

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: May 4, 2010  
Public Hearing: May 25, 2010

**CONTACT PERSON/PHONE:** Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.080 (Animal Facilities) of the El Paso City Code to allow for an amendment to the distance requirement for small animal veterinary hospitals or clinics in an area zoned R-1 (Residential) or C-1, C-2, C-3, or C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. (All Districts)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (4-0)

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

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

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

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services

**APPROVED FOR AGENDA:** \_\_\_\_\_

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

**DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.080 (ANIMAL FACILITIES) OF THE EL PASO CITY CODE TO ALLOW FOR AN AMENDMENT TO THE DISTANCE REQUIREMENT FOR SMALL ANIMAL VETERINARY HOSPITALS OR CLINICS IN AN AREA ZONED R-1 (RESIDENTIAL) OR C-1, C-2, C-3, OR C-4 (COMMERCIAL). 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 Code requires that when a small animal hospital or clinic is established in an R-1 (Residential) or C-1, C-2, C-3, or C-4 (Commercial) district, the distance between a building, structure or open area used for any hospital or clinic purpose shall not be less than one hundred fifty feet to the nearest residential or apartment district or use; and,

**WHEREAS**, the City Plan Commission recommends that the City Council allow the distance requirement of one hundred fifty feet to the nearest residential or apartment use for a small animal hospital or clinic within an area zoned R-1 (Residential) or C-1, C-2, C-3, or C-4 (Commercial); and,

**WHEREAS**, the City Council has determined that a distance requirement of one hundred fifty feet to the nearest residential or apartment use for a small animal hospital or clinic within an area zoned R-1 (Residential) or C-1, C-2, C-3, or C-4 (Commercial), with certain conditions, will not have an adverse impact on adjacent properties.

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

**SECTION 1.** That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.080, Animal Facilities, Paragraph B.1.c. of the El Paso City Code is hereby amended as follows:

- c. The distance between a building, structure or open area (except for parking of employee and customer automobiles) used for any hospital or clinic purpose from the nearest residential or apartment use existing at the time the hospital or clinic use is established shall not be less than one hundred fifty feet. This restriction does not apply to a residential structure located on the same site and used as a part of the hospital or clinic operation,

**SECTION 2.** That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.080, Animal Facilities, Paragraph B.2.c. of the El Paso City Code is hereby amended as follows:

- c. No building, structure or open area (except space for parking of employee and customer automobiles) shall be used for any hospital or clinic purpose unless it is at least one hundred fifty feet from the nearest residential or apartment use at the time the hospital or clinic use is established,

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Development Services

## MEMORANDUM

**DATE:** April 23, 2010

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Linda Castle, Senior Planner

**SUBJECT:** **Zoning Ordinance Amendment, Section 20.10.080 (Animal Facilities)**

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The Development Coordinating Committee (DCC), the City Plan Commission (CPC) and Staff are recommending a change to the Zoning Code, Section 20.10.080 (Animal Facilities), to require the current 150 feet of distance to the property line of any existing residential or apartment use when a small animal hospital or clinic is established, in place of the current requirement of 150 feet of distance to the property line of any existing residential or apartment district or use.

**Attachment:** Current Zoning Code Section 20.10.080 showing recommended changes

*Current Zoning Code Section 20.10.080, showing changes*

20.10.080 Animal facilities (animal kennel, animal training facility, veterinary treatment center, clinic or hospital).

A. Kennels and animal training establishments are permitted when in compliance with Title 7 of this code and the following conditions:

1. In the Ranch-Farm zoning district, provided,
  - a. The site has a minimum of six acres, and
  - b. Any building relating to this use is not closer than three hundred feet from the nearest residential or apartment district or use;
2. In C-2, C-3, and C-4 zoning districts:
  - a. All animals are housed inside a permitted structure,
  - b. No open pens are provided or used,
  - c. No building, structure or open area (except space for parking of employee and customer automobiles) shall be used for this use unless it is at least three hundred feet from the nearest residential or apartment district or use,
  - d. A means of mechanical air exchange is provided for all permitted structures, and
  - e. No outside runs are permitted.

B. Small animal veterinary hospitals or clinics are permitted when in compliance with Title 7 of this code and the following conditions:

1. In the R-1 and C-1 zoning districts (with a special permit approved by city council):
  - a. All animals are housed inside a permitted structure that is completely enclosed and soundproof,
  - b. No open pens are provided or used,
  - c. The distance between a building, structure or open area (except for parking of employee and customer automobiles) used for any hospital or clinic purpose to the property line of any ~~from the nearest residential or apartment district or use~~ existing at the time the hospital or clinic use is established shall not be less than one hundred fifty feet. This restriction does not apply to a residential structure located on the same site and used as a part of the hospital or clinic operation,
  - d. A means of mechanical air exchange is provided for all permitted structures, and
  - e. No outside runs are permitted;
2. In C-2, C-3, and C-4 zoning districts:
  - a. All animals are housed inside a permitted structure,
  - b. No open pens are provided or used,
  - c. No building, structure or open area (except space for parking of employee and customer automobiles) shall be used for any hospital or clinic purpose unless it is at least one hundred fifty feet from the property line of any nearest residential or apartment ~~district or use~~ at the time the hospital or clinic use is established,
  - d. A means of mechanical air exchange is provided for all permitted hospital or clinic structures, and
  - e. No outside runs are permitted.

C. Small or large animal veterinary hospitals or clinics in the R-F zoning district, and large animal hospitals or clinics in the C-4 zoning district with a special permit approved by city council, must comply with Title 7 of this code, and the following conditions:

1. Lot area shall be a minimum of one acre with a minimum average lot width of two hundred feet,
  2. No building, structure, open pen or corral (except open space for parking of employee and customer automobiles) shall be used for any hospital or clinic purpose unless it is at least one hundred fifty feet from the nearest residential or apartment district or use at the time the hospital or clinic use is established, and
  3. A means of mechanical air exchange is provided for all hospital or clinic structures.
- (Ord. 16653 § 2 (part), 2007)