



City of El Paso – City Plan Commission Staff Report

Amendment to Title 20 – Animal Facilities

This amendment will amend definitions, supplemental use standards, and permissible use allowances in Title 20 relating to animal facility and services. This item was presented to the Strategic Briefing Review (SBR) on May 25th, 2016 and was recommended to move forward. Community and industry meetings discussing this item were held on June 1st and 2nd of 2016 where staff received favorable and valuable input. This amendment is a result of a collaborative effort between the Planning & Inspections Department, Environmental Services Department, Animal Services Department, and the City Attorney's Office.

This amendment is recommended for approval by staff.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II DEFINITIONS OF THE EL PASO CITY CODE TO AMEND, ADD, AND DELETE DEFINITIONS RELATING TO ANIMAL FACILITIES, CHAPTER 20.08 (PERMISSIBLE USES), SECTION 20.08.030.C (PERMISSIBLE USES) APPENDIX A (TABLE OF PERMISSIBLE USES) TO REMOVE AND ADD USES FOR ANIMAL FACILITIES, CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.080 (ANIMAL FACILITIES) (ANIMAL KENNEL, ANIMAL TRAINING FACILITY, VETERINARY TREATMENT CENTER, CLINIC OR HOSPITAL) TO REVISE THE SUPPLEMENTAL USE REGULATIONS FOR ANIMAL FACILITIES, CHAPTER 20.12 (DENSITY AND DIMENSIONAL STANDARDS), SECTION 20.12.020 (TABLE OF DENSITY AND DIMENSIONAL STANDARDS), APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS) TO ALLOW FOR THE REVISION OF DIMENSIONAL STANDARDS FOR ANIMAL FACILITIES, CHAPTER 20.14 (OFF-STREET PARKING, LOADING AND STORAGE STANDARDS), SECTION 20.14.050.C (TABLE OF PARKING REQUIREMENTS AND STANDARDS), APPENDIX C (TABLE OF PARKING REQUIREMENTS AND STANDARDS) TO ALLOW FOR THE REMOVAL AND ADDITION OF PARKING STANDARDS FOR ANIMAL FACILITIES. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the City of El Paso is seeking to decrease the number of animals that are euthanized on a yearly basis by amending Title 20 Zoning of the El Paso City Code to permit animal facilities and services in more zoning districts as well as by reducing the distance requirements for these uses and,

WHEREAS, the City Plan Commission after a public hearing recommends approval of the proposed amendment; and,

WHEREAS, the City Council after a public hearing has determined this amendment is in the best interest of the public and will promote the public health, safety, and welfare of the City;

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

SECTION 1. That Title 20 Zoning, Chapter 20.02 General Provisions and Definitions, Article II. Definitions of the El Paso City Code be amended as follows:

Amend the following:

20.02.066 Animal Facilities (indoor enclosure) - Means any premises, with one or more indoor enclosures, and no outdoor enclosures, in which animals are kept or housed for conducting the business of buying, selling, breeding, grooming, training, boarding, adoption, or providing medical or surgical treatment and care services for animals.

Add as follows:

20.02.067 Animal Facilities (outdoor enclosure) - Means any premises, with one or more indoor and outdoor enclosures, or any premises solely having outdoor enclosures, in which animals are kept or housed for conducting the business of buying, selling, breeding, grooming, training, boarding, adoption, or providing medical or surgical treatment and care services for animals.

20.02.339 Enclosure, indoor (Animal Facilities) - any structure inside a building designed to prevent animals from roaming freely inside the building, the enclosure can be composed of fences, walls, or other types of barriers.

20.02.341 Enclosure, outdoor (Animal Facilities) - any open-air structure outside a building designed to prevent animals from roaming freely outside the open-air structure, the enclosure can be composed of fences, walls, or other types of barriers.

Delete the following definitions:

20.02.488 Kennel

20.02.1138 Veterinary treatment center (large animals)

20.02.1140 Veterinary treatment center (small animals)

SECTION 2. That Title 20 Zoning, Chapter 20.08 Permissible Uses, Section 20.08.030C. Appendix A - Table of Permissible Uses of the El Paso City Code be amended as follows:

Delete the following sections as follows:

1.03 Animal kennel

1.04 Animal pound/shelter

1.05 Animal training facility (school)

1.24 Veterinary treatment center (large animals)

1.25 Veterinary treatment center (small animals)

14.31 Pet shop (including grooming)

Add the following sections:

1.03 Animal Facilities (indoor enclosure) shall only be permitted by right in the following districts: RF, C-OP, C-1, C-2, C-3, C-4, C-5, M-1, P-C, and P-I; by Special Permit in the following districts: R-1, A-O, A-3/O, A-M, PR-I, PR-II, and PMD; by Detailed Site Plan in the following district: S-D; by Master Zoning Plan in the following districts:

RMU, GMU, and IMU; prohibited in all other districts, and by adding Section 20.10.010, 20.10.020, and 20.10.080 to the Supplemental Standards Column.

1.04 Animal Facilities (outdoor enclosure) shall only be permitted by right in the following districts: RF, C-1, C-2, C-3, C-4, M-1 and P-I; by Special Permit in the following districts: P-C and PMD; by Master Zoning Plan in the following districts: GMU and IMU; prohibited in all other districts, and by adding Section 20.10.010, 20.10.020, and 20.10.080 to the Supplemental Standards Column.

SECTION 3. That Title 20 Zoning, Chapter 20.10 Supplemental Use Regulations, Section 20.10.080 Animal facilities (animal kennel, animal training facility, veterinary treatment center, clinic or hospital) be amended in its entirety as follows:

20.10.080 Animal Facilities

A. Animal Facilities (indoor enclosure) are permitted when in compliance with Title 7 of this Code and with the following regulations:

1. In the Ranch-Farm zoning district, provided,
 - a. The site has a minimum of one acre, and
 - b. All animals are housed within a permitted building.
2. In R-1, A-O, A-3/O, A-M, PR-I, PR-II, C-1, C-2, C-3, C-4, M-1, P-C, P-I, PMD, S-D. RMU, GMU, and IMU zoning districts, provided:
 - a. All animals are housed within a permitted building, and
 - b. All buildings in which the animals are housed shall have a separate mechanical air exchange and meet minimum fire barrier requirements as defined by Chapter 7 of the 2015 International Building Code.

B. Animal Facilities (outdoor enclosure) are permitted when in compliance with Title 7 of this code and the following conditions:

1. In the Ranch-Farm zoning district, provided,
 - a. The site has a minimum of one acre, and
 - b. The distance between all outdoor enclosures to any existing residential structures shall be no less than one-hundred and fifty feet. This restriction does not apply to a residential structure located on the same property and used as a part of the animal facility (outdoor enclosure),
 - c. The facility shall be operated in a manner that is in compliance with Chapter 9.40 (Noise) of the El Paso Municipal Code.
2. In C-1, C-2, C-3, C-4, M-1, P-I, P-C, PMD, GMU, and IMU zoning districts:
 - a. All buildings shall provide a separate means of mechanical air exchange for all permitted buildings and meet minimum fire barrier

requirements as defined by Chapter 7 of the 2015 International Building Code, and

- b. The distance between all outdoor enclosures to any existing residential structure shall not be less than one-hundred and fifty feet. This restriction does not apply to a residential structure located on the same property and used as a part of the animal facility (outdoor enclosure), and
- c. The facility shall be operated in a manner that is in compliance with Chapter 9.40 (Noise) of the El Paso Municipal Code.
- d. The kenneling of animals shall be prohibited within the outdoor enclosure.
- e. Animals shall be prohibited in the outdoor enclosures between the hours of 9:00 PM through 7:00 AM, unless the facility is located in an RF district.

SECTION 4. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.460 (Pet shops) be deleted in its entirety.

SECTION 5. That Title 20 (Zoning), Chapter 20.12 (Density and Dimensional Standards), Section 20.12.020 (Table of Density and Dimensional Standards) Appendix B (Table of Density and Dimensional Standards) Line AA.2 Zoning District R-F be amended as follows:

Revise as follows:

Subpart B (Lot & Dwelling Size) Permitted Use (as established in Chapter 20.08) column:
Animal Facilities (indoor enclosure)

Remove as follows:

Subpart C (Other Standards): “No structure shall be located closer than fifty (50) feet from any major arterial right-of-way as shown on the City's major thoroughfare plan”

SECTION 6. That Title 20 (Zoning), Chapter 20.12 (Density and Dimensional Standards), Section 20.12.020 (Table of Density and Dimensional Standards) Appendix B (Table of Density and Dimensional Standards) Line AA.3 Zoning District R-F be amended as follows:

Revise as follows:

AA.3, Subpart B (Lot & Dwelling Size) Permitted Use (as established in Chapter 20.08) column:
Animal Facilities (outdoor enclosures)

AA.3 Subpart B (Lot & Dwelling Size) Minimum Lot Area (square feet) column:
1 acre

Remove as follows:

AA.3, Subpart C (Other Standards)

“No structure shall be located closer than fifty (50) feet from any major arterial right-of-way as shown on the City's major thoroughfare plan”

SECTION 7. That Title 20 (Zoning,) Chapter 20.14 (Off-Street Parking, Loading and Storage Standards), Section 20.14.050 . (Parking requirements and standards), Subsection C. Table of Parking Requirements and Standards: Appendix C (Table of Parking Requirements and Standards) as follows:

Remove as follows:

Section 1.03 Animal kennel

Section 1.04 Animal pound

Section 1.05 Animal training facility (school)

Section 1.24 Veterinary treatment center (large animals)

Section 1.25 Veterinary treatment center (small animals)

Section 14.31 Pet shop (including grooming)”

Add as follows:

1.03 Animal Facilities (indoor enclosure) Minimum: 1/720 sf GFA, Maximum: 1/500 sf GFA, Bicycle: 3 SPACES, Heavy Truck Trailer: None, Gravel Screen Parking: Allowed, Notes: 2B

1.04 Animal Facilities (outdoor enclosure) Minimum: 1/720 sf GFA, Maximum: 1/500 sf GFA, Bicycle: 3 SPACES, Heavy Truck Trailer: None, Gravel Screen Parking: Allowed, Notes: 2B

SECTION 8. Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2016.

THE CITY OF EL PASO

Oscar Leeser

Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning and Inspections