

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

**DEPARTMENT:** Planning and Economic Development Department, Planning Division

**AGENDA DATE:** Introduction: April 26, 2011  
Public Hearing: May 17, 2011

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

An Ordinance amending Title 20 (Zoning), Chapter 20.02 (general provisions and definitions), and Chapter 20.10 (Supplemental Use Regulations), Section 20.10.680 (Temporary Uses) of the El Paso City Code to add a definition for fraternal lodge, to amend the definition for a lodge, to allow for fraternal organizations to conduct temporary fund raising activities, to include temporary rental of facilities. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. (All Districts)

**BACKGROUND / DISCUSSION:**

Attached is proposed amendment

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Reviewed  
City Plan Commission (CPC) – Approval Recommendation (5-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

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

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), AND CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.680 (TEMPORARY USES) OF THE EL PASO CITY CODE TO ADD A DEFINITION FOR FRATERNAL LODGE, TO AMEND THE DEFINITION FOR A LODGE, TO ALLOW FOR FRATERNAL ORGANIZATIONS TO CONDUCT TEMPORARY FUND RAISING ACTIVITIES, TO INCLUDE TEMPORARY RENTAL OF 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 El Paso City Council recognizes that fraternal organizations provide temporary fund-raising activities to support charitable or philanthropic works carried out by the organization; and,

**WHEREAS**, the El Paso City Council desires to amend the City Code to clearly allow fraternal organizations to continue to engage in temporary fund-raising activities; 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 amending the code to regulate and allow such activities 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 is amended to add the following definition:

20.02.391 Fraternal Organization.

“Fraternal Organization” means 501 (c)3 charitable organization under IRS regulations

**SECTION 2.** That Title 20, Zoning, Chapter 20.02, General Provisions and Definitions, Section 20.02.524, Lodge, of the El Paso City Code is amended as follows:

20.02.524 Lodge.

“Lodge” means a facility used as the meeting place of a fraternal organization. A lodge may also be used for various temporary fund-raising activities to support charitable or philanthropic works incidental to, and carried out by, the organization, to include the rental of the lodge for temporary events, provided that if such use is no longer incidental to the primary use as a meeting place, then a special permit shall be required for such temporary use.

**SECTION 3.** That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.680, Temporary Uses, of the El Paso City Code is amended to add the following Section and that the current Sections D, E, and F follow the added section:

20.10.680 Temporary Uses.

D. A fraternal organization may use their lodge for various temporary fund-raising activities to support charitable or philanthropic works carried out by the organization, to include the rental of the lodge for temporary events, provided that such use is incidental to the primary use of the lodge as a meeting place for the fraternal organization. If the use of the lodge for fund raising activities is more than incidental, then such use shall require a special permit. A special permit may be granted under the following conditions:

1. The fraternal organization is a 501(c)3 charitable organization under IRS regulations.
2. The lodge in which such activities will be conducted is owned and operated by the fraternal organization.
3. The lodge is still used by the fraternal organization as a meeting place.
4. The temporary uses are for the purpose of conducting fund-raising activities to support charitable or philanthropic works carried out by the organization.
5. No activity or event may exceed 72 hours.
6. The temporary activities allowed under this provisions are:
  - a. Social gatherings, such as weddings, quincaneras, anniversaries, birthday parties.
  - b. Festivals.
  - c. Meetings or gatherings of organizations, other than the fraternal organization.
  - d. Temporary events, such as art shows or exhibits, gun shows, car shows or exhibits.
  - e. Any other event that is similar to the events described above.
7. Provided that all the conditions above are complied with, the fraternal organization may rent the lodge to other organizations for the conduct of such temporary events described above.
8. The applicant shall comply with the special permit approval process specified under Article V, of Chapter 20.04 of this Title.

**SECTION 2.** Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain if full force and effect.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2011.

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

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Richarda Duffy Momsen  
City Clerk

SIGNATURES CONTINUE ON FOLLOWING PAGE

APPROVED AS TO FORM:

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Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

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