

DESIGN GUIDELINESCity of El Paso
December 2023









☆ Mission

Deliver exceptional services to support a high quality of life and place for our community.

☆ Vision

Develop a vibrant regional economy, safe and neighborhoods, and exceptional recreational cultural and educational opportunities powered by a high government.

★ Values

INTEGRITY

R RESPECT

E EXCELLENCE

A ACCOUNTABILITY

P PEOPLE

01

Goal CULTIVATE AN ENVIRONMENT CONDUCIVE TO STRONG, ECONOMIC DEVELOPMENT

- 1.1 Stabilize and expand El Paso's tax base
- 1.2 Enhance visitor revenue opportunities
- 1.6 Provide business-friendly permitting and inspection process

03

Goal PROMOTE THE VISUAL IMAGE OF EL PASO

- 3.1. Improve the visual impression of the community (gateways, corridors, intersections, and parklands)
- 3.3. Establish a brand that celebrates and promotes El Paso's unique identity and offerings



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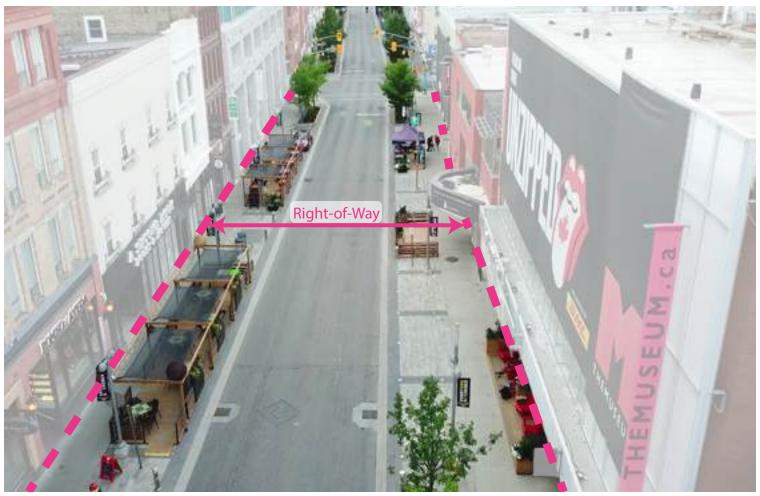




1.1 WHAT IS THE RIGHT-OF-WAY

The right-of-way refers to a designated area of land owned and controlled by the City of El Paso or the Texas Department of Transportation. It typically includes public streets, sidewalks, alleys, and other public infrastructure that are essential for transportation and public access.

The city right-of-way is typically considered a public domain and is accessible to all members of the community. However, certain restrictions and regulations may apply, such as permits for construction activities, temporary closures for events or maintenance, and specific rules for street vendors or public transportation.



1.2 ABOUT RIGHT-OF-WAY CAFÉS

The Right-of-Way Café program in El Paso offers an exciting opportunity for food and beverage businesses to enhance their establishments by extending their service areas towards the public sidewalks and on-street parking. The program aims to create a lively and communal dining experience, allowing patrons to enjoy their meals and beverages in an outdoor setting. With El Paso's abundant sunshine and beautiful downtown, right-of-way cafés are a perfect addition to the city's vibrant food and restaurant culture, supporting local businesses and promoting community.

Key features of the Right-of-Way Café program include:

- 1. Alfresco Dining Experience: Right-of-way cafés offer customers a unique and relaxed dining experience, with tables and seating placed outdoors, allowing them to savor their meals in the fresh air and enjoy the city's atmosphere.
- 2. **Temporary Use of Public** Space: The program allows participating restaurants and licensed businesses to temporarily utilize city sidewalks and portions of on-street parking to set up open-air seating areas.
- 3. **Support for Local Businesses**: By facilitating the expansion of restaurant services into public spaces, the program aims to support and strengthen local businesses, contributing to the growth of El Paso's food and restaurant culture.

1.3 WHEN IS A PERMIT NECESSARY

A right-of-way café permit is required when city sidewalks and public on-street parking are used for outdoor dining directly abutting an existing food and beverage establishment. A café sited entirely on private property does not require a Right-of-Way café permit but may be subject to other permits such as a temporary use permit.

1.4 WHO MAY APPLY FOR A PERMIT

Operators of a right-of-way café must be businesses licensed to serve food and beverages. The applicant does not have to be the property owner, but if they are not, they must have a valid lease for the building abutting the proposed right-of-way café.

TYPES OF PERMITS

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2.1 SIDEWALK CAFE

A sidewalk cafe is an outdoor dining space that extends from a neighboring established restaurant onto a portion of the sidewalk. The sidewalk cafe occupies a part of the sidewalk adjacent to the establishment. It may include tables, chairs, umbrellas, or other furnishings to create a comfortable and inviting outdoor dining experience. The primary purpose of a sidewalk cafe is to provide restaurant customers with the option to dine outdoors while contributing to the vibrancy and street life of the city.







2.2 PARKING PARKLET

A Parking Parklet, alternatively referred to as a parklet or sidewalk extension, is a small-scale urban intervention aimed at converting a segment of a conventional on-street parking space into a public space. This permit enables parklets to function as an expansion of a neighbouring established restaurant, providing the establishment with the opportunity to cater to customers in an outdoor setting.







12 | TYPES OF PERMITS



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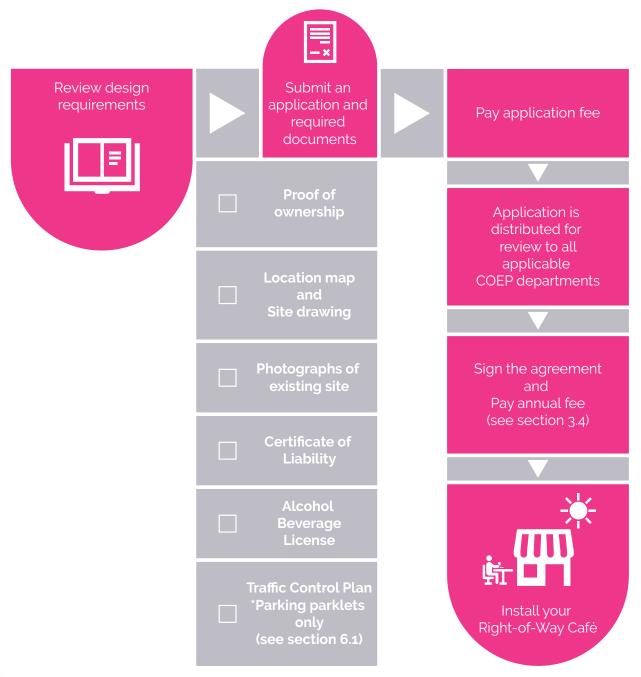
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3.1 PERMIT PROCESS FLOW CHART





3.2 INSTRUCTIONS FOR APPLICATION SUBMITTAL

Applicants must complete the <u>application</u> and submit it in person to the One-Stop-Shop located at 811 Texas Ave. El Paso, TX 79901. Alternatively, the application may be submitted via email to <u>ROWpermits@elpasotexas.gov</u>.

Café Permit:
Proof of ownership : This may include a warranty deed, title commitment, or other relevant documentation. If the applicant is not the business owner, they must have a valid lease for the building and written permission by the property owner indicating authorization to obtain a right-of-way cafe permit.
Location Map : A location map, accurately outlining the public rights-of-way or easement(s) upon which a temporary encroachment is proposed.
Site Drawing : A detailed site drawing is required during the submission. While professional drawings are not mandatory, the site drawing must be legible, close to scale, and provide sufficient detail to describe the proposed temporary encroachment on the public right-of-way or easement(s). An example can be found on page 19.
Photographs : Please include pictures of the existing site before the installation of the café, as well as photos of the adjacent street and sidewalk.
Certificate of Liability Insurance: The insurance must meet the requirements specified on page 18.
Alcohol Beverage License : If your application involves selling and serving beverages containing alcohol within the city's right of-way, include a copy of the current alcohol beverage license.
Traffic Control Plan *only applicable for parking parklets. (See section 6.1)
Once the permit official reviews the application for completeness and acceptance, the applicant must pay the processing fee for the special privilege license or permit, as prescribed in Schedule C. Please note that the processing fee is non-refundable



3.3 INSURANCE REQUIREMENTS

A certificate of liability insurance or self-insured affidavit with the required liability limitations as required per Section 15.08.120G of the El Paso City Code. Liquor liability insurance will be required separately for requests to sell and serve alcoholic beverages on City right-of-way. Certificate of liability insurance must be in accordance with the State of Texas Certificate Law. City of El Paso must be listed as the "Certificate Holder" as well as "Additional Insured" under the descriptions section. In addition, coverage must meet the following limitations:

\$1,000,000 in General Commercial Liability for Personal Injury/ Death per occurrence.

\$2,000,000 in General Aggregate Coverage

\$1,000,000 in Property Damage

\$5,000,000 if located within 50 feet of the streetcar

3.4 PERMIT FEES

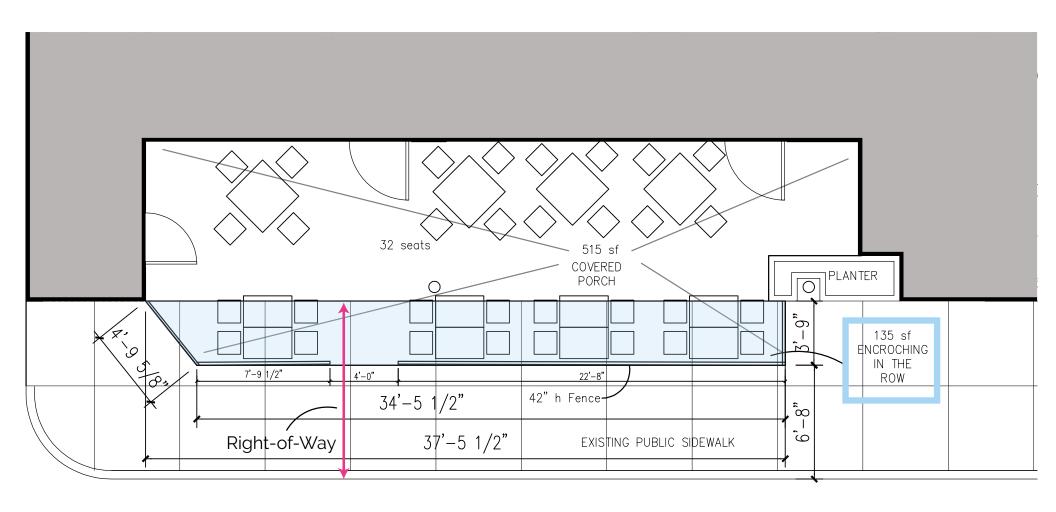
ROW Cafe Program	Sidewalk Cafe Permit	Parking Parklet Permit
Application fee	\$371.00 + applicable technology fee	\$371.00 + applicable technology fee
Annual fee	\$159.00 per site + applicable technology fee	\$2,000.00 per metered space +applicable technology fee

*See City of El Paso Schedule C for more information

^{**}Fees subject to review by City Council



3.5 SITE PLAN EXAMPLE

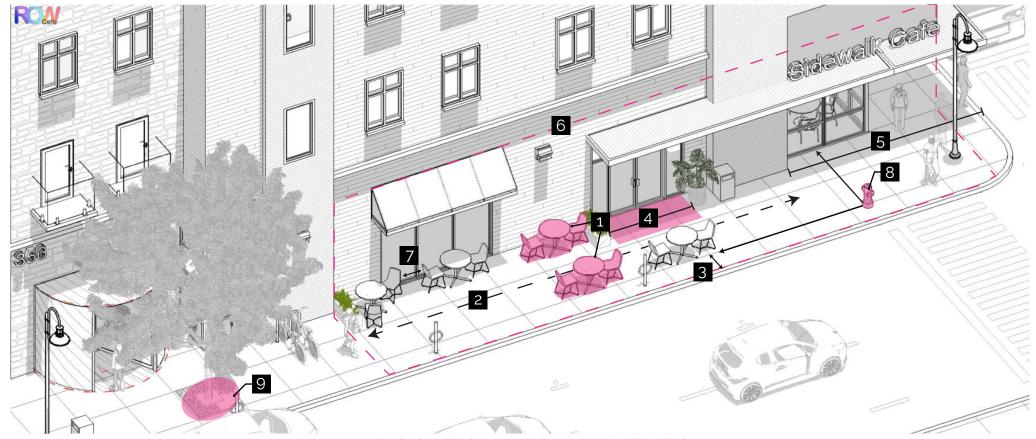


1 IMPROVEMENT FLOOR PLAN
SCALE: 3/16" = 1'-0"

SIDEWALK CAFÉ

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4.1 LOCATION REQUIREMENTS

- 1. The sidewalk café may be located between the face of the curb 6. The sidewalk café must stay within the business frontage and and the pedestrian pathway and/or between the pedestrian pathway and the face of the building(s).
- 2. Maintain a 6 feet minimum clear path for pedestrian access.
- 3. A minimum setback of 2 feet between the face of the curb and the closest portion of the sidewalk café is required.
- 4. Maintain a minimum of 3 feet wide unobstructed path of ingress and egress between all exit door(s) and the public right-of-way; and between adjacent cafés.
- 5. Cafés and structures must be located at least 20 feet from any adjacent intersection or street corner. The location of the café adjacent to the intersection or street corners may be modified with the approval of the City Traffic Engineer where special conditions exist, and modification is consistent with public safety.

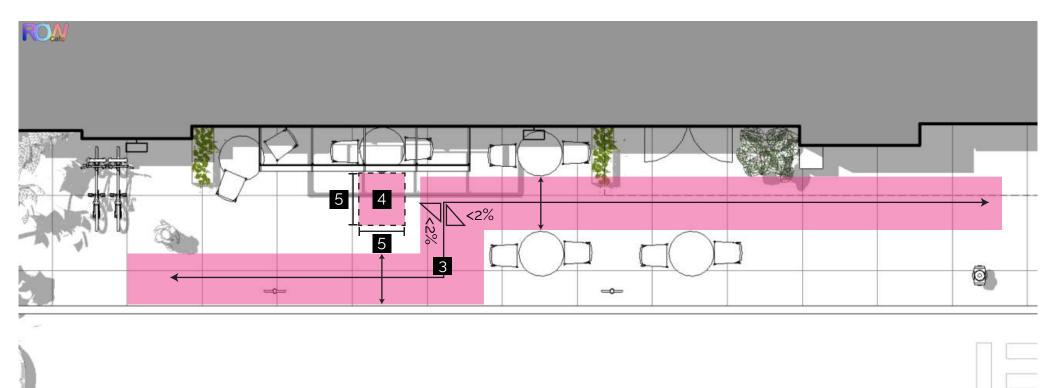
- shall not extend beyond without written permission from the neighbouring businesses.
- 7. Maintain a minimum of 2 feet between tables.
- 8. Maintain a 15 feet clear space at the base of existing fire hydrants.
- 9. Maintain a 3 feet radius of clear space at the base of existing trees.
- 10. Easements, meters, valves, manholes, or structures must be accessible for maintenance and/or repair.



4.2 DESIGN REQUIREMENTS

- 1. The sidewalk café shall not be enclosed by permanent structures.
- 2. If fencing is provided, fencing shall be continuous around the perimeter of the patio café except for entry points. Fences must have a durable professional finish and shall comply with applicable historic district guidelines.
- 3. Planters may be used as barriers to delineate the café limits. Barriers must be 30" 36" in height.
- 4. All construction and additions shall comply with any applicable historic district design standards and guidelines.
- 5. The sidewalk café must consist of moveable furniture. All furniture should be designed for outdoor use. Furniture must be able to withstand heavy weather conditions.
- 6. All materials must be suitable for outdoor use.
- 7. Each outdoor sidewalk café shall have a trash receptacle within the café limit line, not including the City of El Paso trash receptacles.

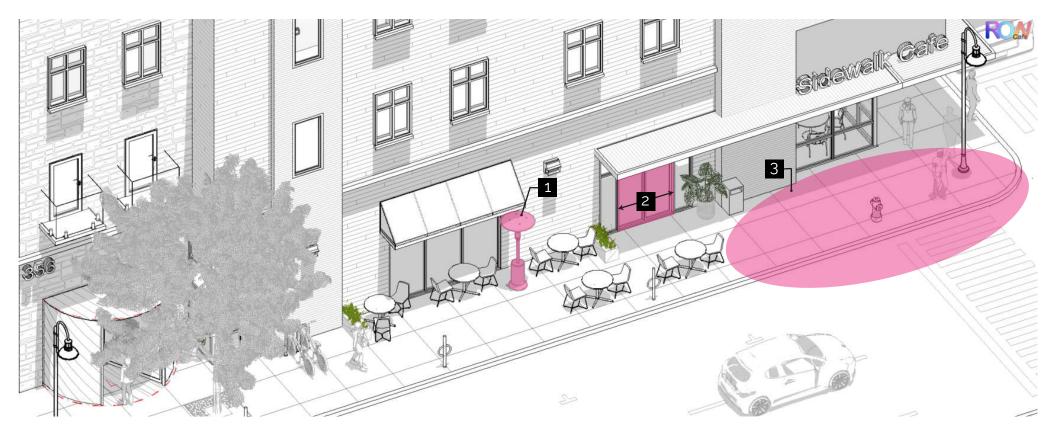
- 8. Any light fixtures, awnings, umbrellas, extension cords, etc., shall not protrude into the clear pedestrian path.
- 9. Lighting on fencing may be permitted to add a decorative element but shall not be designed to attract attention.
- 10. Flashing lights are not permitted. Lighting shall be clear or white
- 11. Light strands shall be maintained in good repair, and burned-out bulbs shall be replaced promptly.
- 12. Street furniture and fixtures by the City of El Paso, such as bike racks, benches, light fixtures, and others, must be available at all times.
- 13. Objects like umbrellas and heating devices should be designed to endure wind speeds of 20 mph or higher, and measures must be taken to prevent them from becoming airborne.
- 14. Lose furniture, including tables, chairs, umbrellas, shades, portable heaters, portable light fixtures, and other items, must be removed from the row during wind advisories of 30 mph or more.



4.3 ACCESSIBILITY REQUIREMENTS

- 1. All sidewalk cafés must comply with TAS (Texas Accessibility Standards).
- 2. The sidewalk café must not be located on a raised platform or sunken area unless an accessible ramp is provided.
- 3. A minimum 36" ADA-accessible entryway to the sidewalk café must be maintained for all cafés.
- 4. A minimum of one wheelchair-accessible seating space must be provided in all sidewalk cafés. A minimum of one wheelchair-accessible seating space must be provided for every 20 non-accessible seats.

5. Accessible wheelchair spaces shall have a minimum of 36 inches in width by 48 inches in depth unobstructed area.



4.4 FIRE CODE REQUIREMENTS

- 1. Acceptable auxiliary outdoor heating devices shall meet the current fire code requirements.
- 2. A minimum emergency service access gap of 3 feet wide, without horizontal or vertical obstructions, shall be required for every 20 feet of linear frontage.
- 3. Fire hydrants and El Paso Fire Department water connections (FDC) must be accessible at all times.
- 4. Smoking or vaping shall not be permitted within the sidewalk café or 20 feet of such as per <u>section 9.50.030</u> of the City of El Paso Municipal Code.
- 5. Amplified music is not permitted.

4.5 OTHER REQUIREMENTS

- 1. No food preparation, equipment, or storage may take place on the sidewalk café.
- 2. The serving of alcohol must be limited to within the boundaries of the sidewalk cafe as identified in the permit application.
- 3. A license issued by the Texas Alcoholic Beverage Commission (TABC) is required to sell and service alcoholic beverages within the sidewalk café.
- 4. City approval of a permit allowing a sidewalk café on city rightof-way does not guarantee, warrant, or assure that the TABC will allow the sale and service of alcoholic beverages within the sidewalk café area.
- 5. All relocation, removal, disposition, and/or salvage of any city property is prohibited without prior approval. It shall follow the established policy and procedure for disposal or salvage of such property if approved.



4.6 CASE STUDY #1



Location

Elements of the sidewalk café are not located more than 3 feet from a utility pole.

The pedestrian pathway is obstructed by cafe elements.



Design



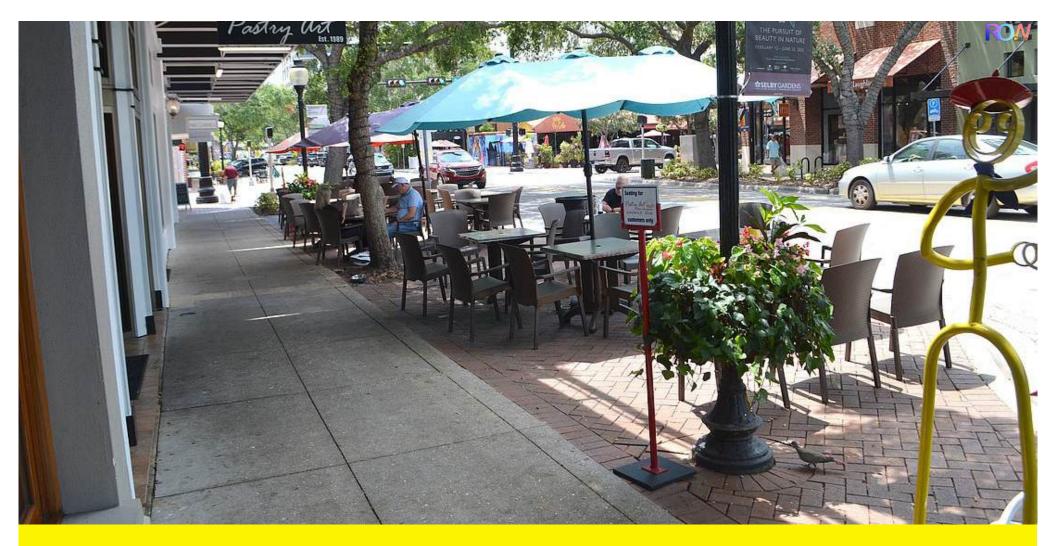
Accessibility

Cafe has no accessible pedestrian path.



Fire code

Elements of the sidewalk café are not located more than 15 feet from a fire hydrant.



4.7 CASE STUDY #2



Location



Design



Accessibility



Fire code

Elements of the sidewalk café are not located more than 3 feet from a tree.

PARKING PARKLET

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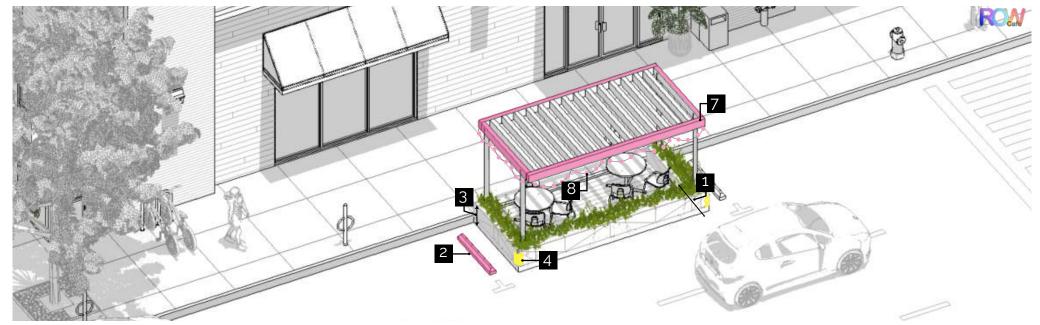




5.1 LOCATION REQUIREMENTS

- 1. The parklet must utilize the parking spaces directly in front of the business. It should not extend beyond without written permission from the neighbouring businesses.
- 2. Parklets are permitted on streets with speed limits of 35 mph or less; any other will be considered on a case-by-case basis.
- 3. Parklets are not permitted on streets owned by the Texas Department of Transportation (TxDOT).
- 4. Parklets must be located at least 20 feet from any adjacent intersection, street corner, or crosswalk.
- 5. Parklets are not permitted along red and yellow painted curbs.
- 6. Maintain a 15 feet clear space at the base of existing fire hydrants.
- 7. Parklets are prohibited at bus stops, loading zones, or designated bike lanes.
- 8. Parklets are not permitted over utility access panels, manhole

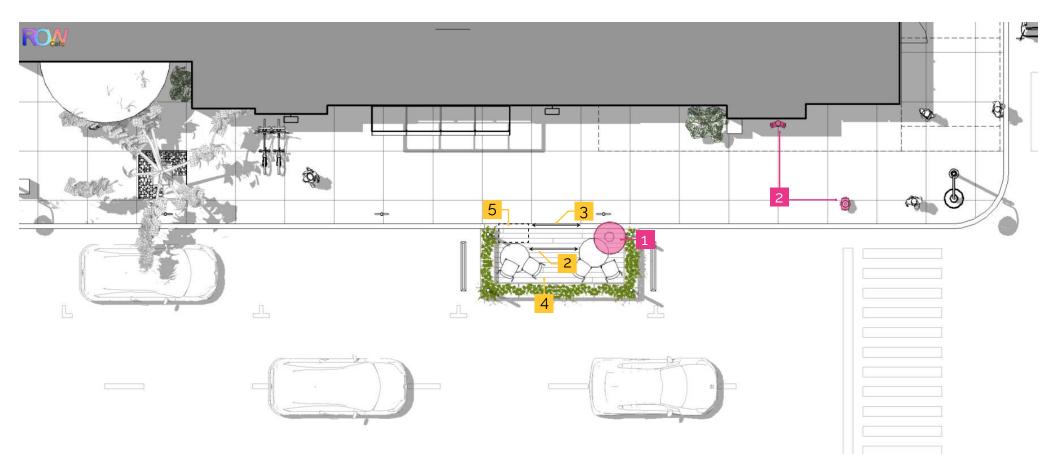
- covers, transformers, water meters, or water valves. All parklets shall maintain a minimum of 5 feet from any storm drain, inlets, or cleanouts.
- Parklets proposed along the streetcar route will be considered on a case-by-case basis and must be approved by Sun Metro prior to approval.
- 10. Parklets located next to driveways must have a minimum 10 feet setback from the outside edge of the driveway.
- 11. Parklets are not allowed within 50 feet of the nearest rail of a railroad crossing.
- 12. Maintain a minimum distance of 20 feet from the driveway entrance of a fire station. Additionally, Parklets are prohibited from being directly across from such entrances or within 75 feet of them.
- 13. Parklets are permitted on metered parking spaces only.



5.2 DESIGN REQUIREMENTS

- Maintain a minimum 2 feet setback between the parking parklet 10. Maintain an equal grade with the adjoining sidewalk. seating area and adjacent on-street parking spaces and travel lanes.
- 2. Wheel stops, or posts must be included to separate the occupied parking space and the adjacent parking spaces and travel lane.
- Provide a 42" high barrier at the edge of the parking parklet as a barrier to vehicular traffic. If cable railing is used, spacing between cables must not exceed six inches (see materials section.)
- Reflectors must be included at each end of the parking parklet.
- Parklets must include vertical elements that make them visible to traffic, such as reflective delineator posts or reflective plastic drums.
- 6. Parklets may not occupy more than three parking spaces. No design element may encroach into adjacent parking spaces.
- 7. Umbrellas or canopies may not encroach on the pedestrian travel path, travel lanes, or adjacent parking spaces.
- 8. The parklet must include lighting if intended for night use. Any lighting must comply with the dark sky ordinance.
- Parklets must be equipped with a deck or platform that is flush with the adjacent sidewalk, with a maximum gap of 1/2 inch.

- 11. The parklet base must not be attached or bolted to the street in any manner. Instead, it should be constructed as a selfsupporting structural foundation that rests directly on the street surface. The frame of the parklet should not be permanently affixed to the street or curb, and no permanent modifications or alterations to the street are permitted.
- 12. Access must be provided underneath the flooring of the parklet for cleaning purposes.
- 13. No loose particles such as sand or loose stone are permitted as surface materials.
- 14. The parklet must be designed to allow rainwater to flow along the curb without obstructions. The entire parklet structure should be built to allow for easy removal of the parklet if necessary.
- 15. All materials must be high quality, durable, non-reflective, and weather-resistant.
- 16. Objects like umbrellas and heating devices should be designed to endure wind speeds of 20 mph or higher, and measures must be taken to prevent them from becoming airborne.
- 17. Lose furniture, including tables, chairs, umbrellas, shades, portable heaters, portable light fixtures, and other items, must be removed from the row during wind advisories of 30 mph or more.



5.3 ACCESSIBILITY REQUIREMENTS

- The parklet must comply with all TAS (Texas Accessibility Standard) standards.
- 2. The accessible path on the deck surface shall be a minimum of 44 inches wide and shall be level.
- 3. A minimum 36 inches ADA-accessible entryway to the parklet must be maintained.
- 4. Openings in the floor or deck must not be greater than ½ inch. Elongated openings shall be placed so that the long dimension is perpendicular to the direction of travel.
- 5. A minimum of one wheelchair-accessible seating space must be provided for every 20 non-accessible seats.

5.4 FIRE CODE AND HEALTH REQUIREMENTS

- 1. Acceptable auxiliary outdoor heating devices shall meet the current fire code requirements.
- 2. Fire hydrants and El Paso Fire Department water connections (FDC)
 - must be accessible at all times.
- 3. Smoking or vaping shall not be permitted within the sidewalk café or 15 feet of such.
- 4. Amplified music is not permitted.



5.5 OTHER REQUIREMENTS

- 1. Permittee shall be responsible for maintenance of the parking parklet including but not limited to:
 - Removing any graffiti tagging within 24 hours, unless part of a pre-approved design. a.
 - Perform pest abatement as needed. b.
 - Allow for adequate drainage. C.
 - Maintaining all plants, equipment and furnishings. d.
 - Trash removal including any loose trash within 1.5 feet of the parklet. e.
 - f. Repair conditions at all times and promptly replace any broken improvements or property within a reasonable period of time.
- 2. A parking parklet proposal may be rejected if it conflicts with future programmed streetscape improvements by the City of El Paso.
- Storage or preparation of food is not permitted in the parklet.
- Parklets are intended for commercially zoned areas and shall not be allowed in residential districts.
- The parking parklet permit is non-transferable. If the applicant business changes ownership or cease to operate, the permit will be automatically terminated and the parklet shall be removed by the applicant or a new application must be submitted by the new owner. A new application of an existing parklet does not guarantee approval.
- 6. Seating. For food and/or beverage service only. Seated-only capacity shall be required. Standing-only capacity shall not be permitted.
- 7. Tables and chairs shall not exceed 42 inches in height.
- 8. Tables and chairs must be moveable to accommodate wheelchair access. The business is responsible for the loss or theft of any property.
- Emergency: During emergencies, the City or other public utility may remove the parklet with little or no notice.



5.6 CASE STUDY #1



Location

Elements of the parklet are located within the bike lane.

Parklet is not within a metered space.



Design

No setback between the travel lane and parklet.

Parklet does not contain a deck or platform.

Parklet does not maintain equal grade with sidewalk



Accessibility



Fire code



5.7 CASE STUDY #2







Accessibility



Fire code

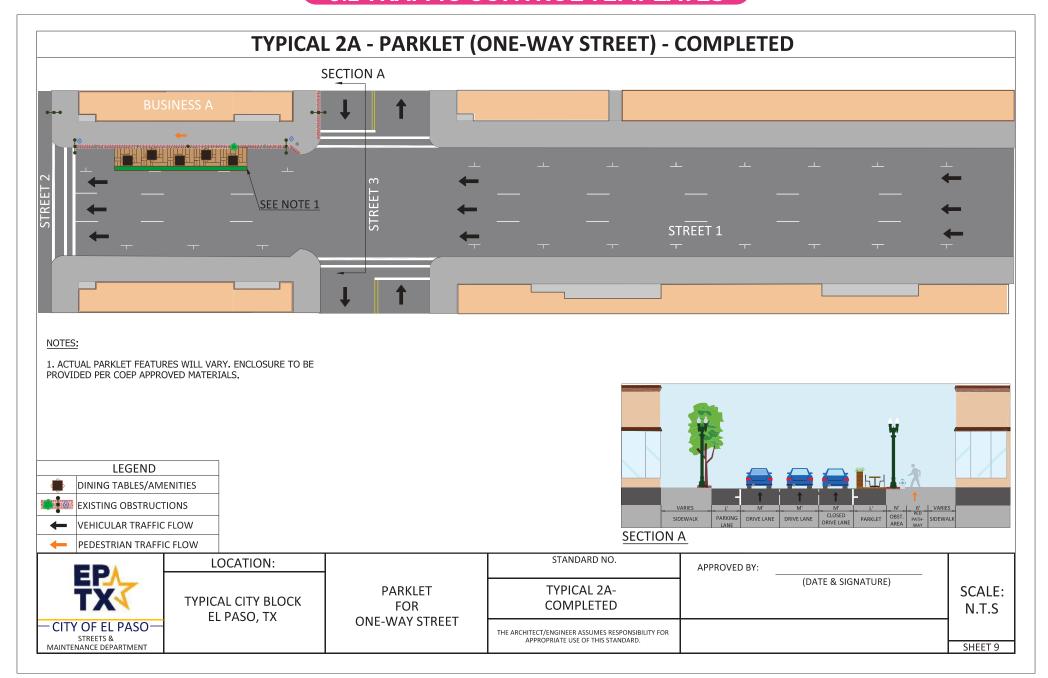
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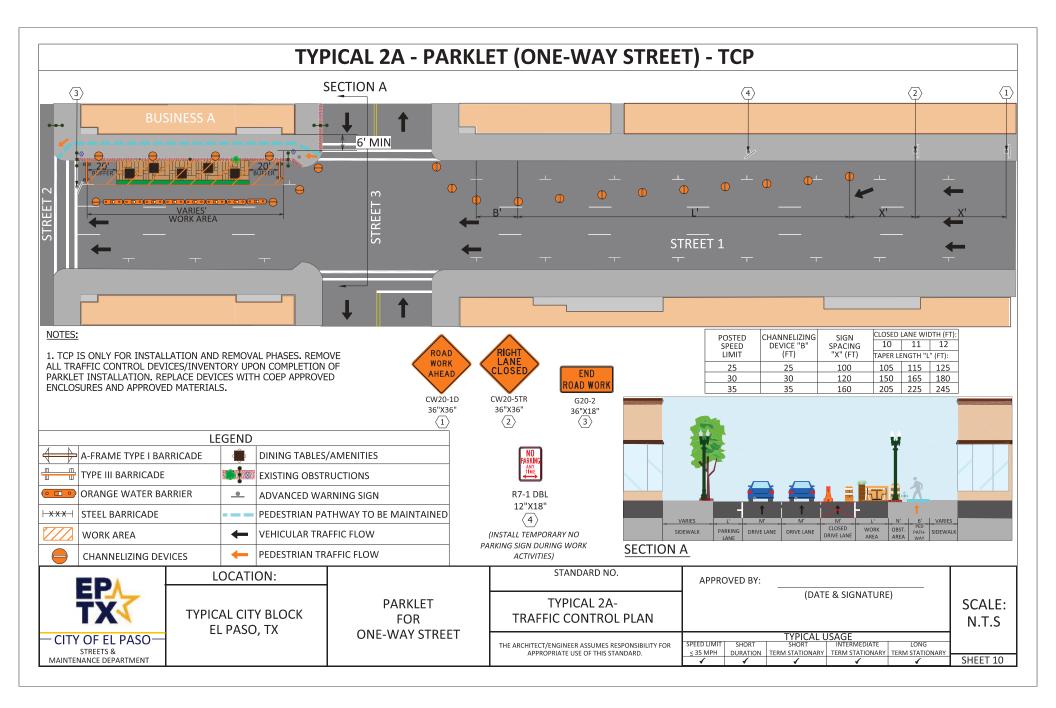




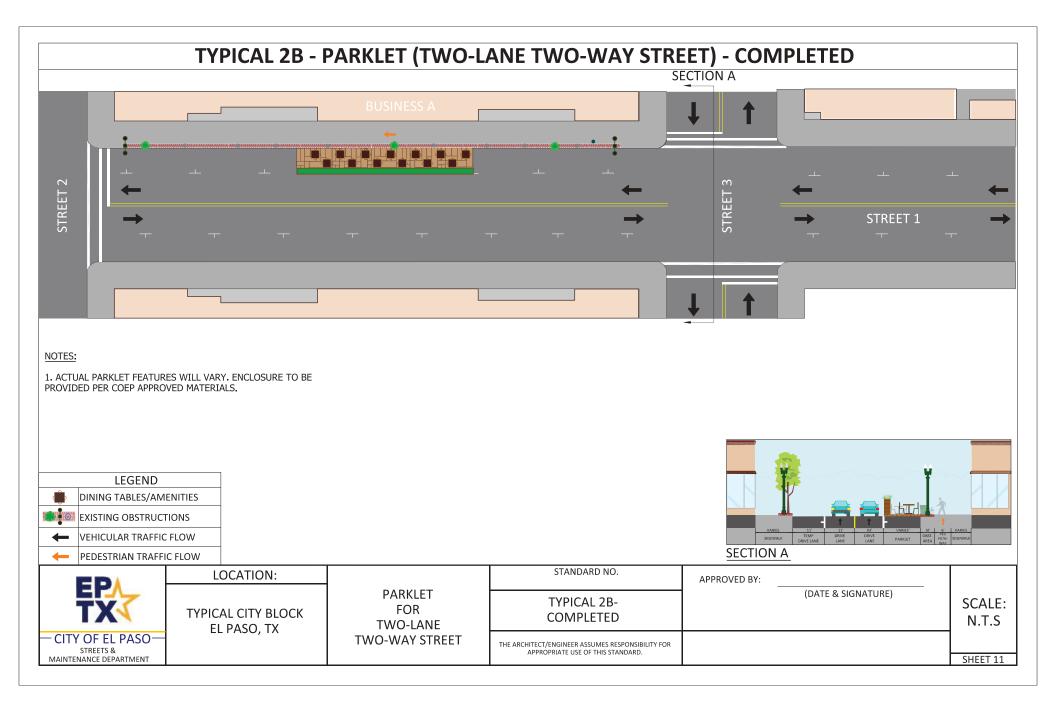
6.1 TRAFFIC CONTROL TEMPLATES



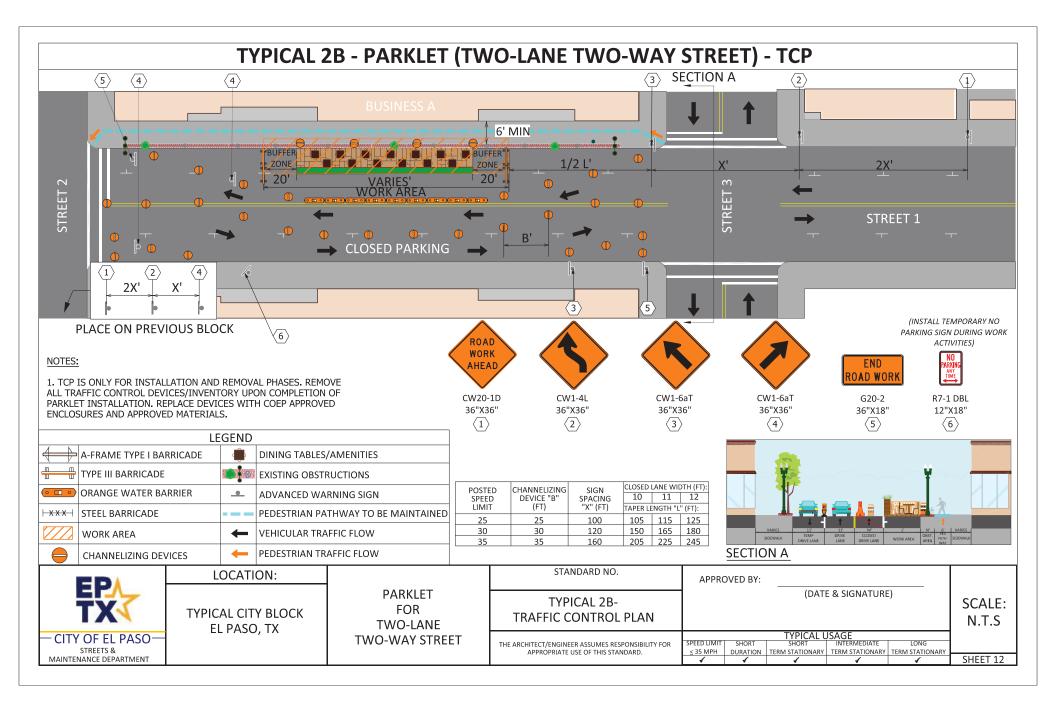




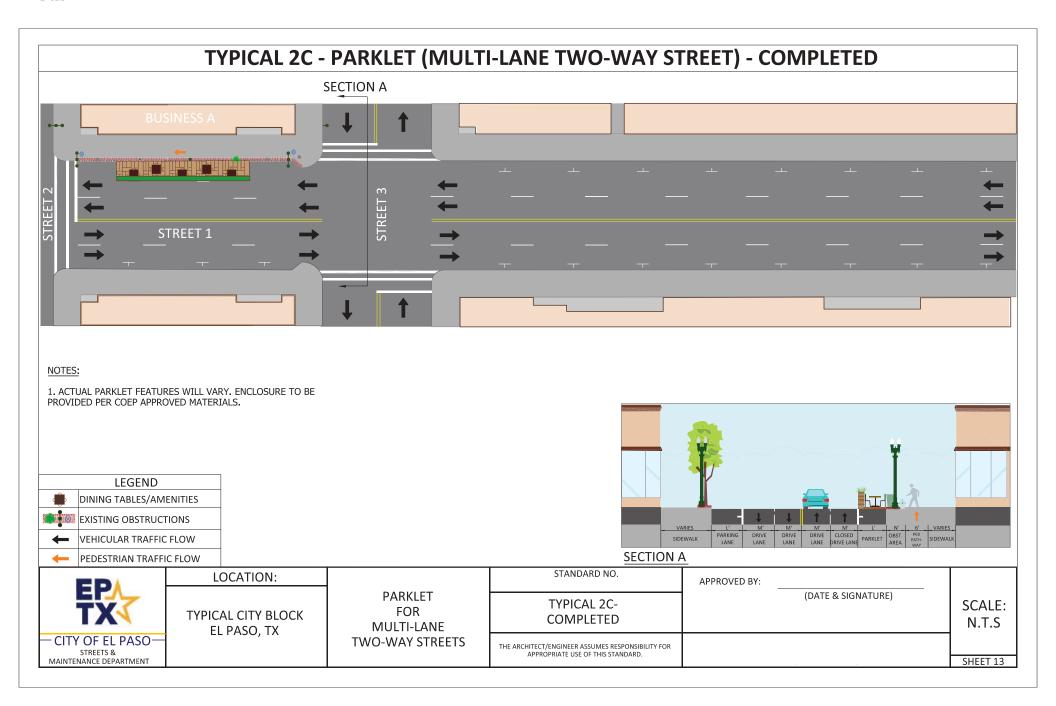




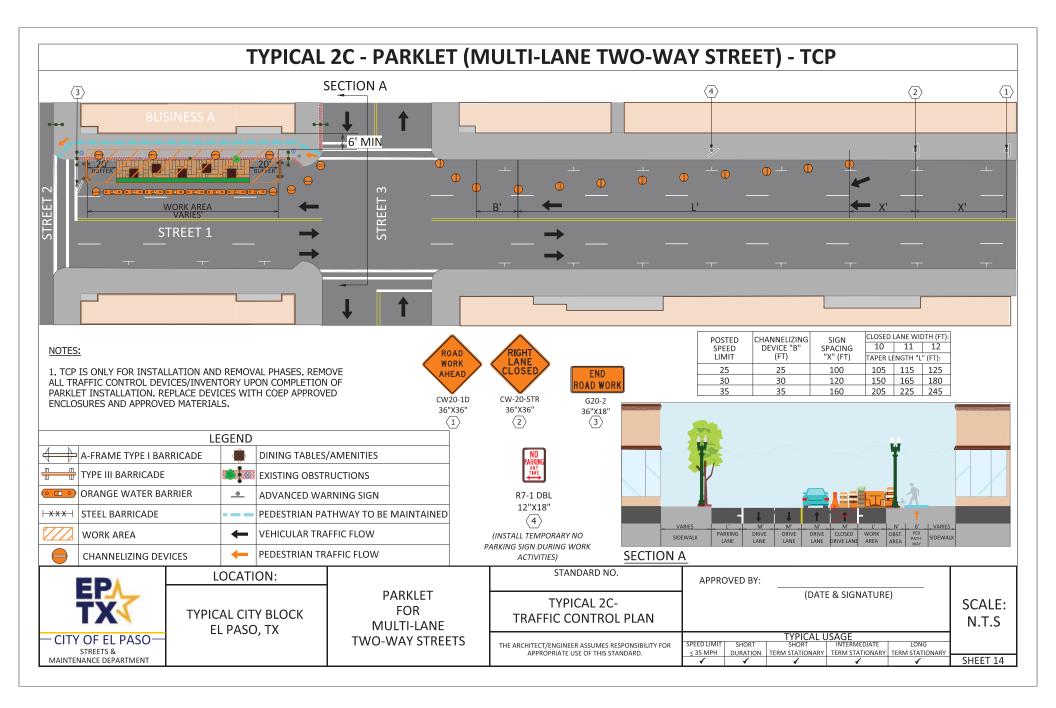














6.2 Glossary

The following definitions are provided for purposes of this document only

Α

Accessible - An environment or facility that provides equal access to people with different abilities.

Alley - any public or private passageway or street open to traffic and generally used to reach the rear end of lots or buildings. **Applicant** - any person, group, organization, or entity who seeks a permit from the permit official to conduct or sponsor a special event governed by this chapter.

В

Bicycle lane - a designated lane or portion of a roadway that is specifically marked or selected for the use of bicycles.

C

Crosswalk - a portion of the roadway at an intersection that is marked with pavement markings where traffic stops to guide pedestrians in the proper crossing paths.

Curb - a raised edge or boundary separating the roadway from a pedestrian walkway, such as a sidewalk or footpath. Curbs are typically made of durable materials like concrete and are designed to provide a physical barrier between the road and the adjacent pedestrian area.

D

Driveway - an area designed to provide a controlled and convenient path for vehicles to enter or exit a property. Driveways generally have a slope or incline that allows vehicles to transition smoothly from the street to the private property.

Ε

Easement - a legal right or privilege granted to a person or entity to use or access a specific portion of another person's property for a particular purpose. Some common types of easements include: right-of-way, utility easement, conservation easement, and drainage easement.

Egress - the pathways, exits, and systems that are designed to ensure the safe evacuation of occupants in the event of a fire, natural disaster, or other emergencies. These egress systems typically include exit doors, corridors, staircases, ramps, emergency lighting, and signage, all of which are intended to facilitate the rapid and orderly movement of people out of a building.

F

Frontage - the front facade of a building; area of public realm that is parallel to the front of a building.



M

Metered parking - an on-street parking space where drivers pay for parking based on their use time. Payment is typically made through parking meters or pay stations, with the purchased time displayed on a digital display.

0

On-street parking - a "curbside parking space" located adjacent to the curb where it is permissible within the public right-of-way for drivers to leave their vehicles.

P

Pedestrian pathway - a designated route or pathway specifically intended to provide a safe, accessible walkway for pedestrians.

Private property - real estate that are owned by individuals, businesses, or other non-governmental entities.

Property owner - an individual, business, or entity that has legal ownership and control over a particular property or asset. The property owner holds the rights and responsibilities associated with the property, including the right to use, transfer, and manage the property according to applicable laws and regulations.

Public infrastructure - the physical systems, facilities, and services that are owned, operated, and provided by the government or public entities for the benefit of the general public.

R

Right-of-way - Land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general publir for street, highway, alley, public utility, pedestrian walkway, bikeway, or drainage purposes.

S

Setback - A distance from a curb, property line, or structure within which building is prohibited.

Sidewalk - a paved path or walkway alongside a road or street that is intended for pedestrians. It provides a designated space for people to walk, separating them from vehicular traffic. Sidewalks are typically constructed with materials such as concrete or asphalt.

Siteplan - a detailed architectural or engineering drawing that provides an overview of a specific property or development project. It typically includes information about the layout, dimensions, and location of buildings, roads, parking areas, landscaping, and other elements on the site.



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Traffic Control - the management and regulation of vehicular and pedestrian movement on roads, streets, and highways to ensure safe and efficient transportation. It involves the use of various measures and devices such as traffic signals, signs, lane markings, and the deployment of law enforcement officers or traffic management personnel to direct and control the flow of traffic. **Traffic Control Plan** - a detailed document or set of instructions that outlines specific measures and strategies for managing and regulating traffic in a particular area or at a specific location. They may include information on traffic diversions, lane closures, signage, flagging operations, and other measures designed to ensure safety.



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