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| [Do we need to define engineering consultant as the person responsible for the design.](#)

Article 6 – Definitions

Chapter 19.50 – Definitions

Section 19.50.1 Usage and Interpretation

- (a) **Usage.** The following definitions are intended to provide descriptions for words and terms used within this Subdivision Ordinance. Absent any conflict, words and terms used in this Subdivision Ordinance shall have the meanings ascribed thereto in this Subdivision Ordinance.
- (b) **Conflicts.** When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Subdivision Ordinance shall control.
- (c) **Present and Past Tenses.** Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.
- (d) **Specific Word Usage.** The word shall is mandatory and not directory. The word building includes the word structure.
- (e) **Words Not Defined.** For any definition not listed in this Subdivision Ordinance of this Subdivision Ordinance, the definition found within the latest edition of Webster’s Dictionary shall be used.

Section 19.50.2 Definitions in Other Locations within the Subdivision Ordinance

- (a) For the purpose of this Subdivision Ordinance, certain terms and words are to be used and interpreted as defined within the articles, Chapters, or sections of this Subdivision Ordinance wherein they apply to certain regulations. These sections include:
 - (1) **Subdivision Ordinance, Dormant Projects**, specifically within Section 19.47.8
 - (2) **Subdivision Ordinance, Stormwater Management Requirements**, specifically within Section 19.19.1.

Section 19.50.3 Definitions

- (b) **Definitions.**

Definitions - A

- (1) **ABUTTING:** As defined in the Zoning Ordinance, also meaning “adjacent”, “adjoining” and “contiguous to”. It may also mean having a lot line in common

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with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, arroyo or open space.

- (2) **ACCESS or Accessway, public or private:** As defined in the Zoning Ordinance. A means of approaching or entering a property. Includes a right of passage to and from an adjacent street, alley, or property.
- (3) **ACCESSORY:** Being secondary or subordinate to something else.
- (4) **ACREAGE, GROSS:** As defined in the Zoning Ordinance, meaning the total area within a parcel of land.
- (5) **ACREAGE, NET:** The total area within a parcel of land, less any rights-of-way, open space or land dedicated to public use.
- (6) **ALLEY:** As defined in the Zoning Ordinance as a public way which is used primarily for vehicular access to the back or side of properties, and affords only secondary means of access to property abutting thereon.
- (7) **AMENDING PLAT:** A plat with minor changes to a recorded subdivision as itemized and authorized in Section 19.7.4 of this title.
- (8) **AMENITY:** Aesthetic or other characteristics of a development that increase its desirability visually, desirability to the City of El Paso, and/or its marketability to the public. Amenities may vary according to the type and nature of development, but examples include a naturalized retention/detention pond (refer to definition herein), a recreational facility, landscaping, or large trees.
- (9) **APARTMENT:** See *Dwelling - Multi-Family*.
- (10) **APPEAL:** A request for review of and relief from any decision applying a provision of this Code and which is authorized pursuant to the Subdivision Ordinance, Article 5.
- (11) **APPLICATION, COMPLETE:** See *Complete Application*
- (12) **AREA OF LOT:** See *Lot Size*.
- (13) **AREA REGULATIONS:** The regulations controlling minimum lot area, minimum lot depth and width, maximum building area or coverage, as well as required front, side and rear yards, as contained in this ordinance and in the Zoning Ordinance.
- (14) **ARROYO:** Dry, natural drainage courses with flat bottoms incised into semi-consolidated alluvium on valley floors and fans lying in arid, semi-arid climates and desert areas and subject to flash flooding during seasonal or irregular rainfall events.
- (15) **AS-BUILT/RECORD DRAWINGS:** A group of drawings that depicts the final configuration of the installed or constructed improvements of a development, improvements which have been verified by the contractor as their installation or construction occurs during development. The as-built or record drawings should reflect the construction plans (or working drawings) used, corrected, and/or clarified in the field. For the purposes of this Subdivision Ordinance, the terms "as-built drawing" and "record drawing" shall be interchangeable.

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- (16) **ARTERIAL THOROUGHFARE:** See *Street, Arterial*
- (17) **ASSOCIATION:** Usually a homeowners (HOA) or property owners association (POA). An incorporated non-profit organization operating under recorded land agreements through which: a) each lot owner in a planned unit or other described land area is automatically a member; b) each lot is automatically subject to a charge for a proportionate share of expenses for the organization's activities such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.

Definitions - B

- (18) **BLOCK:** An area enclosed by streets. If said word is used as a term of measurement, it shall mean the distance along a side of a street between two (2) intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest street and the end of such dead-end street.
- (19) **BLOCK LENGTH:** The distance, as measured along the street centerline, from one end of a row or group of lots to the other end. A block is determined by the streets along its boundary which surround one or more lots. Such streets shall be through streets, not cul-de-sac streets. A block adjacent to a cul-de-sac shall not be counted as a block.
- (20) **BOND:** A surety instrument in accordance with Section 19.8.4, and in an amount and form satisfactory to the City Plan Commission, the City Council or the County Commissioner's Court as applicable.
- (21) **BUILDING:** As defined in the Zoning Ordinance.
- (22) **BUILDING or BUILDABLE AREA:** As defined in the Zoning Ordinance, and further defined as an area of the building site left to be built upon after the required setbacks and easements have been provided.
- (23) **BUILDING CODE:** All regulations adopted under _____ of the El Paso Code of Ordinances. *{Editor's Note: City staff, please fill in reference.}*
- (24) **BUILDING LINE:** A line parallel or approximately parallel to the street line at a specified distance from there, marking the minimum distance from the street line that a building may be erected.
- (25) **BUILDING OFFICIAL:** The Deputy Director for Building Services, ~~the~~ That individual that is the head of the Building Inspection Department and who ensures compliance with the Building Code of the City of El Paso, Texas, and with any applicable regulations within this Subdivision Ordinance. This definition also includes any designee of the Building Official.
- (26) **BUILDING PERMIT:** An instrument in writing signed by the Building Official or other designated responsible official authorizing described construction on a particular lot.

- (27) **CENTERLINE, STREETS OR ALLEYS:** An imaginary line erected midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline is to be determined by the City Engineer.
- (28) **CERTIFICATE OF OCCUPANCY:** A written instrument executed by the Building Official authorizing a described use of a lot or building as set forth in the Building Code and in this Subdivision Ordinance
- (29) **CERTIFY:** *Whenever it is required that an agent or official attest to the existence of some fact or circumstance, the City by administrative rule may require that such declaration be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the declaration.*
- (30) **CITY:** The City of El Paso, Texas.
- (31) **CITY COUNCIL:** The elected body that governs the City of El Paso under state law and is authorized to adopt ordinances. They also are responsible for the acceptance and maintenance of any offered dedications indicated on a plat by entry use or improvement within the City Limits.
- (32) **CITY ENGINEER:** The El Paso City Engineer, also known as the Deputy Director of Development Services over the Engineering Services Division or an authorized representative. The Engineer designated by the City Manager or the City Engineer's authorized representative, to furnish engineering assistance, approval of construction drawings, inspection and acceptance of public improvements in the administration of this title.
- (33) **CITY MANAGER:** That person holding the office of City Manager under the terms of the El Paso Charter, or an authorized representative.
- (34) **CITY PLAN COMMISSION:** The appointed board also known as the Planning and Zoning Commission under state law which is responsible for subdivision approval within the Corporate Limits of El Paso and within the Extraterritorial Jurisdiction (ETJ)
- (35) **CITY PLANNER:** See *Director of Planning*.
- (36) **CITY SECRETARY:** That person holding the office of City Secretary under the terms of the El Paso Charter, or an authorized representative.
- (37) **CITY STANDARDS:** 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 Subdivision Ordinance are adopted by reference and are a part of this Subdivision Ordinance in the same way as if they were set out at length herein. See also the *City of El Paso Standard Specifications for Construction (SSC)*.
- (38) **CLEARING:** The removal of surface vegetation without modifying, impacting, or improving the drainage pattern(s).

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- (39) **CLUSTER DEVELOPMENT:** A method of development for land that permits variation in lot sizes without an increase in the overall density of population or development.
- (40) **CODE:** The adopted code of ordinances of the City of El Paso, titled The El Paso Municipal Code.
- (41) **COLLECTOR STREET:** See *Street, Collector*.
- (42) **COMMENCE(ING) CONSTRUCTION:** The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction or development.
- (43) **COMMERCIAL USE:** As defined in the Zoning Ordinance
- (44) **COMMERCIAL UNIT DEVELOPMENT:** As defined in the Zoning Ordinance.
- (45) **COMMISSION:** See *City Plan Commission*.
- (46) **COMMON OPEN SPACE:** A parcel or parcels of land, or an area of water in combination with land, within a site designed and intended for the use and enjoyment of residents and owners belonging to an association as defined herein. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners belonging to an association. Also may be referred to as *Common Area*. Also see the Zoning Ordinance
- (47) **COMPATIBILITY:** The characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict.
- (48) **COMPLETE APPLICATION:** An application that meets the standards of the Subdivision Ordinance and has been deemed complete by the City in accordance with Section 19.37.2 of the Subdivision Ordinance and the Texas Local Government Code, Chapter 245, or successor statute.
- (49) **COMPREHENSIVE PLAN:** The official El Paso Comprehensive Plan titled "The Plan for El Paso" as defined in the Zoning Ordinance.
- (50) **CONCEPT PLAN:** A component of the regulations for a Planned Development District that complies with the requirements of the Zoning Ordinance and the Subdivision Ordinance that illustrates elements of the proposed Planned Development District, such as the location and arrangement of uses, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development.
- (51) **CONSTRUCTION:** With respect to a building, construction is the assembly of materials into a structure, or the rehabilitation or replacement of a structure which has been damaged, altered or removed or which is proposed to be altered or removed to an extent exceeding fifty percent (50%) of the area of the structure at the time of the damage, alteration or removal. For the purposes of this definition, *construction* includes the installation of a parking lot.

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- (52) **CONSTRUCTION PLANS:** The drawings and technical specifications that conform to this Subdivision Ordinance and all other applicable ordinances of the City of El Paso. Construction plans, including bid documents and contract conditions, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development. See also *Plans, Subdivision Improvement*.
- (53) **CORNER LOT:** See *Lot, Corner*.
- (54) **COUNCIL:** See *City Council*.
- (55) **COUNTY:** The County of El Paso, Texas
- (56) **COVENANT, RESTRICTIVE:** *A restriction on the use of land usually set forth or referred to in the deed. Such covenants shall run with the land and are binding upon subsequent owners of the property.*
- (57) **CUL-DE-SAC:** A local street having one (1) inlet/outlet to another street and terminated on the opposite end by a vehicular turnaround.

Definitions - D

- (58) **DEED RESTRICTION:** See *Covenant, Restrictive*
- (59) **DENSITY:** As defined in the Zoning Ordinance.
- (60) **DEPTH OF LOT:** See *Lot Depth*.
- (61) **DETENTION POND:** A manmade or natural reservoir, either public or private, designed to restrict the flow of storm water 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 Standard Specifications for Construction (SSC)*.
- (62) **DEVELOPER:** An individual, partnership, corporation or governmental entity undertaking the division or improvement of land and other activities covered by this Subdivision Ordinance, including the preparation of a plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider."
- (63) **DEVELOPMENT:** Initiation of any activities related to the platting of land or construction of buildings or structures, the construction of impervious surfaces (e.g., parking lots), the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including without limitation removal of vegetation, grading, clearing, filling, or removal of soil.
- (64) **DEVELOPMENT AGREEMENT:** *An agreement between the City and a property owner through which the City agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the property owner in excess of those required under current ordinance.*

Article 6: Definitions

- (65) **DEVELOPMENT APPLICATION:** Either a petition for a legislative decision, such as a zoning amendment, or an application for a development permit, such as a plat
- (66) **DEVELOPMENT, INFILL:** *A new development on scattered or aggregated vacant parcels of land in a built up area.*
- (67) **DEVELOPMENT PERMIT:** A decision by the Commission, Board or responsible official designated by this Subdivision Ordinance, acting in an administrative or quasi-judicial capacity, that authorizes the holder of the permit to undertake one or more development activities or to file further applications needed to initiate or continue development activities authorized under the Subdivision Ordinance. The filing of a complete application for a development permit may or may not stay the City from adopting new standards applicable to the permit or any subordinate permit, depending on the nature of the standards.
- (68) **DEVELOPMENT PLAN:** A plan submitted for the purpose of implementing an integrated development scheme for all phases of a proposed development, and to foster general consensus regarding compliance with this Title. (Formerly known and referred to as the "concept plan" or "land study") For the purpose of vesting, a development plan must meet all requirements of this ordinance and of state statute. {Editor note: This is a preliminary definition. The attorney is working on clarifying it with recent information on the vesting statute}
- (69) **DEVELOPMENT REVIEW COMMITTEE:** Also known as the "DRC." The committee of the City comprised of representatives of City departments and other agencies which are responsible for recommending implementation of subdivision ordinance requirements.
- (70) **DEVELOPMENT STANDARDS:** All regulations, design standards, requirements and restrictions that apply to a development.
- (71) **DIRECTOR:** The Director of the Development Services Department of the City of El Paso, Texas, or his/her authorized designee.
- (72) **DIRECTOR OF PLANNING:** The Deputy Director of the Department of Development Services, Planning Division, or an authorized designee, appointed by the City Manager to coordinate the subdivision review process, gather all staff comments and recommendations and convey such recommendations to the City Plan Commission and City Council. The Director of Planning is also authorized under this ordinance to approve certain plats.
- (73) **DRIVEWAY:** An entranceway serving primarily vehicles that allows for access to a lot or facility, and is intended for vehicular movements between the roadway and any portion outside the street right-of-way.
- (74) **DWELLING - MULTIPLE-FAMILY (APARTMENT):** As defined in the Zoning Ordinance
- (75) **DWELLING - SINGLE-FAMILY:** As defined in the Zoning Ordinance
- (76) **DWELLING - SINGLE-FAMILY DETACHED:** As defined in the Zoning Ordinance
- (77) **DWELLING - TOWN HOME:** As defined in the Zoning Ordinance

Definitions - E

- (78) **EASEMENT PRIVATE:** *A right-of-way granted for the limited use of private land where general use and maintenance of such right-of-way is governed by an agreement which runs with the land. For the purposes of a commercial unit development, a private easement is unseverable therefrom, and is recorded with the Office of the County Clerk. A private easement may include certain improved portions of private land which are intended for the general use, enjoyment, convenience and benefit of all signatories, owners and lessees, and their permittees, including to but not limited to, parking areas an spaces, roadways (including roads or lateral access drives), driveways, entrances to dedicated public or private streets, sidewalks, landscaped areas, and truck loading or delivery areas.*
- (79) **EASEMENT PUBLIC:** *An easement dedicated by subdivision plat or metes and bounds to and for use by the public, and which is included within the dimensions or area of lots or parcels.*
- (80) **EL PASO WATER UTILITIES (EPWU):** The Public Service Board established May 22, 1952 by City ordinance 752 to completely manage and operate the water and wastewater system for the City of El Paso.
- (81) **ENFORCING OFFICER:** The designated official of the City of El Paso or his designated representative that ensures that regulations are adhered to and standards required are met.
- (82) **ENGINEER:** A person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas. (Also known as "Engineer", "Professional Engineer", "Registered Engineer", "Registered Professional Engineer", or "Licensed Engineer")
- (83) **ENGINEER, CITY:** See *City Engineer*.
- (84) **ENVIRONMENTAL PROTECTION AGENCY (EPA):** The U.S. Environmental Protection Agency, or, where appropriate, the administrator or other duly authorized official of that agency.
- (85) **ERECT:** To construct, reconstruct, install or build.
- (86) **EROSION:** *The wearing away of land surface by detachment and transport of soils by water and wind.*
- (87) **ETJ:** See *Extraterritorial Jurisdiction* .
- (88) **EXCAVATION:** Any digging, trenching, scraping or other activity that disturbs natural soil or rock to a depth of two feet (2') or more, other than soil disturbance incidental to the removal of trees or vegetation.
- (89) **EXCEPTION:** A grant of relief to a person from the requirements of this Ordinance under certain conditions when specific enforcement would result in unnecessary hardship. An exception, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance. Also, see *Waiver*.

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- (90) **EXEMPTION:** A specified reason why a particular development is not subject to the requirements to plat or to a specific provision of this ordinance.
- (91) **EXTRATERRITORIAL JURISDICTION (ETJ):** The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City of El Paso, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance of five (5) miles as stipulated in Chapter 42 of the Texas Local Government Code in accordance with the population of the City of El Paso, and in which area the City may enjoin violation of certain provisions of this Subdivision Ordinance.

Definitions - F

- (92) **FAMILY:** as defined in the Zoning Ordinance
- (93) **FARM, AGRICULTURAL:** ☒ An area used for the production thereon of farm crops such as vegetables, fruit trees, cotton, or grain, and the storage of such crops.
- (94) **FARM, RANCHING AND LIVESTOCK:** ☒ An area used for the raising thereon of the usual farm animals such as horses, chickens, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.
- (95) **FILING:** The process by which a person desiring approval of a subdivision makes application to the Director of Planning or their designee, which application meets all of the plat submission requirements.
- (96) **FILING, PLAT:** See *Recording*
- (97) **FINAL PLAT:** The plat of a subdivision for which platting is required which, when authorized, submitted and approved as regulated by this Subdivision Ordinance, Chapter 19.4, will be recorded in the official public records. Such plat is a final plat submitted under state statute and is subject to the 30 day approval limitation.
- (98) **FREEWAY:** See *Street, Freeway*.
- (99) **FRONTAGE, LOT:** As defined in the Zoning Ordinance
- (100) **FRONTAGE, STREET:** As defined in the Zoning Ordinance

Definitions - G

- (101) **GRADE:** The horizontal elevation of any surface specified in percentage terms.
- (102) **GRADE, BUILDING:** The average elevation of the highest and lowest elevation measured at the finished surface of the ground at any of the exterior corners of the building or structure.

Article 6: Definitions

- (103) **GRADING:** Any excavating or filling or combination thereof, including a) the conditions resulting from any excavation or fill, or b) any alteration of the natural drainage pattern, or c) the removal or rearrangement of surface soil.
- (104) **GROUND COVER:** A spreading plant, including sods and grasses less than 18 inches in height, used mainly for erosion control. *{Editor's Note: This definition will be correlated to any new landscaping requirements that result from new drainage and erosion control policies.}*

Definitions - H

(None included.)

Definitions - I

- (105) **IMPERVIOUS COVER:** See *Coverage*.
- (106) **IMPROVED LOT OR TRACT:** A lot or tract that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure or improvement
- (107) **IMPROVEMENT:** *Any man-made fixed item which becomes part of or placed upon real property.*
- (108) **IMPROVEMENT, PUBLIC:** *Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City may ultimately assume the responsibility for maintenance and operation or ownership, or both.*
- (109) **IMPROVEMENT, TEMPORARY:** *Improvements built and maintained by a subdivider during construction of the subdivision and removed prior to the acceptance of the improvements for maintenance or the release of any bond required if they are located within the subdivision. Temporary improvements built outside of the subdivision shall be removed when they are no longer necessary as approved by the City Engineer.*
- (110) **INTERESTED PERSON:** *A person who is impacted by a final decision of the City to the extent that such impact exceeds the impact of the decision on a member of the general public. An interested person may include any officer or agency of the City.*
- (111) **INTERSECTION:** *The junction of any two public rights-of-way crossing at grade.*

Definitions - J

(None included.)

Definitions - K

(None included.)

Definitions - L

- (112) **LANDLOCK:** *To prevent access to a lot or parcel of land which has no other legal surface access to a public street.*
- (113) **LANDSCAPING:** An area devoted to and maintained predominantly with living plant material including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements. Also may be referred to as *Landscaped Area*.
- (114) **LOT:** An undivided tract or parcel of land shown and designated with a tract or lot number on a duly recorded subdivision or development plat. A lot is or may be offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract, lot number, or symbol in a duly approved plat that has been properly filed of record. *Such land is occupied or intended to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas as are required by as the Zoning Ordinance, and having frontage on a public accessway either shown on a plat of record or described by metes and bounds. Provided, however, that access may be provided through a private easement in a commercial unit development as provided in Section 19.04.145 of the municipal code.*
- (115) **LOT AREA:** The square foot area or the acreage of a lot within the bounding property lines and exclusive of dedicated streets and alleys, but may include easements.
- (116) **LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection(s), as defined in the Zoning Ordinance.
- (117) **LOT COVERAGE:** See *Coverage*.
- (118) **LOT DEPTH** - As defined in the Zoning Ordinance
- (119) **LOT, DOUBLE FRONTAGE:** As defined in the Zoning Ordinance
- (120) **LOT, FLAG-SHAPED OR PANHANDLE:** An irregularly shaped lot that takes its sole access via a long, narrow strip of land connecting the principal building site to a public street.
- (121) **LOT, INTERIOR:** As defined in the Zoning Ordinance
- (122) **LOT, KEY OR KEYED:** Any lot having an essentially trapezoidal shape, with a rear boundary greater in width than the front boundary and located on a street curve having a centerline radius less than two hundred and fifty feet (250').
- (123) **LOT LINE:** A property (ownership) boundary of a lot, as defined herein.

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- (124) **LOT OF RECORD:** Means a lot shown upon a plan of subdivision or upon a plat attached or referred to in a deed described by metes and bounds in a deed recorded with the county clerk prior to the date of passage of the ordinance codified herein. *{Editor's note: this is the definition in the zoning ordinance and needs to be better coordinated as to what is required of a lot of record either in subdivision or zoning. Also, the date should be the date of the adoption of the first subdivision ordinance, probably in the 60's}*
- (125) **LOT, SUBSTANDARD:** *A lot that has less than the minimum area or minimum dimensions required in this Title or in the zoning district in which it is located.*
- (126) **LOT WIDTH:** As defined in the Zoning Ordinance.
- (127) **LOT LINE, ZERO:** As defined in the Zoning Ordinance.

Definitions - M

- (128) **MANUFACTURED HOME:** As defined in the Zoning Ordinance See *Dwelling – Manufactured Home (HUD-Code)*.
- (129) **MANUFACTURED/MOBILE HOME PARK:** As defined in the Zoning Ordinance.
- (130) **MANUFACTURED/MOBILE HOME SUBDIVISION:** A tract of land, laid out in accordance with this Subdivision Ordinance of the City of El Paso, intended for the specific purpose of providing individual lots for the placement of manufactured/mobile homes.
- (131) **MASTER PLAT:** The initial plat for a subdivision to be developed in phases that delineates the sequence and timing of development within the proposed subdivision, and that is reviewed and decided under Chapter 19.2 of this Subdivision Ordinance. Such plat is just a preliminary review document and not the final plat submitted under state statute and is not subject to the 30 day approval limitation.
- (132) **MEDIAN:** *A strip that separates the opposing flows of traffic on a street, with level or depressed areas within the median.*
- (133) **MEDIAN, FLUSH:** *A median which is level with the surface of the street and created by using header curbing, striping or other approved material.*
- (134) **MEDIAN, RAISED:** *A median which is created by using standard curbing.*
- (135) **METES AND BOUNDS:** *A method of describing the boundaries of land by directions and distances from a known point of reference.*
- (136) **MINOR PLAT:** A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Chapter 19.6 of this Subdivision Ordinance. Such plat is considered the final plat submitted under state statute and is subject to the 30 day approval limitation.
- (137) **MOBILE HOME:** As defined in the Zoning Ordinance
- (138) **MODIFICATION:** *Need Definition*

Definitions - N

- (139) **NEIGHBORHOOD:** *An area of a community with characteristics that distinguish it from other areas and that may include distinct characteristics such as housing and building types, schools or boundaries defined by physical barriers.*
- (140) **NONCONFORMING LOT:** As defined in the Zoning Ordinance and also defined as any platted lot that does not conform to the regulations of this Code.

Definitions - O

- (141) **OCCUPANCY:** Any utilization of real property.
- (142) **OFFICIAL FILING DATE:** The date an applicant delivers the application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City with all required fees and documents as stated on the application form, as described by Section 19.37.4 of this Subdivision Ordinance. The official filing date is also subject to complete application provisions within this Subdivision Ordinance; see the definition of Complete Application as well as requirements within Section 19.37.2 of this Subdivision Ordinance.
- (143) **OFF-SITE:** *Any premises not located within the area of the property to be subdivided, whether or not in common ownership with the applicant for subdivision approval.*
- (144) **OPEN SPACE:** As defined in the Zoning Ordinance.
- (145) **OPEN SPACE, PRIVATE:** As defined in the Zoning Ordinance.
- (146) **OPEN SPACE, PUBLIC:** As defined in the Zoning Ordinance.
- (147) **OPEN SPACE RATIO/PERCENTAGE:** The square foot amount of open space for each square foot of floor area within lot boundaries. This may be expressed as a percentage of open space within lot boundaries.

Definitions - P

- (148) **PARCEL:** *A contiguous tract of land owned by or recorded as the property of the same person(s) or controlled by a single entity.*
- (149) **PARK AND/OR PLAYGROUND:** A publicly or privately operated recreation facility, including any land area, which is designed to serve the recreation needs of El Paso citizens. Such park or playground may be private, used for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public. Such park or playground may be public, used by the general public without membership or affiliation.
- (150) **PARK ZONE:** *The residential areas surrounding a proposed or existing park or other recreational facility that can reasonably derive benefit from that park or other recreational facility pursuant to the El Paso Comprehensive Park and Open Space Plan?????. The City has divided its Corporate Limits into one (1) square mile park zones which shall be used for acquisition or development of parkland or*

Article 6: Definitions

other recreational facilities; where credit may be applied as part of an off-site dedication of parkland or other recreational facilities; or where bonus reductions for recreational improvements to parkland or other recreational facilities may be given. (Editor's note: This may need to be revised with the new plan and standards?????)

- (151) **PARKING AREA:** As defined in the Zoning Ordinance.
- (152) **PARKING SPACE:** As defined in the Zoning Ordinance.
- (153) **PARKWAY:** As defined in the Zoning Ordinance.
- (154) **PEDESTRIAN WAY:** *A specifically designated place, means, or way by which pedestrians shall be provided safe, adequate and usable circulation through the interior of a property or development and outside any portion of an accessway*
- (155) **PERMIT:** *The written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such permission*
- (156) **PERMIT, BORROW OR WASTE:** *As defined and governed in Title 18, Grading, of the El Paso Municipal Code.*
- (157) **PERMIT, CLEARING AND ACCESS:** *As defined and governed in Title 18, Grading, of the El Paso Municipal Code.*
- (158) **PERMIT, FINAL GRADING:** *As defined and governed in Title 18, Grading, of the El Paso Municipal Code.*
- (159) **PERMIT, PREFINAL GRADING:** *As defined and governed in Title 18, Grading, of the El Paso Municipal Code.*
- (160) **PERMIT, SITE PREPARATION:** *Any permit or series of permits issued under Title 18 and/or this Subdivision Ordinance, that authorizes site preparatory activities other than construction or placement of a structure on the land under one or more site plans and that, upon approval, authorizes the property owner to apply for a construction permit.*
- (161) **PERSON:** *A human being, his heirs, executors, administrators, or assigns and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.*
- (162) **PETITION FOR RELIEF FROM DEDICATION OR CONSTRUCTION REQUIREMENT:** *A request for relief from a requirement imposed under this Subdivision Ordinance to dedicate or construct a public improvement based on constitutional standards, and that is reviewed and decided under this Subdivision Ordinance, Chapter 19.46.*
- (163) **PLANNED DEVELOPMENT (PD) DISTRICT:** *As defined in the Zoning Ordinance. A land development project comprehensively planned which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features. Such district adheres to the standards as defined in the Zoning Ordinance*
- (164) **PLANNING DIRECTOR:** *See Director of Planning.*

Article 6: Definitions

- (165) **PLAN, DRAINAGE SHED CONTROL:** *_A conceptual plan for the development of storm water infrastructure as provide for in Chapter 19.19 of this Title.*
- (166) **PLAN, MASTER GRADING:** *A conceptual plan which shows the proposed phased grading and its effect on adjacent properties.*
- (167) **PLAN, TEMPORARY AND PERMANENT EROSION CONTROL:** *A plan which shows erosion control measures proposed for the period before and after improvements are completed*
- (168) **PLANS, SUBDIVISION IMPROVEMENT:** *The plans required by the City for the construction and installation of public improvements necessary to provide required services for proper development; including, but not limited to plans for grading, drainage facilities, water and sewer, open space, parks or other recreational space, streets and illumination of streets. See also Construction Plans.*
- (169) **PLAT:** *A map, drawing, chart or plan showing the exact layout and proposed construction of a proposed development into one or more lots, blocks, streets, parks, school sites, commercial or industrial sites, easements, alleys and/or any other elements as required by this Subdivision Ordinance and which a subdivider shall submit for approval in accordance with this Subdivision Ordinance.*
- (170) **PLAT, AMENDING:** *See Amending Plat.*
- (171) **PLAT, FINAL:** *See Final Plat.*
- (172) **PLAT, PRELIMINARY:** *See Preliminary Plat.*
- (173) **PLAT, MASTER:** *See Master Plat.*
- (174) **PLAT, MINOR:** *_See Minor Plat*
- (175) **PLAT, SKETCH:** *An informal conceptual map of a proposed subdivision of sufficient detail to be used for the purpose of discussion and classification. Such plat is just a preliminary review document and not the final plat submitted under state statute and is not subject to the 30 day approval limitation.*
- (176) **PLAT, VACATED:** *A subdivision which is vacated through the procedures described in this Title and is made legally void.*
- (177) **POND, DRAINAGE RETENTION/DETENTION:** *See Retention Pond and Detention Pond.*
- (178) **POND, AMENITIZED DETENTION/RETENTION:** *An area that is designed to capture, store and release stormwater and that is designed as a site amenity by being aesthetically pleasing, by providing recreational or aesthetic value, and by being constructed to seem natural (i.e., without visible concrete). Such areas have a natural edge and are designed to resemble a naturally created lake or pond. Also refer to the definition of *Amenity* above.*
- (179) **PONDING, ON-SITE:** *The process of containing surface water runoff within individual lots.*
- (180) **PRELIMINARY PLAT:** *A plat that illustrates and thereby assures the general layout of a proposed subdivision, the adequacy of public facilities needed to serve*

Article 6: Definitions

the proposed subdivision, and the overall compliance of the applicable requirements of the Subdivision Ordinance and that is reviewed and decided prior to approval of a Final Plat. This type of plat is authorized under Chapter 19.3 of the Subdivision Ordinance. Such plat is just a preliminary review document and not the final plat submitted under state statute and is not subject to the 30 day approval limitation.

- (181) **PROPERTY LINE:** As defined in the Zoning Ordinance.
- (182) **PROPERTY OWNER:** The person(s) with legal title to the property, whether or not the person is in possession of the property.
- (183) **PUBLIC RIGHT-OF-WAY:** See *Right-of-way, Public*.
- (184) **PUBLIC UTILITY:** As defined in the Zoning Ordinance.
- (185) **PUBLIC UTILITY FACILITY:** As defined in the Zoning Ordinance.
- (186) **PUBLIC UTILITY SERVICE:** As defined in the Zoning Ordinance.

Definitions - Q

(None included.)

Definitions - R

- (187) **RECORD DRAWINGS:** See *As-Built/Record Drawings*.
- (188) **RECORDED PLAT:** A plat that has been finally approved by the City and that has been filed with the applicable County after meeting all City requirements for recordation under the Subdivision Ordinance.
- (189) **RECORDING:** *The act of processing a subdivision plat, which has been approved by the City as required by this Title, as an official record in the Deeds and Records Section of the Office of the County Clerk.*
- (190) **REMAINDER TRACT:** Land that is part of a larger parcel that is not subject to a subdivision plat affecting the parcel.
- (191) **REPLAT:** *To resubdivide all or any part of a recorded subdivision, that is beyond the definition of an amending subdivision and which does not require the vacation of the entire preceding plat.*
- (192) **RESUBDIVISION:** See *Replat*.
- (193) **RESIDENTIAL USE:** A dwelling unit or group of dwelling units; includes dwelling units within the upper story or stories of a building wherein other parts of the building are used for a nonresidential purpose or purposes, such as a retail establishment or office.

Article 6: Definitions

- (194) **RESPONSIBLE OFFICIAL:** The City staff person who has been designated to accept a type of development application for filing, to review and make recommendations concerning such applications, and where authorized, to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to such development applications. Also includes any designee of the designated City staff person.
- (195) **RETENTION POND:** A manmade or natural reservoir, either public or private, designed to completely retain a specified amount of storm water runoff without gravity release. Further defined within the *City of El Paso Standard Specifications for Construction (SSC)*.
- (196) **RIGHT-OF-WAY, PUBLIC:** *An easement dedicated by subdivision plat or metes and bounds to and for use by the public and which right-of-way is separate and distinct from the lots and parcel abutting such right-of-way and not included within the dimensions or areas of such lots or parcels.*
- (197) **ROADWAY:** *The paved area of a street between the face of the curb lines including the driving and parking lanes which is provided for the movement of vehicles.*
- (198) **ROADWAY, CENTERLINE:** *See Centerline.*
- (199) **ROUTE, ACCESSIBLE:** *A continuous unobstructed path connecting all accessible elements and spaces of a building, facility or site:*

Definitions - S

- (200) **SCREENING:** As defined in the Zoning Ordinance.
- (201) **SCREENING WALL:** A solid vertical barrier constructed of masonry materials that is intended to separate and limit visibility between that which is on either side of the barrier, for example adjacent land uses or particular site elements.
- (202) **SETBACK LINE:** As defined in the Zoning Ordinance.
- (203) **SEWAGE:** *See Wastewater.*
- (204) **SHOPPING CENTER:** As defined in the Zoning Ordinance and further defined as a commercial development such as a strip center, mall, or multi-tenant retail building, in which two (2) or more separate retail businesses occupy a single or multiple structures which share on-site parking and common driveways.
- (205) **SIDEWALK:** *A hard surface area other than a roadway, used for the movement of pedestrians.*
- (206) **SITE:** A tract of property that is the subject of a development application.
- (207) **SITE DEVELOPMENT PLAN:** The final step of the development process within a PD district, if required by the ordinance adopting the PD as defined in the Zoning Ordinance.

- (208) **SITE PLAN:** A scaled and detailed drawing that conforms to the requirements of this Subdivision Ordinance, and that shows the roads, parking, footprints of all buildings, existing trees, proposed landscaping, parkland, open space, grading and drainage, and similar features needed to verify compliance with the City's approved Comprehensive Plan and development standards. {Editor's note: Need to coordinate with "Site Development Plan, Detailed (DSD)" contained in the new zoning ordinance????}
- (209) **SITE PREPARATION PERMIT:** See *Permit, Site Preparation*.
- (210) **SPECIAL PERMIT USE (SUP):** As defined in the Zoning Ordinance
- (211) **STANDARD SPECIFICATIONS FOR CONSTRUCTION, EL PASO (SSC):** The detailed specifications, procedures and standards approved administratively by the City Council for the purpose of regulating the design and construction of specified improvements. The El Paso Standard Specifications for Construction are incorporated by reference to this Title and are found in the office of the City Engineer or on the web. Appendix A.
- (212) **STORMWATER:** 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.
- (213) **STORMWATER MANAGEMENT:** *The control or management of stormwater to minimize the detrimental effects of surface water runoff.*
- (214) **STREET:** The entire width between property lines when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic. This definition shall include public as well as private streets. An "Alley" is not considered to be a street, and is separately defined herein.
- a. Street, Arterial. A street designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets, as indicated by the El Paso Comprehensive Plan or any individual element thereof.
 - b. Street, Collector. A street designed to collect traffic from local streets (i.e., subcollector and minor) and connect with arterial streets and freeways, as indicated by the El Paso Comprehensive Plan or any individual element thereof.
 - c. Street, Freeway. A street designed to accommodate cross-country and/or limited cross-city traffic movement, with partial control of access and possible grade separation at major intersections, as indicated by the El Paso Comprehensive Plan or any individual element thereof.
 - d. Street, Minor. A street designed exclusively to provide direct access to abutting property and discourage through traffic.
 - e. Street, Subcollector. A street designed, generally, to accommodate traffic movement from minor streets to higher classifications of streets as well as provide direct access to activity on abutting lots. Specifically, a subcollector is any street or portion thereof designed exclusively to provide direct access to property within nonresidential zoning districts, any street or portion thereof providing the shortest direct route to a collector street for twenty-five (25) or more dwelling units, or any street

Article 6: Definitions

segment extending without offset and connecting two or more collector streets.

- (215) **STREET CENTERLINE:** See *Centerline*.
- (216) **STREET, PRIVATE:** As defined in the Zoning Ordinance
- (217) **STREET, PUBLIC:** As defined in the Zoning Ordinance. *These two street definitions probably make more sense in the subdivision ordinance, but until they are moved, we will reference them this way}*
- (218) **STREET, STUB:** *A street that has been designed to allow for the future extension of the street through subsequent subdivisions.*
- (219) **STREET, SUBSTANDARD:** *An existing street that does not meet the current minimum street standards of the City.*
- (220) **STRUCTURE:** As defined in the Zoning Ordinance.
- (221) **SUBDIVIDE:** When the owner of a tract of land within the limits or in the extraterritorial jurisdiction of a municipality divides the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or the for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. A division of a tract under this definition includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey or by using any other method.
- a. This does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.
 - b. This does include the assembly of two (2) or more tracts of land into one (1) tract or lot. *{Editor's note: This is optional but otherwise needs wording to allow building over lot lines}*
 - c. It also includes the following changes to a recorded plat:
 1. A resubdivision of all or part of the subdivision;
 2. Any change of lot size or lot lines; or
 3. The relocation of any street.

Utility Issue: need to be allowed to get early release, and

{Editor's note: This needs to be carefully reviewed, especially by the legal parties. The existing El Paso subdivision ordinance definition has a number of loopholes and this is much tougher. It paraphrases Chapter 212.010 of the Texas Government code. The existing El Paso ordinance gives exemptions to the City, County and Public Utilities (why?); to commercial and industrial properties in a commercial unit development (use a minor plat or replat); to "any division of previously platted lots " (violation of state replatting laws); and to any division of property by will or intestacy (still should

plat prior to development, otherwise City will have to buy ROW later) Need to review actual statute to make sure this definition follows it}

- (222) **SUBDIVIDER:** Any person or any agent of the person, who either directly or indirectly, divides or proposes to divide land, so as to constitute a subdivision, as that term is defined in this section. In any event, the term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of the owner or equitable owner of land to be subdivided.
- (223) **SUBDIVISION:** Pertaining to land for which a plat has been recorded, *subdivision* means an area of subdivided lots; pertaining to the act of subdividing land, see the definition of *Subdivide* herein.
- (224) **SUBDIVISION IMPROVEMENT DESIGN STANDARDS:** See *Standard Specifications for Construction, EL Paso (SSC)*
- (225) **SUBDIVISION IMPROVEMENT PLANS:** See *Plans, Subdivision improvement.*
- (226) **SURVEYOR:** A registered professional land surveyor, as licensed by the State of Texas.

Definitions - T

- (227) **TCEQ:** The acronym for the Texas Commission on Environmental Quality.
- (228) **THOROUGHFARE, MAJOR:** See *Street, Arterial.*
- (229) **THOROUGHFARE PLAN:** The Thoroughfare Plan Element of the Comprehensive Plan including the "2025 Thoroughfare System Map" as amended, and all other adopted thoroughfare plans of the City of El Paso.
- (230) **TRAFFIC, AVERAGE DAILY (ADT):** *The average number of vehicles that pass a specified point during a twenty-four (24) hour period.*
- (231) **TRAFFIC IMPACT ANALYSIS OR STUDY (TIA):** *A report analyzing current and future traffic movements with and without a subdivision's impact and which includes an analysis of mitigation measures.*
- (232) **TXDOT:** The acronym for the Texas Department of Transportation.

Definitions - U

- (233) **USABLE OPEN SPACE:** An open area or recreational facility that is designed and intended to be used for outdoor, active or passive, recreation purposes. An area of usable open space has a slope that does not exceed ten percent (10%), and no dimension of less than ten feet (10'). An area of usable open space may also include landscaping elements (e.g., trees, ground cover), trails, recreational facilities, water features and decorative objects such as art or fountains.

Article 6: Definitions

- (234) **UTILITY:** A business that provides an essential commodity or service, such as electric, gas transmission, and local telephone, and that is generally under government regulations.
- (235) **UTILITY MANAGER:** The person authorized by the Public Service Board of El Paso Water Utilities or their designated representative, to furnish engineering assistance, approval of utility construction drawings, inspection and acceptance of water and wastewater improvements in the administration of this title.
- (236) **UTILITY, PUBLIC:** As defined in the Zoning Ordinance.

Definitions - V

- (237) **VARIANCE:** For the purposes of this ordinance, a variance is a procedure defined under the replatting standards contained in Chapter 212 of the Texas Local Government Code.
- (238) **VESTED RIGHTS PETITION:** A request for relief from one or more standards of this Subdivision Ordinance based on an assertion that the petitioner has acquired a vested right requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this Subdivision Ordinance. Such petition is regulated under this Subdivision Ordinance, Chapter 19.47.
- (239) **VIOLATION:** The failure of a development to fully comply with this article.

Definitions - W

- (240) **WAIVER:** Authorization to deviate from or vary one or more standards applicable to a development application; such authorization is applied for, reviewed, and decided under Subdivision Ordinance, Chapter 19.48. Also, see *Exception*.
- (241) **WASTEWATER:** *Water which has been used for domestic, commercial or industrial purposes and has acquired contaminants which must be removed by wastewater treatment processes prior to release in the environment or reuse as treated wastewater or effluent.*
- (242) **WASTEWATER DISPOSAL SYSTEM, ON SITE:** *One or more systems of treatment devices and disposal facilities that are used only for disposal of wastewater produced on the site where the system is located.*
- (243) **WASTEWATER FACILITIES:** *The devices and systems which transport domestic wastewater from any property, treat the wastewater, or dispose of the treated wastewater in accordance with the minimum state standards.*
- (244) **WASTEWATER FACILITY, ON-SITE (OSSF):** *An on-site sewage disposal system.*
- (245) **WASTEWATER SYSTEM, PUBLIC:** *A facility owned and operated by a legal entity created under the State of Texas, with authority and responsibility to construct, operate and maintain a wastewater disposal system.*
- (246) **WATER DEPARTMENT:** *El Paso Water Utilities*

Article 6: Definitions

- (247) **WATER, DRINKING OR POTABLE:** *All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in preparation of foods or beverages, or for the cleaning of any utensil or article used in the course of preparation or consumption of food for human beings.*
- (248) **WATER SYSTEM, NONPUBLIC:** *Any water system supplying potable water which is not a public water system.*
- (249) **WATER SYSTEM, PUBLIC:** *A facility owned and operated by a legal entity created under the laws of the State of Texas, with authority and responsibility to construct, operate and maintain a potable water system. The system must provide piped water for human consumption and for all uses described under the definition for drinking water to the public. Such system must have a potential for at least fifteen (15) service connections or serve at least twenty-five (25) individuals at least sixty (60) days out of the year. This term includes any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two (2) or more systems with each having a potential to serve less than fifteen (15) connections or less than twenty-five (25) individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the potential service connections in the combined systems are fifteen (15) or greater of if the total number of individuals served by the combined systems total twenty-five (25) or more at least sixty (60) days out of the year.*
- (250) **WATER STORAGE:** Impounded surface water areas or surface tanks used for storage.

Definitions - X

(None included.)

Definitions - Y

- (251) **YARD:** Including Front, Rear or side; as defined in the Zoning Ordinance.

Definitions - Z

- (252) **ZERO LOT LINE:** As defined in the Zoning Ordinance.
- (253) **ZONING DISTRICT:** As defined in the Zoning Ordinance.
- (254) **ZONING ORDINANCE:** Title 20, Chapter 20 of the El Paso Code of Ordinances. Definitions referred to in this ordinance are located in Chapter 20.02.