

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Development Services Department – Planning Division

AGENDA DATE: Introduction: April 15, 2008
Public Hearing: May 6, 2008

CONTACT PERSON/PHONE: Philip Etiwe, 541-4635

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending Title 20 (Zoning) of the El Paso City Code, by amending Chapter 20.04 (Administrative Provisions) to provide for reductions of various fees for special permits, rezoning and detailed site development plan applications within the Tax Increment Reinvestment Zone No. 5 and Neighborhood Empowerment Zones through August 31, 2012; and to eliminate the fee for processing all historic overlay designation applications requested by the property owner. Applicant: City of El Paso (All Districts)

BACKGROUND / DISCUSSION:

A series of incentives to promote and assist revitalization activities in the Downtown Plan area are being proposed. As part of the on-going implementation program for the Downtown Plan, these incentives have been under review for some time. Other incentives are already in place and the series of incentives for fee reductions for projects in the Downtown area are now ready to come forward. Like the other incentives approved, these are front loaded with the maximum reduction early on and the level of incentive reducing each year until it phases out after 5 years.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

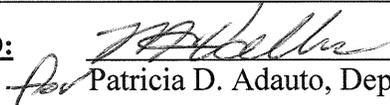
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BOARD / COMMISSION ACTION:

Development Coordinating Committee: Recommendation Pending
City Plan Commission: Recommendation Pending

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____
for Patricia D. Adauto, Deputy City Manager, Development & Infrastructure Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO CITY CODE, BY AMENDING CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS) TO PROVIDE FOR REDUCTIONS OF VARIOUS FEES FOR SPECIAL PERMITS, REZONING AND DETAILED SITE DEVELOPMENT PLAN APPLICATIONS WITHIN THE TAX INCREMENT REINVESTMENT ZONE NO. 5 AND NEIGHBORHOOD EMPOWERMENT ZONES THROUGH AUGUST 31, 2012; AND TO ELIMINATE THE FEE FOR PROCESSING ALL HISTORIC OVERLAY DESIGNATION APPLICATIONS REQUESTED BY THE PROPERTY OWNER.

WHEREAS, on October 31, 2006, the City Council of the City of El Paso amended the Downtown 2015 Plan, to provide for revitalization of the downtown area and directed the City Manager to prepare an implementation strategy to include a package of financial and other incentives that will encourage and energize continued and more expansive investment and improvement in the downtown area; and

WHEREAS, the City desires to offer fee reductions for specified zoning and rezoning applications in order to encourage investment in the renovation, restoration and rehabilitation of properties and new development and construction within the Tax Increment Reinvestment Zone No. 5, which is located within the Downtown 2015 Plan, and within neighborhood empowerment zones designated by a resolution of the City Council in accordance with applicable State law; and

WHEREAS, the reduction of fees within a Tax Increment Reinvestment Zone and within neighborhood empowerment zones are authorized by and properly made in accordance with State Law; and

WHEREAS, the City Council finds that the fee reductions as set forth in this ordinance constitute a benefit to the City and will further encourage private investment within the applicable areas, and will result in minimal financial impact to the City; and

WHEREAS, Texas Local Government Code, Section 211.001, grants municipalities the power to regulate zoning for the purpose of promoting the public health, safety, morals, or

general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, Texas Local Government Code, Section 211.001 further provides that the City Council may regulate construction, reconstruction, alteration, or razing of buildings and structures in designated places and areas of historical, cultural, or architectural importance; and

WHEREAS, in order to encourage property owners to preserve homes and buildings of historical, cultural, or architectural importance, no fees should be required from a property owner for the processing of an application for a historic “H” overlay; and

WHEREAS, the City Council finds that amending the City Code to eliminate the fees required for the processing of an application for a historic “H” overlay is in the best interest of the public and serves a public purpose to protect buildings and other structures in areas of historical, cultural, or architectural importance in the City.

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

Section 1. That Section 20.04.160 of the El Paso City Code (Content of application) be amended to add a new subsection G read as follows:

20.04.160 Content of application, New Subsection G.

G. The fee required by this section and section 20.04.410 of this Code, and established by the City Council in accordance with Section 20.04.800 of this Code, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the City Council, shall be reduced by one hundred percent (100%) for the period from the effective date of this ordinance through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

Section 2. That Section 20.04.260 of the El Paso City Code (Special permits generally) be amended to add a new subsection G read as follows:

20.04.260 Special permits generally, New Subsection G.

G. The fee required by this section and section 20.04.410 of this Code, and established by the City Council in accordance with Section 20.04.800 of this Code, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the City Council, shall be reduced by one hundred percent (100%) for the period from the effective date of this ordinance through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

Section 3. That Section 20.04.370 of the El Paso City Code (Application form) be amended to read as follows:

20.04.370 Application form.

A. Application forms for proposals and requests shall be provided by the deputy director and, when completed, shall be filed with the executive secretary of the city plan commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.

B. The fee required by this section and section 20.04.410 of this Code, and established by the City Council in accordance with Section 20.04.800 of this Code, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the City Council, shall be reduced by eighty percent (80%) for the period from the effective date of this ordinance through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

C. The fee required by this section and section 20.04.410 of this Code, and established by the City Council in accordance with Section 20.04.800 of this Code, shall not be required for an application submitted by a property owner for the sole purpose of designating the property with a historic "H" overlay.

Section 4. The effective date of this ordinance shall be May 12, 2008.

Section 5. Except as herein provided, Title 20 (Zoning) shall remain in full force and effect.

ADOPTED this 6th day of May 2008.

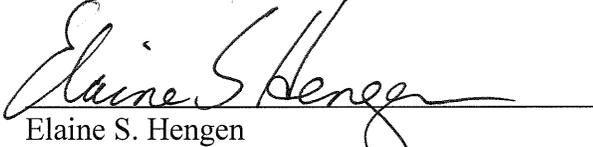
CITY OF EL PASO

John F. Cook
Mayor

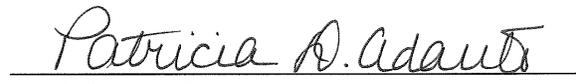
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:


Patricia D. Adauto
Deputy City Manager

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