

**AN ORDINANCE AMENDING THE EL PASO MUNICIPAL CODE TO SUBSTITUTE THE TERM BUILDING SERVICES DEPARTMENT FOR THE PUBLIC INSPECTION DEPARTMENT AND FOR ENVIRONMENTAL ENFORCEMENT; TO SUBSTITUTE THE TERM DEPUTY DIRECTOR FOR BUILDING SERVICES FOR THE TERM BUILDING OFFICIAL; TO SUBSTITUTE THE TERM FIRE CHIEF OR DESIGNEE FOR FIRE MARSHAL; TO DELETE ANY REFERENCE TO THE TERM ASSISTANT FIRE MARSHAL; TO SUBSTITUTE THE TERM DEPUTY DIRECTOR FOR ENGINEERING FOR CITY ENGINEER; TO SUBSTITUTE THE TERM TRAFFIC ENGINEER FOR DIRECTOR OF TRAFFIC AND TRANSPORTATION; TO SUBSTITUTE THE TERM DEPUTY DIRECTOR FOR SOLID WASTE MANAGEMENT FOR SANITATION SUPERINTENDENT, AND TO AMEND TITLE 18 (BUILDING AND CONSTRUCTION) TO DELETE ANY REFERENCE TO THE DEPUTY BUILDING OFFICIAL AND TO AMEND THE PROCEDURES FOR PROCESSING PERMIT APPLICATIONS.**

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

**1. That Title 2 (Administration and Personnel), Chapter 2.08 (City Plan Commission), Section 2.08.010 (Creation - Membership) of the Municipal Code shall be amended to read as follows:**

2.08.010 Creation—Membership.

The city plan commission shall consist of nine members who shall be resident citizens of El Paso and owners of real property situated in the city. They shall be appointed by the mayor with the advice and consent of the city council. In addition thereto, the mayor, the Director of Public Works, the Director of Planning, and the Deputy Director for Engineering shall be ex officio members, with the right to attend meetings and speak on questions before the commission; but the ex officio members shall have no vote and shall not be counted for the purpose of making a quorum or determining the number of votes necessary to reach a decision on any questions.

**2. That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050, (Special Exceptions), Subsections E., 0.2. and P.2., of the Municipal Code shall be amended to read as follows:**

2.16.050 Special exceptions.

E. Permit the addition of a bathroom, kitchen or other essential facilities to existing nonconforming dwelling structures upon the finding by the Deputy Director for Building Services that such additions will bring the dwelling unit into substantial compliance with the building code.

The zoning board of adjustment must determine that the addition proposed is in keeping with the redevelopment objectives for the area;

O.2. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the Traffic Engineer, and

P.2. The board receives a recommendation from the department of Building Services, the zoning administrator or any department required to provide relevant input, and

**3. That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.060 (Administration), Subsections A. and B., of the Municipal Code shall be amended to read as follows:**

2.16.060 Administration.

A. All applications to the board will be in writing on forms prescribed by the Building Services Department and shall be accompanied by the fee as set forth in this subsection to help defray the cost of publication, the giving of notice, and general expense in connection with the appeal. Before acceptance, all applications submitted shall be complete in all details. The fee schedule for applications before the board shall be as follows:

B. The Deputy Director for Building Services shall only issue a building permit for construction authorized by board action during the first twelve months after board authorization unless otherwise directed by the board at the time the authorization is approved.

**4. That Title 2 (Administration and Personnel), Chapter 2.88 (Architect Engineer Selection Committee), Section 2.88.020 (Membership - Organization), Subsections B. and I., of the Municipal Code shall be amended to read as follows:**

2.88.020 Membership—Organization.

The architect-engineer selection committee shall be composed of the following voting members:

B. The Deputy Director for Engineering or designee;

I. A city employee who is a licensed engineer or architect to be selected by the Deputy Director for Engineering.

The committee shall be permanent and the chairman of the representative legislative review committee having jurisdiction for architect-engineer selection, or designee, shall be its chairman.

In addition, either a member of a local chapter of a recognized organization of professional engineers or a member of a local chapter of a recognized organization of professional architects, depending upon whether a proposed project requires engineering or architectural services, shall sit

## Chapter 2.08

## CITY PLAN COMMISSION

## Sections:

- 2.08.010 **Creation—Membership.**  
 2.08.020 **Terms.**  
 2.08.030 **Removal.**  
 2.08.040 **Members not to hold other public offices—Exception.**  
 2.08.050 **Chairman and vice-chairman—Rules and regulations.**  
 2.08.060 **Duties—Generally.**  
 2.08.070 **Submission of plans for advice and consultation—Public building erection, location and construction plans.**  
 2.08.080 **Submission of plans for advice and consultation—Street or sewer system, park or parking strip alteration plans.**  
 2.08.090 **Submission of plans for advice and consultation—Recommendations and reports to council.**  
 2.08.100 **Submission of plans for advice and consultation—Plans referred by city council—Action thereon by city council.**  
 2.08.110 **City planning—Duty to keep informed on, study and recommend improvements.**  
 2.08.120 **Zoning plan formulation and submission.**  
 2.08.130 **Housing condition reports and recommendations.**  
 2.08.140 **Water supply study, investigation and reports.**  
 2.08.150 **Annual reports to council.**
- 2.08.010 **Creation—Membership.**  
 The city plan commission shall consist of nine members who shall be resident citizens of El Paso and owners of real property situated in the city. They shall be appointed by the mayor with the

advice and consent of the city council. In addition thereto, the mayor, the director of public works, the director of planning, and the deputy director for engineering shall be ex officio members, with the right to attend meetings and speak on questions before the commission; but the ex officio members shall have no vote and shall not be counted for the purpose of making a quorum or determining the number of votes necessary to reach a decision on any questions. (Ord. 13152 § 1, 1997: prior code § 2-5 (part)).

2.08.020 **Terms.**

A. The terms of office for members of the commission, other than the ex officio members, shall be two years and the first commission members' terms shall be staggered by eight-month terms according to the following schedule:

1. Three members shall be appointed for an eight-month term;
2. Three members shall be appointed for a sixteen-month term;
3. Three members shall be appointed for a twenty-four-month term beginning upon the first appointments after May 2, 1957.

B. Upon the expiration of the eight-month term, the members in this group will then be appointed for a full two-year term. Upon the expiration of the sixteen-month term the members in this group will then be appointed for their two-year terms, thus staggering the appointment setup so that no more than three members shall be reappointed in any one given eight-month term. (Prior code § 2-5 (part))

2.08.030 **Removal.**

The members of the commission shall serve until their successors are appointed and shall be subject to removal under the terms of the City Charter concerning officers appointed by the mayor. (Prior code § 2-5 (part))

2.08.040 **Members not to hold other public offices—Exception.**

No member of the city plan commission,

other than the ex officio members, shall hold any other public office of honor, trust or profit in the government of the city or county during his term of office. (Prior code § 2-5 (part))

**2.08.050 Chairman and vice-chairman—  
Rules and regulations.**

The city plan commission members shall select from among their number a chairman and a vice-chairman, and they shall adopt rules and regulations for the government of their own proceedings, and to carry out the purposes for which such commission is created, not inconsistent with the Charter and ordinances of the city. (Prior code § 2-5 (part))

**2.08.060 Duties—Generally.**

It shall be the duty of the city plan commission to formulate general plans and designs to promote the welfare, beauty and comfort of the city, to improve and develop means of transportation, ornamentation, drainage, sewerage and all other means of municipal improvement, and the commission shall, from time to time, submit to the city council, reports, maps and plans for such purposes, and it shall be the special duty of the city plan commission to consider, formulate and recommend plans for the elimination, in so far as may be practicable, of all grade crossings for all railways within the city, whether by removal of tracks or by the elevation or depression thereof. (Prior code § 2-6)

**2.08.070 Submission of plans for advice and  
consultation—Public building  
erection, location and construction  
plans.**

The city will not locate, erect or construct any building, memorial, viaduct, park or work of art of any character, until the plan or proposal therefor shall have been submitted by the city council to the city plan commission for its advice and consultation. (Prior code § 2-7)

**2.08.080 Submission of plans for advice and  
consultation—Street or sewer  
system, park or parking strip  
alteration plans.**

Whenever it is proposed to make any general alteration in the street system of the city or any portion thereof, or to open, close, widen or extend any street in the city, or in the territory adjacent thereto, or to permit the construction of any streetcar tracks thereon, or to remove any streetcar tracks therefrom, such proposal, before it is acted upon, shall be referred to the city plan commission for advice and consultation. In like manner, any plan for any general change or alteration relating to public parks or parking strips, and to lighting, beautification or ornamentation of any of the streets of the city, or any general plan affecting the drainage or sewer systems of the city, or general change in the grades of public streets, shall be referred to the city plan commission for advice and consultation. (Prior code § 2-8)

**2.08.090 Submission of plans for advice and  
consultation—Recommendations  
and reports to council.**

Whenever any plan, proposal or ordinance relating to matters coming within the duties or jurisdiction of the city plan commission, as herein set forth or hereafter adopted, shall have been referred to the city plan commission for consultation or advice, the city plan commission shall return the same to the city council with its report and recommendation thereon in writing, within thirty days after the same shall have been referred to the city plan commission, unless the city council shall, in referring same, direct that a longer or shorter period shall be allowed for such report, but upon request or recommendation of the city plan commission, the time for the making of such report and recommendation may be extended within the discretion of the city council. (Prior code § 2-9)

**2.08.100 Submission of plans for advice and consultation—Plans referred by city council—Action thereon by city council.**

When any plan, proposal or ordinance shall have been referred by the city council to the city plan commission, the city council shall not take action thereon until the expiration of the time allowed for the report and recommendation of the commission. (Prior code § 2-10)

**2.08.110 City planning—Duty to keep informed on, study and recommend improvements.**

It shall be the duty of the city plan commission to keep itself informed as to the progress of city planning in this and other countries, and to make studies and recommendations for the improvement of the sanitation, recreation and general welfare of the public, and to improve traffic, transportation and the general convenience of the public, and the economic development of the city, and it shall submit to the city council, from time to time, plans, reports and recommendations concerning the development of facilities for public recreation, the development and improvement of public parks, boulevards, highways and other grounds, the improvement of the river front and the extension and opening of streets and highways. (Prior code § 2-11)

**2.08.120 Zoning plan formulation and submission.**

It shall be the duty of the city plan commission to formulate and submit to the city council, plans

for zoning and for regulating the location of business houses, industrial plants and residential sections. (Prior code § 2-12)

**2.08.130 Housing condition reports and recommendations.**

It shall be the duty of the city plan commission to formulate and submit to the city council, reports, plans and recommendations to regulate the height, design and location as to property lines, within the city or adjacent thereto, and to formulate and submit to the city council recommendations to prevent or abolish unsanitary, unhealthful or unwholesome housing conditions. (Prior code § 2-13)

**2.08.140 Water supply study, investigation and reports.**

The city plan commission shall study, investigate and report upon plans for the extension of the water supply for the city, and upon new sources of supply. (Prior code § 2-14)

**2.08.150 Annual reports to council.**

On or before August fifteenth of each year, the city plan commission shall make a written report to the mayor and city council of the work of the commission during the preceding year. Such reports shall summarize all recommendations made by the commission to the city council during the year, and all reference by the city council to the commission of matters for investigation, report or advice, together with the action of the city council, if any, taken thereon. Such report shall contain the general program of improvements for the city as shall be recommended by the commission, and may contain estimates of cost and recommendations as to the means of defraying the same. (Prior code § 2-15)

Deputy Clerk read an ordinance creating for the City of El Paso a City Plan Commission. Motion was duly made and seconded to adopt the ordinance.

The Mayor ordered the vote upon the adoption of the ordinance to be taken by roll call, which when taken resulted as follows: Ayes, Griffith, Sweeney, Trotti and Semple; nays, none; absent, none. Whereupon Mayor Davis declared that all of the vote of the City Council having been cast in favor of the adoption of the ordinance, the same be and is hereby adopted. The ordinance above referred to is in words and figures as follows, to-wit:

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

Section 1. That there is hereby created for the City of El Paso a City Plan Commission, which shall be composed of five members, who shall be resident citizens of the city, to be appointed by the Mayor of the City of El Paso with the advice and approval of the Board of Aldermen. The members of the City Plan Commission shall serve without pay, and shall have the powers and duties conferred upon them by the Charter of the City of El Paso and the ordinances thereof. The members of the Commission shall serve for a period of two years and until their successors are appointed and qualify, and shall be subject to removal under the terms of the City Charter concerning officers appointed by the Mayor; provided, that of the members of the first City Plan Commission to be appointed under the terms of this ordinance, three shall be appointed for a term of two years and two shall be appointed for a term of one year. No member of the City Plan Commission shall hold any other public office of honor, trust or profit in the government of the City or County of El Paso during his term of office. The City Plan Commission shall select from among their number a Chairman and Vice Chairman, and they shall adopt rules and regulations for the government of their own proceedings and to carry out the purposes for which such Commission is created, not inconsistent with the Charter and ordinances of the City of El Paso.

Section 2. Within the limits of the funds set aside and provided therefor by the City Council, the City Plan Commission shall have power and authority to employ such agents, representatives and employes as may be necessary to carry out the purposes of the Commission, and to prescribe their duties.

Section 3. Hereafter it shall be unlawful to locate, erect or construct any public building, memorial, viaduct, park or public work of art of any character, until the plan or proposal therefor shall have been submitted by the City Council to the City Plan Commission for its advice and consultation.

Section 4. Whenever it is proposed to make any general alteration in the street or highway system of the city or any portion thereof, or to open, close, widen or extend any street, boulevard or highway in the City of El Paso, or in the territory adjacent thereto, or to permit the construction of any street car tracks thereon, or to remove any street car tracks therefrom, such proposal, before it is acted upon, shall be referred to the City Plan Commission for advice and consultation. And, in like manner, any plan for any general change or alteration relating to public parks or parking, and to lighting, beautification or ornamentation of any of the streets, highways or thoroughfares of the city, or any general plan affecting the drainage or sewer systems of the city, or general change in the grades of public thoroughfares, or the replatting of new additions to the City, shall be referred to the City Plan Commission for advice and consultation.

Section 5. It shall be the duty of the City Plan Commission to formulate general plans and designs to promote the welfare, beauty and comfort of the city, to improve and develop means of transportation, ornamentation, drainage, sewerage and all other means of municipal improvement, and the Commission shall, from time to time, submit to the City Council, reports, maps and plans for such purposes, and it shall be the especial duty of the City Plan Commission to consider, formulate and recommend plans for the elimination, in so far as may be practicable, of all grade crossings for all steam railways within the City of El Paso, whether by removal of tracks or by the elevation or depression thereof.

Section 6. Whenever any plan, proposal or ordinance relating to matters coming within the duties or jurisdiction of the City Plan Commission, as herein set forth or hereafter adopted, shall have been referred to the City Plan Commission for consultation or advice, the City Plan Commission shall return the same to the City Council with its report and recommendation thereon in writing, within thirty (30) days after the same shall have been referred to the City Plan Commission, unless the City Council shall, in referring same, direct that a longer or shorter period shall be allowed for such report, but upon request or recommendation of the City Plan Commission, the time for the making of such report and recommendation may be extended within the discretion of the City Council.

Section 7. When any plan, proposal or ordinance shall have been referred by the City Council to the City Plan Commission, the City Council shall not take action thereon until the expiration of the time allowed for the report and recommendation of the Commission.

Section 8. It shall be the duty of the City Plan Commission to keep itself informed as to the progress of city planning in this and other countries, and to make studies and recommendations for the improvement of the sanitation, recreation and general welfare of the public, and to improve traffic, transportation and the general convenience of the public, and they shall submit to the City Council, from time to time, plans, reports and recommendations concerning the development of facilities for public recreation, the development and improvement of public parks, boulevards, highways and other grounds, the improvement of the river front and the extension and opening of streets and highways.

Section 9. It shall be the duty of the City Plan Commission to formulate and submit to the City Council, plans for zoning the city and for regulating the location of business houses, industrial plants and residential sections.

Section 10. It shall be the duty of the City Plan Commission to formulate and submit to the City Council, reports, plans and recommendations to regulate the height, design and location as to property lines, elevation of street grade and general structure and design of building operations within the City of El Paso or adjacent thereto, and to formulate and submit to the City Council recommendations to prevent or abolish unsanitary unhealthy or unwholesome housing conditions.

Section 11. The City Plan Commission shall study, investigate and report upon plans for the extension of the water supply for the city, and upon new sources of supply.

Section 12. On or before the 15th day of June of each year, the Commission shall make a written report to the Mayor and City Council of the work of the Commission during the preceding year. Such reports shall summarize all recommendations made by the Commission to the City Council during the year, and all reference by the City Council to the Commission of matters for investigation, report or advice, together with the action of the City Council, if any, taken thereon. Such report shall contain the general program of improvement for the city as shall be recommended by the Commission, and may contain estimates of cost and recommendations as to the means of defraying the same.

The City Clerk read an ordinance entitled "An ordinance repealing an ordinance entitled "An Ordinance amending section 19 of the zoning Ordinance and vesting in the Board of Adjustment Powers heretofore vested in the City Planning Commission and restoring a separate City Plan Commission and a separate Board of Adjustment.

Motion made, seconded and carried that said ordinance be adopted. Whereupon the Mayor ordered that the vote be taken on the passage and adoption of the ordinance which when so taken resulted as follows:- ayes, Aldermen Walshall, Morgan and Travis; nays, none; absent Alderman Duke. Thereupon the Mayor declared that the majority vote of the members of the City Council having been cast in favor thereof, the same be, and hereby is, adopted, said ordinance being in words and figures as follows:

AN ORDINANCE REPEALING AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING SECTION 19 OF THE ZONING ORDINANCE AND VESTING IN THE BOARD OF ADJUSTMENT POWERS HERETOFORE VESTED IN THE CITY PLANNING COMMISSION" AND RESTORING A SEPARATE CITY PLAN COMMISSION AND A SEPARATE BOARD OF ADJUSTMENT,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS;

Section 1. That an ordinance entitled "An ordinance amending Section 19 of the Zoning Ordinance and vesting in the Board of Adjustment powers heretofore vested in the City Planning Commission" passed and approved on the 29th day of April, A.D. 1937, be, and the same is hereby, repealed.

Section 2. That Section 19 of the Zoning Ordinance passed and approved on the 25th day of September, 1930, be and the same is hereby, reenacted and reordained so as to read the same as the original Section 19 of said ordinance and so as to reestablish a Board of Adjustment consisting of five members appointed by the Mayor and confirmed by the City Council, with all the powers and subject to all the provisions in said ordinance originally contained.

Section 3. That Section 1 of an ordinance creating the City Plan Commission passed and approved the 8th day of March, 1923, be, and the same is hereby, reenacted and reordained in all respects, and the City Plan Commission therein established is hereby reestablished and re-created with all the powers and subject to all the conditions contained in said original ordinance of March 8, 1923.

Section 4. That the present members of the Board of Plan and Adjustment shall remain as members of the board of Adjustment as provided for in Section 19 of the Zoning Ordinance of September 25, 1930, for the duration of their respective terms.

Section 5. That the Mayor, with the advice and approval of the Board of Aldermen, shall immediately proceed to appoint five members of the City Plan Commission in the same manner and for the same terms as provided in the ordinance of March 8, 1923 creating the City Plan Commission.

Passed and approved this 2nd day of May, 1940.

ATTEST: W. B. COLLINS, CITY CLERK.

J. E. ANDERSON, MAYOR