report to the Commission. Staff shall recommend either:

- (1) Approval of the final plat;
- (2) Denial of the final plat; or
- (3) Approval of the final plat with conditions.

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(a) The application package shall be reviewed by the planning and zoning department staff and the city engineer for compliance with the preliminary plat and all regulations of this chapter. The city planning department, together with the city planning commission, shall review the final plat and other exhibits submitted for conformity to this chapter, and shall ensure that the conditions of the preliminary plat as approved have been met.

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~~(b) For a recommendation of approval, the staff must make only a finding that the final plat meets all standards set forth in this chapter, although the staff may make such additional findings as it deems appropriate. In case of a recommendation for denial, or approval with conditions, the staff shall make specific findings of the reasons for denial or the imposition of conditions and shall cite the standards of this chapter which would be violated if the final plat were approved unconditionally.~~

~~(c) Fees. All fees and costs associated with the review of the final plat including the cost of the review of the city engineer shall be assessed to the subdivider.~~

Sec. 38-9.5. Commission Review and Recommendation

(a) Review and Determination. The Commission shall review all final plat applications, findings of the staff, and findings of the city engineer regarding compliance with staff recommendations, and any other information available. From all such information, the Commission shall determine whether the preliminary plat as shown on the application meets the standards of this Chapter.

(b) Approval or Denial. The Commission shall decide whether to recommend approval, approval with conditions, or deny the final plat application within thirty (30) days after the date the final plat application was filed with the planning and zoning department. The action of the Commission shall be entered in the minutes of the Commission and the subdivider shall be notified of the results.

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(1) all changes or conditions required by the Commission as part of the final plat approval shall be made a part of the record and any final plat or final subdivision improvement plans shall meet those required changes or conditions.

(2) Where the Commission recommends conditional approval or disapproval of a final plat application, the Commission shall provide the subdivider a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:

- i. Be directly related to the requirements in this Chapter; and
- ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
- iii. May not be arbitrary.

(3) After the conditional approval or disapproval of the final plat application, the subdivider may resubmit the plat along with a written response that clearly articulates how each condition for conditional approval or each reason for disapproval has been remedied.

(4) The Commission shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved preliminary plat within fifteen (15) days of receipt or resubmission and written response.

(5) It shall be the responsibility of the subdivider to insure that the final plat satisfies all the requirements of the city code and any other regulatory requirement.

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Sec. 38-9.6. City council Decision.

- (a) Review and Determination. The city council shall review all final plat applications, findings of the staff, findings of the city engineer and recommendation of the Commission and any other information available. From all such information, the city council shall determine whether the final plat as shown on the application meets the standards of this Chapter.
- (b) Approval or Denial. The city council shall decide whether to approve, approve with conditions, or deny the final plat application within thirty (30) days after the application was approved by the Commission or was approved by the inaction of the Commission. Upon approval of the final plat, the subdivider shall correct and submit final plat copies to the planning supervisor so that required signatures can be obtained and recording completed. The reasons for any action taken by the city council, whether a final plat is approved, denied, or approved with conditions, shall be entered in the minutes of the city council.
- (1) All changes or conditions required by the city council as part of the final plat approval shall be made a part of the record.
- (2) On a final plat with significant changes, the city council may at the time a final plat is approved subject to conditions, require a revised final plat to be resubmitted.
- (3) Where the city council conditionally approves or disapproves a final plat application, the city council shall provide the subdivider a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:
- i. Be directly related to the requirements in this Chapter; and
- ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval and
- iii. May not be arbitrary.
- (4) After the conditional approval or disapproval of the final plat application, the subdivider may resubmit the final plat along with a written response that clearly articulates how each condition for conditional approval or each reason for disapproval has been remedied.
- (5) The city council shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved final plat within fifteen (15) days of receipt of resubmission and written response.
- (6) It shall be the responsibility of the subdivider to insure that the final plat satisfies all the requirements of the city code and any other regulatory requirement.

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- (d) ~~Public hearing.~~ No final plat shall be acted upon without a public hearing. Public notice of the application shall be given in a newspaper of general circulation in the city at least 15 days prior to the date of the hearing. The notice shall be published at the subdivider's expense and shall indicate the location of the proposed subdivision as well as where interested persons may examine the final plat and file comments. Notice of the time and place of the hearing on the final plat shall be sent by certified mail, at the subdivider's expense, to the subdivider and all property owners with property abutting the proposed subdivision not less than 15 days before the date of the hearing.
- (e) ~~Recording.~~
- (1) ~~The final plat is in full force and effect only after the cloth original has been duly recorded in the office of the county clerk and the original Mylar has been filed with the city clerk. Approval of the final plat shall become null and void if the plat is not so recorded within six months after the date of approval, unless an extension of time is granted by the city council. Submittal for recording is the subdividers responsibility.~~
  - (2) ~~In the case of a replat, the subdivider shall request the county clerk to mark the original plat with the words "replatted" or "partially replatted" and refer on the original plat to the filed location of the replat. The city council shall mark the copies of the original plat on file in the offices of the city in a similar manner.~~
  - (3) ~~After having filed the original cloth drawing of the final plat with the county clerk, which copy shall be the official copy, the subdivider shall submit to the city the original Mylar of the final plat as recorded and properly stamped by the county clerk. No building permits shall be issued until the original Mylar of the recorded final plat has been placed on file with the city.~~
- (f) ~~Replat.~~ After final approval of the plat, no lot or block shall be further subdivided or the area of any platted lot diminished, and no change shall be made in the platting of any street, alley or easement established by said plat except upon the filing with the council of a replat, showing such proposed change, or changes, and securing its approval in accordance with the procedures herein established. The provisions of this subsection shall apply to all proposed replats or changes in lot lines, dimensions of lots, streets, alleys and easements in any platted area within the town's extraterritorial planning and platting jurisdiction.
- (g) ~~Acceptance of land.~~ Approval of the final plat by the city council shall be deemed to constitute acceptance by the city dedication of proposed public easements, and public areas shown on the plat, excluding streets, provided the final plat is properly recorded with the county clerk and the city clerk.

(Ord. No. 77, § 13, 5-1-1989; Amd. No. 3, § II, 7-18-1996)

~~Sec. 38-12. Plans and data for final approval.~~

- (a) ~~Final plat.~~ The subdivider shall submit two original (one cloth and one Mylar) and 11 copies of the final plat to the commission for review in accordance with the following provisions:
- (b) ~~Size, scale, material.~~ The final plat shall be drawn, scribed or photo-reproduced in black ink on both tracing cloth and Mylar, on sheets 24 inches by 36 inches in size, and shall be at a scale of one inch to 100 feet. Enough sheets shall be used to show the subdivision in its entirety, with each sheet numbered in relation to the total number of sheets involved, and each shall have a small key map showing its relationship to the whole.
- (c) ~~Information.~~ The final plat shall contain the following information:
- (1) ~~Name of subdivision.~~
  - (2) ~~Title, scale, north arrow, and date of survey.~~

- (3) ~~Location and description of all monuments found or set within the plat area, and all these referred to, including benchmarks with elevation shown, and property corners.~~
- (4) ~~Plat boundary lines: bearing in degrees, minutes, and seconds, with basis for bearings noted or shown; distances in feet and hundredths, or other functional reference system; both the record and measured bearings and distances.~~
- (5) ~~Reference the plat to the Texas State Plane Coordinate System. Total acreage of subdivision, to four decimal places.~~
- (6) ~~Lot lines, and right-of-way lines, existing and proposed; lines to be eliminated shown as dashed lines. Names of streets, right-of-way lines, existing and proposed; lines to be eliminated shown as dashed lines. Names of streets, right-of-way widths, and centerline data and all streets and alleys, including private streets and alleys. The length, central angle, and radius of all curves. The requirements set forth in subsection (c)(4) of this section shall also be complied with.~~
- (7) ~~Location, dimensions, and areas of all lots and lot lines. Lot acreage shall be to four decimal places.~~
- (8) ~~Location, dimensions, and purpose of all easements existing or proposed, and any limitations thereof.~~
- (9) ~~Numbers and letters to identify lots and letters to identify blocks.~~
- (10) ~~Location, dimensions, areas, and purposes of lots proposed to be dedicated or reserved for the public.~~
- (11) ~~Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book, and page number in the office of the county clerk.~~
- (12) ~~Linear feet of streets created.~~
- (13) ~~Certification by the El Paso County Central Appraisal District or by a duly qualified abstract company that the previous ten years' property taxes due and payable have been paid in full.~~
- (14) ~~Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds.~~
- (15) ~~Signed statements by the subdivider dedicating any and all right-of-way within or adjacent to the subdivision, sites for public use, and granting the shown easements for public use.~~
- (16) ~~Certification and seal by a surveyor, in accordance state law, certifying the accuracy of the survey and plat, that he prepared or supervised preparation of the plat, and that he has shown all easements of record.~~
- (17) ~~Certification that all monuments are in place.~~
- (18) ~~Approval by land authorities and utility companies having franchise in the area.~~
- (19) ~~Such other certificates, affidavits, endorsements, or dedications as may be required by the council in the enforcement of this chapter.~~

(Ord. No. 77, § 14, 5-1-1989)

Sec. 38-9.7. Revisions to Final Plat

(a) Following Approval or Conditional Approval. A subdivider may apply for modification of an approved or conditionally approved final plat to reflect changes listed below, provided that the approved final plat has not been recorded and that approval of the modified final plat occurs prior to expiration of approval of the initial final plat application.

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- (1) Minor changes arising from the installation of public improvements after plat approval including easement additions and adjustments may be approved by the city building official.
- (2) Minor changes including street name and addressing changes, dimension changes that do not substantially affect the street or lot layout or other similar minor changes and meet the requirements of this Chapter may be approved by the city building official.
- (3) Major revisions on final plats prior to recordation including those that substantially affect the street or lot layout shall be resubmitted as an amended final plat and will require re-approval by the commission/Commission and the city council within the timeframes prescribed by this chapter/Chapter.

(b) After Denial. Following denial of a final plat (or amending plat application), the subdivider may submit a revised final plat or amending plat application, together with any revised subdivision improvement plans with a resubmission fee in accordance with the adopted fee schedule, for consideration by the city council/commission, provided that the revised application is approved prior to the original expiration date of any approved preliminary plat for the same land.

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Sec. 38-9.8. Expiration and Extension

The approval of a final plat shall remain in effect for a period of three (3) years from the date of approval by the city council, during which period the subdivider shall submit any required revisions for approval and record the plat. If the final plat has not been recorded within the three (3) year period, the final plat approval, unless extended by City Council. An extension shall only be granted based on a finding that the delay was unavoidable and that the extension is in the public interest, shall expire and the applicable plat shall be deemed null and void.

Sec. 38-9.9. Plat Recordation.

(a) Procedure.

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(1) Signatures. After approval of the final plat, the planning supervisor shall procure the signature of the chairperson of the city council on the final plat ready for recording, as well as the signature of the secretary of the city council who shall attest to the signature of the chairperson.

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(b) Timing of recordation. The final signed copies of the final plats for recordation will be recorded within ten (10) days of the date that staff.

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- (1) Received the final, approved, corrected recordation plat;
- (2) Received all fees, certificates and required documents for recording;
- (3) Determines that all other recording requirements have been met;
- (4) Received the Security (if applicable); and

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(45) Provided that the plat may be held for recordation until a date agreed upon with the subdivider if the final signed copies of the plats for recordation meeting the requirements of this Chapter have been delivered to the city and all other recording requirements have been met.

(c) Submittal of record plat where improvements have been installed. Where public improvements have been installed and approved for acceptance by the city prior to recording of the final plat, the property owner, shall submit a maintenance bond in accordance with Section 38-14.4, one sealed set of "as built" plans or record drawings (submitted as mylars), and an electronic copy of all plans (in a format as determined by the planning supervisor), and bearing sealed certification by an engineer that all public improvements have been constructed in compliance with all city construction standards. The

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property owner also shall submit copies of the approved final plat, revised to reflect the "as built" plans or record drawings, in the format and number as required by the planning supervisor.

(d) Submittal of record plat where improvements have not been installed. Where public improvements have yet to be completed in connection with an approved final plat, the subdividerproperty owner shall submit in the approved final plat, revised to reflect any changes required by the city council, together with required Security.

(e) Update of owner consents. If there has been any change in the ownership prior to recordation of the approved final plat, the subdivider shall furnish to the city an updated title policy commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas or some other proof of ownership, identifying all persons having an interest in the property subject to the plat. If there has been any change in the owners since the filing of the final plat application, the final plat shall be signed (on the face of the plat in plain view) by each owner as of the date of submission, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such consent shall be subject to review and approval by the city attorney.

Sec. 38-~~10~~13. -Summary procedureReplats.

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~~Sec. 38-10.1.~~

Sec. 38-10.1 - Applicability. A replat of all or a portion of a recorded plat may be approved without vacation of the recorded plat, if:

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(1) The replat is signed and acknowledged by only the owners of the property being replatted;

(2) Is approved by the city council; and

(3) The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

Sec. 38-10.2 - Application. The application for a replat of a subdivision shall meet all applicable requirements of a final plat.

Sec. 38-10.3 - Partial Replat Application. Any replat which adds or reduces lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed along with a detailed "Purpose for Replat" statement.

Sec. 38-10.4 - Criteria for Approval. The replat of the subdivision shall meet all review and approval criteria for a final plat. The replat document shall be prepared by a Surveyor.

Sec. 38-10.5 - Effect. Upon approval of the replat application by City Council, the replat may be recorded and is controlling over the previously recorded plat for the portion replatted.

~~(a) Pursuant to V.T.C.A., Local Government Code § 212.0065, the city council has authorized the city building official or his designee to approve:~~

~~(a1) Amending plats described in V.T.C.A., Local Government Code § 212.016.~~

~~(b2) Minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new streets or extension of city facilities.~~

~~(c3) Replats under V.T.C.A., Local Government Code § 212.0145 that do not require the creation of any new streets or extension of city facilities.~~

~~(d4) Certificates of plat compliance issued pursuant to V.T.C.A., Local Government Code § 212.0115.~~

~~Sec. 38-110.2. – Special Replat Requirements (b) The building official may instead for any reason elect to, and if the building official fails to approve the plat he shall, present the plat to the city planning commission for review and recommendation and, thereafter, the city council will consider final approval.~~

~~Sec. 38-11.1 - Applicability. In addition to compliance with the requirements of Section 38.10 above, a replat without vacation of the preceding plat must conform to the requirements of this Section if:~~

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~~(1) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or~~

~~(2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.~~

~~Sec. 38-11.2 - Procedure after approval. If a proposed replat described by Subsection 38-11.1 above does not require a variance or exception, the planning supervisor, not later than the fifteenth day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent city or county tax roll.~~

~~(1) The notice of a replat approval must include the zoning designation of the property after the replat and a telephone number and the Planning Supervisor's e-mail address an owner of a lot may use to contact about the replat.~~

~~(2) This requirement for written notice does not apply to a proposed replat if the city council held a public hearing, in accordance with Local Government Code 212.015, and proper notice, in accordance therewith, was given.~~

~~Sec. 38-11.3 - Variance or Exception. If a proposed replat described by Subsection 38-11.1 above requires a variance or exception, a public hearing must be held by the city council and published and personal notices must be provided in accordance with Local Government Code 212.015 must provided. Personal notice shall be accompanied by a copy of the language contained in Local Government Code 212.015(c).~~

~~Sec. 38-11.4 - Protest. If the replat application is accompanied by a variance petition and is protested in accordance with this subsection, approval of the replat shall require the affirmative vote of at~~

least three-fourths of the members of the city council present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent of the area of the lots or land immediately adjoining the area covered by the replat application and extending two hundred feet from that area, but within the original subdivision, must be filed with the city council prior to the close of the public hearing. In computing the percentage of land area under this Section, the area of streets and alleys shall be included.

Sec. 38-11.5 - Additional. The requirements of Subsection 38-11.2 shall not apply to any approval of a replat application for a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single- or two-family residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.

~~Sec. 38-10.3.(c) — The building official is authorized under this section only to approve those applications specified herein, and not to disapprove amending plats, minor plats or replats. If the building official does not approve an application under this section, such application must be referred to the city planning commission.~~

(Ord. No. 77, § 15, 5-1-1989; Amd. No. 4, § 1, 8-17-2000)

#### Sec. 38-12 – Amending Plats

Sec. 38-12.1 - Purpose. The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of state law.

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Sec. 38-12.2 - Applicability. These procedures for amending plats shall apply only if the sole purpose of the amending plat is to achieve the following:

- (1) Correct an error in a course or distance shown on the preceding plat;
- (2) Add a course or distance that was omitted on the preceding plat;
- (3) Correct an error in a real property description shown on the preceding plat;
- (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) Correct any other type of scrivener or clerical error or omission previously approved by city council, including lot numbers, acreage, street names, addresses and identification of adjacent recorded plats;
- (7) Correct an error in courses and distances of lot lines between two adjacent lots if:
  - i. Both lot owners join in the application for amending the plat,
  - ii. Neither lot is abolished,
  - iii. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and

iv. The amendment does not have a material adverse effect on the property rights of the owners in the plat;

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

i. The owners of all those lots join in the application for amending the plat,

ii. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and

iii. The amendment does not increase the number of lots;

(10) Make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

i. The changes do not affect compliance with applicable zoning and other regulations of the city, and

ii. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and

(11) Replat one or more lots fronting on an existing street if:

i. The owners of all those lots join in the application,

ii. The amendment does not attempt to remove recorded covenants or restrictions,

iii. The amendment does not increase the number of lots, and

iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

Sec. 38-12.3 - Effect. Upon approval by the planning supervisor, or designee, an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat.

Sec. 38-12.4 - Application Contents. All applications shall be submitted on a form supplied by the planning and zoning department with the required information as stated on the application form. The amending plat document shall be prepared by a Surveyor.

Sec. 38-12.5 - Decision. The Planning Supervisor may either approve, approve with conditions, or deny the application for an amending plat within ten (10) days.

Sec. 38-12.6 - Expiration. Approval of an amending plat shall expire if the plat is not submitted for recordation within the time period specified for recordation of a final plat.

Sec. 38-12.7 - Additional. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

Sec. 38-13114. — Subdivision Required Improvements Plans.

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Sec. 38-13.1 - Purpose. The purpose of subdivision improvement plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Chapter.

Sec. 38-13.2 - Application contents. When required by this title either prior to or at the time of submission of an application for final plat approval by the Commission, the number of sets of subdivision improvement plans required to be submitted for review for code compliance. All applications shall be submitted on a form supplied with the required information as stated on the application form. The subdivision improvement plans shall be submitted for the entire area covered by the subdivision application, and shall comply with all provisions of this Chapter. The final subdivision improvement plans including paving and stormwater engineering shall be submitted in one package and be approved or approved with conditions prior to the final plat recordation. The subdivider shall provide and the subdivision improvement plans shall contain all applicable improvements required by this Chapter, including but not limited to the following details:

- (1) Grading and slope stabilization;
  - (2) Drainage facilities;
  - (3) Water and wastewater plans, except water and wastewater plans in developments to be served by Lower Valley Water District;
  - (4) Streets and other rights-of-way (including sidewalks); on subdivisions within the city limits, sidewalks may be deferred until building permits are requested for a residential lot, except sidewalks at the rear of double frontage lots must be installed, inspected, approved and accepted by the city prior to building permits being issued;
  - (5) Bikeway and transit improvements (where applicable);
  - (6) Survey monuments;
  - (7) Street lights;
  - (8) Traffic control signs and traffic signalization; traffic calming devices (where applicable);
  - (9) Curb ramps;
  - (10) Street pavement markings;
  - (11) Parkland and open space; and
  - (12) Provisions for arroyo protection.
- It is the developer and his engineer's responsibility to put the plans together into one package and follow-up on their review. Incomplete plans shall be returned to the subdivider.

Sec. 38-13.3 - The subdivider shall provide complete Lower Valley Water District approved water and wastewater design plans on or before the final plat is submitted to the Commission.

- (1) Plans will not be approved and the plat will not be recorded until water and wastewater designs meet TCEQ and Lower Valley Water District design standards.

Sec. 38-13.4 - Phasing plan. Where phasing is proposed for the construction and installation of the required subdivision improvements, approval of a phasing plan shall be required, provided, that all of the subdivision improvements are completed within the time period specified herein. The building

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official may approve, disapprove or conditionally approve the phasing proposed if the proposed phasing will provide for the orderly development of the subdivision with adequate access to all improvements. No phasing plan shall be approved unless each phase has a complete drainage system, or security for all improvements that are not completed in the initial phase is provided. No temporary drainage structures will be allowed. If the property contains an arroyo or flow path that requires improvements, Security shall be provided regardless of the phasing, unless the improvements to the arroyo or flow path are completed in the initial phase. Where the building official disapproves a phasing plan, the subdivider may appeal the decision to the Commission upon a written request submitted to the building official. Whether or not the building official approves phasing at the time of the construction plan submission, a subdivider may request phasing and submit a phasing plan at any time prior to the expiration of the time period for completion of the subdivision improvements, or any authorized extension. A phasing plan submitted and approved by the building official after the approval of the construction plan submission, shall be considered an authorized amendment to the subdivision improvement plans and such approved phasing plan shall be attached to and incorporated as part of the approved subdivision improvement plans.

Sec. 38-13.5 – Staff Decision.

- (1) The building official and city engineer shall be the responsible for approval of subdivision improvement plans.
- (2) The building official shall decide whether to approve, approve with conditions, or deny the subdivision improvement plan application within thirty days from the date the application for approval of the subdivision improvement plans is filed with the planning and zoning department.
- (3) Failure of the building official, to approve, approve with conditions, or deny the subdivision improvement plan application within the prescribed thirty (30) days from the date of submission, shall permit the subdivider to proceed with the construction of the subdivision improvements pursuant to the plans submitted; except that a subdivider may authorize in advance, or during the review, an extension to the prescribed time period for additional review by the building official, when applicable. The request for a time extension may be for a period not to exceed thirty days and shall be provided in writing by a subdivider prior to the expiration of the prescribed review period. . It shall be the responsibility of the subdivider to insure that the subdivision improvement plans meet or exceed all the requirements of the City Code, Lower Valley Water District requirements and any other regulatory requirements.
- (4) Distribution and Review. Once the subdivision improvement plans are approved, the subdivider shall provide additional sets of the approved plans to the city, as specified by the building official, for use during construction. A full set of the city approved and stamped subdivision improvement plans must be available for inspection on the job site at all times.

Sec. 38.13-6 - Notification. The building official shall notify the subdivider that the subdivision improvement plans are approved for construction.

Sec. 38-13.7 - Revised Plan Submission. In cases of conditional approval or disapproval of the subdivision improvement plan application, the process is as follows:

- (1) The building official shall provide the subdivider a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition. Each condition or reason specified in the written statement must:
  - i. Be directly related to the requirements of this Chapter; and

ii. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and

iii. May not be arbitrary.

(2) If the conditions of approval or disapproval of the plans require revision(s) to the subdivision improvement plans, one set shall be marked with objections noted (on the plans themselves) and returned to the subdivider for correction.

(3) The subdivider's engineer shall then correct the plans as requested and resubmit the appropriate number of sets to the building official for decision. The resubmission or the plans shall be accompanied by a written response that clearly articulates how each condition for conditional approval or each reason for disapproval has been remedied.

(4) The building official shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved subdivision improvement plans within fifteen (15) days of receipt of resubmitted plans and written response. Failure of the building official to approve or disapprove within the prescribed period, shall permit the subdivider to proceed with the construction of the subdivision improvement plans pursuant to the plans submitted. It shall be the responsibility of the design engineer to certify and insure that the subdivision improvement plans satisfy all the requirements of the city code, and any other regulatory requirement.

(5) A copy of any subdivision improvement plans submitted within the extraterritorial jurisdiction, after approval by the building official, shall be forwarded to the county road and bridge administrator.

(6) The city will not require non-engineering related significant changes in the final subdivision improvement plans or final plat approval that contradict the preliminary plat approval, reserving the right to address life safety or other significant issues that should have been addressed in the preliminary plat.

Sec. 38-13.8 - Criteria for Approval. The building official, or designee, shall render a decision on the subdivision improvement plans in accordance with the following criteria:

(1) The plans are consistent with the approved preliminary plat, and the proposed final plat;

(2) The plans conform to the development standards, and standards for adequate public facilities contained in this Chapter; and

(3) The plans conform to the specifications contained in this Chapter.

Sec. 38-13.9 - Approval Required. Approval of subdivision improvement plans authorizes the property owner to install public improvements in rights-of-way and/or easements offered for dedication or previously dedicated to the public under an approved preliminary or final plat for which site preparation and other required permits have been approved.

Sec. 38-13.10 – Force Majeure . If the city is unable to comply with the time requirements specified in this Chapter due to unforeseeable causes beyond the control and without the fault or negligence of the city, including, but not restricted to, acts of God, or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, orders of any kind of the government of the United States or the State of Texas, operation of law, disturbances, explosions and severe weather, such time restrictions shall be suspended until such time that the inability to perform due to the unforeseeable cause no longer exists.

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~~Sec. 38-11.1(a) — Subdivision Improvement Plans Authorization. Receipt of the signed copy City Council approval of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by this chapter. Prior to the construction of any improvements or to the submission of any Security bond, or letter of credit, the subdivider shall furnish the planning and zoning department staff and city engineer council with all subdivision improvement plans and data necessary for the construction of said improvements. Subdivision improvements plans shall be prepared by an engineer, registered in this state. Following the approval, construction can be started or the amount of bond determined. These plans shall be examined by council and will be approved if in accordance with the requirements of this section.~~

~~Sec. 38-11.2(b) — Installation assurance. Plans for improvement shall be prepared by an engineer, registered in this state. The city is to be assured of the installation of these improvements in a satisfactory manner by one or more of the following methods:~~

- ~~(a1) — Complete installation of the improvements prior to approval of the final plat; or~~
- ~~(b2) — Submission of a Security satisfactory bond, either a performance bond, letter of credit, or the establishment of an escrow account in an amount and with surety and conditions satisfactory to the city attorney providing for and securing to the city the actual construction and installation of such improvements and utilities within a period not to exceed two years. Extensions beyond the two years can be made with the written consent of the city council.~~

~~Sec. 38-11.3(c) — Installation of Improvements. The subdivider may prepare and secure approval of the preliminary final plat and then install improvements in the area covered by the preliminary final plat. Improvements must be installed only in that part of the area for which a final plat will be submitted for approval and filing. The improvements to be installed shall include the following:~~

- ~~(a1) — Monuments. All subdivision boundary corners, boundary intersections of streets, points of curvature and tangency, and center of cul-de-sac bulbs shall be marked with permanent survey monuments. All lot corners including angle points shall be monumented with a subdivision control monument. A permanent benchmark shall be accessibly placed within the subdivision.~~
- ~~(b2) — Street improvement. All streets shall be improved in conformance with the city design standards and approved by the city engineer.~~
- ~~(e3) — Sidewalks. If sidewalks are required, they will be constructed in conformance with the city design standards and approved by the city engineer.~~
- ~~(d4) — Water and sewer. The subdivider shall present evidence that adequate water and sewer service to each lot will be provided. Water and sewer lines shall be constructed and in conformance with the city design standards and approved by the El Paso County Lower Valley Water District Authority.~~
- ~~(e5) — Drainage. Construction of drainage improvements and the final storm drainage management report shall be in conformance with city design standards and approved by the city engineer.~~
- ~~(f6) — Streetlights. Streetlights will be required at locations specified by the city planning commission. If streetlights are required, they will be in conformance with the city design standards and approved by the city engineer.~~

~~Sec. 38-141.4(d) Maintenance bond. Upon acceptance of the required improvements by the city council, the subdivider shall provide to the city for a period of one year from the date of acceptance of said improvements a maintenance bond in the form of a bond, cash, letter of credit, certified check, or negotiable securities in an amount equal to 50 percent of total cost of said improvements to guarantee the maintenance and repair of such improvements as may be defective in material or installation. In the event that maintenance or repair is necessary, the city shall make reasonable effort to contact the subdivider to inform him of the necessary maintenance or repair. If the subdivider cannot be contacted or fails to perform the maintenance or repair, the city shall make necessary maintenance and repair from the proceeds of the bond or other surety. Within 30 days of the scheduled expiration of the maintenance bond, the city shall conduct a final inspection of all improvements within the subdivision. Any necessary maintenance or repairs needed shall be rectified prior to release of the bond.~~

(Ord. No. 77, § 16, 5-1-1989)

(Ord. No. 77, § 17, 5-1-1989)

Sec. 38-16. — Character of development.

(a) — The commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property:

(1) — To prevent the construction of substandard buildings; and

(2) — To control the type and use of structures and the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property.

(b) — The city council shall have power to agree with the subdivider upon the use, height, area or bulk restrictions governing building and premises, providing that in the case of subdivision beyond the corporate limits the council may require the subdivider to conform to the land use plans adopted by the city. Deed restrictions and covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation of the terms of the restrictions and covenants.

(Ord. No. 77, § 18, 5-1-1989)

Sec. 38-15317. - Variances.

Whenever the tract to be subdivided is of such unusual size or shape or surrounded by such development or unusual conditions that the strict application of this chapterChapter would result in real difficulties and substantial hardships, the city council may vary or modify the requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but at the same time so that the public welfare and interests of the city are protected and the general intent and spirit of this chapterChapter are preserved. However, such relief may not be granted if it is detrimental to the public good or impairs the intent and purpose of this chapterChapter or the desirable development of the community in accordance with plans and policies of the city. Any modification granted shall be entered in the records of the city council setting forth the reasons which justified the modification. Further, in granting modifications and exceptions, the city council may place conditions which will in its judgment substantially secure the objectives of the standards or requirements involved.

(Ord. No. 77, § 19, 5-1-1989)

Sec. 38-16418. - Vacation of a plat.

Sec. 38-164.1(a) *Necessity.* Nothing in this section requires a vacation be undertaken if a replat, accomplishing the elimination of lot lines, is duly approved. A vacation is required when no replatting is undertaken by elimination of lot lines, right-of-way, or easement lines dividing a parcel to be accomplished.

Sec. 38-164.2(b) *Application.* The subdivider shall submit to the city planning and zoning department, a written application on prescribed forms and all fees as set forth in the Fee Schedule. *procedure.*

Sec. 38-164.3(2) *Procedure.*

(1a) — The city clerk shall mail letters to franchised utilities and to the owners of record of all lots adjacent to the public right-of-way to be vacated, informing them of the nature of the proposed vacation, and notifying them of the date, time, and place of the hearing. At least 15 days shall be allowed for such comments before a decision is reached.

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(2b) If the public right-of-way proposed for vacation is paved, or if the entire width of the right-of-way is proposed for vacation, the applicant/subdivider shall post and maintain one or more signs, as provided and where instructed by the city council at least 15 days prior to the date of the hearing. The applicant/subdivider is responsible for removing such signs within five days after the hearing is complete. Failure to properly post signs is grounds for deferral of the request. No one except the applicant/subdivider, the agent of the applicant/subdivider, or the city shall remove or tamper with any such required sign during the period it is required to be maintained under this subsection.

(3) The rights-of-way of any public or private utility, including drainage, existing prior the vacation, total or partial, of any plat are not affected by the vacation of a plat unless an authorized representative of the utility involved agrees in writing to have the rights vacated.

(4c) In consideration of the vacation of all or part of a public right-of-way, the city council/planning and zoning commission shall determine whether or not the vacation will adversely affect the interests of persons owning contiguous land or land within the subdivision being vacated.

Sec. 38-164.4.(e) *Public hearing.* A decision on approval and endorsement shall be made at a hearing by the city council. Public notice in a newspaper of general circulation in the city shall be published at least 15 days before the date of the hearing; the notice shall indicate the location of the proposed vacation, where a map of the proposed vacation may be viewed and information on the hearing. If approved by the city council, the statement of vacation is endorsed as approved. Such endorsement shall be within ten days of the conclusion of the hearing.

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Sec. 38-164.5.(d) *Recording.* The vacation is in full force and effect only after the approved statement declaring the vacation has been recorded in the office of the county clerk and the county clerk shall be requested to mark the original plat with the words "vacated" or "partially vacated" and refer on the plat to the volume and page or county clerk document number on which the statement of vacation is recorded. Submittal for recording is the subdivider's responsibility. The subdivider/applicant shall also provide certified proof of the recording by county clerk to the city clerk.

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(Ord. No. 77, § 20, 5-1-1989)

Sec. 38-175.19. - Construction violations.

Construction which violates any provision of this chapter/Chapter is strictly prohibited and no building permit shall be authorized, except in those cases where modifications or exceptions have been granted by the city council prior to the start of construction. Violations without authorization by the city council shall be/bring cause for legal action by the city to have the construction violation stopped, corrected or removed, or any penalty assessed.

(Ord. No. 77, § 21, 5-1-1989)

Sec. 38-196.20. - Fees.

Sec. 38-169.1. General Subdivision Fee. Every application required to be filed under any provision of Chapter/Chapter 38 shall be accompanied by the prescribed fees set forth in the Fee Schedule a resolution of the City Council or other appropriate fee schedule prepared and adopted by the city/council. The prescribed fees shall not be refundable and shall be submitted no later than the date an application is filed with the city. The fee schedule may be amended from time to time by resolution of the city/council.

Sec. 38-186.2. Consulting Engineer. In addition to the fees described under Subsection (a) above, the City shall be reimbursed for any third party engineering fees incurred by the City required for plan/plat application review, required inspection, testing and approval of any subdivision. The cost of the consulting engineering review must be paid by the subdivider. Estimates of any consulting engineering fees shall be provided to and paid by the subdivider, at the time of submission of an application filed under the

provisions of this ChapterChapter. The actual cost of any cConsulting eEngineer shall be paid by the subdivider prior to plat approval.

(a) ~~General subdivision fee.~~ To cover general expenses related to processing subdivision, a subdivision fee will be charged prior to the preliminary plat approval. The subdivision fee shall be \$150.00 or \$5.00 per lot, whichever is greater.

(b) ~~City engineering fees.~~ The city shall be reimbursed for all city engineering fees incurred for the required inspection, testing and approval of any subdivision. These fees shall be paid at the time they are incurred. City engineering fees are as scheduled:

Sketch plat review	No charge
Preliminary plat review	\$100.00
Variance request	\$100.00
Engineering report review	\$200.00
Construction plans and specifications review	\$100.00
Construction inspection and testing	\$100.00 + Testing cost
Final plat review	\$100.00

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**Note:**

1. The developersubdivider has the option of contracting the services of a registered professional engineer and certified testing lab to conduct all required testing and inspection as required in the subdivision design standards. The cost of inspection and testing will may be reduced to a total of \$50.00 if the subdivider elects to contract out this work.
2. In the event the inspection and testing requirements involve specialized engineering review, the city will request the services of the retained consulting engineer to perform those specialized services. The additional cost of the consulting engineering review will be paid by the developersubdivider. Estimates of the special engineering review cost will be provided to the developersubdivider prior to any special inspections.

(c) ~~Vacation and replat fees.~~ To cover general expenses related to processing, any replat or vacation of plat shall require a fee of \$25.00 for each action.

(d) ~~Method of payment.~~ Fees shall be made payable to the city. All fees, including city engineering fees, shall be paid at the time of application for preliminary approval. Fees are nonrefundable.

Sec. 38-196.3(e) Fee waivers and reductions. The city council has the authority to waive or reduce any fee associated with any plansubdivision so long as there is a benefit for the city and/or the public to do so. Any fee waiver or reduction request shall be considered by the city council at a public hearing.

(Ord. No. 77, § 22, S 1-1989)

Sec. 38-21. Water rights.

The subdivider shall coordinate the transfer or use of all water rights that would ordinarily be expected to run with the land to the El Paso County Lower Valley Water District Authority in accordance with the requirements established by said governing body.

(Ord. No. 77, § 23, 5-1-1989)

Sec. 38-120722. - Dedication of land for public use. **[Master Park Plan - ???Rewrite]**

The subdivider shall transfer to the city 2.5 percent of the total land to be subdivided or an equivalent dollar value which shall be used by the city for parks and recreation or other city use. The option of receiving the money or land shall rest with the city. Land dedicated for public use does not necessarily need to be within the proposed subdivision development. The subdivider will only be assessed 75 percent of the total land requirements if the subdivider so chooses to participate in regional park improvements, on behalf of the city.

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(Ord. No. 77, § 24, 5-1-1989)

Sec. 38-211923. - Penalties.

- (a) *Transferring lots in unapproved subdivisions.* Any owner or agent of the owner of any land located within the planning and platting jurisdiction of the city/town, who leases, transfers, sells, agrees to sell, or negotiates to sell land by reference to or exhibition of a plat of such land before being duly approved by the city council and duly recorded in the office of the county courthouse, shall, upon conviction, be subject to a fine of \$200.00 per offense. Each and every lot or portion thereof so leased, transferred, sold, agreed to be sold, or negotiated to be sold shall be prosecuted and treated as a separate offense. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.
- (b) *Improper recording.* Any person who records with the county clerk/courthouse any plat in violation of this chapter/Chapter shall, upon conviction, be subject to a fine not exceeding the maximum according to Texas/state law.

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(Ord. No. 77, § 25, 5-1-1989)

Sec. 38-221924. - Appeals.

Any person aggrieved with any determination of the city council acting under this chapter/Chapter may file an appeal to the appropriate district court of the state. The district court may overrule or modify any ruling of the city council and make such findings as are not consistent with the provisions of this chapter/Chapter. When an appeal is filed with the district court notice thereof shall be filed with the city clerk.

(Ord. No. 77, § 26, 5-1-1989)

Sec. 38-23025. - Amendment procedure.

The city council may, from time to time, amend or modify this chapter/Chapter after public hearing, due notice of which shall be given as required by law.

(Ord. No. 77, § 27, 5-1-1989)

Sec. 38-24126. - Public records.

The city clerk shall keep public records of findings, decisions, and recommendations concerning all subdivision plats filed for review, including such actions as may be taken by the city council through appeals or amendments to this chapter/Chapter.

(Ord. No. 77, § 28, 5-1-1989)

Sec. 38-25227. - Repeal.

All ordinances and resolutions and all parts thereof which are in conflict with this chapterChapter are hereby repealed to the extent that they conflict with this chapterChapter.

(Ord. No. 77, § 29, 5-1-1989)

Sec. 38-26328. - Separability of provisions.

If any section, subsection, sentence, clause or phrase of this chapterChapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapterChapter, it being the intent of the city council to enact each section, subsection, sentence, clause or phrase of this chapterChapter separately and independently of each other section, subsection, sentence, clause or phrase.

Sec. 38-27. - Waiver of Right to Thirty-Day Action.

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(a) A subdivider may request in writing an extension to the thirty-day approval period for Commission and City Council decisions on Plan applications to allow additional time to comply with the requirements of this Chapter and all other ordinances. The request may be for a period not to exceed thirty (30) days.

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(b) Applicant may request in writing a waiver of right to thirty-day action in relation to the decision time for preliminary plats, amending plats, development plats, replats, master plan or subdivision improvement plans suitable for approving within thirty (30) days as mandated by state law. The waiver request shall contain a statement of the time for which a waiver is sought. No waiver shall be granted for a period less than the Commission's or City Council's (as applicable) next regularly scheduled meeting. All waivers and extension requests shall be for a period not to exceed thirty (30) days.

(c) Waiver and extension requests for preliminary plats, final plats, development plats, replats, master plan and subdivision improvement plans may be received by the planning supervisor prior to the Commission or City Council meeting agenda posting deadline at which action would have to be taken (based on the thirty-day requirement in state law) on the plan application. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the plan application at such meeting as scheduled.

(d) The Commission or City Council shall take action on the waiver of right to thirty-day action request within the thirty-day period for action on the plan. If the waiver is granted, action on the plan application shall be waived for a certain period of time, consistent with the approved waiver.

(e) The granting of a waiver of right to thirty-day action request shall not be deemed in any way a waiver to any requirement within this Chapter. A waiver from requirements herein is a separate and distinct process.

(Ord. No. 77, § 30, 5-1-1989)

ARTICLE II. - SUBDIVISION DESIGN STANDARDS

Sec. 38-47. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*AASHTO* means American Association of State Highway and Transportation Officials.

*ASCE* means American Society of Civil Engineers.

*ASTM* means American Society for Testing and Materials.

*AWWA* means American Water Works Association.

*Design engineer* means a registered professional engineer in the state who has been contracted by the ~~developer~~subdivider to perform engineering studies, reports, design, etc., for the proposed subdivision and to represent the ~~developer~~subdivider on engineering matters.

*Design standards* means these subdivision design standards for the city, including all standard detail drawings and other documents referenced in this ~~manual~~Article II.

*Detail standards* or *detail sections* means drawings adopted by the city and incorporated into the index of the subdivision design standards for the city.

~~Developer means subdivider or a representative agent of the subdivider.~~

*Standard details* means any and all standard details.

*Subdivision regulations* means this ~~chapter~~Chapter and all applicable state and federal requirementsfor the city.

*WPCF* means Water Pollution Control Federation.

(Ord. No. 77, § 101, 5-1-1989)

Sec. 38-48. - Introduction.

(a) ~~The purpose of these standards is to promote consistently sound design of facilities having acceptable performance characteristics, to encourage innovative design, and to assert the need for exercise of sound, responsible, professional judgment of the designer.~~

(b) The subdivision design standards ~~may~~will be revised by the city from time to time to reflect changing conditions, and ~~new construction techniques and materials and revised policies of the City to promote the health, safety and welfare of the City.~~

(Ord. No. 77, § 102, 5-1-1989)

Sec. 38-49. - Compliance with requirements.

(a) It is the responsibility of the subdivider to obtain all necessary permits, easement, and other approvals for the proposed subdivision. The subdivider must be familiar with, and comply with, any and all ~~town~~city, county, state, federal, and other applicable requirements, laws, ordinances, regulations, and codes related to subdivision development.

(b) Under unusual circumstances, the ~~developer~~subdivider has the right to request the city to waive any part or parts of the subdivision design standards on the basis of extreme or unusual hardship. A ~~developer~~subdivider exercising such privilege shall specify in writing any and all design standards that are requested to be waived, the reasons for deviation from these standards, and the alternative proposed standard to be utilized in the development. The written request shall be submitted to the city planning and zoning department and the ~~city planning and zoning commission~~Commission who shall evaluate the request and make recommendations to the city council regarding the request. The

[developersubdivider](#) may deviate from design standards only after the city council has approved such deviation and the [developersubdivider](#) has written permission to do so signed by the mayor.

- (c) Except where modified by the city council, each subdivision and the plat thereof ~~and all subdivision improvements~~ shall be in conformity with the design standards set forth or referred to in this [manualArticle II](#).
- (d) The subdivider shall make the following minimum improvements that shall conform to these design standards except as waived by the city:
  - (1) Street grading, curbs and gutters, and drainage structures necessary for the proper use of streets for public safety.
  - (2) Site grading and drainage, taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream area, where appropriate, as though fully improved.
  - (3) All streets, easements, and pedestrian ways shall be graded and surfaced to widths shown herein. The subdivider shall improve the extension of all streets intersecting streets, including interception of drainage waters.
  - (4) Sidewalks shall be as shown on the improvement plans, if required.
  - (5) Sanitary sewer and domestic water supply facilities approved by the Texas Water Commission and El Paso County Lower Valley Water District shall be installed as shown on the improvement plans to serve the subdivision.
  - (6) Storm drainage facilities shall be designed for the subdivision and shown on the improvement plans.
  - (7) Water mains and fire hydrants shall be designed and shown on the improvement plans to provide fire protection.
  - (8) Telephone, electric power, gas, and cable television service shall be installed and available to every lot (possible exceptions: cable television or gas (if all electric)).
  - (9) Streetlights to be located at key intersections and other specific points in the subdivision as directed by the city planning [and zoning](#) department.
  - (10) Street name signs.
  - (11) Survey monuments.
- (e) It is the sole responsibility of the [developersubdivider](#) to ensure that all construction of all improvements is performed in compliance to federal, state, and local safety and health laws.
- (f) Before construction begins, the contractor for the [developersubdivider](#) shall discuss and agree with the city planning [and zoning](#) department on the times of required inspection for the project. All testing requirements noted herein shall be the minimum specified in the improvement plans and construction contract documents. During the construction phase of the subdivision, it shall be the [developersubdivider's](#) responsibility to provide the city planning [and zoning](#) department with current work schedules defining the various phases of work to be done and when they will be executed. It shall also be the responsibility of the subdivider to require his contractor to notify the city at least 24 hours prior to the need for inspection services. Inspection by the planning [and zoning](#) department is required at, but not limited to, the following times:
  - (1) At completion of any preliminary clearing, grubbing, and site grading (cuts and fills), compaction testing of fill material may be required.
  - (2) Before backfilling any utility line ditch section, the city engineer shall inspect pipe, check grades, and approve backfill material.
  - (3) The planning [and zoning](#) department will require compaction testing of trench backfill on 12-inch lifts.



- (4) At completion of subgrade preparation, compaction tests shall be required.
- (5) When curb forms or string lines are set, the inspector shall check grades at 50-foot intervals.
- (6) Upon construction of curbs, laboratory concrete strength tests will be required for every day's pour of concrete.
- (7) Upon installation of base course in street, compaction tests shall be required.
- (8) Upon completion of street paving, laboratory asphalt strength and gradation tests will be required for every day's placement of hot-mix.
- (9) After final grading of lots.
- (10) Before request of acceptance to the city, a final inspection shall be performed by the city engineer, a representative of the contractor, and the [developersubdivider](#). The city engineer shall list any and all corrections, replacements, clean-up work, etc., that need to be performed by the contractor prior to acceptance of the subdivision by the city. The city will not accept the subdivision until all such work is complete. The city engineer will recommend city acceptance when satisfied that all work is complete and in compliance with these subdivision design standards and specifications referred to herein.
- (11) Other testing may be required (such as street coring or asphalt compaction) at the request of the city. All testing and inspection costs are to be encumbered by the [developersubdivider](#).

(Ord. No. 77, § 103, 5-1-1989)

Sec. 38-50.—Submission requirements.

- (a) *Required submissions.* The minimum submissions required from a subdivider are summarized in table 38-50.1 and further outlined in these subdivision regulations and design standards.

Table 38-50.1. Minimum Subdivision Submission Requirements

Submission	When required	Copies required	Subdivision regulations reference
Preapplication	Prior to preliminary plat	11	Sections 38-7 and 38-8
Location map			
Sketch plan			
Plat information			
Area plan	Prior to or with preapplication	11	Section 38-6(d)(3)
Preliminary plat	Preliminary plat	11	Sections 38-9 and 38-10
Preliminary storm drainage plan			
Preliminary soils analysis			
Schedule of development			
Special problems analysis			
Final plat	Final plat	2 originals and 11 copies	Sections 38-11 and 38-12

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Street and sidewalk	Before construction	4	Section 38-14(c)(2), (c)(3)
Drawings and specifications			
Design analysis report			
Water system	Before construction	4	Section 38-14(c)(4)
Drawings and specifications			
Design analysis report			
Sanitary sewer system	Before construction	4	Section 38-14(c)(4)
Drawings and specifications			
Design analysis report			
Drainage facilities	Before construction	4	Section 38-14(c)(5)
Drawings and specifications			
Design analysis report			
Final storm drainage plan			
Streetlights	Before construction	4	Section 38-14(c)(6)
Drawings and specifications			
Maintenance bond	After construction of improvements	2	Section 38-14(d)
As-built drawings of all improvements	After construction of improvements	4	

(b) *Format of submissions.*

(12) Improvement plans.

- a. Improvements plans shall be drawn in black India ink on 24-inch by 36-inch stable base polyester material.
- b. Improvement plans shall contain title and index sheet. Title sheet shall contain the following information:
  1. Name of subdivision.
  2. Name, address, and telephone number of [developersubdivider](#).
  3. Name, address, and telephone number of designing engineer.
  4. Seal and signature of responsible engineer registered in this state.
- c. Index sheet shall contain the following information:
  1. List of plan sheets and their page numbers.
  2. Vicinity map showing location of subdivision in relation to the city.
  3. Plat to scale showing street, sewer, and water line layout, locations of manholes, valves, and fire hydrants. Scale of plat and north arrow shall be indicated.
- d. Grading and drainage plans shall follow plat sheets.
- e. Street, sewer, and water plan and profile sheets shall follow grading and drainage plan.

- f. Standard detail specifications and drawings shall be last.
- (23) Reports, specifications, design analysis, and other data. All supporting documents shall meet the following criteria:
  - a. Be submitted on 8.5-inch by 11-inch sheets of paper unless oversize material required in which case 11-inch by 17-inch maximum may be used as fold-outs.
  - b. Be bound with a title sheet containing the following information:
    - 1. Name of subdivision.
    - 2. Contents of bound document.
    - 3. Name of designing engineer submitting the document.
  - c. Be neat, legible, typewritten, easy to reference, and logically referenced.
  - d. Bear the seal of the licensed engineer, surveyor or architect as necessary.

(Ord. No. 77, § 104, 5-1-1989)

Sec. 38-50~~1~~. - Provision of easements.

Easements shall be provided in all subdivisions for the ready provision and extension of street, utilities, and drainage facilities. Easements shall be provided for the logical extension of streets, utilities, and drainage facilities from and through each subdivision to the areas surrounding each subdivision. Proposed new developments shall maintain properly sized and aligned necessary easements and right-of-way to facilitate extension of existing structures that require extension through said new development to accomplish its purpose. The city has the right to require the continuation of easements and right-of-way through proposed new developments if it deems necessary the extension of such easements or rights-of-way.

(Ord. No. 77, § 105, 5-1-1989)

Sec. 38-51~~2~~. - Survey monuments.

- (a) Survey monuments shall be provided for subdivisions as indicated in table 38-52.1. Found monuments which accurately locate required subdivision monument locations may be used in lieu of the type of monument indicated in table 38-52.1, but the minimum number of monuments indicated in table 38-52.1 must be provided unless otherwise approved by the city. The location and type of all new and found monuments shall be shown on the final plat along with the elevation of all benchmarks.

Table 38-51~~2~~.1. Subdivision Survey Monument Location

Location	Type of monument	Notes
Subdivision boundary corners	Brass cap in concrete	Four minimum per subdivision and four minimum per 320 acres of subdivision.
Intersections of streets (centerlines), points of curvature/tangency/cusp/reverse curve/angles, center of cul-de-sac bulbs	Aluminum cap on #5 rebar	
Block corners	Aluminum cap on #5 rebar	
Lot boundary corners, points of curvature/tangency/cusp/reverse curves/angles	#5 rebar	

Elevation benchmark	Brass cap in concrete	One minimum per subdivision and one minimum per 320 acres of subdivision; may be subdivision corner monument.
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(b) The physical requirements for survey monuments are indicated in table 38-512.2.

Table 38-512.2. Minimum Physical Requirements of Survey Monuments

Type of monument	
Brass cap	<b>Brass cap:</b> 2.6 inches minimum diameter substantially rounded cap with integral anchor for placement in concrete.
	<b>Concrete base:</b> Poured in-place concrete minimum 12 inches diameter and 30 inches deep with bulb at bottom, concrete poured against undisturbed soil for bottom 18 inches minimum, brass cap anchored into base.
	<b>Marking:</b> Stamped to indicate reference point of elevation, surveyor's name and registration number, benchmark number (obtained from the city planning department) and the name of "city, Texas." See the figures in section 38-53 as a guide.
	<b>Application and elevation:</b> The surveyor shall pick up benchmark application forms at the city planning department. The surveyor shall certify the elevation of the benchmark on the city forms. All certified elevation forms will be kept on record in the city planning department. The elevation of all brass caps shall be tied to the datum base used by the state highway department.
Aluminum cap	<b>Aluminum cap:</b> Cap specifically designed to lock into a previously set #5 rebar when struck with a hammer.
	<b>Rebar:</b> Standard #5 deformed steel reinforcing rod/bar, two feet minimum length or longer if required for stability in particular locations.
	<b>Marking:</b> Stamped with surveyor's registration number and reference point indication.
#5 Rebar	<b>Rebar:</b> Standard #5 deformed steel reinforcing rod/bar, two feet minimum length or longer if required for stability in particular locations.
All monuments	<b>Finish elevation:</b> Between 0-0.2 feet above finished grade unless particular location dictates otherwise.
	<b>Indication on plat:</b> Indicate all monument markings on plats.

(Ord. No. 77, § 106, 5-1-1989)

Sec. 38-523. - Street design standards.

Sec. 38-52.1 - (a)—*Generally.*

- (1) This section presents criteria established for use in design of street systems and related features. The purpose of this section is to promote consistently sound design of street systems having acceptable performance characteristics, to encourage innovation design, and to assert the need for exercise of sound, responsible, professional judgment by the engineer.

- (2) Material presented is intended for use by qualified design professionals familiar with municipal street design. A brief overview of important governing regulations is presented together with references to commonly accepted standard publications related to the subject. Designers and others using this [manualArticle II](#) are expected to familiarize themselves fully with the following regulations, other pertinent regulations, and the standard reference publications cited herein.

Sec. 38-52.2 - (b) — Governing regulations.

- (1) The following are some of the most important city regulatory documents pertaining to street design. The list is not intended to be exhaustive, and the user is cautioned that this ~~chapter~~Chapter is subject to change at any time. The competent designer must maintain a constant familiarity with these and other pertinent regulations as they evolve.
- (2) In the case of conflict or discrepancy between these regulations, these documents will govern in the following order of priority:
  - a. This ~~chapter~~Chapter (city subdivision regulations).
  - b. ~~Chapter~~Chapter 46 (city zoning regulations).
  - c. Major thoroughfare plan.
  - d. Subdivision Design Standards, City of El Paso, latest edition.
  - e. Paving Construction Details, City of El Paso, latest edition.
  - f. State highway department design and construction standards.
  - g. AASHTO Guidelines: A Policy on the Geometric Design of Highways and Streets, 1984 edition.

h. Master Park Plan.

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Sec. 38-52.3 - (e) — General planning.

- (1) *Street location and arrangement.*
  - a. Streets must conform in character, location, and arrangement to adopted ~~comprehensive~~compliance plans. The city should be consulted for information regarding applicable plans for areas under design consideration.
  - b. Proposed street arrangements must provide for the continuation of existing principal streets or appropriate projections thereof if not otherwise governed by an adopted plan as discussed in subsection (c)(1)a of this section.
  - c. Alleys are not to be provided where other provisions can be made for adequate and suitable service access.
- (2) *Right-of-way and pavement widths minimum standards.*
  - a. Required street right-of-way widths and pavement widths are established in table 38-532.1 and shown on figures 107.1 through 107.4.
  - b. Access. Private driveway access to single-family development is not permitted on minor arterial or major arterial streets.

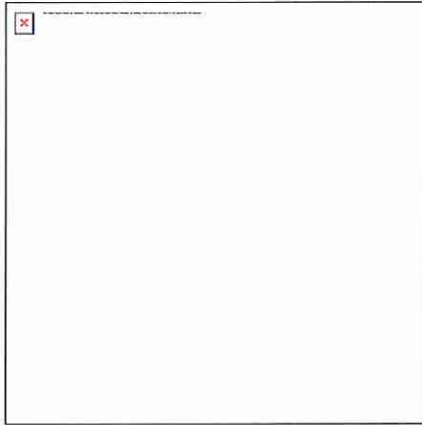
Table 38-532.1. Street Right-of-Way and Pavement Widths

Street classification	Minimum required ROW	Minimum required pavement width *
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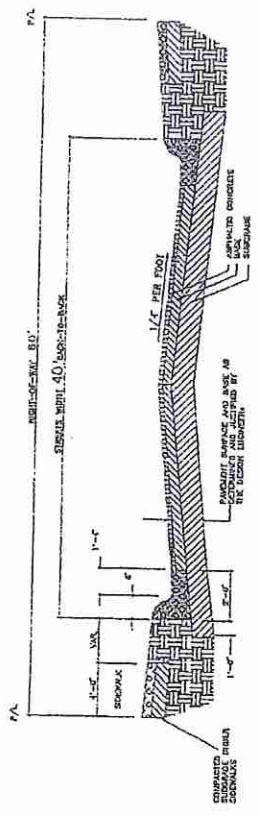
Alleys	20 ft.	N/A (20 ft. if paved)
Local (residential) **	60 ft.	40 ft.
Collector/industrial/commercial	70 ft.	44 ft.
Minor arterial	90 ft.	64 ft.
Major artery	120 ft.	3—11 ft. lines on each side of divided median

\* Pavement width is width of pavement measured from back of curb to back of curb.

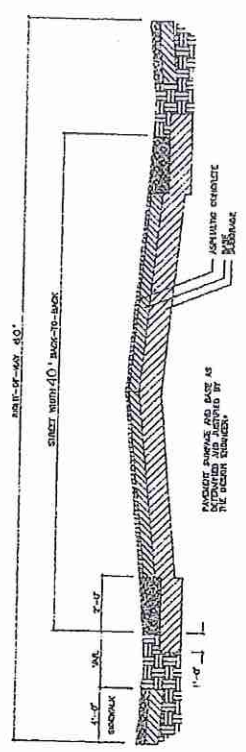
\*\* A hierarchy of residential street sections may be presented to the city engineer, and planning and zoning commission for consideration for approval.



- NOTES
1. BASE MATERIAL SHALL BE CONSTRUCTION AS SPECIFIED IN ACT 5-1527
  2. COURSE OF GRANITE SHALL BE CONTIGUOUS TO INTERLAYER BY 1/2" PER FOOT
  3. NORMAL SPALL SHALL BE 1/2" FOR EACH INCH OF COURSE AND NOT MORE THAN 1/2" PER FOOT



TYPICAL RESIDENTIAL STREET SECTION

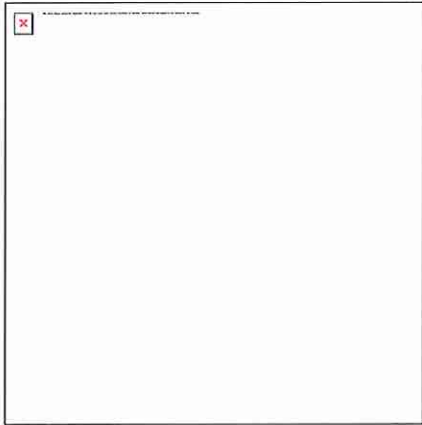


TYPICAL RESIDENTIAL STREET SECTION

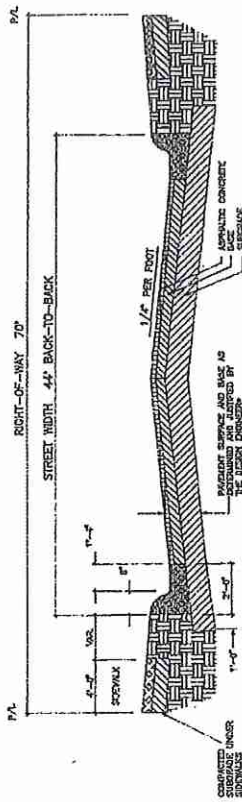
FIG. 107.1

IN ALL CASES, THE GRANITE COURSE SHALL BE 1/2" THICK PER FOOT AND THE CONCRETE SURFACE SHALL BE 10" THICK PER FOOT. THE GRANITE COURSE SHALL BE CONTIGUOUS TO THE CONCRETE SURFACE BY 1/2" PER FOOT.

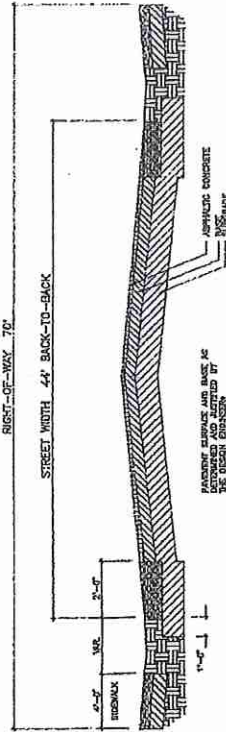




- NOTES
1. BASE MATERIAL SHALL BE COMPACTED TO MINIMUM 95% WITH 10-TON ROLLER.
  2. TOP 1/2" OF SURFACE SHALL BE COMPACTED TO MINIMUM 95% WITH 10-TON ROLLER.
  3. FINISH GRADE SHALL BE 1/2" OVER MINIMUM 95% COMPACTED SUBGRADE.
  4. CURBS SHALL BE 1/2" OVER MINIMUM 95% COMPACTED SUBGRADE.
  5. CURBS SHALL NOT PROTRUDE.



TYPICAL COLLECTOR STREET



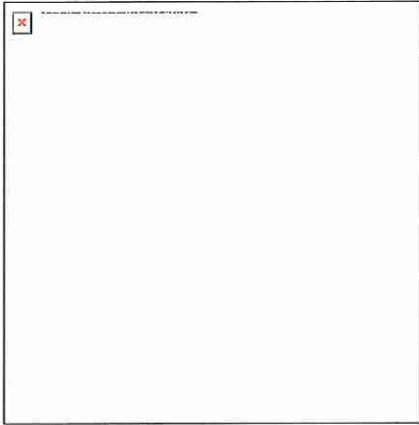
TYPICAL COLLECTOR STREET

FIG. 107.2

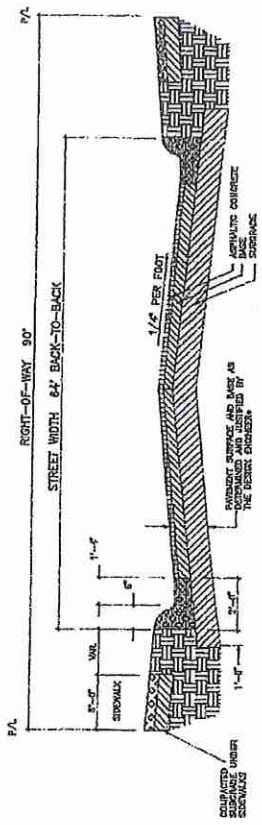
IN NO CASE SHALL THE MINIMUM FINISH THICKNESS BE LESS THAN 2" COMPACTED AND IN NO CASE SHALL THE MINIMUM BASE THICKNESS BE LESS THAN 4" COMPACTED.

CONCRETE CURBS SHALL BE 1/2" OVER MINIMUM 95% COMPACTED SUBGRADE.

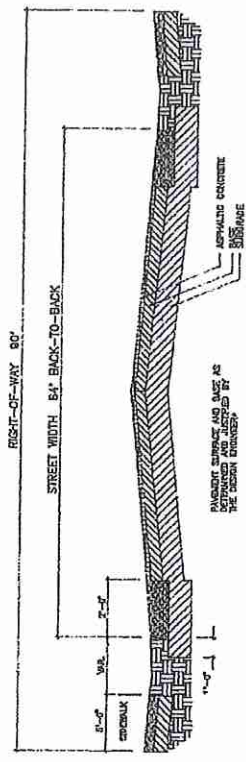
CONCRETE SHALL NOT PROTRUDE.



- NOTES:
1. BASE MATERIAL SHALL BE COMPACTED TO MINIMUM TEST COMPACTED TO MINIMUM TEST AS PER 5-107.
  2. TOP 1/2" OF SURFACE SHALL BE COMPACTED AS INDICATED BY ASHLE 5-107.
  3. TOP 1/2" OF SURFACE SHALL BE COMPACTED AS INDICATED BY ASHLE 5-107.
  4. TOP 1/2" OF SURFACE SHALL BE COMPACTED AS INDICATED BY ASHLE 5-107.
  5. TOP 1/2" OF SURFACE SHALL BE COMPACTED AS INDICATED BY ASHLE 5-107.



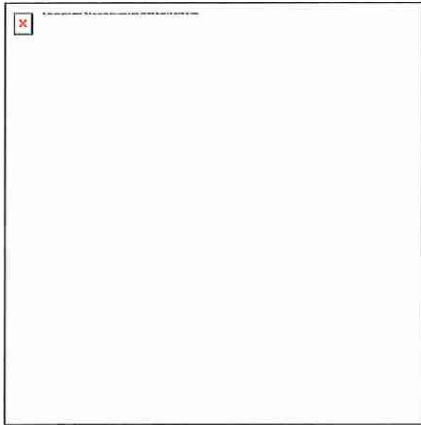
TYPICAL MINOR ARTERIAL



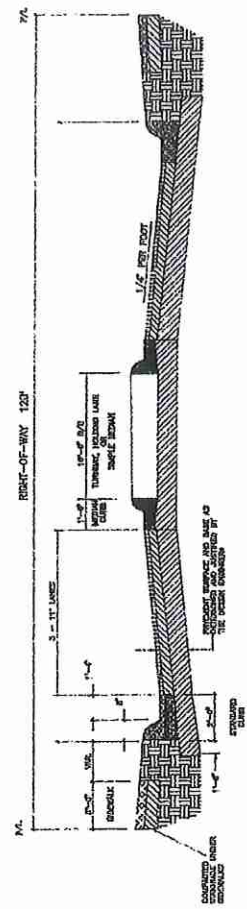
TYPICAL MINOR ARTERIAL

FIG. 107.3

IN NO CASE SHALL THE MINIMUM PAVEMENT THICKNESS BE LESS THAN 2" COMPACTED AND IN NO CASE SHALL THE MINIMUM BASE THICKNESS BE LESS THAN 6" COMPACTED. COMPACTOR TESTS REQUIRED AT 100 FEET INTERVALS AS DIRECTED BY THE TESTING AGENCY.



NOTE  
 1. MAJOR ARTERIAL SHALL BE CONSTRUCTED AS INDICATED BY THIS PLAN AND SPECIFICATIONS.  
 2. THE MINIMUM WIDTH OF THE ROADWAY SHALL BE 120 FEET.  
 3. THE MINIMUM WIDTH OF THE SIDEWALK SHALL BE 6 FEET.  
 4. THE MINIMUM WIDTH OF THE PLANTING STRIP SHALL BE 6 FEET.  
 5. THE MINIMUM WIDTH OF THE BIKEWAY SHALL BE 6 FEET.  
 6. THE MINIMUM WIDTH OF THE BUFFER SHALL BE 6 FEET.  
 7. THE MINIMUM WIDTH OF THE TRAVEL LANE SHALL BE 12 FEET.  
 8. THE MINIMUM WIDTH OF THE SHOULDER SHALL BE 6 FEET.  
 9. THE MINIMUM WIDTH OF THE CURB SHALL BE 6 FEET.  
 10. THE MINIMUM WIDTH OF THE GUTTER SHALL BE 6 FEET.



TYPICAL MAJOR ARTERIAL

COMPACTION TESTS REQUIRED AT 10 FEET AND 300 FOOT INTERVALS AS DIRECTED BY THE TESTING AGENCY

FIG. 107.4

(3) *Cul-de-sac criteria.*

- a. Maximum length permitted is 750 feet measured from the centerline of the intersecting street to the center of the turnaround.

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- b. Maximum number of dwelling units allowed to be served by a cul-de-sac is 35 unless otherwise specifically approved by the city.
- c. Turnarounds.
  - 1. Circular turnarounds with no center island must have minimum 50-foot radius to right-of-way and must have minimum 40-foot radius paved area, measured to the back of curb.
  - 2. Circular turnarounds with approved center island must have 55-foot radius to right-of-way and must have 45-foot radius paved area, measured to the back of curb, with a maximum center island radius of 15 feet, measured to the back of curb.
- (d) *Engineering design criteria.* The criteria presented herein are major controlling factors in the design of streets. It is expected that the designers will exercise careful attention to detail in the application of these criteria to design circumstances. Suitable transitional elements must be provided between changes in geometric configuration, pavement and curb character, and drainage carrying aspects of the ultimate street design.
  - (1) *General design criteria.* Table 38-523.2 summarizes criteria considered minimum in the city for various classifications of streets. Design speeds given are intended to establish levels to which facilities are to be designed; posted legal speeds are established only after appropriate examination of the completed street by the city.

Table 38-523.2. General Design Criteria for Streets

Street Classification	Minimum Centerline Radius - Feet (5)			Minimum Length Vertical Curve (feet) (1)	Vertical Curvature Design Value K (2)			Maximum Grade Change Allowed Without Vertical Curve —% (8)	Maximum Grade Allowed %
	Design Speed m.p.h.	With 0.02 ft./ft. Super-Elevation	With Normal Crown (7)		For Crest Stopping Sight Distance (5)	For Sag Stopping Sight Distance (6)	For Sag Comfort Control (3)(6)		
Major arterial	50	1,050	1,400	150	100	75	n/a	0.4	6
Minor arterial	45	900	1,100	135	80	65	n/a	0.4	7
Collector	35	450	575	100	46	45	26	0.07	8
Local residential	25	—	230 (9)	75	25	28	13	1.0	8
Cul-de-sacs and alleys	20	—	120 (9)	60	18	24	9	1.0	12
Local industrial commercial	30	300	300	90	32	35	19	1.0	8

(1) Controlling limit only when algebraic grade difference (f) times the design value K is less than minimum shown; in all other cases, L=KR shall control.

- (2) The values of K shown are to be used in determining the minimum length of vertical curve required by the use of the relationship  $L = KA$  where:

L = Length of vertical curve in feet.

A = Algebraic difference in grades expressed in percent.

K = Design value indicative of rate of curvature.

- (3) Allowed only with express permission of city. Use of K for comfort control is strongly discouraged.
- (4) Lengths of vertical curves longer than the minimums resulting from the use of K values shown should be used wherever possible; however, K should not exceed 143 feet when curb and gutter is used.
- (5) Source: Design of Urban Streets, Federal Highway Administration, U.S. Department of Transportation.
- (6) Crest vertical curves are based on eye height of 3 feet, 3 inches, object height of 6 inches and AASHTO minimum stopping distances. SAG vertical curves are based on AASHTO standards. If AASHTO standards are revised to more restrictive values, the more restrictive values shall supersede the values in this table.
- (7) 2.09.
- (8) A minimum of 50 feet must be maintained between vertical points of intersection.
- (9) Local residential streets with 90 or near 90 turns may be designed with a minimum centerline radius of 75 feet with the approval of the city. Appropriate advisory signs may be required.

- (2) *Geometric criteria.* In general, criteria for the horizontal and vertical geometrics of street design given in table 38-523.2 will be the minimum acceptable values. Other factors must also be considered in a balanced design.

- a. *Vertical alignment.* Long, flat gradients are undesirable because of poor drainage characteristics. The minimum desirable gradient consistent with acceptable drainage is one-half percent and, as such, should be observed as a general design principle. Grades in valley areas and other special circumstances may be flatter than one-half percent if approved by the city. Long, steep gradients are also undesirable since such are difficult for heavier vehicles to negotiate at desirable traffic speeds. Vertical curve criteria stated in table 38-53.2 are intended to provide adequate safety consistent with applicable design speeds. In the application of these criteria, the designer will be expected to apply good judgment in combining vertical geometry with horizontal geometry. Extreme vertical undulation is not acceptable. Vertical changes in grade occurring simultaneously with horizontal alignment changes must be carefully considered to preserve the acceptable sight distance consistent with the design speed of the street. Engineering determination of safe stopping sight distance should be demonstrated in these cases. Adequate intersection sight distances must be maintained in all designs.
- b. *Balance design.* Abrupt, inconsistent changes in either horizontal or vertical alignment is not acceptable. Minor streets shall be designed, however, in order to discourage excessive speeds of traffic. Major streets shall be designed to permit larger flows of traffic at design speeds.

- (3) *Intersection design.*

- a. *Angle of intersection.* Streets must be designed to intersect at right angles as nearly as practical consistent with topography and sound design. The acute angles at intersections for all streets shall be 80 degrees minimum. Intersection designs must provide for adequate clear sight distances.
- b. *Spacing of intersections.* Intersections of streets along arterial streets are to be minimized. Following are limiting values to be observed:



1. Streets intersecting arterials must generally be spaced no closer than one-sixth mile on center.
  2. Intersections of streets shall be continuous in alignment if feasible. Off-set alignment of intersecting streets is highly discouraged.
  3. Intersections of streets which are not on continuous alignment through the street intersected are to be spaced as follows:
    - (i) Intersections of noncontinuous streets must be spaced at least 125 feet between centerlines of streets on local streets.
    - (ii) At least 600 feet on collector streets.
    - (iii) At least 880 feet on all arterial streets.
  4. Variances from these criteria will require written approval of the city council.
- c. *Right-of-way return radii.* Minimum acceptable right-of-way return radius is 30 feet.
- d. *Intersection grading.* Street crown may be reduced through intersections of major streets of approximately equal classification if desirable to promote comfort. Crown reduction should not generally exceed one-half of standard crown unless special circumstances govern and the joint concurrence of the city is obtained. Intersection grading must provide for rapid drainage.
- (4) *Curb and gutter criteria.*
- a. Header curbs 24 inches wide and 12 inches deep with three strands of 5/8 inch rebar, an expansion joint every 25 feet, and a score every seven feet, and gutters with one-inch gutter depth must be used as the exterior curb section for all classes of streets. Deviation from these standards will require written approval and concurrence by the city.
  - b. If both traffic requirements and drainage requirements can be met to the satisfaction of the [city/town](#), mountable roll-type curb or lay-down curb types may be used on local streets.
  - c. Concrete curbs and gutter shall be constructed of Class A, 3,000 psi Portland cement concrete.
- (5) *Pavement design criteria.* Design of pavement structures for arterial, collector, residential and private streets must be based on acceptable design procedures. Current acceptable design procedures include the most current edition of AASHTO Interim Guide for Design of Pavement Structures published by the American Association of State Highway and Transportation Officials, Washington, D.C. Subgrade soils investigation and evaluation shall be required to determine the bearing values of the proposed subgrade soils. Designing engineer shall submit report to city stating existing subgrade bearing values and proposed structural pavement design.
- (6) *Drivepad design standards.* Drivepads shall cross the sidewalk on the sidewalk grade line without depression of the sidewalks. However, if a drivepad gradient in excess of ten percent would be required to avoid depression of the sidewalk, the sidewalk shall be transitioned to match the drivepad within six feet of the edge of the drivepad and the drivepad gradient shall be maintained between five percent and ten percent.
- (e) *Construction criteria.*
- (1) *Generally.* Any permits or easements required for the construction of the required streets, sidewalks, or appurtenances for the proposed development shall be obtained by the [developers/subdivider](#).
  - (2) *Materials.*
    - a. All construction materials shall conform to the City of El Paso standard specifications for public works entitled Paving Construction Details, ~~as amended/dependent~~ [or replaced/latest edition](#), unless modified by this ~~chapter~~[Chapter](#) or otherwise approved by the city.

- b. In the case of conflict or discrepancy between this ~~chapter~~Chapter and the City of El Paso standards, this ~~chapter~~Chapter and other specific ordinances of the city shall govern.
- c. Special construction methods. The use of vibratory compaction equipment in the historical district will not be allowed as possible damage to the historical structures may result.

(Ord. No. 77, § 107, 5-1-1989; Amd. No. 3, § II, 7-18-1996)

Sec. 38-534. - Sidewalk design.

Sidewalks must be provided for in all new subdivisions within the city unless specifically waived by the city planning and zoning commission. The fundamental requirements governing sidewalk design are established by these design standards. Sidewalk designs must provide for the mobility, safety, and comfort of the pedestrian and provide for adequate pedestrian access to abutting property. Pertinent sidewalk design criteria are collected herein for the convenience of the designer.

- (1) *Sidewalk width.* Sidewalk width of residential or collector streets shall be four feet zero inches, minimum. For arterial streets, the sidewalk width shall be six feet zero inches, minimum.
- (2) *Sidewalk location; horizontal.*
  - a. Along collector and local streets, sidewalks must be located within the right-of-way with the property side edge of the sidewalk at the property line.
  - b. Variances from sidewalk standards will require the approval of the city.
  - c. Sidewalk location adjacent to curbs is discouraged.
- (3) *Transverse slope sidewalks.* Sidewalks must be provided with a transverse slope of one-fourth to one-half inch per foot, sloping toward the street.
- (4) *Historical zone.* A special architectural image of the sidewalk shall be reflected in the H-Overlay Zone District within the city. This special image shall consist of the following:
  - a. Exposed aggregate concrete.
  - b. Red brick patterned concrete.
  - c. Red tile patterned concrete
 Any other image shall be approved by the city prior to inclusion in the improvement plans.
- (5) *Sidewalk location; vertical.* The sidewalk must be located vertically such that the top surface of the sidewalk will be at or above the top of curb at the lowest point on the sidewalk and must be appropriate to the overall street section design within the right-of-way.
- (6) *Sidewalk materials.* Sidewalks are to be of Portland cement concrete, Class A, 3,000 psi, of minimum four-inch thickness. Portland cement concrete reinforcing, and curing compound shall be used. Designs incorporating alternate materials must be approved by the city.

(Ord. No. 77, § 108, 5-1-1989)

Sec. 38-545. - Sanitary sewer design criteria.

- (a) *Generally.* This section presents the criteria, standards, and regulations related to the design of sanitary sewer systems for general development service. It does not cover the criteria for design of major interceptor sewers or treatment facilities. The material is directed to the competent design professional and is not intended to be a detailed design handbook. Criteria and standards presented are those determined to be the minimum acceptable values necessary to result in system designs having satisfactory functional characteristics, durability, and operational suitability. It is expected that the designer will strive for the best design to suit the circumstances involved, and that designs will reflect sound professional judgment at all times.

(b) *Governing regulations.* Ordinances and policies related to the design and operation of sanitary sewer systems include the following:

- (1) This chapterChapter (city subdivision regulations).
- (2) Area-wide wastewater collection and treatment facilities plan.
- (3) El Paso County Lower Valley Water District Authority subdivision design guidelines and practices.
- (4) El Paso City/County Health Department Standards.

(c) *Engineering design criteria.*

(1) *Design capacity criteria.*

- a. Off-site flows will be considered by the designer and shown in his design calculation.
- b. Sanitary sewer design shall conform in size, location, and arrangement to adopted plans. Governing plans may include, but are not limited to, the approved **area planmaster plan** and city **comprehensive master plan**. The city and the El Paso County Lower Valley Water District Authority should be consulted for information regarding applicable plans for areas under design consideration.
- c. In residential areas, the following design flows will be used per house, apartment, townhouse, or **mobile home**:

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	Average flow
Houses	420 gpd
Apartments, <b>mobile homes</b> , and townhouses	350 gpd

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- d. Commercial sewage flows will be considered on a case-by-case basis by the designer. The designer will present the basis for the commercial sewage flow used in his design calculations.
- e. Design flow shall be three times average flow to accommodate daily peak factors.
- f. Design is for half-full pipe flow at the design flow.
- g. Manning's Formula is to be used for determination of pipe flow velocities and capacities using a value for Manning's where "n" = 0.013.
  1. Peak velocity: Velocity at peak flow conditions.
  2. Average velocity: Velocity at average flow conditions.
- h. Minimum peak velocity in sewer shall be two feet per second. Maximum average velocity shall be ten feet per second.
- i. Minimum collector size allowable is eight inches.

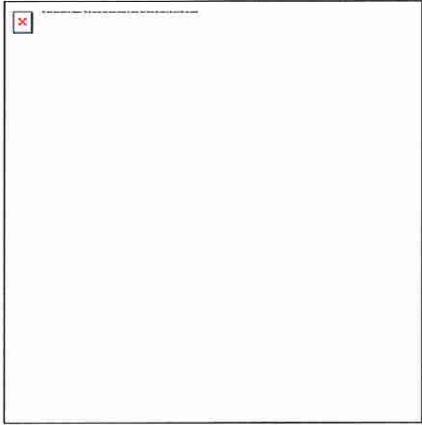
(2) *Manhole criteria.*

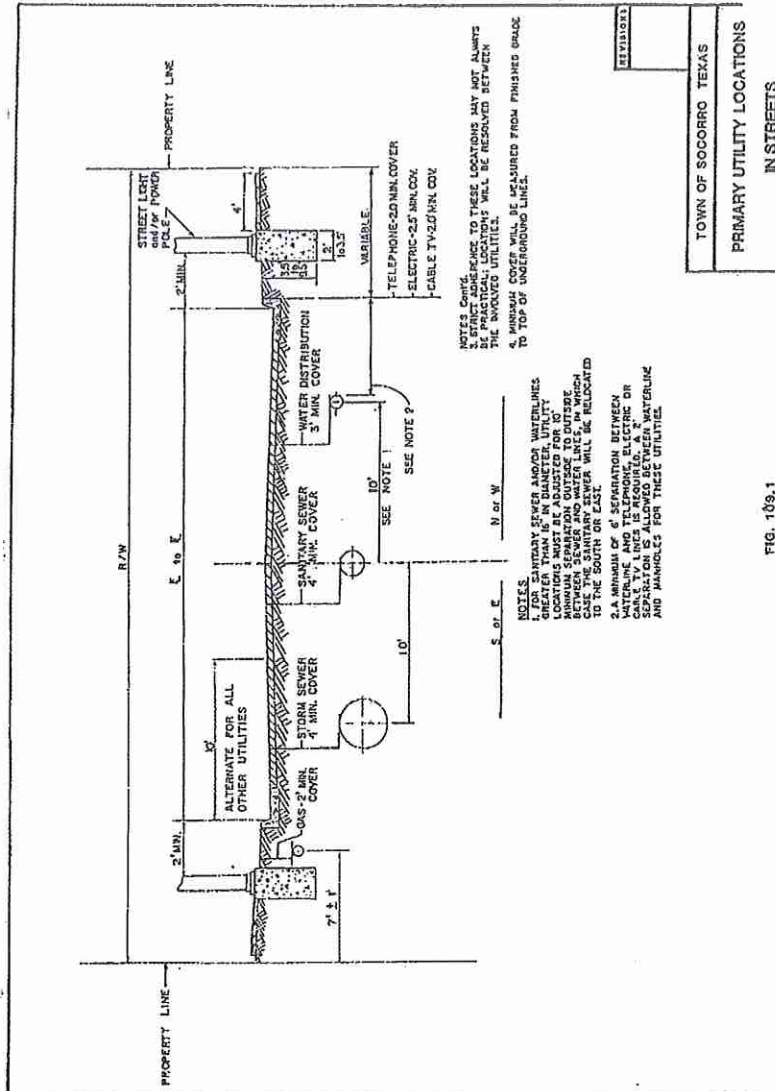
- a. Manholes must generally be located on the centerline of street right-of-way. Manholes for straight lines in curved streets may be located as much as five feet off from centerline of street or right-of-way; however, required clearances from other utilities must be maintained. The offset of such manholes is to be dimensioned from center of manhole barrel to the centerline of the street or right-of-way.
- b. Standard minimum manhole depth is five feet, measured from rim to invert, unless otherwise approved by city.

- c. The required inside diameter for a manhole is determined as follows:
    - 1. Minimum inside diameter is four feet.
    - 2. Six feet minimum inside diameter manholes to be used in extreme cases where multiple lines intersect or access is of concern as determined by the city.
  - d. Flow will not be permitted to change in direction horizontally by more than 80 degrees in a manhole.
  - e. The minimum drop through a manhole will be 0.10 foot, except in the case of a single line straight through manhole, in which case the normal slope of the line shall be maintained. Where flows converge at a manhole, the inverts should be designed to produce a smooth water surface at design flow with no backwater conditions in any of the incoming lines.
  - f. The recommended maximum distance between manholes allowed is 350 feet. Manhole spacing greater than 350 feet shall be acceptable by the city only when specific variances are requested from the city planning department.
  - g. Cleanouts will not be allowed in lieu of manholes on the sewer system unless approved by the city.
  - h. Manholes must conform to the requirements of ASTM C478.
- (3) *Line criteria.*
- a. Sanitary sewer materials and installation methods must comply with the requirements set forth in gravity sanitary sewer design and construction, ASCE Manuals and Reports on Engineering Practice, No. 60, and the WPCF Manual of Practice of ED-5, 1982.
  - b. Curvilinear sewer lines will not be acceptable.
  - c. Sections of line that are flat relative to the upstream line are to be avoided. As much as possible, continuous flow velocity and capacity will be provided. The energy gradient should slope generally parallel to the slope of the invert with no abrupt changes or slopes opposite to the direction of flow.
  - d. Line depth should be sufficient to provide gravity service to property contiguous to the line. Additional depth may be required to provide for service. Generally, house service at the property line shall be a minimum of 4.5 feet below finished floor elevation of the house.
  - e. The main lines are to be located within public right-of-way except as noted in subsection (c)(3)f of this section and are to be aligned in accordance with the primary utility locations, figure 109-1. Where the primary utility locations do not apply, the following criteria apply:
    - 1. The state department of public health policy on the proximity of water and sewer lines.
    - 2. El Paso County Lower Valley Water District Authority Regulations.
    - 3. Main lines must be located so they can be maintained without disturbing any sidewalk, curb, gutter or any other utility. The required trench must be totally within the paved roadway.
  - f. Sanitary sewer main lines may be located outside public right-of-way only under the following conditions:
    - 1. Prior written approval is given by the city.
    - 2. The main line must be located as follows:
      - (i) In paved, permanent access easement; or
      - (ii) In a planned green space with access suitable for sewer line maintenance equipment.

If subsection (c)(3)f.2(i) or (ii) of this section is impossible due to prior platting, the situation will be handled as a special case.







3. A permanent easement will be granted for exclusive use of water and sanitary sewer. It must be possible to excavate any buried water or sanitary sewer with 1:1 side slopes from the bottom of the pipe, without disturbing any sidewalk, curb and gutter, or any other utility. The required trench must be totally within the paved roadway and the

exclusive underground easement. A minimum width easement of 20 feet for water and sewer.

Compliance with the state department of public health policy on the proximity of water and sewer lines must be achieved.

- (4) *Trenching and backfilling.* Trenching shall be of sufficient depth and width to properly install the pipe. Padding or bedding material to be placed around pipe shall be a finely graded material free of rocks in excess of one inch in diameter and shall be free of any sharp objects and deleterious material. Bedding material shall be compacted around the pipe and at least six inches above the pipe. The remainder of the backfill material shall be select material compacted to a density of at least 90 percent of the maximum density as determined by ASTM D1557. When located under roads, sidewalks, driveways, etc., the top six inches of ditch backfill shall be compacted to a minimum density of 95 percent of maximum density as determined by ASTM D1557. The above trenching and backfilling methods shall apply to all utility lines (sewer, water, gas, etc.) installed in the subdivision.
  - (5) *Service connections.*
    - a. Four-inch minimum size residential service connections must be made to the main line except at the end of cul-de-sacs where connection to a manhole is permitted.
    - b. Six-inch commercial service connections are permitted where a six-inch tee in the main exists.
    - c. Four-inch mechanical taps are permitted to tappable main lines eight inches and larger. Mechanical taps must conform to the requirements of the applicable plumbing code requirements.
    - d. All service connections shall have a minimum slope of one-fourth-inch per foot toward the main within the public right-of-way.
  - (6) *Sewage lift stations.*
    - a. Sewage lift stations shall be set pit type, with submersible, easily removable, sewage pumps.
    - b. The lift station shall have 100 percent standby capability with one pump out of service at peak flow.
    - c. Sized for a maximum of four pump starts per hour.
    - d. In order to provide standardization for maintenance and repair parts, pumps shall be of a brand consistent with all other pump equipment maintained by the El Paso County Lower Valley Water District Authority.
    - e. Lift station controls shall be supplied by pump manufacturer.
  - (7) *Sewage package plant.* The design, construction and maintenance of all wastewater treatment package plants shall be evaluated on an individual basis. The El Paso County Lower Valley Water District Authority and governing state agency shall approve the installation of all package plants prior to city review and approval.
- (d) *Construction criteria.*
- (1) *Generally.* Any special crossing permits or easements required for installation of sewer lines or appurtenances are to be obtained by the [developersubdivider](#) in the name of the [citytown](#), at the [developersubdivider](#)'s expense.
  - (2) *Materials.*
    - a. *Construction constituents.* All construction materials shall conform to these subdivision regulations unless otherwise approved by the city.
    - b. *Pipe installation.* Pipe installation will conform to the manufacturer's installation instructions as modified herein, unless otherwise approved by the city.



- c. *Sewer lines.*
  - 1. *Materials.*
    - (i) VCP - ASTM C700, extra strength, joints per ASTM C425.
    - (ii) DIP - ASTM/ANSI A746, push-on joints.
    - (iii) PVC - Gravity sewer lines 18 inches and larger, ASTM F679 or UNI-89, 15 inches and smaller, ASTM D3034, SDR 35
    - (iv) Force mains.
      - A. PVC - AWWA C900 pressure class 150 minimum.
      - B. DIP - AWWA C151.
  - 2. *Installation.*
    - (i) Trenching and backfilling per pipe manufacturer's instruction/recommendations, as modified in subsection (c)(4) of this section.
    - (ii) Testing: Compaction testing required every 500 feet at 12-inch minimum lifts. Backfill in road will require compaction testing every 200 feet at 12-inch lifts.
- d. *Manholes.*
  - 1. *Materials.* ASTM C478.
  - 2. *Installation.* Per manufacturer's installation instructions.
- e. *Lift stations.*
  - 1. *Type.* Wet pit manhole type with hinged cover and submersible pumps on slide rail for easy removal. Sewage piping in lift station to be ductile iron.
  - 2. *Installation.* Shutoff valves and check valves to be external to the lift station.
- f. *Service connections.*
  - 1. *Types.* In-line service tees or wyes to be provided on new sewer lines.
  - 2. *Installation.* In accordance with manufacturer's installation instructions, as modified herein.
- g. *Testing of sewer lines.*
  - 1. *Air pressure test.* Five psi for a minimum of ten minutes.
  - 2. *Lamp test.* Allowable deflection shall be no more than 75 percent horizontal and ten percent vertical.
  - 3. *Mandrell test.* Seven percent maximum deflection.
- h. *Conflict/discrepancy between regulations and guidelines.* In the case of conflict or discrepancy between various regulations and guidelines, these documents will govern in the following order of priority:
  - 1. City subdivision design standards.
  - 2. El Paso County Lower Valley Water District Authority Regulations.
  - 3. ASCE/WPCF guidelines.

(Ord. No. 77, § 109, 5-1-1989)

Sec. 38-556. - Water system design criteria.

- (a) *Generally.* This section presents the criteria, standards, and regulations related to the design of water distribution systems for general development service. It does not cover the criteria necessary for design of major transmission lines, wells, pumping facilities or reservoirs. The material is directed to the competent design professional and is not intended to be a detailed design handbook. Criteria and standards presented are those determined to be the minimum acceptable values necessary to result in system designs having satisfactory functional characteristics, durability, and operational suitability. It is expected that the designer will strive for the best design to suit the circumstances involved, and that designs will reflect sound professional judgment at all times.
- (b) *Governing regulations.* Ordinances and policies related to the design and operation of domestic water systems include the following:
  - (1) This chapter ~~Chapter~~ (city-subdivision-regulations).
  - (2) El Paso County Lower Valley Water District applicable regulations.
- (c) *Water system design criteria.*
  - (1) General requirements.
    - a. In calculating line sizes for main loop lines, the future development of the surrounding area will be considered and addressed in the report.
    - b. Domestic water design shall conform in size, location, and arrangement to adopted plans. Governing plans may include, but are not limited to, the approved master area-plan and city comprehensive master plans. The city and the El Paso County Lower Valley Water District should be consulted for information regarding applicable plans for areas under design consideration.
    - c. Pressure zone boundaries must be considered in the design of all systems.
    - d. Location of lines must be according to primary utility locations in figure 109.1. Deviations will require approval of the city.
  - (2) Sizing requirements in single-family and duplex developments are as follows:
    - a. Six inches minimum.
    - b. An eight-inch line is required if loop lines are not provided at a maximum interval of 1,200 feet.
    - c. Minimum six-inch line to any fire hydrant.
    - d. Fire protection may require larger sizing.
    - e. Design flow rates for subdivision line sizing are as follows:

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		Average Daily	Max Hourly
(1)	Single-family dwellings		
	One-half acre and less	500 gpd	2.0 gpm
	Greater than one-half acre	500 gpd	3.5 gpm
(2)	Fire flow. See subsection (g)(1)f of this section.		
(3)	Commercial. Commercial water flow rates are highly variable. They will be considered on an individual basis by the designer in his report.		

- (3) Sizing requirements for industrial/commercial and multifamily developments are as follows:
- a. Typical eight inches minimum.
  - b. Fire protection may require larger sizing.
  - c. Determination is made by the city and El Paso County Lower Valley Water District.
- (d) *Alignment/proximity to other utilities.*
- (1) The main lines are to be located within public rights-of-way except as noted below, and aligned in accordance with the primary utility locations of figure 109-1. Water lines must be located so they can be maintained without disturbing any sidewalk, curb, gutter or any other utility. For lines within streets, the construction trench is required to be contained totally within the paved roadway.
  - (2) If circumstances require location of water lines in other than the location established by the primary utility locations, written approval of the city and the utilities normally expected to occupy the revised location must be obtained. Main lines may be located outside public right-of-way only with prior written approval of the city and only within appropriate easements.
  - (3) If not in public right-of-way, the distribution line must be located as follows:
    - a. In a permanent access easement, including an easement for the water line.
    - b. In a planned green space with access suitable for maintenance equipment and within an appropriate easement.
    - c. If subsection (d)(3)a or (d)(3)b of this section is impossible because of prior platting, the location will be handled as a special case.
    - d. A permanent easement must be granted for the exclusive use of water and sanitary sewer. A minimum width easement of 20 feet is required for a single utility and 25 feet for water and sewer, both within the same easement.
    - e. In private streets, primary utility locations apply where possible.
- (e) *Valving and valve placement.*
- (1) Spacing shall be 1,200 feet maximum between in-line valves for lines 14 inches and smaller.
  - (2) At the intersection of water lines, all but one line must be valved.
  - (3) Fire hydrant legs must be valved on lines.
  - (4) The system valving must be arranged so that lines may be shut down with a minimum number of valves and affecting the minimum service area. Valving of the ultimate system looping must be such that no break will disrupt service beyond the next valve location. System valving design should ensure that only the immediate area where the break occurs will suffer disruption of water supply.
  - (5) Valve location. Three valves shall be placed at all water line intersections. The location shall be at a point on the waterline where the adjacent right-of-way lines intersect the water line. Possible exceptions include valves for pressure connections of branches to existing water lines which will necessarily be adjacent to the existing line.
  - (6) Valve types. Valves shall be AWWA C500 NRS gate valves.
  - (7) Valve sizing. Valving must be line size. Special tapping valves shall be used with tapping sleeves.
  - (8) Air relief valves. Air relief valves will be provided as determined by the designer and approved by the city and the El Paso County Lower Valley Water District.
  - (9) Pressure reducing stations. The city and the El Paso County Lower Valley Water District determines the need for pressure reducing stations, their location, and the need for reduction of valve sizing. The [developers/subdivider](#) must provide any pressure reducing stations required for his subdivision.

(f) *Service lines and meters.*

- (1) The metered service line is public through the tailpiece installed on the private side of the meter. Normally, the tailpiece extends to the right-of-way line.
- (2) Sizing of the service line and meter is the responsibility of the requesting party. The city will, upon request, provide information relative to the flow characteristics of the various available metered sizes. However, single-family dwelling units will generally utilize a five-eighths inch times three-fourths inch meter.
- (3) The public portion of the service line including the meter and box may be installed by either of two methods:
  - a. The city or the El Paso County Lower Valley Water District will make the installations subsequent to formal application and payment of all appropriate charges. If so desired, and appropriate, the city will also install the meter at this time.
  - b. An approved contractor may install the service line or meter box as part of the subdivision development. This method requires an approved set of construction plans showing service line or meter box installation. The water mains and service lines must be completed, including flushing and disinfection, and accepted formally in writing before the city or the El Paso County Lower Valley Water District will install meters. In addition, unless special agreements for phasing have been made, the entire subdivision has to be formally accepted in writing by the city before the city or the El Paso County Lower Valley Water District will install a meter. Upon completion and acceptance of the project, the city will install the meter subsequent to formal application and payment of all appropriate charges.
- (4) Typically meters two inches and smaller are located within the public right-of-way behind the street curb.
- (5) Meters three inches and larger require a permanent easement on the landowner's property.
- (6) Meters for any installation may only be installed by the city or the El Paso County Lower Valley Water District subsequent to formal application and payment of all appropriate charges.
- (7) All dwelling units must be individually metered.

(g) *Fire hydrant protection.*

- (1) *General information.*
  - a. City fire department experience, national fire codes, fire insurance regulations and waterworks practices provide the hydrant criteria which is used to determine required protection.
  - b. The city's fire prevention policies are required to:
    1. Attain adequate fire protection of life and property.
    2. Achieve orderly development of the fire hydrant protection system.
    3. Set forth guidelines and rules for development of a fire hydrant system.
  - c. Fire hydrants are generally installed on mains when water lines are extended according to spacing criteria that varies according to proposed land use adjacent to the water line. These hydrants may have to be supplemented with additional hydrants when actual development takes place. Cases also exist where water lines have been extended through undeveloped areas or unplatted land, and hydrants were not installed at the time of water line extension. Necessary hydrants must be installed at the time of adjacent development.
  - d. Fire hydrants are located within public rights-of-way where possible. The type, layout, and size of development may dictate location of fire hydrants on private property.

- e. Each development must be analyzed for fire hydrant needs. Fire hydrant requirements vary with the size and layout of the buildings, building design and construction materials, and access from and proximity to the public right-of-way.
- f. All required fire hydrants in residential development shall provide proper fire flow (minimum of 750 gpm at minimum 20 psi residual pressure from the four-inch outlet). Water system design shall provide minimum fire flow in residential areas of 750 gpm with minimum 20 psi residual each from any two adjacent fire hydrants in the development (total fire flow of 1,500 gpm with minimum 20 psi residual). High density residential developments (eight units per acre or more), commercial developments, apartment developments, and industrial developments will require special studies to determine fire flow requirements.
- g. Hydrants shall be installed in accordance with the city standards and policies and shall be available for use prior to the beginning of development building construction.

(2) *General fire hydrant location requirements for fire protection.*

a. Definitions:

*Heavy use commercial* means large industrial complexes, major shopping centers, and apartment complexes over 18,000 square feet.

*Light use commercial* means light industrial and shopping centers under 18,000 square feet, and apartments over four units (includes townhouses).

*Residential* means single-family and two-family dwellings, duplexes, triplexes, and **mobile homes**.

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b. Hydrant spacing requirements.

1. Development areas (street measurement, bonnet to bonnet).

Residential	500 feet maximum between hydrants
Light commercial	500 feet maximum between hydrants
Heavy commercial	300 feet maximum between hydrants

In residential areas and **mobile home** parks, there shall be one hydrant at each street intersection with intermediate hydrants so that no one home is more than 275 feet from a hydrant.

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2. New and existing individual buildings in sparsely developed areas. Distance is measured as the fire equipment travels from the fire hydrant to the structure. All distances given are maximum.

Residential	275 feet
Light commercial	300 feet to the farthest portion of the building
Heavy commercial	300 feet to the farthest portion of the building

3. Hydrants shall be installed at the **developersubdivider's** expense, including:

- (i) Extension of El Paso County Lower Valley Water District owned water lines in accordance with their policies.
- (ii) Addition of fire hydrants to existing water lines.

- (iii) Private fire lines.
  - (iv) All costs of incidental items (e.g., removal and replacement of existing improvements).
- (h) *Materials.*
- (1) All construction shall conform to the provisions of AWWA C502 and these subdivision regulations unless otherwise approved by the city.
  - (2) Pipe (push on type only).
    - a. Polyvinylchloride (PVC).
    - b. Ductile iron pipe (DIP).
    - c. Asbestos cement pressure pipe.
    - d. Cast iron pipe (CIP).
  - (3) Valves and valve boxes and fire hydrant.
    - a. Valves shall be installed as per subsection (e) of this section.
    - b. Gate valve. Per AWWA C500 for buried service, nonrising stem double disc, bronze trim.
    - c. Valve box. Traffic type, cast iron.
    - d. Fire hydrants. Per AWWA C502 traffic type, 5.25 inch main valve size, two 2.5-inch and one 4.5-inch nozzles with national standard fire hose threads and nozzle caps. Chrome yellow, Mueller Centurion-type fire hydrants shall be used exclusively in the city, unless otherwise approved by the city planning department.
- (i) *Installation methods.*
- (1) Trenching and backfilling per standard specifications or pipe manufacturer's recommendation, as modified in section 38-55(c)(4).
  - (2) Compaction testing. One test every 500 feet minimum. Backfill in road will require compaction tests every 200 feet.
- (j) *Testing and disinfection of water lines.*
- (1) Testing. Pressure test and leakage test per AWWA C600.
  - (2) Disinfection. Per AWWA C601.
- (k) *Conflict or discrepancy.* In the case of conflict or discrepancy between this ~~chapter~~Chapter and regulations of the El Paso County Lower Valley Water District, those of the city shall govern.

(Ord. No. 77, § 110, 5-1-1989)

Sec. 38-567. - Drainage and flood control.

- (a) *Generally.* This section presents criteria established for use in design of drainage structures and flood control methods. Material presented is intended for use by qualified design professionals familiar with drainage and flood control methods. Designers and others using this ~~manual~~Article II are expected to familiarize themselves fully with the following regulations, other applicable regulations, and standard referenced publications cited herein. The purpose of this section is to promote consistently sound design of drainage structure, flood control structures, and methods, to encourage innovative design, and to assert the need for exercise of sound, responsible, professional judgment by the designer.
- (b) *Flood control.*
  - (1) Flood control studies shall be performed by the design engineer and the flood/drainage report shall be submitted to the city engineer for recommendations to the city council. The city council

will approve or require additions or changes in the report. Flood control/drainage reports and design shall be approved by the city council before construction of the subdivision may begin.

- (2) Analysis of any and all watershed areas affecting the proposed subdivision shall be incorporated into the report and design of flood control/drainage structures. Both on-site and off-site contributory watersheds shall be analyzed.
- (3) Total surface street runoff from the proposed improved subdivision into existing or possible future developments shall not exceed the runoff from that area of land before development or the downstream capabilities, whichever is less. The engineer may utilize holding ponds, underground storm sewers, drainage channels or any other means that may be deemed appropriate in order to restrict or divert runoff to accomplish this task.
- (4) Surface and underground drainage shall not be altered or diverted in any way which creates possible drainage or flooding problems to other existing or proposed developments or areas.
- (5) Lot ponds will not be acceptable within the city unless specifically approved by the city.

(c) *Hydrology.*

- (1) For purposes of hydrological studies and design, the design engineer shall utilize methods and procedures acceptable to the city engineer. The preferred method shall be the rational method for determination of peak runoff for land area less than 320 acres.
- (2) The design engineer's drainage studies shall show 100-year, 24-hour rainfall depth as compared to top of curb and proposed finish floor elevation of residential or commercial buildings.
- (3) Drainage detention ponds shall be sized to define the difference between the future developed runoff and the existing undeveloped runoff or sized to detain sufficient stormwater and therefore prevent a downstream hazard.

(d) *Drainage structures.*

- (1) Construction plans and details for drainage structures shall be included in the basic improvement plans for the proposed subdivision. All such plans shall be subject to review and approval by the city engineer.
- (2) The developersubdivider's design engineer shall be responsible for showing all necessary supporting data and criteria on plans, specifications, or in the drainage report with respect to flow capacities, structural soundness, public safety, etc.
- (3) Drainage structures and construction methods shall be indicated on the construction plans. The design engineer shall be responsible for selecting a design that is structurally sound, functional, and reasonably maintenance-free.
- (4) A minimum 6 foot tall opaque wall shall be required around regional detentions ponds, drainage channels and any other surface flood control/drainage structures. Access for maintenance to flood control/drainage structures shall be provided through a minimum 12 foot wide opaque gate. WARNING / NO TRESPASSING signs shall be placed on the exterior walls of the structure advising the public of potential safety hazards if they enter the area. A water depth indicator shall also be placed within the flood control structure that will show the depth of water within the structure. The subdivider shall also provide a method of slope stabilization for any proposed surface flood control/drainage structure that shall be reviewed by the city engineer for approval.
- (5) Temporary flood control/drainage structures shall be installed at the edge of any phase of a subdivision that is to be developed in phases. The temporary structures shall be constructed to adequately detain the runoff from the adjacent improved subdivision phase. Temporary flood control/drainage structures shall provide at a minimum a method of slope stabilization. These structures shall be reviewed by the city engineer for approval.
- (6) No flood control/drainage structure shall be incorporated into a park within a proposed subdivision. A flood control/drainage structure and a part shall be kept as separate facilities within a proposed subdivision.

- (7) Surface and underground drainage shall not be altered or diverted in any way which creates possible drainage or flooding problems to other existing or proposed developments or areas.
- (8) On-lot ponding shall not be permitted for drainage and flood control purposes within the City for residential master planned areas. On-lot ponding shall only be permitted for commercial development.

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(Ord. No. 77, § 111, 5-1-1989)

Sec. 38-578. - Electric power and natural gas systems.

(a) *Electric power.*

- (1) The city shall require that all newly platted subdivisions shall be serviced with electrical power prior to approval of the construction improvement plans. The subdivider must provide evidence that such electrical power will be provided to the subdivision from the El Paso Electric Company. The evidence may be in the form of a letter.
- (2) The subdivider must also provide evidence that a construction performance letter of credit or bond has been filed with the El Paso Electric Company. This installation assurance must be provided prior to actual construction of all subdivision improvements.

(b) *Natural gas.*

- (1) The city shall require that all newly platted subdivisions shall be serviced with natural gas prior to approval of the construction improvement plans. The subdivider must provide evidence that such gas service will be provided to the subdivision from the Southern Union Gas Company. The evidence may be in the form of a construction performance letter.
- (2) The subdivider must also provide evidence that a construction performance letter of credit or bond has been filed with the Southern Union Gas Company. This installation assurance must be provided prior to actual construction of all subdivision improvements.

(Ord. No. 77, § 112, 5-1-1989)

Sec. 38-589. - Streetlighting and signage, and encroachments.

(a) *Lighting; signage.*

- (1) *Streetlighting.* The policy of the city is that arterial, collector and residential streets be lighted to Illuminating Engineering Society Standards for Arterial Streets if streetlighting is required. Preferred mounting height of luminaire is 30 to 35 feet. Streetlights will be required every 200 linear feet on new streets created and on existing streets adjoining the new subdivision. In new subdivisions, the [developersubdivider](#) shall submit a preliminary plat to the El Paso Electric Company (EPEC) for design of the streetlighting system. EPEC shall then submit their design to the city planning department for review. The city planning department and the city planning commission will recommend to the city council the location of all residential streetlights for final determination. Following city council approval, EPEC shall install the streetlights in conjunction with the installation of electrical service to the subdivision. All construction costs associated with street lighting shall be the responsibility of the [developersubdivider](#). The city council will authorize the lighting of each luminaire once a minimum of four adjacent dwellings are constructed or if lighting is needed for traffic safety.
- (2) *Traffic signs.* Street name signs shall be installed by the [developersubdivider](#). Traffic regulatory signs and posts shall be installed by the city at the [developersubdivider](#)'s expense. The [developersubdivider](#) shall purchase and install street name signs at every intersection. The [developersubdivider](#) shall furnish regulatory signs and installation hardware compatible with the



city's town's sign posts. Street name signs shall comply with Uniform Traffic Control Devices and Part II-D (2D-39) of the Manual on Uniform Traffic Control Devices, current edition.

- (b) *Fences, walls, footings, and encroachments.* Walls, footings, and fences are not permitted within the right-of-way. The city zoning ordinance shall determine the placement of fences, walls, footings and encroachments.

(Ord. No. 77, § 113, 5-1-1989; Amd. No. 3, § II, 7-18-1996)

ARTICLE III. -

Sec. 38-59 – Traffic Impact Analysis

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Sec. 38-59.1 - Purposes and findings.

- (1) New development must be served and 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, rezoning or development of the land.
- (4) The purpose of the provisions within this Chapter are to ensure that both development impacts on off-site and on-site thoroughfare rights-of-way are mitigated through contributions and/or improvements of thoroughfare rights-of-way and that new development does not contribute more than their proportionate share of costs or construction of thoroughfare rights-of-way and only contribute that which is necessary and attributable to their development.
- (5) It is the city's intent to assure that dedication 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 rezoning applications and development applications.

Sec. 38-59.2 - Applicability.

- (1) A traffic impact analysis (TIA), in adherence to standards contained within this Chapter shall be required under the following criteria:
  - (a) For all proposed developments within the city limits and within the city's extraterritorial jurisdiction where the development is expected to generate traffic in excess of one thousand average daily trips.
  - (b) If a development project will generate more than fifty (50) peak hour trips.
- (2) The number of trips generated by the proposed development shall be based on 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. The daily trip generation rate shall be computed based upon the maximum land use intensity allowed under the proposed new zoning.
- (3) Exceptions. A subdivider may request that the Commission waive the requirement for a TIA. The requirement for a TIA may be waived under the following criteria:
  - (a) The Commission determines that a TIA is not needed due to traffic analysis or traffic studies already completed; or
  - (b) Improvements are already constructed that will serve and support the new development; or

(4) An subdivider may request to the planning supervisor that the submittal of the traffic impact analysis be deferred to the subdivision stage of the development; the request shall be approved provided that the following requirements are met:

(a) The property proposed for rezoning has not yet been platted; and

(b) The proposed development generates less than five hundred peak hour trips.

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**38-59.3 - 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 master plan. 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 master plan (or preliminary plat or zoning application if no master plan 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 Commission;

(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, twenty-four-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 38-59. Required Minimum Acceptable Level-of-Service (Roadways)**

	Level-of-Service Without Proposed Development					
	A	B	C	D	E	F
<b>Proposed Developed Projected Level-of-Service</b>	A	A	=	=	=	=
	B	B	B	=	=	=
	C	B	C	C	=	=

	<u>D</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u><sup>A</sup>D</u>	=	=
	<u>E</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u><sup>A</sup>D</u>	<u><sup>AB</sup>E</u>	=
	<u>F</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u><sup>A</sup>D</u>	<u><sup>AB</sup>E</u>	<u><sup>AB</sup>F</u>

<sup>A</sup> The city may choose to participate in roadway improvements to restore a minimum level-of-service C.

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<sup>B</sup> 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 Commission 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 38.59. Required Minimum Acceptable Level-of-Service (Intersections)**

	Level-of-Service Without Proposed Development					
	A	B	C	D	E	F
<u>Proposed Developed Projected Level-of-Service</u>	<u>A</u>	<u>A</u>	=	=	=	=
	<u>B</u>	<u>B</u>	<u>B</u>	=	=	=

<u>C</u>	<u>B</u>	<u>C</u>	<u>C</u>	=	=	=
<u>D</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>A</u> <u>D</u>	=	=
<u>E</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>A</u> <u>D</u>	<u>AB</u> <u>E</u>	=
<u>F</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>A</u> <u>D</u>	<u>AB</u> <u>E</u>	<u>AB</u> <u>F</u>

<sup>A</sup> The city may choose to participate in roadway improvements to restore a minimum level-of-service C.

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<sup>B</sup> 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);
- (f) The development project's proportionate share of the costs of such improvements and modifications including rights-of-way; and
- (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.

(3) The method of preparing the TIA shall be as approved by the city 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-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- to five-year capital improvements plan for roads, provided that the subdivider agrees to phase development to conform to such scheduled improvement. This Chapter 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 nonresidential 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.

38-59.4 - Criteria for determining traffic impact analysis requirements.

Scope. The scope of a traffic impact analysis is an analysis of the area surrounding the development that will be impacted by the development to determine the range of area that must be included in the TIA.

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. Additionally, a scoping meeting shall be coordinated with the city manager or designee in order to determine the study intersections within the scope of the TIA.

**Table 38-59.4: Criteria for Determining Traffic Impact Analysis**

<u>Peak Hour Trips</u>	<u>TIA Analysis Period</u>	<u>TIA Scope</u>
99 or less	1. n/a	<u>Not Required</u>
100—500	1. Existing	<u>The frontage of the property, all access points (including common access), and all intersections within a ½ mile radius of the proposed development.</u>
	2. Opening year	
	3. Full build-out year	
501—1000	1. Existing	<u>The frontage of the property, all access points (including common access), and all intersections within a 1 mile radius of the proposed development.</u>
	2. Opening year	
	3. Full build-out year	
	4. 5 years after opening year	
1,000 or more	1. Existing	<u>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.</u>
	2. Opening year	
	3. Full build-out year	
	4. 5 years after opening year	

5. 10 years after  
opening year

NOTE: All measurements shall be made from property boundaries.

38-59.5 - City evaluation and action.

(a) Criteria.

(1) The city engineer shall evaluate the adequacy of the TIA prepared by the subdivider. Based upon such evaluation, the planning supervisor 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 subdivider's obligations to make such dedications or improvements.

(2) The planning supervisor, 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 subdivider:

(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 subdivider, 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 council. The city shall require the developer to execute a subdivision improvement agreement (see Section 38-59.3) acceptable to the city attorney specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.

Sec. 38-60 – Proportionality Appeal

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Sec. 38-60.1 - Policy established appeal requirements.

A. Adequate Public Facilities Policy.

1. Adequate Service for Areas Proposed for Development.

a. Land proposed for development in the city and the city's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including parks, water and wastewater, roadway and drainage facilities.

b. 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 off-site.

2. Responsibilities of the Developer to Provide Adequate Facilities. The developer shall be responsible for the following to ensure the facilities provided are adequate:
  - a. Phasing of development or improvements in order to ensure the provision of adequate public facilities;
  - b. Extensions of public facilities and roadways (including any necessary on-site and off-site facilities) to connect to existing public facilities or roadways;
  - c. Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or offsite);
  - d. Providing proof to the city of adequate public facilities;
  - e. Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the city's oversize participation regulations (e.g., when the city will provide for the cost of oversizing facilities), if applicable;
  - f. Providing for all operations and maintenance of the public facilities, or if the city is not the provider, providing proof that a separate entity will be responsible for the operations and maintenance of the facilities;
  - g. Providing all fiscal security, if required, for the construction of the public facilities;
  - h. Obtaining approvals from any applicable utility providers other than the LVWD; and
  - i. Complying with all requirements of utility providers, including the city or other applicable providers.
3. Responsibilities of the Developer to Conform to Adopted Plans. The developer shall ensure that facilities provided are in conformance with the city's adopted plans, ordinances and regulations.
  - a. Proposed facilities serving new development shall conform to and be properly related to the public facility elements of the city's adopted comprehensive plan; other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.
  - b. The design and construction of all water and wastewater facilities to serve the subdivision shall be in conformance with the city's and LVWD's master plans for water and wastewater facilities and with the city's and LVWD's technical specifications.

19.46.020 - Purpose, applicability and effect.

- A. Purpose. The purpose of a proportionality appeal is to assure that the application of uniform dedication and construction standards to a proposed development projects does not result in a disproportionate burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the city's public facilities systems.
- B. Applicability. An appeal under this section may be submitted by a subdivider to contest any requirement to dedicate land or to construct public improvements for dedication to the public that is imposed to a plat application or to any related development application authorized by the city, whether the requirement is under uniform standards, or attached as a condition to approval of a permit. An appeal under this section shall not be used to waive standards or exception as found in other sections of this Chapter.
- C. Effect. If the relief requested under the appeal is granted in whole or in part by the city council, the dedication, fee or construction requirement initially imposed shall be modified accordingly. In the event the original application was denied by the decision-maker based upon the property owner's failure to incorporate the dedication or construction requirement in the proposed permit or plat, the application shall be remanded to the original decision-maker for a decision consistent with the relief granted by the council.

Sec. 38-60.2 - Appeal requirements.

- A. Who May Apply. A subdivider may appeal when a dedication or construction requirement has been applied to a plan is the basis for denying the plan application.
- B. Form of Appeal. The appeal shall allege that application of the standard relating to the dedication, fee or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the city's water, wastewater, stormwater, parks, or roadway system, as the case may be, or does not reasonably benefit the proposed development.
- C. Study required. The petitioner shall provide a copy of any studies submitted with the development application or plan that support the petition for relief including the following information:
  - 1. Impact of the proposed development on the capacity of the city's water, wastewater, stormwater, parks, or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.
  - 2. Comparison of the capacity of the city's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the city's public facilities system(s) from the entire development shall be considered.
  - 3. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the city.
- D. Time for filing appeal and study. An appeal shall be filed with the planning supervisor within thirty (30) business days from the date the requirement to dedicate land or to construct public improvements for dedication to the public is imposed on the subdivider. The study in support of the petition shall be filed within sixty (60) days of the initial decision, unless the petitioner seeks an extension in writing. The planning supervisor may extend the time for submitting the study for a period not to exceed an additional thirty (30) days for good cause shown.

**Sec. 38-60.3 - Processing of appeals and decision.**

- A. Responsible official. The planning supervisor is the responsible official for processing a proportionality appeal.
- B. Evaluation, recommendation. The Planning Supervisor shall evaluate the appeal and supporting study and shall make a recommendation to the city council based upon the information contained in the study, any comments received from El Paso County, and the city engineer's analysis.
- C. Decision-maker. The city council shall decide the appeal.
- D. Hearing. The city council shall conduct a public hearing and 030 and 040 of this title within sixty business days after the study supporting the petition is submitted to the Planning Supervisor.
- E. Burden of proof. The petitioner bears the burden of proof to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the petitioner.
- F. Decision. The city council shall consider the petition for relief from a dedication, fee or construction requirement based upon the following criteria:
  - 1. The city council shall determine whether the application of the standard or condition requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature and extent of the impacts created by the proposed development on such city's water, wastewater, stormwater, parks, or roadway system, and reasonably benefits the development.
  - 2. In making such determination, the council shall consider the evidence submitted by the subdivider, any testimony submitted by the subdivider, the city's engineer's analysis and planning



supervisor's recommendation and, where the property is located within the city's extraterritorial jurisdiction, any recommendations from El Paso County.

G. Action. Based on the criteria in subsection E above, the city council shall, within thirty (30) days following the hearing, take one of the following actions:

1. Deny the petition for relief, and impose the standard or condition in accordance with the initial decision; or
2. Grant the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality.

H. Notification of decision on petition. The petitioner shall be notified of the decision on the petition for relief within ten (10) business days of the decision.

I. Effect. The relief granted on the petition shall remain in effect for the period the plan is in effect, and shall expire upon expiration of the plan or related application.

Sec. 38-61 – Right of way dedication and capital improvements.

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Sec. 38-61.1 – All Plan applications are subject to findings relating to necessity for right-of-way dedication and construction as a condition of development approval.

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(a) Support for new development.

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(1) New development must be supported by adequate public facilities and services as provided for in this title.

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(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 title.

Sec. 38-61.2 – 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. Such dedication shall be made and shown on the plat.

Sec. 38-61.3 – Facilities impact studies. The planning supervisor may require that a property owner pay the costs including any consulting fees associated with the preparation or review of a comprehensive traffic impact analysis, drainage study or other public facilities study in accordance with this Chapter 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.

Sec. 38-61.4 – Roadway participation policies – Improvement of roads and utilities within and or abutting the subdivision.

(a) Improvement of the proportional share of a substandard road within or abutting the subdivision. 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, bike lanes, barrier-free ramps, storm drainage facilities, screening and landscaping, medians and landscaping where required, 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 and approved by an engineer who holds a license under Chapter 1001, Occupations Code, who is retained by the city.

(b) Calculation of minimum proportional share.

(1) The developer's share of improvements to a substandard road abutting a subdivision is a minimum of twenty and a half feet of pavement in addition to the curbs, gutters, sidewalks and parkways abutting the subdivision, along the entire boundary 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 fifty-two feet of right-of-way and thirty-two feet of pavement, in addition to the curbs, gutters, sidewalks and parkways, 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 arterial roads within or abutting the subdivision 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 chapter result in a disproportional burden on the development, as determined in accordance by the city council in accordance with Proportionality Appeal Sec. 38-60. 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 title;

(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 roadway improvements and be reimbursed the city's proportional share over time with interest at the rate set in the Texas Government Code Section 2251.