

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE TO ADD A DEFINITION OF ACCESSORY DWELLING UNITS AND TO ADD STANDARDS FOR ACCESSORY DWELLING UNITS. 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 has regulations for accessory buildings and structures but lacks regulations for accessory dwelling units in single family zoning districts; and,

WHEREAS, the City Council adopted a Resolution on January 6th 2011 detailing the relationship between the built environment and obesity and directed the City Manager to recommend zoning code changes to increase opportunities for physical activity; and

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that the regulation of accessory dwelling units will provide opportunities for affordable housing and revitalization of existing neighborhoods within the City of El Paso, and 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, of the El Paso City Code to add the following definition:

20.02.029

"Accessory dwelling unit" means an accessory building that is intended to be used as a dwelling unit.

SECTION 2. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.030, Accessory Buildings and Structures, Paragraph A, Subparagraph 1, of the El Paso City Code be amended as follows:

20.10.030, Accessory Buildings and Structures

A. Residential

1. Residential accessory buildings shall not exceed one story or fifteen feet in height and must be located in a rear yard, or in a side yard if minimum required side setbacks are maintained, except as permitted in Section 20.10.035 (Accessory Dwelling Units). Condensing units for central air conditioning systems shall be no closer than five feet to a lot line.

CITY CLERK DEPT.
2011 APR -4 PM 5:05

ITEM #7

SECTION 3. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.030, Accessory Buildings and Structures, Paragraph A, Subparagraph 3, of the El Paso City Code be amended as follows:

20.10.030, Accessory Buildings and Structures

A. Residential

3. Detached residential accessory buildings shall be located not less than sixty feet from the front lot line, a minimum of five feet from the main building, and shall comply with the side and side street yard requirements. No rear yard setback shall be required, except for accessory dwelling units as permitted in Section 20.10.035.

SECTION 4. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.030, Accessory Buildings and Structures, Paragraph A, Subparagraph 4, of the El Paso City Code be amended as follows:

20.10.030, Accessory Buildings and Structures

A. Residential

4. The gross floor area of all combined detached residential accessory buildings on a lot shall not exceed the more restrictive of the following, except that one building with up to four hundred square feet shall be permitted:

- a. Fifty percent of the gross floor area of the main building; or
- b. Forty percent of the area of the rear yard.

SECTION 5. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, of the El Paso City Code be amended to add the following Section:

20.10.035 Accessory dwelling unit (ADU).

A. In addition to the regulations in Section 20.10.030, detached accessory dwelling units in residential zoning districts shall comply with the following:

1. The property owner must occupy either the principal unit or the accessory dwelling unit as their permanent residence. An owner of a property containing an accessory dwelling unit who is absent for a period of one year or less may rent the owner's unit as well as the second unit during the temporary absence.
2. Only one ADU is permitted on a lot with a detached single family dwelling. ADUs are not permitted on lots with a duplex or multi-family units.
3. The minimum lot area is 5,500 square feet.
4. If the lot is designated for on-site ponding, the maximum lot coverage, including all buildings and impervious surfaces, is 50%.
5. The ADU shall not exceed 800 square feet of gross floor area, except that for lots containing 8,000 square feet or more, the ADU shall not exceed 1,200 square feet gfa.
6. The ADU shall not contain more than one bedroom.
7. The ADU shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.

8. The ADU shall be located a minimum of 10 feet from any property line, except that when the rear property line abuts an alley with a minimum ROW of 20 feet, the rear setback for an ADU may be reduced to 0 feet; and when the rear property line abuts an alley with ROW less than 20', the rear setback for an ADU may be reduced to 5 feet, or less if approved by the Traffic Engineer.

9. Vehicular access to the ADU is permitted from an abutting alley if on-site parking is provided for the ADU.

10. The height of the ADU shall not exceed the height of the principal unit.

11. Windows shall not be permitted on the wall of an ADU that is within 10 feet of the property line abutting a residential use, if the ADU is taller than one story or 15 feet, unless a minimum 15' buffer of privacy trees (see approved tree list) are planted at 15 feet on center along the side and/or rear property lines adjacent to the ADU.

12. ADUs shall resemble the principal unit in scale, material and color. Roof pitch, siding material and color shall match the principal unit.

13. Windows shall be similar to the principal unit in the following ways: type of window, trim style, proportions.

B. Attached accessory dwelling units are permitted when they comply with the following:

1. Only one ADU is permitted on a lot with a single family dwelling. ADUs are not permitted on lots with a duplex or multi-family units.

2. The minimum lot area is 5,500 square feet.

3. The ADU shall not exceed 800 square feet of gross floor area except that for lots containing 8,000 square feet or more, the ADU shall not exceed 1,200 square feet gfa.

4. The ADU shall not contain more than one bedroom.

5. The ADU shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.

6. The ADU shall comply with all yard standards of the zoning district.

7. A separate entrance shall be provided for the ADU.

8. Vehicular access to the ADU is permitted from an abutting alley if on-site parking is provided for the ADU.

9. The height of the ADU shall not exceed the height of the principal unit.

10. ADUs shall resemble the principal unit in scale, material and color. Roof pitch, siding material and color shall match the principal unit.

11. Windows shall be similar to the principal unit in the following ways: type of window, trim style, proportions.

SECTION 6. That Title 20, Zoning, Chapter 20.10, Appendix A, Table of Permissible Uses, of the El Paso City Code be amended to add the following:

Appendix A

13.35 "Accessory dwelling unit" as a permitted accessory use (A) in all residential (R) and apartment (A) zoning districts; as not permitted (X) in all commercial (C) and manufacturing (M) zoning districts; and as a permitted accessory use with detailed site plan approval (D) in all special purpose districts. Add under supplemental standards 20.010.10, 20.010.20 and 20.010.35.

SECTION 7. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of _____ 2011.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
Planning and Economic Development Dept.

CITY CLERK DEPT.
2011 APR -4 PM 5:05