

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

AGENDA DATE: August 31, 2021
PUBLIC HEARING DATE: September 28, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Raul Garcia, (915) 212-1643

DISTRICT(S) AFFECTED: Citywide

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending Title 19 (Subdivision and Development Plats) Sections: 19.01.010 (Authority, Purpose and Applicability), 19.01.020 (Types of plats required), 19.01.030 (Exemptions), 19.01.050 (Application and Procedures), 19.02.020 (Application and Procedures), 19.03.020 (Application and Procedures), 19.04.020 (Application and Procedures), 19.04.070 (Plat Recordation), 19.05.020 (Application and Procedures), 19.06.020 (Application and Procedures), 19.07.040 (Amending Plats), 19.10.020 (In General), 19.31.030 (City Development Director), 19.37.060 (Application Contents), and 19.37.070 (Application Fees) of the El Paso City Code to update references in the Title, correct typographical errors, provide for the submittal of electronic applications, clarify presentation of final plats to City Plan Commission, provide for signature of Planning and Inspections Director on final plats, update figures, and remove reduction of certain fees for properties located within the boundaries of Tax Increment Zones or Empowerment Zones. The penalty is as provided under Title 19, Chapter 19.42 of the El Paso City Code. (Citywide)

BACKGROUND / DISCUSSION:

City Plan Commission recommended to approve the proposed amendments on September 17, 2020.

PRIOR COUNCIL ACTION:

N/A.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: El Paso International Airport

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

DEPARTMENT HEAD:

Philip Etiwe

Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS) SECTIONS: 19.01.010 (AUTHORITY, PURPOSE AND APPLICABILITY), 19.01.020 (TYPES OF PLATS REQUIRED), 19.01.030 (EXEMPTIONS), 19.01.050 (APPLICATIONS AND PROCEDURES), 19.02.020 (APPLICATION AND PROCEDURES), 19.03.020 (APPLICATION AND PROCEDURES), 19.04.020 (APPLICATION AND PROCEDURES), 19.04.070 (PLAT RECORDATION), 19.05.020 (APPLICATION AND PROCEDURES), 19.06.020 (APPLICATION AND PROCEDURES), 19.07.040 (AMENDING PLATS), 19.10.020 (IN GENERAL), 19.31.030 (CITY DEVELOPMENT DIRECTOR), 19.37.060 (APPLICATION CONTENTS), AND 19.37.070 (APPLICATION FEES) OF THE EL PASO CITY CODE TO UPDATE REFERENCES IN THE TITLE, CORRECT TYPOGRAPHICAL ERRORS, PROVIDE FOR THE SUBMITTAL OF ELECTRONIC APPLICATIONS, CLARIFY PRESENTATION OF FINAL PLATS TO CITY PLAN COMMISSION, PROVIDE FOR SIGNATURE OF PLANNING AND INSPECTIONS DIRECTOR ON FINAL PLATS, UPDATE FIGURES, AND REMOVE REDUCTION OF CERTAIN FEES FOR PROPERTIES LOCATED WITHIN THE BOUNDARIES OF TAX INCREMENT ZONES OR EMPOWERMENT ZONES. THE PENALTY IS AS PROVIDED UNDER TITLE 19, CHAPTER 19.42 OF THE EL PASO CITY CODE.

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

1. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.010 (Authority, purpose and applicability), Subsection D is amended in its entirety to read as follows:
 - D. Subdivision plat and development plat rules. The provisions of this title, the standards governing water and wastewater facilities applicable to plats, and the technical standards contained in the City of El Paso Design Standards for Construction (DSC), as developed by the city manager or designee and adopted by resolution by the city council and as may be amended from time to time, constitute the subdivision and development rules of the City of El Paso, which apply to applications for plat approval inside city limits and within the city's extraterritorial jurisdiction. Other ordinances of the city may also apply to land development and must be complied with.
2. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.020 (Types of plats required), Subsection A is amended in its entirety to read as follows:
 - A. Subdivision plats. A final plat shall be submitted approved and filed prior to any non-exempt land division.

ORDINANCE NO. _____

20-1007-2668 | 1045354
Title 19 Code Amendment
OAR

3. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.030 (Exemptions) is amended in its entirety to read as follows:

19.01.030 - Exemptions.

Exemptions. The following land divisions are exempt from the requirements of this article that apply to plats, provided that the applicant has an approved exemption determination application in accordance with [Section 19.37.100](#):

1. 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) are in accordance with the zoning ordinance;
2. 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;
3. The split by metes and bounds and subsequent issuance of a permit for improvements upon a portion of a platted lot within a commercial unit development;
4. Provided, however, that on those parcels described in subsections 1., 2. and 3. above, no additional right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed;
5. 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 the ordinance codified in this title shall be completed and recorded;
6. Use of existing cemeteries complying with all state and local laws and regulations;
7. 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 the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;
8. Creation of a remainder tract in accordance with [Section 19.02.060](#), provided such remainder tract is suitable for development in the future and does not make any other tracts undevelopable under current City of El Paso ordinances, and provided however, that prior to construction of improvements, a plat meeting the

ORDINANCE NO. _____

20-1007-2668 | 1045354

Title 19 Code Amendment

OAR

requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;

9. Any development activity associated with a plat that conforms to the subdivision requirements set forth in this chapter;
10. Bona fide agricultural activities; and
11. Construction of agricultural accessory structures and related development activities.
12. The acquisition of land for the purpose of widening or extending public rights-of-way, stormwater drainage and water or wastewater infrastructure facilities.
13. 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:
 - a. One dwelling unit of the duplex must remain on each separate lot at the time that the division is created;
 - b. The metes and bounds survey and survey map are prepared by a licensed surveyor of the State of Texas;
 - c. No panhandle lots or lots without access are created;
 - d. The metes and bounds survey and survey map shall be duly recorded and filed with the office of the El Paso County Clerk;
 - e. A copy of the recorded instrument shall be provided with all building permit applications; and
 - f. Any future building construction of dwelling units shall comply with all provisions of the zoning code.
14. Land to be used for electric company substations or minor utility facilities as defined in [Title 20](#) of the City Code.
15. Construction of accessory buildings and additions of less than fifty percent of the total existing square footage of schools that were built at least thirty years prior to the date that the current submitted application is deemed complete.

4. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.050 (Applications

ORDINANCE NO. _____

20-1007-2668 | 1045354

Title 19 Code Amendment

OAR

and procedures) first sentence under section and subsection A are amended in their entirety to read as follows:

Complete Application. Where a conflict exists between the procedures listed in this chapter and any other chapters of this title, the procedures of this chapter shall control.

- A. An application must be complete in order to be accepted for review by the City of El Paso. All applications shall be made electronically or on forms available from the city. To be complete, it must comply with all the procedures and requirements of this title. Refer to Chapter 19.37 of this title and to the administrative submission requirements available in the planning division for complete application procedures and requirements.
5. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.02 (Land Studies), Section 19.02.020 (Application and procedures) subsection B is amended in its entirety to read as follows:
 - B. Submittal. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form.
 6. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.02 (Land Studies), Section 19.02.020 (Application and procedures) subsection E is amended in its entirety to read as follows (subsubsections of Subsection E remain as they are currently):
 - E. General Requirements. The subdivider shall submit the land study in accordance with the application form, requirements and checklist as adopted by the city. The land study shall be accompanied by a processing fee established by the city council. The land study must be prepared by an engineer and must provide all of the following information:
 7. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.03 (Preliminary Plats), Section 19.03.020 (Application and procedures) subsection C is amended in its entirety to read as follows:
 - C. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division.
 8. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.020 (Application and procedures) Subsection E is amended in its entirety to read as follows:

ORDINANCE NO. _____

20-1007-2668 | 1045354

Title 19 Code Amendment

OAR

- E. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division.
9. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.020 (Application and procedures) Subsection F is amended in its entirety to read as follows:
- F. Staff Review. The staff shall review each final plat application to be placed on the agenda of the City Plan 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.
10. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.070 (Plat recordation) subsection A, subsubsection 1 is amended in its entirety to read as follows:
1. Signatures. After approval of the final plat, the city manager, or designee shall procure the signature of the chairperson of the city plan commission on the final plat ready for recording, the signature of the secretary of the city plan commission who shall attest to the signature of the chairperson, and the signature of the Planning and Inspections Director.
11. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.05 (Development Plats), Section 19.05.020 (Application and procedures) Subsection B is amended in its entirety to read as follows (Subsubsections to Subsection B remain as they currently are):
- B. Application contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division. Information required shall be the same as required for a final plat. In addition to this information, a development plat shall:
12. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.06 (Minor Plats), Section 19.06.020 (Application and procedures) Subsection B, is amended in its entirety to read as follows:
- B. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the

planning division. The minor plat document shall be prepared by a registered professional land surveyor. The applicant shall submit a combined plat (preliminary/final) of the minor subdivision application.

13. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.07 (Revisions to Recorded Plats), Section 19.07.040 (Amending plats) Subsection D is amended in its entirety to read as follows:

D. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form. The amending plat document shall be prepared by a registered professional land surveyor.

14. Title 19 (Subdivision and Development Plats), Article 2 (Subdivision Standards), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.020 (In general), Subsection A, subsection 1, paragraph a. is amended in its entirety to read as follows:

a. Electronic submission or completed forms, available at the office of the planning division, signed by the property owner;

15. Title 19 (Subdivision and Development Plats), Article 2 (Subdivision Standards), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.020 (In general), Subsection A, subsection 1, paragraph c. is amended in its entirety to read as follows (all subparagraphs under paragraph c. remain as they are):

c. A survey map prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch on one or more twenty-four-inch by thirty-six-inch sheets having a minimum one-half-inch border on all sides, except where the city manager or designee approves a modified scale or other acceptable format, showing all of the following:

16. Title 19 (Subdivision and Development Plats), Article 2 (Subdivision Standards), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.020 (In general), Subsection A, subsection 1, paragraph e. is amended in its entirety to read as follows:

e. A detailed justification for the request for exception of the regulations contained under this title; and

17. Title 19 (Subdivision and Development Plats), Article 3 (Authority of Decision Makers), Chapter 19.31 (Responsible Officials), Section 19.31.030 (City Development Director) is amended in its entirety to read as follows:

19.31.030 – Planning and Inspections Director.

ORDINANCE NO. _____

20-1007-2668 | 1045354

Title 19 Code Amendment

OAR

A. Responsible official. The director of the Planning and Inspections Department or his designee ("director") is the responsible official for the following types of applications and relief petitions (except as provided):

1. Application for approval of construction and engineering plans, and all related construction management tasks, including without limitation, approval of contracts for public improvements;
2. Application for a site preparation permit;
3. Appeal of a decision on any application for which the director is the responsible official;
4. Alternative subdivision designs, exception or waiver petition for any application for which the director is the responsible official;
5. Vested rights petition for any decision where the director is the responsible official for the application for which the vested rights petition is submitted; and
6. Petition for relief from a dedication or construction requirement in accordance with [Chapter 19.46](#) and other provisions of this title.

B. Initial decision-maker. The director is the initial decision-maker for the following types of applications and relief petitions, subject to appeal as provided in this title:

1. Application for approval of construction plans, and all related construction management tasks, including without limitation approval of a contract for public improvements;
2. Application for a site preparation permit; and
3. Vested rights petition for any decision for which the director is the initial decision-maker.

18. Title 19 (Subdivision and Development Plats), Article 3 (Authority of Decision-Makers), Chapter 19.37 (Application Processing), Section 19.37.060 (Application contents) is amended in its entirety as follows:

19.37.060 - Application contents.

A. Application Forms Generally. The city is authorized to prepare application forms that include information requirements, checklists, drawing sizes, applicant contact information, and any other relevant information.

B. Information for Subdivision Applications. All subdivision applications shall contain the following information:

1. Identification of property owner and authorized agent, if any;
2. Description of the property and the nature of the development that is the subject of the application;

ORDINANCE NO. _____

20-1007-2668 | 1045354
Title 19 Code Amendment
OAR

- 3. Identification of all zoning classifications (inside the city only) or development agreements for the property;
- 4. Identification of all pending legislative applications for the property;
- 5. Identification of decisions on all quasi-judicial or administrative applications for the property that remain in effect;
- 6. Identification of all accompanying applications;
- 7. Identification of all pending or accompanying requests for relief;
- 8. Demonstration of compliance with prior approved permits on the subject property;
- 9. All requests for alternative subdivision design approval.

C. All application forms are available in the office of the planning official and on the city's website.

19. Title 19 (Subdivision and Development Plats), Article 4 Specific Application and Processing Requirements, Chapter 19.37 (Application Processing), Section 19.37.070 (Application fees) Subsection B is amended in its entirety to read as follows.

C. Reserved.

20. Except as herein amended, Title 19 remains in full force and effect.

ADOPTED this _____ day of _____, 2021.

THE CITY OF EL PASO:

ATTEST:

Oscar Leeser, Mayor


Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Omar A. De La Rosa
Assistant City Attorney



Philip F. Etiwe, Director
Planning & Inspections Department

REDLINES

Title 19 - SUBDIVISION AND DEVELOPMENT PLATS

Chapters:

Article 1. - Platting Procedures

Chapter 19.01 - PROVISIONS APPLICABLE TO ALL PLATTING PROCEDURES

Sections:

19.01.010 - Authority, purpose and applicability.

- A. Authority. The procedures of this article are authorized under the authority of Texas Local Government Code, Chapter 212 (including Subchapter B) and the city's Charter. The provisions of this article expressly extend to all areas inside the city limits and throughout the city's extraterritorial jurisdiction.
- B. Purpose.
1. The provisions of this title are intended to implement standards and requirements provided for ~~herein, and herein and~~ shall be minimum requirements for the subdivision and/or development of land within the City of El Paso and its extraterritorial jurisdiction, as authorized by state statute.
 2. The subdivision and/or development of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. Through the application of these regulations, the interests of public and private parties are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this title further the possibility that land will be developed in accordance with existing physical, social, economic and environmental conditions.
 3. The provisions of this title are intended to implement the following objectives:
 - a. Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment in accordance with the comprehensive plan and the zoning regulations (where applicable) of the City of El Paso;
 - b. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;
 - c. Protect the public interest by adopting standards for the location, design, class and type of streets, walkways (sidewalks), trails, alleys, utilities and essential public services;
 - d. Assist orderly, efficient and coordinated development within the city's limits and its extraterritorial jurisdiction;
 - e. Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;
 - f. Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
 - g. Provide for compatible relationships between land uses as allowed by the Zoning Code and buildings;
 - h. Provide for the circulation of traffic throughout the municipality;
 - i. Provide for pedestrian circulation that is appropriate for the various uses of land and buildings;
 - j. Prevent pollution of the air, streams, bodies of water, arroyos and aquifers; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage

the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;

- k. Preserve the natural beauty and topography of the area regulated by this title, and ensure development that is appropriate with regard to these natural features;
- l. Establish adequate and accurate records of land subdivision;
- m. Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the city and its extraterritorial jurisdiction;
- n. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;
- o. Ensure that each subdivision approved by the city is designed in such a way as to minimize stormwater runoff from the site in accordance with the Drainage Design Manual (DDM) and to minimize flooding potential upstream, downstream and within from such subdivision with the DDM.

C. Applicability.

- 1. The provisions of this title apply to any division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the city and within its extraterritorial jurisdiction.
- 2. No permit shall be issued for any development on a property until either a subdivision plat or a development plat has been approved, and if required by this title, filed for record, in accordance with Title 19, except that the following shall be exceptions to this requirement:
 - a. Permits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, etc.) which involve no increase in square footage; or
 - b. The replacement of an existing primary single-family or duplex structure, not to exceed the square footage, nor deviate from the original location, of the original structure, provided that the new structure is in conformance with all other provisions of the City Code; or
 - c. Building additions to single-family or duplex structures of not over one hundred percent of the existing structure's value, and of not over fifty percent of the gross floor area of the structure; provided that any increase in square footage of a structure, any additions to a structure, and/or any site improvements are in compliance with all other provisions of the City Code; or
 - d. Demolition permits, or permits for removal of a structure from a parcel or tract; or
 - e. Permits for accessory buildings (as defined in Title 20 of the Zoning Ordinance).
- 3. 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 is duly recorded with the county clerk as provided within this title.
- 4. 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 title.

- D. Subdivision plat and development plat rules. The provisions of this title, the standards governing water and wastewater facilities applicable to plats, and the technical standards contained in the City of El Paso Design Standards for Construction (DSC), as developed by the city manager or designee and adopted by resolution by the city council and as may be amended from time to time, constitute the subdivision and development rules of the City of El Paso, which apply to applications for plat approval inside city limits and within the city's extraterritorial jurisdiction. ~~The DSC shall be maintained by and be available in the planning division of the planning and economic development department.~~ Other ordinances of the city may also apply to land development and must be complied with.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 1, 27, 11-10-2009; Ord. No. 17251, § 1, 12-15-2009; Ord. No. 17396, § 1, 8-24-2010; Ord. No. 17561, § 3, 5-17-2011)

19.01.020 - Types of plats required.

- A. Subdivision plats. A final plat ~~of a minor plat~~ shall be submitted, ~~and~~ approved, and filed prior to any non-exempt land division.
- B. Development plats. Any person who proposes the development of a tract of land or parcel located within the limits or within the city's extraterritorial jurisdiction of the municipality, to include tracts exempted from preparing a subdivision plat, must have a development plat of the tract or parcel prepared and approved in accordance with Chapter 19.05 prior to development on the tract or parcel. Tracts or parcels included within an approved subdivision plat meeting all the requirements of Title 19 are exempt from the requirements for submittal of a development plat.
- C. Replats. A replat and the provisions of Chapter 19.07 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property, except as allowed below in Section 19.01.030, Exemptions. In the case of revisions to recorded plats or lots, a minor or amending plat may also be utilized if allowed by state law in accordance with Chapter 19.06 and Section 19.07.040.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17561, § 4, 5-17-2011)

19.01.030 - Exemptions.

Exemptions. The following land divisions are exempt from the requirements of this article that apply to plats, provided that the applicant has an approved exemption determination application in accordance with Section 19.37.100:

1. 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) are in accordance with the zoning ordinance;
2. 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;
3. The ~~sale-split~~ by metes and bounds and subsequent issuance of a permit for improvements upon a portion of a platted ~~commercial~~ lot within a commercial unit development;
4. Provided, however, that on those parcels described in subsections 1., 2. and 3. above, no additional right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed;
5. 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 the ordinance codified in this title shall be completed and recorded;
6. Use of existing cemeteries complying with all state and local laws and regulations;

7. 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 the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;
8. Creation of a remainder tract in accordance with Section 19.02.060, provided such remainder tract is suitable for development in the future and does not make any other tracts undevelopable under current City of El Paso 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;
9. Any development activity associated with a plat that conforms to the subdivision requirements set forth in this chapter;
10. Bona fide agricultural activities; and
11. Construction of agricultural accessory structures and related development activities.
12. The acquisition of land for the purpose of widening or extending public rights-of-way, stormwater drainage and water or wastewater infrastructure facilities.
13. 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:
 - a. One dwelling unit of the duplex must remain on each separate lot at the time that the division is created;
 - b. The metes and bounds survey and survey map are prepared by a licensed surveyor of the State of Texas;
 - c. No panhandle lots or lots without access are created;
 - d. The metes and bounds survey and survey map shall be duly recorded and filed with the office of the El Paso County Clerk;
 - e. A copy of the recorded instrument shall be provided with all building permit applications; and
 - f. Any future building construction of dwelling units shall comply with all provisions of the zoning code.
14. Land to be used for electric company substations or minor utility facilities as defined in Title 20 of the City Code.
15. Construction of accessory buildings and additions of less than fifty percent of the total existing square footage of schools that were built at least thirty years prior to the date that the current submitted application is deemed complete.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 27, 11-10-2009; Ord. No. 17251, § 1, 12-15-2009; Ord. No. 17276, § 1, 2-16-2010; Ord. No. 18056, § 1, 7-16-2013; Ord. No. [18627](#), § 1, 2-7-2017)

19.01.050 - Applications and procedures.

Complete Application. Where a conflict exists between the procedures listed in this [chapter #19](#) and any other chapters of this title, the procedures of this [chapter #19](#) shall control.

- A. An application must be complete in order to be accepted for review by the City of El Paso. All applications shall be made [electronically or](#) on forms available from the city. To be complete, it must comply with all the procedures and requirements of this title, ~~and any other chapters pertaining specifically to each application.~~ Refer to Chapter 19.37 of this title and to the

administrative submission requirements available in the planning division for complete application procedures and requirements.

- B. Required documentation for the initial application to be considered complete for each review process is listed in subsections C through F below.
- C. Preliminary Plat (See Chapter 19.03 for Substantive Requirements).
 - 1. Application and related documents meeting the requirements in the preliminary plat submission checklist.
 - 2. Application fee.
- D. Final Plat (See Chapter 19.04 for Substantive Requirements).
 - 1. Application and related documents meeting the requirements in the final plat submission checklist.
 - 2. Application fee.
 - 3. An electronic copy of the plat in a format acceptable to the city as specified in the DSC.
 - 4. Field notes as specified in the DSC.
 - 5. Title opinion or proof of ownership dated within thirty days of submission.
 - 6. Final subdivision improvement plans with all accompanying documentation must be submitted prior to or at the time of submission of the final plat.
 - 7. Drainage plans.
 - 8. Utility plans, even though provided by another agency.
- E. Minor Plat (See Chapter 19.06 for Substantive Requirements).
 - 1. Application and related documents meeting the requirements in the final plat submission checklist.
 - 2. Application fee.
 - 3. An electronic copy of the plat in a format acceptable to the city tied to state plane coordinate system or city monuments as required.
 - 4. Field notes as specified in the DSC.
 - 5. Title opinion or proof of ownership dated within thirty days of submission.
 - 6. Drainage plans.
- F. Development plat (See Chapter 19.05 for substantive requirements).
 - 1. Application and related documents meeting the requirements in the development plat submission checklist.
 - 2. Application fee.
 - 3. An electronic copy of the plat in a format acceptable to the city as specified in the DSC.
 - 4. Field notes as specified in the DSC.
 - 5. Title opinion or proof of ownership dated within thirty days of submission.
 - 6. Final subdivision improvement plans with all accompanying documentation must be submitted prior to or at the time of submission of the development plat.
 - 7. Drainage plans.
 - 8. Utility plans, even though provided by another agency.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 2, 27, 11-10-2009; Ord. No. 17396, § 1, 8-24-2010; Ord. No. 17561, § 6, 5-17-2011)

19.02.020 - Application and procedures.

- A. Responsible Official. The city manager or designee shall be the responsible official for a land study.
- B. Submittal. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form.
- C. Prior Approved Applications. An application for a land study shall not be approved unless all zoning amendments, including a request for a zoning change or a comprehensive plan, thoroughfare plan or other adopted plan amendment, which are necessary to authorize the uses or layout proposed on the land study have been approved and remain in effect for the land included in the land study. An application may be conditionally approved subject to the other required zoning and plan amendment approvals being approved.
- D. Accompanying Applications.
 - 1. An application for a land study may be accompanied by an application for rezoning approval provided that the rezoning application shall be decided first.
 - 2. An application for a land study may be accompanied by an application for approval of a preliminary plat for the first phase of the project, provided that the application for land study shall be decided first. The applicant may request simultaneous review. However, the applicant assumes all responsibility for any problems or issues created by simultaneous submission.
- E. General Requirements. The subdivider shall submit the land study application ~~in a number and form that is~~ in accordance with the application form, requirements, and checklist as adopted by the city. The land study shall be accompanied by a processing fee established by the city council. The land study shall be prepared by an engineer ~~at a scale of one inch equals two hundred feet, except where the city manager or designee approves a modified scale, on one or more twenty four inch by thirty six inch sheets which provides and provide~~ all of the following information:
 - 1. General arrangement of existing and proposed land uses, including, but not limited to, park and school sites, other public facilities, open space areas, floodplains and drainage ways. The land uses regulated by zoning must comply with both the location and layout as prescribed by the official adopted zoning map and zoning ordinance of the City of El Paso, unless a rezoning is proposed as part of the combined application;
 - 2. The proposed density expressed in units per acre and population by land use. The proposed densities shown may not exceed those prescribed by the official adopted zoning map and zoning ordinance of the City of El Paso unless a rezoning is proposed as part of the combined application;
 - 3. Proposed phasing of platting;
 - 4. The proposed traffic circulation, layout, and width of all collector streets and arterial street classifications. The proposed street layout must comply with the adopted thoroughfare plan for the City of El Paso as to location and size of roadways, unless an amendment to such plans is proposed as part of the combined application;
 - 5. Traffic impact/capacity study to determine the capacity need, if any, for additional traffic lanes (e.g., acceleration, deceleration, or turning), signalization and other roadway or traffic mitigation improvements. The traffic impact/capacity study shall be prepared in accordance with standards provided by the city;

6. Conceptual drainage plan indicating existing and proposed major stormwater sewer facilities. The drainage plans shall indicate the phasing plans and approximate location of temporary and permanent easements and rights-of-way that will be needed to accommodate the phasing plan and to carry the storm drainage to its ultimate destination;
7. Layout and relationship of the proposed subdivision(s) to surrounding development, including the location, width, and names of all existing and platted streets, subdivisions, public ways, drainage channels, and other relevant features;
8. Existing and/or proposed zoning of the property and adjoining land;
9. Dimensions of the land study boundaries;
10. Existing contours of the tract in intervals appropriate to the topography as determined by the city manager, or designee, in accordance with the DSC and based on National Geodetic Vertical Datum (year to be specified on land study);
11. Existing major water and sanitary sewer facilities.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17396, § 3, 8-24-2010; Ord. No. [18971](#), § 2, 9-3-2019)

19.03.020 - Application and procedures.

- A. Responsible Official and Initial Review. The city manager, or designee shall be the responsible official for a preliminary plat, and the staff shall be the initial reviewing body for a preliminary plat application.
- B. Pre-Application Conference. Refer to Section 19.37.050 of Chapter 19.37.
- C. Application Contents. All applications shall be submitted [electronically or](#) on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division.
- D. Preliminary engineering information in accordance with the DSC checklists meeting the submission requirements must also be submitted with the preliminary plat application.
- E. Accompanying Applications. An application for a preliminary plat may be accompanied by an application for rezoning approval, including a request for a planned development district, or a land study application. The rezoning application and land study application shall be decided first, or the preliminary plat shall be approved subject to their approvals. Action in accordance with this title will be taken on the preliminary plat within thirty days.
- F. Staff Review. The staff shall review each preliminary plat application to be placed on the agenda of the forthcoming meeting of the City Plan Commission. The staff shall recommend either:
 1. Approval of the preliminary plat;
 2. Denial of the preliminary plat;
 3. Approval of the preliminary plat with conditions; or
 4. Approval of the preliminary plat with recommendations regarding any exceptions provided for in this title.
- G. Resubmittal Following Staff Review.
 1. The applicant shall retain in his possession a copy of the original preliminary plat that was submitted for review by the staff.
 2. At least eight days prior to the meeting of the City Plan Commission during which the preliminary plat is scheduled for action, the applicant shall provide to the city manager or

designee copies of the preliminary plat meeting the submission requirements. The city manager or designee shall then review the preliminary plat for compliance with staff recommendations.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 2, 8, 11-10-2009; Ord. No. 17396, § 4, 8-24-2010; Ord. No. [18971](#), § 4, 9-3-2019)

19.04.020 - Application and procedures.

- A. Responsible Official. The city manager, or designee shall be the responsible official for a final plat, and the staff shall be the initial reviewing body for a final plat application.
- B. Pre-Application Conference. Refer to Section 19.37.050.
- C. Prior Approved Preliminary Plat. The final plat and all accompanying data shall conform to the preliminary plat as approved by the City Plan Commission, incorporating all approved exceptions and conditions. The final plat shall be prepared by a registered professional land surveyor.
- D. Proof of Ownership. The applicant shall furnish with the application to the city a current title commitment issued by a title insurance company authorized to do business in Texas policy, 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.
- E. Application Contents. All applications shall be submitted [electronically or](#) on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division. ~~of the development services department.~~
- F. Staff Review. The staff shall review each final plat application to be placed on the agenda of the ~~forthcoming meeting of the~~ City Plan 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.
- G. Resubmittal Following Staff Review.
 - 1. The applicant shall retain in his possession the original final plat that was submitted for review by the staff.
 - 2. At least eight days prior to the meeting of the City Plan Commission during which the final plat is scheduled for review, the applicant shall provide to the city manager, or designee a copy meeting submission requirements of the final plat, with revisions made based on staff comments and recommendations. The city manager or designee shall then review the final plat for compliance with staff recommendations.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 2, 8, 27, 11-10-2009; Ord. No. 17396, § 6, 8-24-2010; Ord. No. [18971](#), § 6, 9-3-2019)

19.04.070 - Plat recordation.

A. Procedure.

1. Signatures. After approval of the final plat, the city manager, or designee shall procure the signature of the chairperson of the city plan commission on the final plat ready for recording, ~~as well as~~ the signature of the secretary of the city plan commission who shall attest to the signature of the chairperson, and the signature of the Planning and Inspections Director.
2. Recording upon performance. The city manager or designee shall cause the final plat to be recorded with the appropriate county clerk upon the subdivider's or developer's performance of one of the following:
 - a. Completion of the construction of required improvements prior to recordation;
 - b. Where the city manager or designee has authorized public improvements to be deferred, the final plat may be approved, recorded and foundation or building permits for up to fifty percent of the residential lots may be issued in accordance with Section 19.08.040 and 19.08.020, provided that: 1) the lots have water and sanitary sewer service and a letter of Conditional Acceptance issued by the El Paso Water Utilities; and, 2) the lots are contiguous and form a complete block face or block faces within the subdivision; and, 3) no Certificate of Occupancy shall be issued until a letter of Final Acceptance has been issued by the El Paso Water Utilities, or
 - c. Regardless of which option above, is chosen, subdivision improvement plans must be approved or conditionally approved in accordance with this chapter and Section 19.08.010 prior to plat recordation.

B. Timing of recordation. The final signed copies of the plats for recordation will be recorded within ten days of the date that staff:

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; and
4. 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 title 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 plat, the property owner, developer or contractor shall submit a maintenance bond in accordance with Chapter 19.08 of this article from each contractor, one sealed set of "as built" plans in accordance with the DSC or record drawings (submitted as mylars), and an electronic copy of all plans (in a format as determined by the city manager or designee), together with a letter stating the contractors' compliance with Chapter 19.08 of this article, and bearing sealed certification by an engineer that all public improvements have been constructed in compliance with all city construction standards. The 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 city manager or designee.

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 property owner shall submit in the format and number as set forth in the DSC, the approved final plat, revised to reflect any changes required by the city plan commission.

E. Update of owner consents. If there has been any change in the ownership prior to recordation of the approved final plat, the applicant 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 time of the owner consent agreement provided under Section 19.04.020, 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.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 18056, § 8, 8-6-2013)

19.05.020 - Application and procedures.

- A. Responsible official. The city manager, or designee shall be the responsible official for a development plat, and the staff shall be the initial reviewing body for a development plat.
- B. Application contents. All applications shall be submitted [electronically or](#) on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division. Information required shall be the same as required for a final plat. In addition to this information, a development plat shall:
 - 1. Be prepared by a registered professional land surveyor as a boundary survey showing:
 - a. Each existing and/or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
 - b. Each easement and right-of-way within or abutting the boundary of the surveyed property;
 - c. The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and
 - d. Be accompanied by the required number of copies of the development plat, a completed application form, the required submission fee (per the city's current fee schedule), and all related documents meeting the requirements in the development plat submission checklist. A copy of all the above application materials for a development plat shall be simultaneously submitted to the planning division for review in the same manner as for a final plat, or the application shall be deemed incomplete in accordance with Section 19.01.05.
- C. Procedure. The application and review procedure for a development plat shall be submitted to the city in the same manner as a final plat (see Chapter 19.04).

(Ord. No. 17561, § 8, 5-17-2011)

19.06.020 - Application and procedures.

- A. Responsible Official. The city manager, or designee, shall be the responsible official for a minor plat.
- B. Application Contents. All applications shall be submitted [electronically or](#) on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division. The minor plat document shall be prepared by a registered professional land surveyor. The applicant shall submit a combined plat (preliminary/final) of the minor subdivision application.
- C. Pre-Application Conference. Prior to the official submission of a minor plat application, the applicant(s) may request a pre-application conference with the city manager, or designee and any other pertinent city official(s). Such conference is optional, and before it is convened a vested rights waiver shall be submitted in accordance with Section 19.37.050.

- D. Accompanying Applications. An application for approval of a minor plat may be accompanied by an application for approval of a site preparation, building and other permits for the land subject to the plat, provided that the minor plat shall be decided prior to decision on any permit.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 2, 11-10-2009; Ord. No. 17251, § 5, 12-15-2009; Ord. No. 17396, § 7, 8-24-2010)

19.07.040 - Amending plats.

- A. 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.
- B. Applicability. The 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 the municipal authority responsible for approving plats, 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:
 - a. Both lot owners join in the application for amending the plat,
 - b. Neither lot is abolished,
 - c. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and
 - d. 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:
 - a. The owners of all those lots join in the application for amending the plat,
 - b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and
 - c. The amendment does not increase the number of lots;
 10. Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. The changes do not affect compliance with applicable zoning and other regulations of the city,

- b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and
 - c. The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area; or
11. Replat one or more lots fronting on an existing street if:
- a. The owners of all those lots join in the application,
 - b. The amendment does not attempt to remove recorded covenants or restrictions,
 - c. The amendment does not increase the number of lots, and
 - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- C. Effect. Upon approval by the city manager, or designee, an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat.
- D. Application Contents. All applications shall be submitted [electronically or](#) on a form supplied by the planning division with the required information as stated on the application form. The amending plat document shall be prepared by a registered professional land surveyor.
- E. Decision. The city manager or designee shall either approve, approve with conditions, or deny the application for an amending plat within ten days.
- F. 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.
- G. Additional. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 2, 11-10-2009; Ord. No. 17251, § 6, 12-15-2009; Ord. No. 17396, § 8, 8-24-2010; Ord. No. [18971](#), § 11, 9-3-2019)

19.10.020 - In general.

- A. Dedication and construction of improvements. The property owner shall dedicate all rights-of-way and easements for and shall construct, capital improvements within the rights-of-way or easements for water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans and construction design standards, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed, subject to the rough proportionality requirements of this ordinance. Such dedication shall be made and shown on the plat, provided, however, the planning division may grant an exception and allow for a dedication to be completed by metes and bounds. The following procedures shall be followed:
1. Where a property owner requests that the city plan commission grant an exception and that approval be given for the metes and bounds dedication of a public easement or right-of-way, the property owner shall file an application for a metes and bounds dedication with the city manager or designee. The metes and bounds dedication application shall include:
 - a. [Electronic subdivision or](#) completed forms, available at the office of the planning division, signed by the property owner;
 - b. A metes and bounds description prepared by a surveyor of the property to be dedicated as a public easement or right-of-way, including calculations showing the area;

- c. A ~~minimum of eighteen copies of a~~ survey map prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch on one or more twenty-four-inch by thirty-six-inch sheets having a minimum one-half-inch border on all sides, except where the city manager or designee approves a modified scale or other acceptable format, showing all of the following:
- i. Legal description stating approximate acreage;
 - ii. Date of preparation, map scale (both graphic and numeric), north direction and basis of north direction;
 - iii. Length, bearings and curve data for the survey map boundaries;
 - iv. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions; including at least one row of adjacent lots and parcels;
 - v. Width and location of proposed public easements or rights-of-way;
 - vi. A location map at a scale of one inch equals six hundred feet, except where the city manager or designee approves a modified scale, which provides identification of the proposed public easement or right-of-way in relation to features such as local streets, arterial streets, schools and other features;
 - vii. Identification of any release or other limitations of rights of access to and from the proposed public easement or right-of-way;
 - viii. Survey data, including:
 - (a) The survey map shall be tied by bearing and distance to either a section corner, survey line, grant line, or other known and accepted survey points. This tie shall be delineated on the plat,
 - (b) Any section line, survey line, or grant line crossing or adjoining the property shall be clearly designated and located on the survey map,
 - (c) The survey map shall show bearings and lengths of all lines, the radius, central angle, chord bearing and distance, length of curve and tangent of curve for all curved lines,
 - (d) All recognized survey monuments and other evidence of the survey map boundary location found, set, reset or replaced, describing their type and location shall be identified,
 - (e) All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification,
 - (f) The centerlines of streets adjoining the property, indicating all permanent survey monuments found,
 - (g) All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second,
 - (h) A print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel,
 - (i) The survey map shall be tied to a horizontal control monument established by either the National Geodetic Survey (N.G.S.) or the city if the property is within three thousand feet of such horizontal control monument as determined by the city engineer or other designee of the city manager,
 - (j) A survey map tied to a horizontal control monument shall be tied to the monument by course and distance. The tie to the monument, including the

reference angle to a published azimuth marker, shall be shown on the map. All N.G.S. reference information for the horizontal control monument, including the N.G.S. station designation, State Plane Coordinates grid factor, mapping angle, reference datum and the State Plane Coordinate zone shall also be shown on the plat. The tie to the horizontal control monument shall be made by the surveyor responsible for the boundary survey;

- ix. Certification by the surveyor that the survey map represents a survey made on the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards;
 - x. Certification from a title company qualified to do business in the state, showing the name(s) of the owner(s) of the property to be dedicated by metes and bounds;
 - d. A processing fee in the amount established by city council;
 - e. A ~~written~~ detailed justification for the request for exception of the regulations contained under this title; and
 - f. Documentation to show proof of ownership.
 - g. A current tax certificate from the city tax assessor-collector indicating that all ad valorem taxes have been paid on the property included within the survey map.
 2. Review for application completeness. The city manager or designee shall, upon receipt of a metes and bounds dedication application, determine whether or not the application meets all of the content requirements for submittal required in this section. An application not meeting all of the submission requirements of this title shall be returned to the property owner within five working days following the date of acceptance for review of application completeness, indicating the information which is lacking on the application. For purposes of this section, the date of acceptance of a metes and bounds dedication application for review of application completeness shall not be counted as the first day of the five working day review period. If an application accepted for review of application completeness is not returned to the property owner within the five working day review period, the metes and bounds dedication application shall be deemed accepted and the time period specified within paragraph 3 below shall commence on the sixth working day following the date the metes and bounds dedication application was accepted for review of application completeness.
 3. Application procedure.
 - a. Distribution and review. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the city manager or designee shall distribute the application to affected departments. Written comments and recommendations on the application for metes and bounds dedication of a public easement or right-of-way shall be submitted to the city manager or designee within one week from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the city manager or designee, and may require that the affected department's late comments and recommendations be presented directly to the city plan commission.
 - b. The recommendation of the city manager or designee, accompanied with an explanation of their recommendation and comments submitted by staff, shall be presented to the city plan commission in a written report.
 - c. A copy of this report shall be provided to the property owner and surveyor at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.
 4. Appeal of city plan commission recommendation to disapprove granting the exception. In the event that the city plan commission recommends disapproval of granting the exception for a metes and bounds dedication of a public easement or right-of-way, no dedication instrument

shall be prepared by the city attorney, nor shall the application be submitted to the city council for approval. The property owner may, in writing, request an appeal to the city council by filing an application and any required documentation to support the appeal with the city manager or designee and paying any required fee. The city manager or designee shall place an item on the agenda of a regularly scheduled city council meeting. The appeal must be made within fifteen days of the recommendation by the city plan commission.

The city manager or designee shall advise the property owner of the date of the city council meeting. The city council may deny the appeal for the metes and bounds dedication of a public easement or right-of-way or may approve the metes and bounds dedication application and direct the preparation of the dedication instrument for recording.

Where the city council approves a metes and bounds dedication application, the property owner shall be required to submit the necessary documents for recording. Failure of the property owner to submit the necessary documents for recording within six months following the date of the city council approval on appeal shall require the total resubmission of the metes and bounds dedication application which shall be subject to the then existing regulations.

5. Resubmission of a metes and bounds dedication application. No application for a metes and bounds dedication of a public easement or right-of-way shall be resubmitted within a twelve-month period from the date of final action by the city plan commission or the city council, whichever action occurs last.
- B. Facilities impact studies. The city manager, or designee, may require that a property owner pay the costs including any consulting fees associated with the preparation of a comprehensive traffic impact analysis, drainage study or other public facilities study in accordance with this title in order to assist the city in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The city manager or designee may also allow the developer to arrange for such studies in lieu of the city preparing such studies. If the study is to determine rough proportionality in accordance with this title, then the city shall provide such study.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17251, § 7, 12-15-2009; Ord. No. 17396, § 10, 8-24-2010; Ord. No. 17738, § 1, 3-6-2012; Ord. No. 17811, § 2, 6-5-2012, eff. 6-11-2012)

19.31.030 - [City development Planning and Inspections](#) ~~Director~~.

- A. Responsible official. The director of the ~~city development department~~[Planning and Inspections Department](#) or his designee ("director") is the responsible official for the following types of applications and relief petitions (except as provided):
1. Application for approval of construction and engineering plans, and all related construction management tasks, including without limitation, approval of contracts for public improvements;
 2. Application for a site preparation permit;
 3. Appeal of a decision on any application for which the director is the responsible official;
 4. Alternative subdivision designs, exception or waiver petition for any application for which the director is the responsible official;
 5. Vested rights petition for any decision where the director is the responsible official for the application for which the vested rights petition is submitted; and
 6. Petition for relief from a dedication or construction requirement in accordance with Chapter 19.46 and other provisions of this title.

- B. Initial decision-maker. The director is the initial decision-maker for the following types of applications and relief petitions, subject to appeal as provided in this title:
1. Application for approval of construction plans, and all related construction management tasks, including without limitation approval of a contract for public improvements;
 2. Application for a site preparation permit; and
 3. Vested rights petition for any decision for which the director is the initial decision-maker.

(Ord. No. 17811, § 8, 6-5-2012, eff. 6-11-2012)

Editor's note— Ord. No. 17811, § 8, adopted June 5, 2012, effective June 11, 2012, amended 19.31.030 in its entirety to read as herein set out. Former 19.31.030 pertained to city engineer, and derived from Ord. 16882 § 2 (part), 2008; Ord. No. 17396, § 24, 8-24-2010.

19.37.060 - Application contents.

- A. Application Forms Generally. The city is authorized to prepare application forms that include information requirements, checklists, drawing sizes, applicant contact information, and any other relevant information, ~~which shall be available in the DSC.~~
- B. Information for Subdivision Applications. All subdivision applications shall contain the following information:
1. Identification of property owner and authorized agent, if any;
 2. Description of the property and the nature of the development that is the subject of the application;
 3. Identification of all zoning classifications (inside the city only) or development agreements for the property;
 4. Identification of all pending legislative applications for the property;
 5. Identification of decisions on all quasi-judicial or administrative applications for the property that remain in effect;
 6. Identification of all accompanying applications;
 7. Identification of all pending or accompanying requests for relief;
 8. Demonstration of compliance with prior approved permits on the subject property;
 9. All requests for alternative subdivision design approval.
- C. All application forms are available in the office of the planning official and on the city's website.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 5, 11-10-2009; Ord. No. 17396, § 26, 8-24-2010)

19.37.070. - Application fees.

- A. Every application shall be accompanied by the prescribed fees in the amounts established and set forth in the annual budget resolution of the city 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 determined to be complete. The fee schedule may be amended from time to time by resolution of the city council.

- B. ~~Reserved. The fees required by this title pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by one hundred percent (100%) for the period from May 12, 2008 through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.~~

(Ord. 16882 § 2(part), 2008)

(Ord. No. 17236, § 18, 11-10-2009)