CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **DEVELOPMENT SERVICES**

AGENDA DATE: **INTRODUCTION: APRIL 15, 2008**
PUBLIC HEARING: MAY 6, 2008

CONTACT PERSON/PHONE: **LARRY F. NICHOLS/DEVELOPMENT SERVICES/ (915) 541-4557**

DISTRICT(S) AFFECTED: **ALL**

SUBJECT:
An ordinance amending Title 18 (Building and Construction) of the El Paso City Code, by amending Chapters 18.02 (Building and Construction Administrative Code) and 18.44 (Grading) to provide for reductions of various fees relating to demolition and construction on properties located within the tax increment reinvestment zone no.5 and neighborhood empowerment zones through August 31, 2012.

BACKGROUND / DISCUSSION:
N/A

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
N/A

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

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

DEPARTMENT HEAD: _____, 04/08/08
Larry F. Nichols, Building Permits & Inspections Deputy Director

OTHER: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO CITY CODE, BY AMENDING CHAPTERS 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) AND 18.44 (GRADING) TO PROVIDE FOR REDUCTIONS OF VARIOUS FEES RELATING TO DEMOLITION AND CONSTRUCTION ON PROPERTIES LOCATED WITHIN THE TAX INCREMENT REINVESTMENT ZONE NO. 5 AND NEIGHBORHOOD EMPOWERMENT ZONES THROUGH AUGUST 31, 2012.

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 demolition and construction permits in order to encourage investment in the renovation, restoration and rehabilitation of properties and new 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, 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

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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, the additional fee reductions for plan checking regarding properties that are additionally located in the Downtown Historic District are appropriate in order to encourage property owners to preserve the buildings of historical, cultural, or architectural importance; 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.

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

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Section 1. That Section 18.02.109.2.2 of the El Paso City Code (Demolition of building or structure) be amended to read as follows:

18.02.109.2.2 Demolition of building or structure.

A. For the demolition of any building or structure or of any portion of a building or structure, the fee shall be the amount set by the budget or other appropriate resolution of the City Council.
B. The fee required by this section for the demolition of any building or structure 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 18.02.109.2.4 of the El Paso City Code (Plan checking fee) be amended to read as follows:

18.02.109.2.4 Plan checking fee.

A. When a plan is required to be submitted by Section 18.02.103.2, a plan checking fee equal to twenty-five percent of the building permit fee shall be paid, except for work with a valuation of less than fifteen thousand dollars, no additional fee shall be required. (Plan

check cost is included in minimum permit fee.)
EXCEPTION: The plan check fee is included in the one-permit fee for R3 occupancies.
B. For a preliminary plan review requested prior to application for a building permit, the fee shall be determined by the director for building permits and inspections as follows:
1. Customized Plan Reviews. The fee for customized plan reviews for new construction projects, major additions to existing facilities and for complex projects shall be in the amount as set by the budget or other appropriate resolution of the City Council.
C. Plan Review by Appointment. The fee for plan reviews by appointment for tenant improvements shall be in the amount as set by the budget or other appropriate resolution of the City Council.
D. The fees required by this section for the checking and reviewing of plans for 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 twenty-five percent (25%) from the effective date of this ordinance through August 31, 2012.
E. The fees required by this section for the checking and reviewing of plans for 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, and which are located in a historic district or designated with a historic "H" overlay, shall be reduced by fifty percent (50%) for the period of the effective date of this ordinance through August 31, 2012.

Section 3. That Section 18.44.150 (Permit fees) of the El Paso City Code be amended to read as follows:

18.44.150 Permit fees.

A. The application for a grading permit-clearing and access, outside the mountain development area, shall be accompanied by a fee in the amount set by the budget or other appropriate resolution of the City Council. The standard fee for a borrow or waste permit shall in the amount set by the budget or other appropriate resolution of the City Council for each site.
B. The application for a grading permit-clearing and access inside the mountain development area shall be accompanied by a fee in the amount set by the budget or other appropriate resolution of the City Council. The standard fee for a borrow or waste permit inside the mountain development area shall be in the amount set by the budget or other appropriate resolution f the City Council for each site
C. The fees required under subsections A and B for 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.

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D. The fees are to help pay the expense of enforcing this chapter and will not be returned. The cost of any required tests of soils or materials will be an additional charge to the applicant.
E. Where application is made for a permit to do grading in the mountain development area, the applicant shall pay all costs of advertising notices of any hearings before the city plan commission and such notices shall appear in the official newspaper as described in Section 18.44.120(D). When an appeal is taken to the city council, the appellant shall pay to the city clerk a nonrefundable fee of one hundred five dollars upon filing of the appeal and shall also pay all costs of advertising notices of any hearings before the city council as above.

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

Section 5. Except as herein provided, Title 18 (Building and Construction) 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

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APPROVED AS TO FORM:

Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, BCO,
Deputy Director,
Building Permits and Inspections