

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

DEPARTMENT: Planning & Inspections Department

AGENDA DATE: Introduction: January 13, 2015
Regular Agenda: January 20, 2015

CONTACT PERSON NAME AND PHONE NUMBER: Kimberly Forsyth, (915) 212-1563,
forsythkl@elpasotexas.gov

DISTRICT(S) AFFECTED: City-wide

SUBJECT:

An Ordinance Amending Title 19 (Subdivision and Development Plats), Section 19.08.020 (Timing of Public Improvements, Permit Issuance), the Penalty being as provided in Chapter 19.42 of the City of El Paso City Code.

BACKGROUND / DISCUSSION:

The amendment will provide an exception for the issuance of foundation and building permits on a subdivision with a single building on a single lot, without requirement of security. An exception is currently available for up to 50% of permits to be issued for subdivisions with multiple buildings on a single lot.

As with the current exception, improvements plans must have been approved by the City, improvements must be under construction, and no construction will be permitted beyond the foundation stage until fully charged fire hydrants and a drivable surface acceptable to the fire marshall have been provided to the site. Additionally, no certificates of occupancy will be issued until the improvements are complete and accepted by the city, or security is provided for the remaining improvements.

This amendment was requested by industry stakeholders to provide greater efficiency in the development and permitting process, and has been distributed and reviewed by the Development and Infrastructure Sub-Committee of the El Paso Chamber of Commerce.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Jan. 8, 2015 - City Plan Commission recommendation pending

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:



Mathew S. McElroy
Planning & Inspections Director

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS), SECTION 19.08.020 (TIMING OF PUBLIC IMPROVEMENTS, PERMIT ISSUANCE), THE PENALTY BEING AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the “Code”) was adopted to promote the health, safety, morals and general welfare of the community by guiding the future growth and development of the city in accordance with The Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivision of land in order to further the orderly layout and use of land; and,

WHEREAS, Title 19 is being amended in response to requests from industry stakeholders and consideration by City Staff in order to clarify permitting requirements and to streamline the development process; and,

WHEREAS, the City Plan Commission has recommended approval of the amendments, and the El Paso City Council finds that the amendments proposed herein will further protect and provide for the public health, safety, morals and general welfare of the community,

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

Section 1. That Title 19 (Subdivision and Development Plats), Section 19.08.020. (Timing of Public Improvement, Permit Issuance) Subsection D.2 (Permit Issuance, Building Permits), of the El Paso City Code is amended in its entirety to read as follows:

2. Building permits.

- a. Plat recordation prior to issuance of permits: Whenever a subdivision is required by this title, no building permit shall be issued for any lot until the subdivision has been recorded and the requirements of Title 18 (Building and Construction) of this code have been satisfied, except on industrial, commercial and multi-family developments, foundation or building permits may be issued by the building official prior to the plat being filed if:
 - i. On lots with only one industrial or commercial building, improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process.
 - ii. On industrial, commercial and multi-family developments lots with multiple buildings, or in subdivisions with multiple single family residential lots, permits for up to fifty percent of the buildings or fifty percent of the single family lots may be issued, provided improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process. If permits for more than

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- fifty percent of the buildings or single family residential lots are requested, sufficient security as required by Section 19.08.040 must be provided in a form acceptable to the city manager, or designee, and accepted by the city prior to the issuance of foundation or building permits.
- iii. The final signed copies of the plats for recordation have been delivered to the city to hold until the agreed upon recording date, along with all fees, certificates and until all other recording requirements have been met.
 - iv. Sidewalks, landscape, and curb ramps on subdivisions within city limits may be deferred until building permits are requested for residential lots; except sidewalks, landscape and 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.
- b. Subdivision improvements required prior to issuance of permits: No building or foundation permit shall be issued for any lot, or portion thereof, within the subdivision until such time that the required subdivision improvements serving that lot have been completely installed, inspected, approved and accepted by the city as required in Section 19.08.050 of this title, except as follows:
- i. On industrial or commercial lots with only one building, if improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process.
 - ii. On industrial, commercial and multi-family developments lots with multiple buildings, or in subdivisions with multiple single family residential lots, permits for up to fifty percent of the buildings or fifty percent of the single family lots may be issued, provided improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process. If permits for more than fifty percent of the buildings or residential lots are requested, sufficient security as required by Section 19.08.040 must be provided in a form acceptable to the city manager, or designee, and accepted by the city prior to the issuance of foundation or building permits.
 - iii. Under no circumstance will construction be allowed beyond the foundation stage until such time as fully charged fire hydrants and a drivable surface acceptable to the fire marshal have been provided to such site.

Section 17. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ of _____ 2015.

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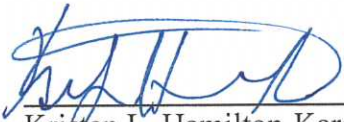
THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
Planning & Inspections Department

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City of El Paso – City Plan Commission Staff Report

Amendments to Title 19

The Subdivision Code requires that subdivision improvements be complete and accepted by the City prior to recording of a plat, and building permits (other than grading permits) cannot be issued until a plat is recorded. The code allows certain exceptions:

- Permits for up to 50% of buildings or lots may be issued provided the improvement plans have been reviewed and approved and the improvements are in process,
- Permits for more than 50% of the building or lots may be issued if security is provided for the remaining improvements.

The code does not currently provide an exception for issuance of permits on a subdivision with a single lot or a single building, without security. The amendment will allow issuance of permits in this circumstance, provided the improvement plans have been reviewed and approved and the improvements are in process.

As with the current exceptions, no construction will be permitted beyond the foundation stage until fully charged fire hydrants and a drivable surface acceptable to the fire marshall have been provided to the site.

Additionally, no certificates of occupancy will be issued until the improvements are complete and accepted by the city, or security is provided for the remaining improvements.

This amendment was requested by industry stakeholders to provide greater efficiency in the development and permitting process, and has been reviewed by the Development and Infrastructure Sub-Committee of the El Paso Chamber of Commerce.

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2. Building permits.

a. Plat recordation prior to issuance of permits: Whenever a subdivision is required by this title, no building permit shall be issued for any lot until the subdivision has been recorded and the requirements of Title 18 (Building and Construction) of this code have been satisfied, except on industrial, commercial and multi-family developments, foundation or building permits may be issued by the building official prior to the plat being filed if:

- i. On lots with only one industrial or commercial building, improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process.
- ii. On industrial, commercial or multi-family lots with multiple buildings, or in subdivisions with multiple single-family residential lots, permits for up to fifty percent of the buildings or fifty percent of the single-family lots may be issued.

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provided that improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process. If permits for more ~~More~~ than fifty percent of the buildings or single-family lots permits are ~~have been~~ requested, sufficient security as required by Section 19.08.040 must be provided in a form acceptable to the city manager, or designee, and accepted by the city prior to the issuance of foundation or building permits.

iii. The final signed copies of the plats for recordation have been recorded or delivered to the city to hold until the agreed upon recording date, along with all fees, certificates and until all other recording requirements have been met.

iv. Sidewalks, landscape, and curb ramps on subdivisions within city limits may be deferred until building permits are requested for residential lots; except sidewalks, landscape and 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.

b. Subdivision improvements required prior to issuance of permits: No building or foundation permit shall be issued for any lot, or portion thereof, within the subdivision until such time that the required subdivision improvements serving that lot have been completely installed, inspected, approved and accepted by the city as required in Section 19.08.050 of this title, except as follows:

i. On lots with only one industrial or commercial building, improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process.

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ii. On industrial, commercial or multi-family lots with multiple buildings, or in subdivisions with multiple single-family residential lots, permits for up to fifty percent of the buildings or fifty percent of the single-family lots may be issued, provided that improvement plans for the subdivision have been reviewed and approved by the City and the improvements are in process. If permits for more ~~Foundation or building permits for lots within a subdivision may be issued by the building official. If more~~ than fifty percent of the building or single-family lots ~~foundation or building permits~~ are requested, sufficient security required in Section 19.08.040, must be provided in a form acceptable to the city manager, or designee, and accepted by the city.

ii. Under no circumstance will construction be allowed beyond the foundation stage until such time as fully charged fire hydrants and a drivable surface acceptable to the fire marshal have been provided to such site.

Section 17. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

13-1007-749/Dec# 190348_3/Title 19 Amendment/lkf

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PASSED AND APPROVED this _____ of _____ 20145.

THE CITY OF EL PASO

Oscar Leeser, -Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

~~Lauren K. Ferris~~
Assistant City Attorney
Department

APPROVED AS TO CONTENT:

Mathew McElroy, Director
City Planning and Inspections ~~Development~~



Title 19 – Timing of Public Improvements & Permitting

- Planning and Inspections Department recommends approval.
- Pending City Plan Commission recommendation (01/08/2015).
- Amendment sent to Chamber of Commerce, Development and Infrastructure Subcommittee for distribution and review on 12/04/2014.
- No public comment has been received.
- Legal raised a concern about issuing permits on subdivisions that do not have complete subdivision improvements, but the code has the following safeguards in place:
 - Fire hydrants and a drivable surface are required prior to permits (beyond the foundation stage) being issued.
 - No certificates of occupancy will be released without either completion of improvements or security being provided.



Title 19 – Timing of Public Improvements & Permitting

The Subdivision Code requires that subdivision improvements be complete and accepted by the City prior to recording of a plat, and building permits (other than grading permits) cannot be issued until a plat is recorded. The current code allows certain exceptions:

- Permits for up to 50% of buildings or lots may be issued provided the improvement plans have been reviewed and approved and the improvements are in process,
- Permits for more than 50% of the building or lots may be issued if security is provided for the remaining improvements.

The code does not provide an exception for permits to be issued for subdivisions having single lots with single buildings prior to completion of improvements and recording, without security provided.

Planning and Inspections staff have reviewed the amendment to allow these permits to be issued, and recommend approval with the same conditions as are currently required.



Title 19 – Timing of Public Improvements & Permitting

- Industrial, commercial & multi-family developments with multiple buildings & single-family residential subdivisions with multiple lots: *foundation or building permits for up to 50% of the buildings or 50% of the single family lots may be issued if:*
 - Improvement plans have been reviewed and approved by City &
 - Improvements are in process.
- Industrial, commercial & multi-family developments with single buildings on single lots: *foundation or building permits may be issued if:*
 - Improvement plans have been reviewed and approved by City &
 - Improvements are in process.
- No construction allowed beyond foundation stage without fully-charged fire hydrants and a drivable surface acceptable to the Fire Marshall.
- No certificates of occupancy issued until improvements are complete or security is provided.

Questions?