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ORDINANCE NO. 2015.20

AN ORDINANCE TO AMEND ORDINANCE NO. 1915.20, THE “SUBDIVISION ORDINANCE OF THE CITY OF SAN ELIZARIO,” TO CLARIFY THE REQUIREMENTS FOR A SITE DEVELOPMENT PERMIT; TO ALLOW FOR ADDRESSING FOR CERTAIN AGRICULTURAL PURPOSES; AND TO CREATE WASTEWATER REQUIREMENTS FOR CERTAIN COMMERCIAL DEVELOPMENTS NOT REQUIRING A PLAT; ESTABLISHING A MISDEMEANOR OFFENSE AND FINES NOT TO EXCEED \$500 PER DAY AND CIVIL PENALTIES UP TO \$1000 PER DAY FOR VIOLATIONS THEREOF; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

RECITALS

- WHEREAS,** the City Council ("Council") of the City of San Elizario, Texas ("City") seeks to continue to provide for the orderly and safe development of land and use of property within its city limits and extraterritorial jurisdiction, and desires to avoid development that may constitute a public nuisance, impose an unreasonable burden on public infrastructure, or unreasonably disturb and devalue adjoining properties; and
- WHEREAS,** the Council has the general authority to regulate land use and development and nuisances pursuant to the Texas Constitution, the City's police power and Texas Local Government Code Chapters 51, 54, 211, 212, 217; and
- WHEREAS,** pursuant to Texas Local Government Code Chapter 212, the City may adopt rules governing plats and the subdivision of land within its jurisdiction to promote the health, safety, standards, and general welfare of the City; and
- WHEREAS,** a public hearing on the proposed amendment was held and conducted in accordance with Local Government Code Section 212.002; and
- WHEREAS,** the Council finds it appropriate to clarify the provisions relating to site development permits, the requirements for sanitary sewer hook-ups and to allow for certain types of addressing for agricultural purposes only and doing this will promote healthful and orderly growth and development in the City; and

WHEREAS, the Council finds it appropriate to clarify the provisions relating to site development permits, the requirements for sanitary sewer hook-ups and to allow for certain types of addressing for agricultural purposes only and doing this will promote healthful and orderly growth and development in the City; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the Council finds that it is necessary and proper for the good government, peace, or order of the City of San Elizario to amend the "Subdivision Ordinance of the City of San Elizario."

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENTS TO SITE DEVELOPMENT PERMIT PROVISIONS

Amending the following provisions:

3.14 INSTALLATION EXPENSES

All expenses for the installation of utilities, water, sewer extensions, streetlights, signs, public streets, and all other installation expenses associated with the subdivision, site development permit, or confirming plat, shall be borne by the developer. Before the plat is filed of record as required in this Ordinance, the applicant shall file with the City a corporate surety bond or letter of credit in favor of the City, or cash escrow agreement in an amount equal to the cost of the installation expenses to guarantee performance, completion, and two-year maintenance of all such installations. (See Sample Forms contained in *Appendix A, Letter of Credit*, and *Appendix B, Performance Bond* to this Ordinance.) Such bond, letter of credit, or cash escrow shall be conditioned upon the applicant's compliance with this Ordinance and other ordinances of the City, and shall secure and may be used for the payment of any and all damages to persons or property which damages arise from or are caused by any act or conduct of or authorized by the applicant. No work may commence on any such installation until such performance bond, letter of credit, or cash escrow has been posted and approved by the City.

4.3 ENGINEERING AND SUBMISSION REQUIREMENTS

(amending title only)

5.1 CONSTRUCTION IMPROVEMENT PLANS AND BONDS

- 5.1.1 Purpose. The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development, and improvements required pursuant to a site development permit, are constructed in accordance with all standards of this Ordinance.
- 5.1.3 Approval. The construction plan associated with a platted subdivision shall not be submitted prior to approval of the Preliminary Plat. The construction plan shall be approved by the City Administrator within 15 days after submission and a determination of completeness of the plans unless an extension is granted by the City Administrator.
- 5.1.4 Standards for Approval. No construction plan shall be approved by the City Administrator unless the following standards have been met:
- (a) The plan substantially complies with the approved Preliminary Plat and other studies and plans, as applicable or in the case of a site development permit, the approved plans of the City Engineer; and
 - (b) The plan conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the City that are related to development of a land parcel.
- 5.1.7 Construction Procedures. A site development permit is required from the City prior to beginning any site development-related work in the City or its extraterritorial jurisdiction that affects erosion control, storm drainage, vegetation or tree removal, or a flood plain. This includes, but is not limited to, a commercial development that does not require a plat. The process for the submission and approval of a construction plan pursuant to a site development permit shall be the same as for a subdivision, as applicable, except that the plans as approved, shall incorporate all applicable conditions, changes, directions and additions imposed by the City Engineer.

11.2 EASEMENTS

- 11.2.5 For new development, to include by plat and by site development permit, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the City, for which they are being provided. Examples include, but are not limited to, the following: a water, sanitary sewer or drainage easement, which is dedicated to the City or to the LVWD for a water or sanitary sewer line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and the ESD#2 for fire suppression and emergency medical service access purposes; an electrical, gas, cable TV or telephone easement, which is dedicated to the specific utility provider that requires the easement; and so on.

17.4 STORMWATER AND DRAINAGE SYSTEMS

- 17.4.1 System Required. No subdivision shall be approved, nor shall a certificate of occupancy be issued for construction pursuant to a site development permit, which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by such methods as are approved by the City Engineer. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

ARTICLE III. AMENDMENTS TO ADDRESS REQUIREMENT PROVISIONS

Amending the following provisions:

9.6 ADDRESSES

- 9.6.1 All addresses must be approved by the City Administrator and the El Paso County 911 District prior to submission of the any plat other than a Preliminary Plat for acceptance. The City Administrator may also require approval from the El Paso Central Appraisal District and the United States Postal Service.
- 9.6.2 Each lot created must be assigned a distinct address. When the new subdivision is an extension of an existing subdivision, the address sequence shall extend into the new subdivision. New addresses shall progress sequentially along each street in increments of four, with exceptions allowed to maintain an existing sequence between two existing subdivisions or to issue addresses with smaller increments or that include lettering as well as numbering when there are not an adequate number of addresses available to progress sequentially with adding new addresses in an area with officially established addresses by a recorded plat or GIS records and there is no other reasonable alternative available. The block numbers shall follow the existing block plan for the City. Any lot that may be so configured as to have the possibility of either of two sides being a front property line, by way of being on a corner, shall have two addresses assigned. An applicant filing a plat application may be required to change previously existing addresses when that is determined to be necessary by the City Administrator to ensure that all addresses follow the numbering sequence existing in the City.
- 9.6.3 Addresses shall be assigned as follows:
- (a) New primary addresses assigned to lots on streets that run generally in an east-west direction shall be assigned an address with odd-numbered addresses assigned to the north side of the street and even-numbered addresses assigned to the south side of the street.
 - (b) New primary addresses assigned to lots on streets that run generally in a north-south direction shall be assigned an address with the odd-numbered addresses assigned to the west side of the street and even-numbered addresses assigned the east side of the street.

(c) When proposed streets create a change in direction of greater than forty-five (45) degrees but do not continue into a loop or circle, the sequencing of the addressing shall also change to accommodate the above-mentioned directional sequence. Any proposed street that continues in a loop shall be addressed starting with the closest entrance from a collector or arterial and with the required digit sequence that pertains to the beginning direction and continuing with said same sequence throughout the entirety of the street.

9.6.4 A property not requiring a subdivision shall have frontage on a dedicated public or private street before an official street address may be assigned to it, unless otherwise specifically allowed and provided for elsewhere in this Ordinance. Addresses shall not be assigned to landlocked or illegally subdivided properties.

9.6.4.1 Exception for properties used only for agricultural purposes. A property that is zoned as Agricultural under the Zoning Ordinance of the City of San Elizario or under the El Paso Mission Trail Historical Area Zoning Regulations and is used solely for agricultural purposes and does not have frontage on a dedicated public or private street, but can be legally accessed for agricultural purposes across a dedicated easement or across the property of the El Paso County Water Improvement District #1, may be assigned an address on the street fronting the legal crossing point, providing that the address can and will be posted in accordance with the requirements of this Ordinance. The application for an address under this exception shall include a copy of the easement or letter or other documentation from the El Paso County Water Improvement District #1 showing the authorized legal access.

The issuance of an agricultural purpose address pursuant to this exception does not constitute an authorized address for any other purpose for which an address is required under the City's ordinances and no one shall be permitted to obtain a building permit for construction on the property or a certification regarding compliance with plat requirements for the connection of utilities.

9.6.5 Address numbers shall be posted in a manner to be clearly visible from the street.

9.6.6 As adjacent territory is annexed into the City, the existing street names and addresses in the newly annexed areas shall be reviewed by the City Administrator and modified as necessary to eliminate duplication of street names already existing within the City, and to ensure that all addresses follow the numbering sequence existing in the City.

ARTICLE IV.

AMENDMENTS TO WASTEWATER AND SEWER REQUIREMENT PROVISIONS

Amending the following provisions:

17.1 PLAT, SITE DEVELOPMENT PERMIT, APPROVAL

No Final Plat, or site development permit for construction on previously undeveloped commercial property abutting a state highway, shall be approved for any subdivision or property within the City or its ETJ until the applicant has made adequate provision for a public water system and a public sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots, individually or collectively, within the area to be subdivided. The design and construction of the public water system and of the public sanitary sewer system to serve the subdivision shall be in conformance with the standards and regulations of the City, the LVWD and the TCSS, and shall be approved by the City Engineer. 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 DSC, and bearing the signed and dated seal of a professional engineer registered in the State of Texas and such engineering report shall be required prior to the issuance of a certificate of occupancy for construction pursuant to a site development permit on previously undeveloped property abutting a state highway.

17.2 WATER

17.2.1 Public Water Supply. Public water supply for all new subdivisions and development under a site development permit shall be connected with the appropriate publicly certified water system (*i.e.*, LVWD), shall have RPZ backflow prevention installed, and shall be capable of providing water for health and emergency purposes, including fire protection. Where the LVWD's water distribution system is not planned to be extended, all necessary water facilities shall be provided by and at the expense of the developer.

17.3 WASTEWATER

17.3.1 Wastewater System. Wastewater treatment for all new subdivisions and developments under a site development permit for construction on previously undeveloped commercial property abutting a state highway shall be served by an appropriate public wastewater collection and treatment system (*i.e.*, LVWD). The design and construction of the wastewater system improvements shall be in accordance with the standards in the City's TCSS Manual, and in accordance with TCEQ, El Paso County, and the LVWD, whichever is the most stringent requirement. The developer shall install and pay for all municipal wastewater extensions and associated facilities in accordance with all standards required by this title, the LVWD rules and regulations and all City ordinances.

17.3.4 Extensions. Extension of water and wastewater lines shall be made along the entire frontage of the subdivision, or on previously undeveloped commercial property abutting a state highway developing under a site development permit, adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, or the connections are not adjacent to the previously undeveloped commercial property abutting a state highway developing under a site development permit, the extension of water and wastewater lines shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions and developments. If new subdivisions or developments will never be constructed beyond a developing subdivision or property due to physical constraints, the City Council may waive the requirement for adjacent water and wastewater line construction at the time of Preliminary Plat approval and prior to construction of the

subdivision, and in the case of a development under a site development permit, the City Engineer may waive the requirement due to physical constraints, which may include the unavailability of a sewer line to connect to within distance from the property that is so lengthy that it becomes an unreasonable distance and physical constraint. The denial of a waiver by the City Engineer may be appealed to the City Council by filing a written request for an appeal with the City Clerk within 30 days after the date of the denial.

ARTICLE V. EFFECT OF AMENDMENTS

Except as amended herein, all provisions of Ordinance No. 1915.20 shall remain in full force and effect.

ARTICLE VI. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

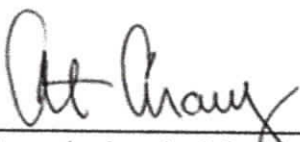
SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE VII. EFFECTIVE DATE

This Ordinance shall become effective upon passage and publication.

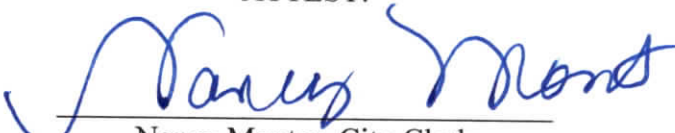
PASSED AND APPROVED this, the 17 day of November, 2020, by a vote of 5
(*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk