

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

**AGENDA DATE:** April 12, 2022

**PUBLIC HEARING DATE:** April 26, 2022

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Joaquin Rodriguez, 915-328-8731

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 3 – Promote the Visual Image of El Paso

**SUBGOAL:** 3.2 - Set one standard for infrastructure across the city

**SUBJECT:**

**APPROVE** an ordinance amending various sections of Title 19 (Subdivision and Development Plats), to adopt the El Paso Street Design Manual, to update references to the design standards for construction to the street design manual, and to update standards of construction for streets.

**BACKGROUND / DISCUSSION:**

**Street Design Manual Adoption:** The City of El Paso Street Design Manual adopts new design standards for street construction related to new development and street reconstruction projects. The new standards are characterized by context sensitive standards and a kit of parts approach informed by the future land use map to build street cross sections in a context sensitive manner. The Street Design Manual utilizes newly proposed context areas derived from future land use map designations to create area specific standards for street design elements that are consistent with and representative of existing and expected land use scenarios.

In general, the new standards prioritize pedestrian safety and a complete streets approach to street design. Additional standards are included to implement the city's adopted bike plan.

**Title 19 Amendments:** In order to adopt the proposed street Design Manual and implement the proposed design standards amendments to Title 19 are required to redirect numerous existing references to the design standards for construction (DSC) to appropriate sections of the Street Design Manual (SDM). Additionally, the design standards for construction will become an integral chapter within the Street Design Manual and have also been amended to reflect the new design guidelines.

An amendment is also proposed to allow for implementation of an expanded array of bicycle facility standards consistent with the City of El Paso Bike Plan. These standards are proposed in chapter 4.7 of the proposed Street Design Manual and consistent with the NACTO Urban Bikeway Design Guidelines (2012).

**PRIOR COUNCIL ACTION:**

City Plan Commission Recommendation – Dec 2, 2021: Approval (7-0)

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** XXX YES \_\_\_ NO

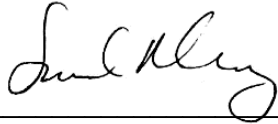
**PRIMARY DEPARTMENT:** Capital Improvement Department

**SECONDARY DEPARTMENT:** Planning & Inspections

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

A handwritten signature in black ink, appearing to read 'Sam Rodriguez', is written over a horizontal line.

(Sam Rodriguez, P.E.)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS), TO ADOPT THE EL PASO STREET DESIGN MANUAL, TO UPDATE REFERENCES TO THE DESIGN STANDARDS FOR CONSTRUCTION TO THE STREET DESIGN MANUAL, AND TO UPDATE STANDARDS OF CONSTRUCTION FOR STREETS. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE EL PASO CITY CODE.**

**WHEREAS**, the City wishes to adopt the El Paso Street Design Manual to provide requirements for the design and construction of streets;

**WHEREAS**, the El Paso Street Design Manual is aimed at planning and producing context sensitive, functional and sustainable streets for everyone; and

**WHEREAS**, the Design Standards for Construction will be included as a chapter in the El Paso Street Design Manual.

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

**SECTION 1.** The City Council adopts the El Paso Street Design Manual attached to this ordinance as Attachment “A”. The Street Design Manual, as attached to this ordinance, amends the Designs Standards for Construction previously adopted by City Council and incorporates the Design Standards for Construction into the El Paso Street Design Manual as a chapter within the El Paso Street Design Manual. Title 19 (Subdivision and Development Plats) is amended to add an Appendix 113 – Street Design Manual as shown in Attachment “A” of this ordinance.

**SECTION 2.** 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) (Subdivision plat and development plat rules) is amended 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 Street Design Manual (SDM), as developed by the city manager or designee and adopted by ordinance 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 SDM shall be maintained by and be available in the planning division of the planning and inspections department. Other ordinances of the city may also apply to land development and must be complied with.

**SECTION 3.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.02 (Land Studies), Section 19.02.030 (Decision) is amended to read as follows:

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19.02.030 - Decision.

- A. The City Plan Commission shall decide whether to approve, approve with conditions, or deny the land study application.
- B. Prior to the decision, the City Plan Commission shall be provided with a full copy of the land study and all related documents that are needed to make a decision as to compliance with this title.
- C. Where the City Plan Commission conditionally approves or disapproves a land study application, the City Plan Commission shall provide the applicant 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:
  - 1. Be directly related to the requirements in Title 19 and specifications contained in the City of El Paso Street Design Manual (SDM); and
  - 2. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
  - 3. May not be arbitrary.
- D. After the conditional approval or disapproval of the land study, the applicant may resubmit the land study along with a written response that clearly articulates how each condition for conditional approval or each reason for disapproval has been remedied.
- E. The City Plan Commission shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved land study within fifteen days of receipt of resubmission and written response.
- F. It shall be the responsibility of the subdivider to ensure that the land study satisfies all the requirements of the city code, the SDM and any other regulatory requirement.

**SECTION 4.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.02 (Land Studies), Section 19.02.040 (Criteria for approval) is amended to read as follows:

19.02.040 - Criteria for approval.

- A. Factors. The following criteria shall be used to determine whether an application for a land study shall be approved, approved with conditions, or denied:
  - 1. The land study is consistent with all zoning requirements for the property, and any approved development agreement;
  - 2. The proposed provision and configuration of arterial and collector roads, water, wastewater, drainage and park and open space facilities are adequate to serve each phase of the subdivision and generally meet the standards of this title, the SDM and any other applicable standards or requirements of the city;
  - 3. The schedule of development assures that the proposed development will progress to completion within the schedule proposed;

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4. The proposed land study conforms to the district and is consistent with the incorporated concept plan, if any;
  5. The location, size and sequence of the phases of development proposed assures orderly development of the land subject to the plat;
  6. Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the city in El Paso County, the proposed land study meets any County of El Paso standards; and
  7. The land study is consistent with the adopted comprehensive plan, except where application of the plan conflicts with state law.
- B. Conditions. In addition to any other conditions required to conform the land study to the standards of this title, the city plan commission may condition approval on exclusion of land from the land study or adjustments in the proposed sequence or timing in the proposed phases of the development.

**SECTION 5.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.03 (Preliminary Plats), Section 19.03.020 (Application and procedures), Subsection (D) is amended to read as follows:

- D. Preliminary engineering information in accordance with the SDM checklists meeting the submission requirements must also be submitted with the preliminary plat application.

**SECTION 6.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.03 (Preliminary Plats), Section 19.03.030 (Decision) is amended to read as follows:

**19.03.030 - Decision.**

- A. Review and Determination. The City Plan Commission shall review all preliminary plat applications, findings of the staff, findings of the city manager, or designee 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 title.
- B. Approval or Denial. The City Plan Commission shall decide whether to approve, approve with conditions, or deny the preliminary plat application within thirty days from determination that the application is complete in accordance with Section 19.37.020. The action of the commission shall be entered in the minutes of the commission and the applicant shall be notified of the results.
1. All changes or conditions required by the City Plan Commission 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. On a preliminary plat with significant changes, the City Plan Commission may at the time a preliminary plat is approved subject to conditions, require a revised preliminary plat to be resubmitted.
  3. Where the City Plan Commission conditionally approves or disapproves a preliminary plat application, the City Plan Commission shall provide the applicant a written

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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:

- a. Be directly related to the requirements in Title 19 and specifications contained in the City of El Paso Street Design Manual (SDM); and
  - b. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
  - c. May not be arbitrary.
4. After the conditional approval or disapproval of the preliminary plat application, the applicant 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.
  5. The City Plan Commission shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved preliminary plat within fifteen days of receipt of resubmission and written response.
  6. It shall be the responsibility of the subdivider to ensure that the preliminary plat satisfies all the requirements of the city code, the SDM and any other regulatory requirement.

**SECTION 7.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.03 (Preliminary Plats), Section 19.03.040 (Criteria for approval), subsection (G) is amended to read as follows:

- G. The preliminary plat conforms to the design requirements and construction standards as set forth in the City of El Paso Street Design Manual (SDM);

**SECTION 8.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.030 (Decision), subsection (B) is amended to read as follows:

- B. Approval or Denial. The City Plan Commission shall decide whether to approve, approve with conditions, or deny the final plat application. Upon approval of the final plat, the applicant shall correct and submit final plat copies to the city manager or designee so that required signatures can be obtained and recording completed. The reasons for any action taken by the commission, whether a final plat is approved, denied, or approved with conditions, shall be entered in the minutes of the commission.
  1. All changes or conditions required by the City Plan Commission 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 Plan Commission may at the time a final plat is approved subject to conditions, require a revised final plat to be resubmitted.
  3. Where the City Plan Commission conditionally approves or disapproves a final plat application, the City Plan Commission shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly

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articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:

- a. Be directly related to the requirements in Title 19 and specifications contained in the City of El Paso Street Design Manual (SDM); and
  - b. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
  - c. May not be arbitrary.
4. After the conditional approval or disapproval of the final plat application, the applicant 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 Plan Commission shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved final plat within fifteen days of receipt of resubmission and written response.
  6. It shall be the responsibility of the subdivider to ensure that the final plat satisfies all the requirements of the city code, the SDM and any other regulatory requirement.

**SECTION 9.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.040 (Criteria for approval), subsection (B), subsubsection (7) is amended to read as follows:

7. The plat conforms to design requirements and construction standards as set forth in the City of El Paso Street Design Manual (SDM); and

**SECTION 10.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.070 (Plat recordation), subsection (C) and subsection (D), are amended to read as follows:

- 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 SDM 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

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

**SECTION 11.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.08 (Construction Plans and Management), Section 19.08.010 (Subdivision improvement plans) is amended to read as follows:

19.08.010 - Subdivision improvement plans.

- A. 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 title.
- B. 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 City Plan Commission or by staff where administrative approval is authorized, the number of sets of subdivision improvement plans required by the SDM shall be submitted to the city manager or designee for review for code compliance. All applications shall be submitted on a form supplied by the planning official 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 title and the SDM. 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 in accordance with this title. The subdivider shall provide and the subdivision improvement plans shall contain all applicable improvements required by this title and the SDM, including but not limited to the following details:
  - 1. Grading and slope stabilization as regulated by Chapter 18.44;
  - 2. Drainage facilities;
  - 3. Water and wastewater plans, except water and wastewater plans in developments to be served by EPWU, which shall comply with subsection C below;
  - 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. Landscaping; on subdivisions within the city limits, landscape (street trees) may be deferred until building permits are requested for a residential lot, except landscape at the rear of double frontage lots must be installed, inspected, approved and accepted by the city prior to building permits being issued;

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10. Curb ramps; on subdivisions within the city limits, curb ramps may be deferred until building permits are requested for a residential lot, except curb ramps at the rear of double frontage lots must be installed, inspected, approved and accepted by the city prior to building permits being issued;
11. Street pavement markings;
12. Parkland and open space; and
13. 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 applicant.

C. The subdivider shall provide complete EPWU approved water and wastewater design plans on or before the final plat is submitted to the CPC. The subdivider shall have the option of using one of two processes for completion of the plans:

1. EPWU prepares complete water and wastewater plans meeting EPWU requirements and standards.
2. The subdivider's engineer prepares water and wastewater plans meeting TCEQ and EPWU requirements and submitting those plans to EPWU for approval. Upon approval by EPWU the water and wastewater plans shall be provided to the city. The EPWU shall have fifteen business days to accept the plans or reject the plans with comments for corrections. Failure to act within this timeframe shall permit the subdivider to proceed in accordance with Section 19.08.010(E)(3). This option to the subdivider shall not apply if any off-site extension or capital improvement infrastructure, master plan land studies, or any on-site oversized facilities to serve any areas adjacent to the subdivision are required.
3. Plans will not be approved and the plat will not be recorded until water and wastewater designs meet TCEQ and EPWU/PSB design standards.

D. 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 city manager or designee 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 in accordance with the methods and amount in Section 19.08.040 A.1., 2., or 3. No temporary drainage structures will be allowed. If the property contains an arroyo or flow path that requires improvements, security in accordance with the methods and amounts stated in Section 19.08.040 shall be provided regardless of the phasing, unless the improvements to the arroyo or flow path are completed in the initial phase. Where the city manager or designee disapproves a phasing plan, the subdivider may appeal the decision to the City Plan Commission upon a written request submitted to the city manager or designee. Whether or not the city manager or designee 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

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approved by the city manager or designee 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.

E. Responsible Official and Decision.

1. The city manager, or designee, shall be the responsible official for approval of subdivision improvement plans.
2. For subdivision improvement plans submitted following approval of a preliminary plat, the city manager, or designee shall provide the applicant or applicant's representative a determination of completeness as specified in Section 19.37.020.
3. The city manager, or designee shall decide whether to approve, approve with conditions, or deny the subdivision improvement plan application within thirty days from determination that the application is complete in accordance with Section 19.37.020.
4. Failure of the city manager or designee or EPWU, when applicable, to approve, approve with conditions, or deny the subdivision improvement plan application within the prescribed thirty days from the date that the submission is accepted for completeness, 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 city manager or designee or EPWU, 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 ensure that the subdivision improvement plans meet or exceed all the requirements of the City Code, EPWU requirements and any other regulatory requirements.
5. Distribution and Review. Once the subdivision improvement plans are approved, the property owner shall provide additional sets of the approved plans to the city, as specified by the city manager, or designee, 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.

F. Notification. The city manager, or designee, shall notify the applicant in accordance with Section 19.38.040 that the subdivision improvement plans are approved for construction. The city manager or designee shall also forward a written certification to all affected departments and agencies advising of the approval of the subdivision improvement plans. The certification shall identify the subdivision name, legal description, and acreage for which the approval was granted.

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

1. The city manager or designee shall provide the applicant 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;

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- a. Be directly related to the requirements in Title 19 and specifications contained in the City of El Paso Street Design Manual (SDM); and
    - b. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval; and
    - c. 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 applicant for correction.
  3. The applicant's engineer shall then correct the plans as requested and resubmit the appropriate number of sets required by the SDM of subdivision improvement plans to the city manager or designee for decision. The resubmission of 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 city manager or designee shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved subdivision improvement plans within fifteen days of receipt of resubmitted plans and written response. Failure of the city manager or designee 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 ensure that the subdivision improvement plans satisfy all the requirements of the city code, the SDM and any other regulatory requirement.
  5. A copy of any subdivision improvement plans submitted within the extraterritorial jurisdiction, after approval by the city manager or designee, shall be forwarded to the county road and bridge administrator.
  6. Additional copies may be requested by the city manager or designee for informational purposes and review by other agencies.
  7. 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.
- H. Criteria for Approval. The city manager, 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 title; and
  3. The plans conform to the specifications contained in the City of El Paso Street Design Manual (SDM).
- I. Approval Required. Approval of subdivision improvement plans authorizes the property owner to install public improvements in rights-of-way and/or easements offered for

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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.

- J. Acceptance Required. Acceptance of the subdivision improvements shall authorize the recording plat submission pursuant to this title. 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 may be issued, in accordance with Section 19.08.040.
- K. 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.

**SECTION 12.** Title 19 (Subdivision and Development Plats), Article 1. (Platting Procedures), Chapter 19.08 (Construction Plans and Management), Section 19.08.050 (Inspection and acceptance of public improvements), Subsection (A) (Entry and Inspections), subsection (1) is amended to read as follows:

- 1. The city manager, or designee shall inspect the construction of improvements while in progress as well as upon completion. Construction shall be in accordance with the approved subdivision improvement plans. The city manager or designee shall have the right to enter upon the subdivision site for the purpose of conducting inspections. The city manager or designee shall provide for the inspection of required subdivision improvements during construction to insure general conformity with plans and specifications as approved. If the city manager or designee finds, upon inspection, that any of the required subdivision improvements have not been constructed in accordance with the subdivision improvement plans, this title or the SDM, then the subdivider shall be responsible for making the necessary changes to insure compliance. Any significant change in design required during construction shall be made by the subdivider's engineer, and shall be subject to prior approval by the city manager or designee. If the city manager, or designee finds upon inspection that any of the required public improvements have not been constructed in accordance with the approved subdivision improvement plans, the property owner shall be responsible for completing and/or correcting the public improvements.

**SECTION 13.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.09 (General Requirements), Section 19.09.030 (Conformance to plans), is amended to read as follows:

19.09.030 - Conformance to plans.

- A. Conformance. Proposed capital improvements serving new development shall conform to and be properly related to the public facilities elements of the city's adopted comprehensive plan, other adopted master plans for public facilities and services including parks and open

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space, bikeway and transit, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

- B. Thoroughfare Plan (Map) Amendments. No final plat shall be approved for any subdivision within the city or its extraterritorial jurisdiction until the applicant has made adequate provision for thoroughfares as shown on the thoroughfare plan (Map) as approved by the city. The thoroughfare plan is a guide for the roadway connections and types that will be needed in the future. Subject to city manager, or designee approval, as long as the connection is made, whether or not it is close to the exact alignment shown on the thoroughfare plan, no thoroughfare plan amendment should be necessary. The design and construction of the proposed thoroughfare shall be in conformance with the city's master plans for thoroughfares and with the City of El Paso Street Design Manual (SDM), and shall be subject to approval by the city manager or designee. If a different roadway type is found to be adequate or if the connection is not proposed to be made, then the thoroughfare plan shall be amended, upon provision of a traffic impact analysis of the proposed amendment in accordance with Chapter 19.18.
- C. Water and Wastewater Plans. No final plat shall be approved for any subdivision within the city or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary wastewater system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided. The design and construction of the water system and of the sanitary wastewater system to serve the subdivision shall be in conformance with the El Paso Water Utilities master plans and construction standards for water and wastewater facilities and with the rules and regulations of the Public Service Board/El Paso Water Utilities and with the City of El Paso Street Design Manual (SDM), and shall be subject to approval by the utility manager. Subdivisions either in the ETJ or recently annexed and that are not served by the EPWU but by other systems shall either meet the same EPWU requirements or the requirements of the other utility provider but also be subject to approval by the city manager or designee.

**SECTION 14.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.11 (Extraterritorial Jurisdiction (ETJ) Standards), Section 19.11.010 (General Provisions), subsection (A) is amended to read as follows:

- A. Owners of property within the extraterritorial jurisdiction who propose a subdivision of land shall be subject to the provisions of this chapter. The regulations contained within Chapter 19.01 and including the Street Design Manual (SDM), shall be applicable except as modified by this chapter.

**SECTION 15.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.11 (Extraterritorial Jurisdiction (ETJ) Standards), Section 19.11.020 (Water and wastewater service), subsection (C), subsubsection (1) is amended to read as follows:

1. Final engineering report. The final plat shall be accompanied by an engineering report regarding the availability and methodology of providing wastewater treatment service prepared, meeting the requirements of the SDM, and bearing the signed and dated seal of a professional engineer registered in the State of Texas.

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**SECTION 16.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.12 (Water), Section 19.12.020 (El Paso Water Utilities System), is amended to read as follows:

19.12.020 - The El Paso Water Utilities System.

- A. Installation of Water Facilities. Where water is to be provided through the EPWU system, the developer shall install adequate water facilities, including fire hydrants, in accordance with the current rules and regulations for public water systems of the TCEQ, the rules and regulations of the El Paso Water Utilities/Public Service Board (EPWU/PSB) and the firefighting standards of the Texas Board of Insurance, and the standards and specifications of the city and EPWU.
- B. Facilities for Health and Safety Emergencies; Alternative Water Sources. All water facilities connected to the EPWU water system shall be capable of providing water for health and emergency purposes, including fire protection. Water supply facilities shall be in accordance with city and EPWU. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:
  - 1. Design and construction of a water source on the site shall be in accordance with applicable regulations of the TCEQ.
  - 2. Design and construction of water service from the EPWU shall be in accordance with the standards in the city's SDM and of EPWU.
  - 3. Design and construction of a fire protection and suppression system shall be in accordance with the standards of the SDM, the EPWU, the city's adopted fire code, Chapter 9.52 of the code and be approved by the city manager, or designee, utility manager and fire department.

**SECTION 17.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.14 (Utilities Generally), Section 19.14.005 (General Provisions), Subsection (B), subsection (1) is amended to read as follows:

- 1. The placement and separation of the various utilities within an easement or right-of-way shall conform to the Development Standards for Construction contained in the SDM. The placement and separation of water and wastewater utilities shall also conform to the requirements of the Texas Commission on Environmental Quality (TCEQ).

**SECTION 18.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.14 (Utilities Generally), Section 19.14.020 (Utility location policies), is amended to read as follows:

19.14.020 - Utility location policies.

- A. Placement. It is in the city's best interest to coordinate and regulate the placement of utilities within public rights-of-way or public or private easements. Such regulations and coordination shall be managed under the general standards of this chapter.

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B. Standards.

1. Public street rights-of-way shall be the preferred location for all utility extensions to the extent reasonably possible.
2. In order to accommodate the multiple public and franchise utilities within the public street right-of-way, there shall be a minimum amount of unpaved right-of-way outside of and in addition to the right-of-way covered by street paving, sidewalk and curb-and-gutter in accordance with the SDM street cross sections and requirements. This unpaved area may be between the curb and sidewalk or on the outside of the sidewalk. The minimum roadway cross sections in Chapter 19.15 have been designed with a minimum area behind the curb, and sufficient right-of-way to meet this requirement in accordance with the SDM shall be dedicated to accommodate over-width sidewalks, bikeways, or any surface improvement.
3. Easements on private property may be used in the following instances and under conditions specified therein:
  - a. For pedestal, transformer and utility hut pads;
  - b. Where special developments (i.e., cluster subdivisions and planned development districts) occur;
  - c. Where public or private streets are platted lacking sufficient parkway to install required and franchise utilities and, even then, such easements as needed shall be provided adjacent and parallel to the street;
  - d. Where on-site ponding is proposed and the parkway is proposed to be removed to accommodate the on-site ponding, then the utilities must be located in an adjacent easement;
  - e. Where unusual circumstances prevent use of the public right-of-way or private street; and
  - f. Easements shall be a minimum of ten feet on private property, or as specified by the utility provider utilizing the easement.
4. Prior to the pavement installation, the subdivider shall obtain a written release from each utility provider indicating that required utility installation is complete. Subdividers shall provide such release to the city.
5. A joint trench for electric and communication utilities shall be provided, in accordance with the SDM. Separate trenching for electric and communication utilities will be allowed only:
  - a. In the mountain development area, in accordance with Chapter 19.24;
  - b. For individual street crossings;
  - c. For service drops;
  - d. Where existing service feeds or sources are coming from demonstrably different directions;
  - e. In replats where existing utilities are in separate trenches.

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6. Conduit, to accommodate electric, telephone and cable television service lines at street crossings extending from closures on one side of the street, shall be provided. Utilities shall meet the locational criteria, if any, contained in the SDM.

**SECTION 19.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.010 (Adequacy of streets and thoroughfares), is amended to read as follows:

19.15.010 - Adequacy of streets and thoroughfares.

- A. Responsibility for Adequacy of Streets and Thoroughfares. The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the city's cost participation policies on oversized facilities. Additional right-of-way may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.
- B. General Adequacy Policy. Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular, bicycle and pedestrian traffic to be generated by the development. Adequacy as it relates to public improvements including roadways is attained by complying with the requirements and standards of this title, the SDM and all related city ordinances. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be related to the city's thoroughfare plan, road classification system, comprehensive plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
- C. Road Network. New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, safe and efficient traffic circulation and roadway network connectivity. The adequacy of the road network for developments that meet the requirements of Section 19.18.010(B), traffic impact studies (TIA), shall be demonstrated by preparation and submission, prior to or along with land study or the preliminary plat application, of a traffic impact analysis prepared in accordance with Chapter 19.18 (Traffic Impact Analysis). The study shall address accommodating traffic generated by the development, land to be developed in common ownership and other developed property.
  1. In the event the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the city manager, or designee may require a demonstration of adequacy pursuant to this article for additional phases or portions of the property as a condition of approval for the proposed preliminary plat.
- D. Major and minor arterials, collectors and other thoroughfares appearing on the city's adopted bike plan shall have bicycle facilities installed in accordance with the Street Design Manual. For major and minor arterials, collectors and other thoroughfares not appearing on the city's adopted bike plan, bicycle facilities may be constructed on one side or both sides of the street.

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- E. Traffic Calming. Traffic calming may be provided by the developer or may be required in accordance with the adopted Neighborhood Management Policy and in accordance with the SDM by the city manager or designee.

**SECTION 20.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.020 (Subdivider responsibility), Subsection (B), subsubsection 3 is amended to read as follows:

3. Alleys. Where provided, alleys shall be installed and improved in accordance with all standards required by this title and the SDM. Alleys shall be provided by and at the expense of the subdivider.

**SECTION 21.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.050 (General Requirements), is amended to read as follows:

19.15.050 - General requirements.

- A. Approach Roads and Access shall comply with the SDM.
- B. Roadway Network Connectivity shall comply with the SDM.
- C. Off-Site Improvements shall comply with the SDM.
- D. Street right-of-way dedication shall comply with the SDM.
- E. Street Construction shall comply with the SDM.
- F. Intersection Improvements and Traffic Control Devices shall comply with the SDM.
- G. Private Streets shall comply the SDM.
- H. Access Management. Roadway access management standards and requirements related to TXDOT roadways and city roadways shall be in accordance with the SDM.
- I. Exceptions to these requirements shall comply with the SDM. The Street design manual allows for flexibility in street design in cases where the proposed subdivision is constrained by topographic features, existing development, or other impassable features, as determined by the city manager or designee.

**SECTION 22.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.060 (Street Standards), is amended to read as follows:

19.15.060 - Street standards.

- A. SDM Standards Met. In addition to the requirements of the City of El Paso Street Design Manual (SDM), the requirements of the street standards in this chapter shall be met.

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B. Projections and Related Requirements. Where adjoining un-subdivided areas exist, the subdivision street arrangement shall make provision for projection of streets into such areas. Dead-end streets shall otherwise be prohibited, except where projections into un-subdivided land are necessary or where turnarounds are provided in accordance with the SDM. Private streets shall not be allowed to project beyond the subdivision boundary, and therefore shall not be allowed to dead-end at the subdivision boundary.

C. Transitions of Right-of-Way Width shall comply with Street Design Manual.

D. Lots accessing arterial streets shall comply with Street Design Manual.

E. Right-of-way Widths. Street right-of-way widths shall be as shown in the SDM

F. Construction of Streets. All streets shall be constructed in accordance with paving widths and specifications as set forth in the SDM of the City of El Paso at the time at which any required application is officially submitted and deemed a complete application, in accordance with the vesting provisions of this title.

1. Intersections of major and minor arterials shall be constructed with concrete in accordance with the SDM, unless a specific exception is granted by the CPC and upon the affirmative recommendation of the city engineer or other designee of the city manager.

2. All other streets may be constructed with asphalt in accordance with the SDM.

G. Street Grades and Horizontal Curves. Minimum and maximum street grades and horizontal curves will conform to standards set forth in the SDM and the American Association of State Highway and Transportation Officials (AASHTO).

H. Street Signs. Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the city, and shall be installed according to city standards and in conformance with the Texas Manual on Uniform Traffic Control Devices.

I. Streetlights. Streetlights shall be installed in accordance with the SDM.

J. Screening Along Roadways. Screening requirements for roadways shall be in accordance with the zoning districts and requirements outlined in the zoning ordinance.

K. Pedestrian Connectivity. Pedestrian connectivity and access shall be provided between subdivisions, schools (where access is allowed by the school district), cul-de-sac (i.e., bulb-to-bulb access) and park and open space areas. In cases where a subdivision is constructed in a location that is adjacent to another subdivision, pedestrian access shall be provided such that adjacent development can connect to such access at a later date, when development occurs. Gated subdivisions, subdivisions with severe topography problems or subdivisions where such connectivity may interfere with Arroyo or sensitive environmental protection may be exempt from this requirement upon approval by the city plan commission.

L. Conformance with the Comprehensive Plan. Streets and the layout of streets shall be consistent with the adopted comprehensive plan, and specifically the adopted Major Thoroughfare Plan.

M. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where their control is required by the city and approved by the city plan commission.

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**SECTION 23.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.070 (Intersections, half-streets), is amended to read as follows:

19.15.070 - Intersections, half-streets

A. Street intersections and half streets shall comply with the SDM.

**SECTION 24.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.080 (Street Length), is amended to read as follows:

19.15.080 - Street length

A. The length of any block or street segment shall comply with the SDM.

**SECTION 25.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.090 (Cul-de-sac streets), is amended to read as follows:

19.15.090 - Cul-de-sac streets

A. Cul-de-sac streets shall comply with the SDM.

**SECTION 26.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.100 (Dead-end streets), is amended to read as follows:

19.15.100 – Dead-end streets

A. Dead-end streets shall comply with the SDM.

**SECTION 27.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.110 (Street width and design), is amended to read as follows:

19.15.110 - Street width and design

A. Pavement widths and designs of right of way shall comply with the City of El Paso Street Design Manual.

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**SECTION 28.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.120 (Street off sets), is amended to read as follows:

19.15.120 - Street offsets

- A. Street offsets shall comply with the SDM.

**SECTION 29.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.130 (Curbs and gutters), is amended to read as follows:

19.15.130 - Curbs and gutters.

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

- A. Beside Freeways. The subdivider shall be required to install curbs along the outside lanes in rights-of-way designated for freeways, as per the TXDOT approval or construction plans.
- B. Beside Arterial and Collector Streets. The subdivider shall install curbs on both sides of all arterial and collector streets within the subdivision, and on one side of all such streets at the subdivision boundary.
- C. Beside Local Streets. The subdivider shall install curbs on both sides of all local streets within the subdivision and at subdivision boundaries, except for existing boundary streets, in which case curb and gutter installation shall be required on the subdivision side only.
- D. At Street Intersections. The minimum curvature of curbs at street intersections shall be as prescribed in the SDM and shall maintain proper stopping sight distance as determined by the latest edition of AASHTO's "A policy on Geometric Design of Highways and Streets."

**SECTION 30.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.140 (Street names and addresses), is amended to read as follows:

19.15.140 - Street names and addresses

- A. Street names and addresses shall comply with the SDM.

**SECTION 31.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.15 (Roadways), Section 19.15.160 (Alleys), is amended to read as follows:

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#### 19.15.160 – Alleys

- A. Alleys shall comply with the SDM.

**SECTION 32.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.16 (Streetlighting) is amended to read as follows:

#### Chapter 19.16 - STREETLIGHTING

##### 19.16.010 – Streetlighting

- A. Streetlighting shall comply with SDM Chapter 7.

##### 19.16.020 - Custom lighting.

- A. The subdivider may elect to provide custom lighting in lieu of the required standard streetlighting, subject to the approval of such lighting by the city manager or designee. Custom lighting shall be furnished and installed to meet the approved standards of Title 18 of this City Code and the SDM.
- B. Where custom lighting is approved within the street right-of-way, the city or county shall be liable for the costs of electrical energy of the custom lighting provided that the following conditions are met:
  - 1. A separate rate can be charged to the city by the electric utility for the custom lighting proposed; and
  - 2. The total rate charged to the city is equal to or less than the rate for electrical energy for standard streetlighting.
- C. If a subdivider elects to provide and install custom lighting, a public improvement district (or other such private entity) shall be created which will be perpetually liable for all costs associated with the maintenance of the lighting fixtures. Where the city is not liable for the costs of electrical energy from the custom lighting as provided in this subsection, the public improvement district shall also be liable for the electrical energy costs of the custom lighting.
- D. An agreement between the city and the public improvement district shall be required which makes adequate provision to indemnify and hold the city harmless from any claims which may arise from the custom lighting, whether within or outside of the public right-of-way. The agreement shall provide that the city may require that any or all of the installed custom lights be removed, at the public improvement district expense, when a finding is made by the city council or county commissioners' court based on a recommendation of the city engineer or other designee of the city manager or county engineer that the custom lighting creates a nuisance or is unsafe. Upon such a finding, standard streetlighting pursuant to this chapter shall be required to be furnished and installed to replace the custom lighting.
- E. The city shall reserve the right to review and approve all such provisions of the agreement. The agreement shall accompany the subdivision improvement plan

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submission. Restrictive covenants which include the provisions for continuous lighting and perpetual maintenance of the custom streetlights shall be recorded by the subdivider concurrently with the subdivision.

- F. Where custom lighting is provided, the subdivider or public improvement district shall notify the electric utility before any work is commenced at any streetlight location.
- G. Custom streetlighting placed within the public right-of-way shall meet the lumen level required in the DSC and provide roadway coverage meeting or exceeding that provided by standard streetlighting. Lighting outside the right-of-way shall meet the lumen level and coverage requirements of the DSC.

**SECTION 33.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.17 (Driveways) is amended to read as follows:

#### Chapter 19.17 - DRIVEWAYS

##### 19.17.010 – Driveways

- A. Driveways shall comply with the SDM.

**SECTION 34.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.19 (Stormwater Management Requirements), Section 19.19.010 (General provisions), Subsection A, subsection 3 is amended to read as follows:

- 3. Establish minimum post-development stormwater management standards and design criteria to be adopted via a Drainage Design Manual (DDM) as part of the Street Design Manual (SDM);

**SECTION 35.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.20 (Parks and Open Space), Section 19.20.010 (Policy Plan and Purpose) is amended to read as follows:

##### 19.20.010 - Policy plan and purpose.

- A. Purpose. This chapter is adopted to provide recreational areas as a function of subdivision development in the City of El Paso. This article is enacted in accordance with the home rule powers of the City of El Paso granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, V.T.C.A. Local Government Code, Chapter 212. It is declared by the city council that recreation areas in the form of neighborhood parks, community parks that serve several neighborhoods, linear parks, trails, and open space areas are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the city, whether such development consists of new construction on vacant land or the addition of new construction or redevelopment on existing developed lands.

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- B. Neighborhood parks, community parks, linear parks, trails and open space areas referred to in this chapter are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from the majority of the residences to be served thereby. The primary cost of those parks should be borne by the ultimate property owners who, by reason of their proximity to such parks, shall be the primary beneficiaries of such facilities.
- C. The requirements for parkland are based in part on the standards, needs and objectives set forth in the El Paso Parks and Recreation Master Plan, routinely amended and adopted by the city council, a copy of which shall be retained in the office of the director of parks and recreation and which shall be incorporated by reference herein for all purposes. Therefore, the requirements in this code and any requirements in the SDM are adopted to effect the purposes stated above and shall apply to any development within the City of El Paso, except as noted therein

**SECTION 36.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.20 (Parks and Open Space), Section 19.20.030 (Parkland calculation), subsection B, is amended to read as follows:

- B. Types of parkland that may be dedicated. The following park configurations of land may be proposed by the subdivider to meet the dedication requirements of this chapter. The lands to be dedicated and the type of dedication to be provided shall be based on the affirmative recommendation of the director of parks and recreation and the approval of the city plan commission.

If the parks director does not provide an affirmative recommendation, the developer may appeal the parks director's decision. The parks director shall provide to the developer, in writing, the reasons for the denial. The appeal will require the developer to file with the planning director an appeal within fifteen business days from receiving the parks director's decision. The appeal shall be accompanied by the following:

- (a) A thirty-day waiver of the thirty-day statutory requirement for approval of the subdivision plat.
- (b) The reasons for the appeal. Upon receipt of the appeal, the planning director shall place the appeal on the next available city plan commission meeting. The city plan commission may overturn the parks director's decision by a super majority, which shall be three fourths of the city plan commission present and voting. In determining whether to overturn the parks director's decision, the city plan commission shall consider any evidence presented by the developer and parks director. In no instance can the city plan commission modify or vary any City Code requirements.

An alternative type of dedication may be recommended by the director of parks and recreation, based on the specific nature of the subject property. Any dedication that is proposed shall meet the requirements of Section 19.20.050, Standards, except as noted in this chapter.

- 1. Neighborhood parks. Lands for parks that serve a neighborhood shall be of the quantity determined by the density of the residential subdivision submitted pursuant to Section

19.20.030. The developer may satisfy Section 19.20.030 by providing multiple park sites that comply with Section 19.20.050, for a residential subdivision application.

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

Conceptual cross-sections for park-pond areas are included in the subdivision standards. These conceptual drawings are intended to serve as a guideline to the designer, and modifications that meet or exceed the intent of this chapter are encouraged. All park-pond designs shall be approved by the director of parks and recreation and the city engineer or city floodplain administrator.

- a. Park-ponds requirements. For purposes of this subsection, the ponding area proposed for use as a park-pond shall require an affirmative approval for park usage by the director of the parks and recreation department, subject to the provisions below being met. Where acceptable, the pond portion of the park may count towards the required parkland dedication amount at ratio of one acre of park-pond for every one acre of required parkland dedication, subject to the following requirements being met.
  - i. To be considered as a park-pond, the proposed facility must be located no further than one-half mile from all residences that it is intended to serve. The street frontage for the park-pond shall be continuous along one complete side of the park or thirty-five percent of the park perimeter whichever is greater.
  - ii. Flat perimeter areas on the rim of the ponding basin shall be provided. These shall be a minimum of ten feet in width from the edge of the pond slope to the nearest property line to allow for a trail, landscaping and pond maintenance requirements. If abutting a seven-foot sidewalk or trail the flat perimeter area shall be a minimum of five feet. Wider and variable width areas are preferred to create a more parklike appearance.
  - iii. A park-pond shall have a flat contiguous park area adjacent to the detention/retention basin that is not subject to periodic inundation (ten-year storm frequency). This area shall be a minimum of one-half acre in size or larger, including the area of the one closest adjacent perimeter flat zone. This area shall meet the minimum improvements requirements set forth in Section 19.20.050 B. as may be found to be warranted and applicable to a park-pond by the director of parks and recreation. For park-ponds where the pond portion is over two and one-half acres in size, the size of the upper area shall be at least twenty percent of the area of the pond. This area shall be shaped to accommodate the placement of permanent park structures such as play features, multi-purpose courts and shade pavilions.
  - iv. Side slopes in park-ponds shall not exceed a maximum three to one horizontal to vertical slope. Flatter side slopes are recommended.
  - v. If a two tier park-pond is designed, then the lower tier flat area shall not be less than twenty percent of the upper tier flat area.



- vi. The maximum depth of the pond portion of a park-pond shall not exceed ten feet for a two tier park-pond and six feet for a one tier park-pond.
  - vii. Perimeter areas around the pond shall be planted to create an attractive buffer zone around the park-pond. Plant materials and required irrigation system(s) must be installed and operational at the time the city accepts the facility. All irrigation and planting shall meet the park facilities standards referenced in Section 19.20.050.
  - viii. Signs shall be provided to inform the public of the dual park-pond purpose and to notify them of the potential safety hazard from stormwater detention/retention.
  - ix. Percolation tests at the bottom of the park-pond basin shall be performed according to ASTM 5126. Stormwater shall percolate within seventy-two hours or as may be approved by the city engineer or other designee of the city manager.
  - x. A fully accessible route that meets Americans with Disabilities Act (ADA) standards to the lower park area in the basin of the pond shall be provided.
  - xi. Grading, irrigation and turf in accordance with Section 19.20.050 B.3.d.
  - xii. Credit may be provided for that portion of the park-pond that exceeds the amount of parkland required to be deeded to the city pursuant to this title if the credit to be derived is within the same park zone and upon the affirmative recommendation of the director of parks and recreation.
- b. Other ponds not serving as park ponds. Shall meet minimum placement, setback and landscaping requirements as established by the City of El Paso Stormwater Drainage Manual.
3. Linear park corridors and trail development. Trail corridors may be dedicated and constructed by the subdivider, and may serve as credit against required parkland, subject to the following conditions being met:
- a. Where adjacent to private property lines on either side of the corridor, the trail corridor shall be a minimum of thirty feet in width;
  - b. Where the trail corridor is adjacent to a permanently preserved corridor such as a drainage channel or natural open space, the additional trail corridor width may be reduced to fifteen feet. A minimum of ten feet from the nearest edge of the trail adjacent to a private property line shall be maintained except where separated from such private property by a wall;
  - c. If the trail corridor is located adjacent to a street right-of-way, the trial corridor shall be a minimum of fifteen feet in width as measured from the adjacent back of curb. The additional portion of the corridor that is outside of the street right-of-way and that is a minimum of five feet in width shall be credited as lands meeting the parkland dedication requirements of Section 19.20.030.
  - d. Trails shall be a minimum of eight feet in width. Narrower trails will not count as credit towards parkland requirements. Trail surface material shall follow the

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requirements of the City of El Paso Park Development Standards. The City of El Paso may elect to contribute to the cost of the trail if a width wider than eight feet is deemed appropriate for that specific location;

- e. Public access points to the corridor shall be provided at regular intervals. The linear areas adjacent to the corridor shall have open space, street ROW, or other opportunities for immediate and safe ingress/egress along at least seventy-five percent of the corridor length on one side or the other;
  - f. A zone that is a minimum of five feet wide along each side of the trail shall be improved with a natural non-irrigated landscape treatment, following guidelines contained in the parks facility standards referenced in Section 19.20.050.
  - g. Trails may be built on power line or other utility corridors, but in cases with corridor lands whose ownership is not fully transferable to the City of El Paso, only the lands under built trails and those improved areas meeting the requirements of this subsection will count towards the parkland dedication requirements of this chapter. In such cases, the easement holder or right-of-way owner must provide legal acceptance allowing the trail to be built with free public access provided in perpetuity;
  - h. Trail standards in this title and in the SDM may be modified by the city plan commission based upon the recommendation of the director of parks and recreation;
  - i. Trail corridor lighting shall not be required where earthen trails are provided nor where corridors are located in public right-of-way and street lighting is provided. Otherwise lighting may be required by the director of parks and recreation or designee in accordance with the parks facilities standards, the SDM and the provisions of the Dark Skies section of Title 18.
4. Open space lands and arroyos - types of land that are noted as areas that should be preserved in the El Paso Open Space Master Plan, such as natural Arroyos, may be used to meet the land dedication requirements of this chapter:
- a. For purposes of this subsection, the area open space to be used in applying the reduction shall be the acreage that is deemed acceptable for preservation by the director of the parks and recreation department and approved by the city plan commission;
  - b. Open space lands will not be required to meet the minimum development standards of Section 19.20.050.
  - c. One acre of open space dedication will count as one-half of an acre of required parkland dedication;
  - d. Other open space lands, such as Arroyos, that exceed the parkland requirements of this chapter, may be accepted by the City of El Paso. The City of El Paso will assume maintenance of these areas.

**SECTION 37.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.20 (Parks and Open Space), Section 19.20.050 (Standards for deeded parkland), is amended to read as follows:

19.20.050 - Standards for deeded parkland.

A. General characteristics. Parkland deeded to the city as provided in this chapter shall meet the standards set forth below and in the SDM:

1. The parkland shall be placed in a location near the center of the subdivision or subdivisions that it serves, with the expressed goal that the park is no further than one-quarter mile measured by walking distance from any residence within the subdivision that it serves;
2. Where the subdivision is an initial phase of multiple phases, the park may be located so that it is accessible to the future phases, provided that the park meets the requirements of Subsection A.1. above;
3. Parklands submitted for dedication shall be located so that users are not required to cross arterial roads to access the park site from within the subdivision, and shall not abut an arterial except in the following circumstances:
  - a. Parks over twelve acres may abut an arterial on one side; or
  - b. The arterial has no more than four lanes and has on-street parking; or
  - c. Parks permitted in Section B.4.a (Alternate Park Type Table).
4. If the park is one acre or larger, the entire boundary of the parkland shall abut either a public or private street, dedicated open space or arroyo. Parks of less than one acre shall abut a public or private street, dedicated open space or arroyo on at least two sides. Buildings on lots that have frontage on streets that abut the park shall face the park. Residential lots may abut parkland provided that the subdivider incorporates the following standards:
  - a. Pedestrian connectivity between the parkland and adjacent lots is provided,
  - b. That a front build-to line, in accordance with the zoning ordinance, is delineated on the plat so that residential structures face the park, and
  - c. The park site shall share at least one boundary line with a public or private street;
5. The parkland should, when possible, be located adjacent to school sites, ponding areas, or public open space to facilitate shared facilities;
6. When parkland is deeded to the city as required by this title, the area of the park shall be calculated from the nearest property line or street right-of-way line, and not from the existing or proposed curb line of an adjacent street, unless park features are incorporated into the parkway, subject to an affirmative recommendation by the director of parks and recreation and approval by the city plan commission. Sidewalks and signs shall not count as park features that allow the inclusion of the parkway area as part of the park area calculation; and

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7. Where possible, and as approved by the director of the parks and recreation department, parkland shall be designed and located within a subdivision to allow for an extension or connection to a public park or other public recreational facility within an abutting subdivision.
- B. Minimum improvements for lands to be dedicated as parklands. Parkland deeded to the city shall meet the following minimum improvements described by this subsection.
1. The subdivider shall indicate the proposed parkland improvement(s) within the subdivision improvement plans as required in Section 19.08.010.
  2. Construction of the required minimum parkland improvement(s) shall be in accordance with the approved subdivision improvement plans, and shall be completely installed and constructed by the subdivider within the time period specified for construction of subdivision improvements in this title.
  3. An improved park shall, at a minimum, include the following:
    - a. Paving frontage, curbing, and gutter for all street frontages abutting the outside perimeter of the parkland;
    - b. Utility (water, sanitary sewer and electricity) extensions to the perimeter of the park at a location indicated by the director of parks and recreation and that are consistent with published EPWU rules;
    - c. An accessible route shall be installed per the Texas Accessibility Standards (TAS) on all street frontages abutting the outside perimeter of the parkland of a minimum width and construction to provide accessibility to individuals with disabilities as provided by the Texas Accessibility Standards (TAS). The sidewalk alignment and width shall be approved by the director of parks and recreation;
    - d. Grading, automatic irrigation and turf within the parkland boundaries shall be installed prior to the acceptance of the proposed parkland submittal. The design and installation shall be approved by the director of the parks and recreation department. The city plan commission may, upon an affirmative recommendation from the director of the parks and recreation department, allow parkland to remain undisturbed in its natural state;
    - e. One age appropriate play structure unit entirely covered by a metal shade canopy, for either ages two—five years or ages five—twelve years, with a minimum 50-foot by 50-foot user zone, from an approved park department list of acceptable alternatives, including an appropriate safety surface that meets industry requirements. If a play structure already exists within a dedicated park within one-fourth mile, other comparable amenities entirely covered by a metal shade canopy of comparable size may be provided such as basketball courts, outdoor exercise stations, splash pads, or picnic tables.
    - f. A minimum of two accessible shaded picnic tables, or four benches or a combination of benches and tables, per acre on concrete pads;
    - g. A minimum of one trash can per acre on a concrete pad;

- h. Pedestrian-oriented perimeter lighting along adjacent public and private street rights-of-way and one light at the playground or focal point of the park;
  - i. Where open space lands to be left in an undisturbed state are accepted as required parklands, grading, automatic irrigation and turf establishment requirements shall be waived;
  - j. Standards.
    - i. Facilities and improvements provided by a subdivider on lands dedicated as parkland shall be designed and installed to meet the minimum standards of this chapter, the SDM and the parks and recreation department as established in the parks facilities standards, a copy of which is maintained by the director of the parks and recreation department. The parks facilities standards shall be approved by the city plan commission and the city council. The parks facilities standards may be changed from time to time, but each change shall be approved by the city plan commission and the city council.
    - ii. Facilities and improvements of a park developed for and owned by the city, regardless of whether the project is developed through City of El Paso Engineering and Capital Construction or the project is developer-generated, shall be designed and installed to meet the minimum standards of the following, or as otherwise approved by the director of the parks and recreation department, in accordance with related federal, national, state, or local codes, including but not limited to the following:
      - 1. International Play Equipment Manufacturer's Association (IPEMA);
      - 2. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;
      - 3. American Society for Testing and Materials (ASTM);
      - 4. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);
      - 5. Illuminating Engineering Society of North America (IESNA RP-6-01);
      - 6. Sports Turf Management Association (STMA); and
      - 7. American Society for Testing and Materials (ASTM F08).
  - k. Street trees shall be provided in the parkway abutting the park at twenty-foot intervals. If the park does not abut street ROW on all sides, in addition to the street trees, shade trees shall be provided at a minimum of ten trees per one-fourth acre.
4. The subdivider may use one or more of the designs in the approved alternate park type table (a) and shall receive full credit towards parkland dedication requirements (unless otherwise stated in the table), provided all requirements listed in the table are met. In developments larger than thirty acres, at least two different park types are required.

#### **Alternate Park Type Table:**

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Park Type	Tot. Lot	Pocket Park	Green	Plaza	Square
Size	< ¼ acre	¼—½ acre	½—8 acres	¼—2 acres	½—5 acres
Locations	Residential/Commercial/ Mixed Use	Residential/Commercial/ Mixed Use	Low-Medium Density Residential	Commercial/ Mixed Use/High Density Residential @ Intersection of roads on the City's MTP with street frontage on 4 sides; abutting buildings must face the plaza.	Mixed Use/High Density Residential @ Intersection of roads on the City's MTP with street frontage on 4 sides; abutting buildings must face the square.
Requirements	B.3.a-k;	B.3.a-k; except that e. (play structure) is required in a residential area; but any of the following may be substituted in a commercial or mixed-use area: basketball court, outdoor exercise stations or gazebo with a combined structured shade area at least 900 sf & 4 picnic tables or benches or a combination.	B.3.a-k; except that the following may be substituted with approval of Parks Director for e. (play structure) when a play structure within a dedicated park already exists within ¼ mile of the green: basketball	B.3.a-d, f- k; primarily hardscape surface; a focal point must be provided (such as a fountain or water feature or gazebo with a combined structured shade area at least 900 sf & 4 picnic tables or benches or a combinatio	B.3.a-d, f- k; a focal point must be provided (such as a fountain, water feature, splash pad, outdoor exercise stations or gazebo with a combined structured shade area at least 900 sf & 4 picnic tables, benches or a

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			courts, outdoor exercise stations, splash pad, gazebo with a combined structured shade area at least 900 sf & 4 picnic tables or benches or a combination, trails, amphitheatres.	n).	combination).
Optional	N/A	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.	Up to 10% of the dedicated acreage may be landscaped with shrubs, screenings or crushed rock.
Conditional	N/A	N/A	10-30% of the dedicated acreage may be open space left in an undisturbed state depending on topography, wildlife habitat, or	N/A	N/A

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			aesthetic value; up to 50% credit for open space subject to approval of Parks Director.		
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5. The subdivider shall be required to submit development construction plans that conform to this title, the SDM and the parks and recreation department design, construction and specification standards. The parks and recreation department will review the construction documents for compliance with city park construction requirements. The developer must agree to standard city construction inspections of the park improvements.
- C. Exceptions. For purposes of this chapter, off-site dedications accepted pursuant to Section 19.20.080 shall not be required to satisfy the requirements of subsection (B)(3) of this section at the time of acceptance of the deed by the city. The city shall require the approval of a development agreement as a condition of acceptance of an off-site dedication, requiring such improvements within two years of the recording of the first subdivision plat within the development by the property owner who deeded the parkland, or a subsequent purchaser.

**SECTION 38.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.21 (Sidewalks), Section 19.21.020 (General requirements), is amended to read as follows:

**19.21.020 - General requirements.**

General Requirements. The following general requirements and the requirements contained in the street design manual (SDM) apply to the provision of all sidewalks throughout the city and ETJ.

- A. Standards Not Otherwise Specified. Where facility standards and requirements are not otherwise specified within this chapter, the design of pedestrian facilities shall follow the City's Code, Title 13.04, the Street Design Manual (SDM) and other city Sidewalk Design Standards and applicable state and federal laws and regulations.
- B. Maintenance. All sidewalks, sidewalk amenities, and landscaping in the right-of-way shall be maintained by the adjoining property owner unless otherwise specifically provided for by public policy.
- C. Location and Width of Sidewalks. Unless noted otherwise:
  1. Sidewalks shall have a minimum clear path width of a minimum of five feet on local streets in all zoning districts primarily intended for single-family residential

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development when located adjacent to the property line. Sidewalks located next to the curb along local streets shall be a minimum five feet in width. Sidewalks along arterials shall have a minimum of five feet in width;

2. Sidewalks shall have a minimum clear path width of a minimum of five feet in all other locations;
  3. Sidewalks in areas determined to be high pedestrian traffic areas or pedestrian-oriented developments by the CPC may be required to be wider than the minimum widths listed herein by the CPC;
  4. Sidewalks shall be located in existing areas to match the width and location of existing walks of the block in which they are located. Vacant blocks shall comply with the sidewalk requirements of this title;
  5. Sidewalks shall not be located next to the curb on collectors or arterial streets except when an exception is approved by the CPC or designee at the time of subdivision plat approval. Such exception shall be in accordance with Chapter 19.48 and due to actual physical or topographic constraints. Sidewalks on TXDOT facilities shall be as approved by TXDOT;
  6. Sidewalks may be required to improve connectivity between subdivisions, to schools, parks, bus stops and retail areas by the CPC at the time of plat approval;
  7. The CPC may approve alternative sidewalk design and locations at the time of plat approval including meandering or curvilinear sidewalks provided such design and location meets the intent of this title.
- D. Timing of Improvements. The timing of sidewalk construction shall be as required by this chapter and Title 13.04, unless a developer agreement between the property owner and the city provides for alternative timing for construction or security has been provided in accordance with this title.
- E. Internal Pedestrian Circulation. In addition to sidewalks within the right-of-way, internal pedestrian circulation shall be provided in new development or redevelopment serving any nonresidential and at any governmental facility, school, church, or other place of public assembly. Sidewalks shall be installed to connect all buildings to one another and to parking areas and to connect the development to the public street system. All such sidewalks shall be protected from encroachment by parked vehicles.
- F. Curb ramps shall be provided within a street right-of-way wherever an accessible route for pedestrians (sidewalk or pedestrian way) is required. The design and construction of curb ramps shall be in accordance with the SDM and shall comply with the Texas Accessibility Standards.
- G. Compliance with SDM. Sidewalks shall be constructed in compliance with the standards in the City of El Paso SDM and Chapter 13.04.

**SECTION 39.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.21 (Sidewalks), Section 19.21.050 (Waivers and deviations), is amended to read as follows:

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19.21.050 - Waivers and deviations.

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

**SECTION 40.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.23 (Easements, Block and Lot Design and Improvement Standards), Section 19.23.040 (Lots-Determination and regulation of size), Subsection (H), subsubsection (1) is amended to read as follows:

- 1. Single-family or duplex double frontage lots shall be prohibit, except where they may be essential to provide separation of single-family or duplex residential development from arterial streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Such double frontage lots allowed within the city limits shall provide hardscape improvements to the parkway as set forth in the SDM, to be maintained by the city

**SECTION 41.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.23 (Easements, Block and Lot Design and Improvement Standards), Section 19.23.050 (Monuments and Markers) is amended to read as follows:

19.23.050 - Monuments and markers.

- A. Requirements. The location of all monuments shall be in accordance with the SDM and is subject to approval by the city manager or designee.

**SECTION 42.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.040 (Alternative subdivision improvement design), is amended to read as follows:

19.26.040 - Alternative subdivision improvement design.

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- A. Intent. This chapter contains the regulations for the alternative subdivision improvement design procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this title, which are incorporated as part of this chapter by reference. It is in the intent of the alternative subdivision improvement design procedure to allow one or more alternative improvement designs to those required in this title and the SDM to be utilized in a comprehensive manner throughout a proposed development, provided the improvements meet the intent and have the same or higher level of service or adequacy of the original required improvement. It is not the intent of the alternative subdivision improvement design procedure to allow an inferior improvement to the original one required by this title for the purpose of reducing costs.
- B. Application. An application for the alternative subdivision improvement design procedure shall be submitted at the time of preliminary plat application, along with a subdivision improvement plan showing the proposed changes. Subdivision improvement plans in accordance with this title with the proposed alternative subdivision improvement design clearly designated shall be provided in order for the designated staff to make an evaluation of the proposal. Engineering or other studies should be provided to establish that the proposal meets the intent of this title and provides the same level or greater of protection, service or adequacy of the original requirement. The alternative subdivision improvement design will be reviewed under the provisions outlined in Chapter 19.03, Preliminary Plats, of Section 19.08.010, subdivision improvement plans, as amended, as well as provisions outlined in this chapter. All applications shall be submitted on a form supplied by the planning official with the required information as stated on the application form and meeting the administrative submission requirements available in the office of the planning official.
- C. Based on Engineering. Decisions regarding the design of various physical improvements in a subdivision should be based on engineering or other studies. Thus, while this code provides standards for design, the regulations are not a substitute for sound engineering judgment. Therefore, a licensed engineer may submit alternative designs to be reviewed and considered by the city manager or designee.
- D. Relationship to Standards in Chapter 19.15, Roadways. If the proposed alternative design is approved by the city manager or designee, then the applicable provisions of Chapter 19.15 shall be deemed to have been met. If the proposed alternative design standards are not approved by the city manager or designee, then the standards contained within Chapter 19.15 shall apply.
- E. Relationship to All Other Improvement Standards. If the proposed alternative subdivision improvement design is determined to meet or exceed the standard for such improvement contained in this title and the SDM and approved by the CPC upon recommendation of city manager or designee, then the applicable provisions of this title shall be deemed to have been met. If the proposed alternative design standards are determined not to be the equivalent of the standard contained in this title and not approved by the city manager or designee, then the standards contained within this chapter shall apply.

**SECTION 43.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.050 (Form based/smart code subdivisions), is amended to read as follows:

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19.26.050 - Form based/smart code subdivisions.

- A. Standards. In cases where the applicant for subdivision approval is currently zoned in a smart code district as set forth in Title 21 of the city code, the applicant must comply with the standards set forth in Section 19.26.050, the Street Design Manual (SDM) of Title 19 and the standards set forth in Title 21, smart code. Where the standards conflict, the standards set forth in the smart code provisions prevail. Applicants whose property is zoned in a smart code district are required to utilize the following standards contained in Title 21, Smart Code, Tables:

Table 3A — Vehicular Lane Dimensions; 3B — Vehicular Lane and Parking Assemblies

Table 4A — Public Frontages - General

Table 4C — Thoroughfare Assemblies

Table 17 — Turning Radius

Table 13 — Civic Spaces

- B. Applicability of Form Based and Smart Code Provision.

1. Subdivision with Smart Code Zoning In Place: In cases where the applicant for subdivision approval is currently zoned in a smart code district as set forth in Title 21 of the city code, then where such provisions conflict with provisions contained in Section 19.26.050 and the Street Design Manual , the smart code provisions shall prevail, otherwise, the standards set forth in section 19.26.050 and the Street Design Manual shall apply.
2. Properties Seeking Zoning Approval: In unplatted properties in which the applicant is seeking zoning approval for districts set forth in the form based/smart code section of Title 21 of the city code, and is proposing to use form based code/smart code standards in their plat and subdivision improvement drawings, then the applicant shall utilize the form based code/smart code standards set forth in Title 21, Smart Code, Section 19.26.010, and the Street Design Manual (SDM).

**SECTION 44.** Title 19 (Subdivision and Development Plats), Article 2. (Subdivision Standards), Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.060 (Approval), is amended to read as follows:

19.26.060 - Approval.

- A. Infill Development. The city plan commission, as part of the preliminary plat approval, may approve, approve with conditions or deny the proposed infill development, provided it meets all the requirements in this chapter. Since the applicant is assured of approval of a preliminary plat that meets the requirements of this title, the CPC is not obligated to approve an infill development. It is the applicant's obligation to document to the CPC that the infill development meets the intent of this chapter and is a better quality development than would

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otherwise be developed. Replats of existing lots shall meet the requirements of Texas State Statute. If the proposed infill development plat is approved, or approved with conditions by the city plan commission, upon recommendation by the manager or designee, then the applicable provisions of this title shall be deemed to have been met. If the proposed infill development is not approved by the city plan commission, then the standards contained within this title shall apply.

**B. Alternative Subdivision Improvement Design.**

1. Alternative subdivision improvement designs that either alter the road standards and applicable provisions in Chapter 19.15 or the various other physical improvement standards contained in this title or in the SDM, may be approved by the CPC upon recommendation of the city manager or designee as part of the preliminary and/or final plat approval, if the CPC and the city manager or designee agree with the engineering studies provided as part of the submission showing that the proposal meets the intent of the ordinance codified in this title and provides the same level or greater of protection, service or adequacy of the original requirement.
2. Since there are already acceptable standards for subdivision improvements and the applicant is assured of approval of a preliminary plat that meets the requirements of this title, the CPC is not obligated to approve an alternative subdivision improvement design. It is the applicant's obligation to document to the CPC that the alternative subdivision improvement design meets the intent of this chapter and is a better quality development than would otherwise be developed.
3. The city plan commission may approve alternative subdivision improvement designs as part of a land study if the land study contains sufficient detail and information, to include any necessary engineering studies, showing that the proposal meets the intent of this title and provides the same level or greater of protection, service or adequacy of the original requirement.
4. If the proposed alternative subdivision improvement design is approved, or approved with conditions by the city plan commission, upon recommendation by the manager or designee, then the applicable provisions of this title shall be deemed to have been met. If the proposed alternative subdivision improvement design is not approved by the city plan commission, then the standards contained within this title shall apply.

**C. Form Based or Smart Code Subdivisions.** The city plan commission, as part of the preliminary plat approval, may approve, approve with conditions or deny the proposed form based or smart code subdivision. If the form based or smart codes subdivision meets the requirements of El Paso code of ordinances for form based or smart codes, this title and the Street Design Manual, then the CPC shall approve the plat.

**D. Misrepresentation of facts of any kind shall result in the denial or revocation of the approval or conditional approval of the preliminary plat and/or final plat.**

**SECTION 45.** Title 19 (Subdivision and Development Plats), Article 4. (Specific application and processing requirements), Chapter 19.37 (Application processing), Section 19.37.060 (Application contents), Subsection A is amended to read as follows:

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- 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 SDM.

**SECTION 46.** Title 19 (Subdivision and Development Plats), Article 5. (Relief Procedures), Chapter 19.45 (Appeals), Section 19.45.010 (Appeals, purpose, applicability and effect), Subsection A is amended to read as follows:

- A. Purpose. The purpose of an appeal is to contest most administrative any decision on an application based upon alleged misapplication of the criteria for approval of the application. An appeal shall not be used as a means of amending, varying or otherwise altering the standards of this title or the SDM that apply to the application.

**SECTION 47.** Title 19 (Subdivision and Development Plats), Article 6. (Definitions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions), defined term “city standards” is amended to read as follows:

"City standards" means all of the city's technical standards and specifications that apply to development, together with all tables, drawings, and other attachments. All city standards described or referred to in this title are adopted by reference and are a part of this title in the same way as if they were set out at length herein. See also the City of El Paso Street Design Manual (SDM).

**SECTION 48.** Title 19 (Subdivision and Development Plats), Article 6. (Definitions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions), defined term “Design standards for construction , E; Paso (DSC)” is amended to read as follows:

"Design standards for construction, El Paso (DSC)" means the detailed specifications, procedures and standards approved administratively for the purpose of regulating the design and construction of specified improvements. The DSC also includes checklists and application forms for approvals required by this title. The El Paso Design Standards for Construction are incorporated by reference to this title and are found in the Street Design Manual adopted as Appendix 113 to title 19 of the El Paso City Code.

**SECTION 49.** Title 19 (Subdivision and Development Plats), Article 6. (Definitions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions), defined term “Detention pond” is amended to read as follows:

Pond, detention. "Detention pond" means a man-made or natural reservoir, either public or private, designed to restrict the flow of stormwater to a prescribed maximum rate through a controlled release by gravity, and to concurrently detain the excess waters that accumulate behind the control structure. Further defined within the City of El Paso Street Design Manual (SDM).

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**SECTION 50.** Title 19 (Subdivision and Development Plats), Article 6. (Definitions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions), defined term “Retention pond” is amended to read as follows:

Pond, retention. "Retention pond" means a man-made or natural reservoir, either public or private, designed to completely retain a specified amount of stormwater runoff without gravity release. Further defined within the City of El Paso Street Design Manual (SDM).

**SECTION 51.** Title 19 (Subdivision and Development Plats), Article 6. (Definitions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions), defined term “Stormwater” is amended to read as follows:

"Stormwater" means the surface drainage runoff or flow created from any form of precipitation accumulation including rain, snow, sleet and/or hail that exceeds the interception by vegetation and infiltration into the soil. The following definitions are applicable to the management of stormwater and apply to any stormwater requirement contained in this title, in chapter 19.19, stormwater or in the SDM. All other definitions shall be in accordance with article 6.

1. Applicant: A person submitting a post-development stormwater management application and plan for approval.
2. Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
3. Drainage design manual (DDS): The detailed specifications, procedures and standards approved by resolution of the city council for the purpose of regulating the design and construction of specified stormwater and drainage improvements.
4. Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters;
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
5. Floodplain manager: The Texas licensed professional engineer designated by the city manager as the responsible official and initial decision-maker to administer and implement the provisions of chapter 18.60 of this Code and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.
6. Inspection and maintenance agreement: A written agreement providing for the long-term inspection and maintenance of storm water management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction to a site or other land involved in a land development project.
7. Non-point source pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and

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groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Non-point source pollution is a by-product of land use practices such as agricultural, mining, construction, subsurface disposal and urban runoff sources.

8. Nonstructural stormwater management practice or nonstructural practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.
9. Post-development: The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.
10. Pre-development: The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.
11. Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional non-point source pollution.
12. Runoff: Stormwater runoff.
13. Site: The parcel of land being developed, or the portion thereof on which the land development project is located.
14. Stormwater management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.
15. Stormwater administrator: The person designated by the city manager to be the responsible official and initial decision maker for applications pertaining to drainage plans and other drainage decisions as may be required in Title 18, Building and Construction and Section 19.19, Storm Water Management Requirements.
16. Stormwater management facility: Any infrastructure that controls or conveys stormwater runoff.
17. Stormwater management measure: Any stormwater management facility or nonstructural stormwater practice.
18. Stormwater management plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this title.



19. Stormwater management system: The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.
20. Stormwater runoff: The flow of surface water resulting from precipitation.
21. Structural stormwater control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

**SECTION 52.** Title 19 (Subdivision and Development Plats), Article 6. (Definitions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions), is amended to add a new definition for the term “Street Design Manual (SDM)” as follows:

“Street Design Manual” and/or “(SDM)” means Appendix 113 of Title 19 of the El Paso City Code. The Street Design Manual is the detailed specifications, procedures and standards approved for the purpose of regulating the design and construction of specified improvements.

**SECTION 53.** Except as expressly herein amended, Title 19 (Subdivision and Development Plats) of the El Paso City Code shall remain in full force and effect.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

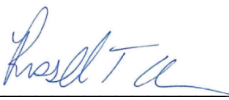
**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

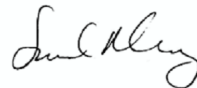
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E.  
City Engineer