



Zoning (Title 20)

What types of applications are processed by the Zoning Planners?

- Rezoning
- Special Permit
- Detailed Site Development Plans
- Zoning Condition Amendment and Release
- Zoning Board of Adjustment
- Zoning Verification Letters & Zoning Determination Letters
- Registrations of Non-conforming Properties
- Billboard Permits
- Shared Parking
- Administrative Parking Reductions



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What is zoning?

Zoning establishes the types of land uses permitted on a specific piece or property. Zoning also sets development standards such as lot area, setbacks, density, building height, parking and loading requirements, sign regulations and screening requirements. The City of El Paso currently has 39 zoning districts. The districts include residential, apartment, commercial, manufacturing, mixed use and special districts.

Appendix A of Title 20 lists the permitted uses in each zoning district

Appendix B of Title 20 has development standards for each district & use

Appendix C of Title 20 has parking requirements for different uses

Chapter 20.10 of Title 20 has supplemental development standards for certain uses



Zoning (Title 20)

Common abbreviations found on the zoning map:

- R = residential
- A = apartment
- C = commercial
- M = manufacturing

- /SP – special permit

- /SC – special contract with conditions- older zoning ordinances used contracts to impose conditions

- /C – conditions – newer zoning ordinances include any conditions in the body of the ordinance



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Why do we need zoning?

- The purpose of zoning is to protect the public's health, safety and general welfare and is an important tool for implementing the City's long range plans. Property must be zoned for a given use before a building permit will be issued, and development plans for the property must comply with the applicable standards for that zoning district.



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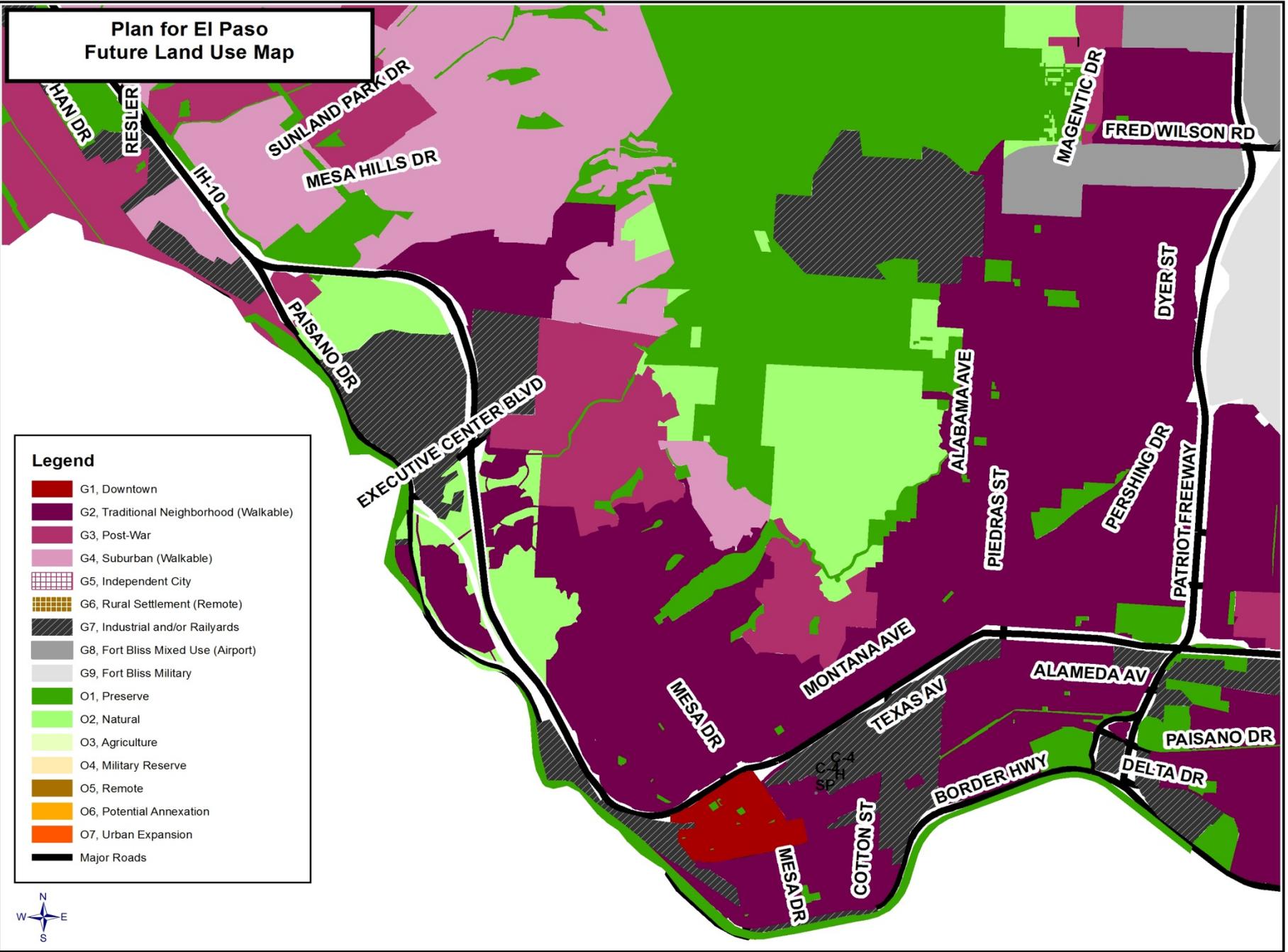
How can zoning be changed on a piece of property?

- In order to change the zoning on a property, the property owner is required to submit a rezoning application that goes through a public hearing process. The process takes approximately 90 days. The fee is based on the acreage of the property. City Council is the final authority on all zoning applications.
- Prior to submitting the application, the property owner is encouraged to discuss the application with staff in the Planning Division. A pre-application conference will include a discussion of the City's comprehensive land use plan, surrounding zoning, recent area zoning trends, adopted development-related zoning policies, adopted neighborhood plans or overlays, and any other relevant factors related to the application.

Plan for El Paso Future Land Use Map

Legend

- G1, Downtown
- G2, Traditional Neighborhood (Walkable)
- G3, Post-War
- G4, Suburban (Walkable)
- G5, Independent City
- G6, Rural Settlement (Remote)
- G7, Industrial and/or Railyards
- G8, Fort Bliss Mixed Use (Airport)
- G9, Fort Bliss Military
- O1, Preserve
- O2, Natural
- O3, Agriculture
- O4, Military Reserve
- O5, Remote
- O6, Potential Annexation
- O7, Urban Expansion
- Major Roads





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What is the rezoning process?

- After acceptance of a complete application, the Planning Division staff visits the site and review the request for conformance with the City's comprehensive plan and compatibility with surrounding properties.
- Staff distributes the request to other City departments, obtains a recommendation from the Development Coordinating Committee, notifies property owners within 300 feet of the proposed rezoning and any recognized neighborhood associations, prepares a staff report and schedules the case for public hearing by the City Plan Commission.
- The City Plan Commission holds a public hearing approximately eight weeks following the submittal of the application, and votes to approve, approve with modifications, deny, or to postpone the rezoning application. Public input (in support or opposition) is often received at the CPC hearing.



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- If the CPC recommends approval of the rezoning, an ordinance will be prepared and forwarded for City Council action. The final hearing by the City Council usually takes place four - five weeks after the Commission hearing due to public notification. A report is presented by staff with the recommendations of the Development Coordinating Committee and the City Plan Commission, and public input is received.
- The City Council deliberates the facts, and either approves, approves with modification, denies or postpones the application. Upon Council action, the Planning Division makes the necessary changes to the Official Zoning Map Series of the City.
- If an application is denied by the CPC, the applicant may file an appeal of the denial action to the City Council within fifteen days of the Commission hearing. Once an appeal is filed, an ordinance will be prepared and forwarded to City Council for finalization in the same manner described above.



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Special permits (S) can be requested for:

- Additional uses that are not permitted (P) in the zoning district
- Infill (reduced setbacks, increased density)
- Parking requirement reductions

Detailed site development plans may be required to:

- Satisfy a zoning condition or district requirement
- Verify compliance with code and any special conditions
- Provide an extra level of review for difficult sites



Zoning (Title 20)

Zoning Condition Amendment or Release:

- The altering or removal of restrictions placed on the development of property
- Identified on the zoning map by a "C" or "SC"
- Zoning conditions restrict the development and use of property
- Require the same public hearing process as rezoning requests.

S

THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 17th day of February, 1987, by and between TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of any building permits, a subdivision plat must be approved by the City Plan Commission and filed of record with the County Clerk.
2. No building(s) shall be constructed closer than fifty (50) feet to the southerly property line adjacent to St. Judes Church and the Pacific Park Subdivision.
3. At the time the rezoning request is approved by the Mayor and City Council, the property owner shall dedicate twenty (20) feet of right-of-way for the widening of Doniphan Drive.
4. An additional twenty (20) foot wide special building setback line shall be established adjacent to the twenty (20) feet of right-of-way being dedicated in Condition No. 3 of this contract.

No building(s) or structures(s) shall be constructed within the special building setback line, except that surplus off-street parking shall be allowed.

5. The property shall not be used for any type of residential purposes.
6. There shall be no vehicular ingress and egress from this property to Hidden Way.
7. Within two (2) years from the date of this contract, either upon written demand by the City of El Paso or upon demand of the property owner, the property owner shall sell to the City a 2.87 acre parcel of land adjacent to the existing Northwest Corral at a price that is mutually agreed upon by both parties.

If the City fails to exercise its option within two (2) years,

the property owner shall be released from this requirement of the contract.

8. No billboards will be allowed on the property.
9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved by the City Plan Commission and City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its direction without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
TEXAS COMMERCE BANK - EL PASO

By William C. Segun
Title Secretary

SECOND PARTY:
CITY OF EL PASO

By [Signature]
Mayor

APPROVED AS TO FORM:
[Signature]
Assistant City Attorney

ATTEST:
[Signature]
Secretary

ATTEST:
[Signature]
City Clerk

APPROVED AS TO CONTENT:
[Signature]
Planning Department

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th day of February, 1987, by William C. Segun, as Secretary, for TEXAS COMMERCE BANK - EL PASO.

My Commission Expires: 11/14/89
Notary Public, State of Texas

2-17-87

AUG 6 1987
87-5228
LANDING DEPARTMENT



- The special contract attached to Ordinance 008929 has 9 conditions,
and No. 9 is:

“Prior to issuance of any building permits, the property owner shall submit a site plan to be approved by the City Plan Commission and City Council.”

- No permits can be issued until City Council has approved the site plan, a 3 to 4 month process.



Nonconforming Properties

Properties that do not conform to current zoning code requirements, for either structure or use, can be registered legally nonconforming if the nonconforming structure or use can be seen in the 1956 aerial or in an aerial dated prior to annexation or code change or the applicant has a City of El Paso building permit showing the nonconforming structure. Two documents are required to prove a nonconforming use existing prior to annexation or code change.

Aerials

1956 aerials will be (are) available in GIS, as are the 1996, 2003, 2006, 2007, 2008, 2009 and 2010 aerials. Other aerials available in the Map Room, 4th floor (and proposed to be cataloged in ApplicationXtender), are 1960, 1979, and 1986.

Nonconforming Application Form, with sample site plan

Assist applicant in completing form. A property can be registered by another person acting on behalf of the owner. Route applicant to 5th Floor for further review. A fully dimensioned site plan showing all structures on site is required, preferably drawn to scale. Planning may visit the site to take photos of property.

Code reference is El Paso City Code, Title 20, Zoning, Chapter 20.22, Nonconforming Situations



Zoning (Title 20)

Zoning Verification Letters

- Typically requested by property owners, banks, title companies, and real estate companies prior to a real estate transaction.
- Staff will research the zoning of a piece of property and any special permits, special contracts or conditions.
- A letter is provided giving the correct zoning of the property and copies of any relevant documents.



Zoning Board of Adjustment (ZBA)

The ZBA meets monthly and hears requests regarding:

- **Special Exceptions** to Zoning Code requirements for yard setbacks
- **Variances** from Zoning Code or SmartCode requirements
- **Appeals** of administrative official's decisions



Zoning Board of Adjustment (ZBA)

Title 2, Administration and Personnel, Chapter 2.16

Special Exceptions, under certain conditions, may be granted to setback and lot requirements in Title 20:

Special Exception B	Two or more nonconforming lots
Special Exception C	Rear yard setback
Special Exception D	Rear yard setback, duplex
Special Exception E	Yard requirements for public schools
Special Exception F	Side street yard setback
Special Exception G	Builder error
Special Exception H	Lot size
Special Exception I	Reduction (up to 15%) in off-street parking requirements
Special Exception J	Carport over a driveway
Special Exception K	In existence 15 years or more, current owner not responsible
Special Exception L	Front yard setback
Variances	May be granted to vary requirements in Title 20 and Title 21, but only if there are special conditions inherent to the subject property.



Amendments made to Title 20

- Amended standards for wall signs in the C-5 and U-P zoning districts and the establishment of sign standards for perpendicular signs in the U-P zoning district.
- Amended the definition of Transitional Housing and to allow for the expiration of special permits for Transitional Homes.
- Amended the notice requirements for public hearings.
- An amendment to allow property owned by the City of El Paso to be identified by reference to a government survey in an application for rezoning to the Urban Reserve District.



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Questions?