

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

DEPARTMENT: Department of the City Manager, Development & Infrastructure Services

AGENDA DATE: Introduction: May 27, 2008
Public Hearing: June 17, 2008

CONTACT PERSON/PHONE: Patricia D. Adauto, Deputy City Manager, (915) 541-4853

DISTRICT(S) AFFECTED: All

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Chapter 20.06 (Zoning Districts and Maps), Chapter 20.10 (Supplemental Use Regulations) and Appendix A (Table of Permissible Uses) of the El Paso City Code, to amend the requirements for Mixed Use Districts, define requirements for Master Zoning Plans, establish Mixed Use Development Plans, provide incentives for mixed use development and establish permissible uses. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance is intended to promote and facilitate the use of Mixed Use District developments. Zoning changes:

1. Permits the submission of Subdistricts as part of a Master Zoning Plan (MZIP)
2. Provides greater detail in Submittal Requirements
3. Expands, increases flexibility, and makes minor changes to criteria requiring a Major Amendment
4. Substitutes mixed used plan for detailed site plan, and provides for administrative approval
5. Authorizes incentives including fast track processing and reduced application fees
6. Provides for large-scale development use including a collection of integrated neighborhoods
7. Adds residential uses to General Mixed Use (G-MU)
8. Enables shared parking opportunities
9. Adds uses available to a MZIP

PRIOR COUNCIL ACTION:

No.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

DCC and CPC

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

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

APPROVED FOR AGENDA:

CITY MANAGER: Patricia D. Adauto, Deputy City Manager **DATE:** May 22, 2008

ORDINANCE NO. _____

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AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), CHAPTER 20.06, (ZONING DISTRICTS AND MAPS), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE, TO AMEND THE REQUIREMENTS FOR MIXED USE DISTRICTS, DEFINE REQUIREMENTS FOR MASTER ZONING PLANS, ESTABLISH MIXED USE DEVELOPMENT PLANS, PROVIDE INCENTIVES FOR MIXED USE DEVELOPMENT AND ESTABLISH PERMISSIBLE USES. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens; and

WHEREAS, the zoning regulations have been adopted in conformance with *The Plan for El Paso*; and

WHEREAS, *The Plan for El Paso* recommends that the City prevent incompatible zoning; and

WHEREAS, the City believes that zoning that allows for flexibility in uses, while still preventing incompatible zoning allows for orderly development and in order to encourage such mixed use development adopted regulations allowing for mixed use zoning provided that certain requirements were met; and,

WHEREAS, the City wishes to amend such regulations to add more flexibility; and,

WHEREAS, the Development Coordinating Committee and City Plan Commission recommend approval of the proposed changes; and

WHEREAS, the El Paso City Council finds that the proposed amendments as herein provided will have a positive impact upon the public health, safety, morals, and general welfare of the City, and that the zoning regulations as amended will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*,

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

Section 1. That Title 20, Zoning, Chapter 20.04, Administrative Provisions, Article III, Detailed Site Development Plan Approval Process, Section 20.04.140, When required, of the El Paso City Code be amended as follows:

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and

IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Section 2. That Title 20, Zoning, Chapter 20.04, Administrative Provisions, Article IV, Master Zoning Plan Approval Process, of the El Paso City Code be amended as follows:

A. Master Zoning Plan (MZP)

1. As part of any zoning application for a Mixed Use District, a Master Zoning Plan shall be required and shall accompany the application. The MZP shall provide sufficient details necessary about the proposed land uses and proposed development so that the El Paso City Council may determine their compatibility within the proposed district and the impact on the adjacent properties.

As part of the MZP, an application may propose and delineate Subdistricts. A Subdistrict is a geographic subcomponent of a larger Mixed Use District. It's purpose is to enable the incremental measurement and reconciliation of maximum dwelling units, density and other data required in the MZP to subsequent development. Where practical a Subdistrict's boundary should be consistent with natural geographic features, reflect man-made transitional barriers (such as roadways), or separate sharp changes in proposed land uses.

2. While the Submittal Requirements below reflect the use of Subdistricts, their use is not required. Applications not using Subdistricts shall be required to submit the same information but aggregated for the entire Mixed Use District. The MZP shall, at a minimum, include the proposed land uses and locations, as well as the information required below.

3. Submittal Requirements

- a. General data required for the Mixed Use District
 - (1) Total Acreage
 - (2) Maximum proposed total number of dwelling units for all residential land uses combined.
 - (3) Maximum proposed total Floor Area for all non-residential land uses combined, expressed in square feet.

- b. General data required for each proposed Subdistrict
 - (1) Total Acreage
 - (2) Maximum proposed total number of dwelling units for all residential land uses combined.
 - (3) Maximum proposed Floor Area for all non-residential land use uses combined, expressed in square feet.

- c. Property development regulations required per Subdistrict by land use type
 - (1) Proposed acreages for each proposed land use including parks, open space, buffer zones, trails and school sites (as applicable)
 - (2) Minimum and maximum lot coverages
 - (3) Minimum lot width
 - (4) Minimum lot depth
 - (5) Minimum building setbacks

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- (a) Front
- (b) Rear
- (c) Cumulative Front & Rear
- (d) Side-Interior
- (e) Side-Street
- (f) Cumulative Side Setbacks
- (g) Garage
- (6) Maximum Building Height
 - (a) Primary structure(s)
 - (b) Accessory structure(s)
- (7) Maximum proposed density for each residential land use type expressed in dwelling units per gross acre of developable land.
- (8) Maximum proposed intensity for each non-residential land use type expressed in Floor Area Ratio (FAR)

d. Development Plan Map Requirements

- (1) Overall development boundary, labeled with bearings and distances
- (2) General arrangement and acreages of existing and proposed land uses including open space.
- (3) Proposed phasing boundaries
- (4) Layout and relationship of proposed development where adjacent to existing development
- (5) General location and acreages for each proposed park, open space, buffer zone, trails and school site (as applicable), provided that any change in location may be approved administratively by the Parks Director.

4. A table or list depicting the proposed acreage for each land use type, park, open space, trail and school site (as applicable) shall accompany the MZP.

5. A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the development relates to the City's Comprehensive Plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any Subdistrict within the mixed-use district to determine the compatibility of such uses within the mixed use district.

6. A phasing schedule shall be submitted with the rezoning application that indicates the proposed phasing of the development, the approximate time frame in which construction and development is expected to begin and the duration of time required for completion of the development. Every phase shall contain two or more of the land uses proposed for the mixed use district.

7. The application for mixed use zoning, to include the MZP shall be reviewed by the City Plan Commission (CPC) for recommendation to City Council. The CPC may recommend any amendments or conditions to the MZP necessary to minimize incompatibilities between land uses within the development or between land uses and adjacent properties or with the stated purposes of zoning in this Title.

8. As part of the approval and adoption of a mixed use district, the City Council shall find that the development will promote compatible buildings and uses, and that such development will be appropriate in area, location and overall planning for the purpose intended, in accordance with the City's Comprehensive Plan and stated purposes of zoning in this Title. The City Council, in approving any mixed use district, will also be approving the MZP establishing the required zoning standards within the district. Approval of a mixed used district by City Council designates the zoning for the property as stated in the ordinance approving such zoning and as depicted on the MZP. All development of the property, regardless of whether the property changes ownership, shall be in accordance with the Master Zoning Plan.

B. Amendments to an approved Master Zoning Plan

An applicant may request amendments to an approved MZP. These amendments shall be delineated as minor or major amendments according to the criteria set forth herein.

1. Major Amendments.

a. Any amendment meeting one or more of the criteria listed below or any other proposed change not considered a minor amendment as described below shall require resubmittal, review and approval of a new zoning application to amend the MZP by the CPC and City Council. Major amendments shall follow the same procedural and notice requirements required for the initial approval of the MZP, except that the mixed use zoning district designation shall not be revised unless requested by the applicant. If a change within a subdistrict constitutes a major amendment, as defined herein, requiring an amendment to the MZP, the CPC and City Council shall review the proposed change for compatibility within the subdistrict and the adjacent subdistricts.

- (1) Any change to the overall mixed use district boundary.
- (2) Any change to the approved mix of land use types within a designated Subdistrict that increases the non-residential intensity of development within that Subdistrict by 10% or more of the relevant characteristic(s) of development intensity, provided that the total projected non-residential development intensity within the entire MZP shall not increase by 10% of such characteristic(s). For purposes of this Section, intensity may be measured by a single characteristic or by multiple characteristics as appropriate to the land use type, including but not limited to FAR, parking, and vehicular trips generated.
- (3) Any change to the boundary of a land use within a Subdistrict that results in the relocation of 10% or more of the area of that land use.
- (4) Any change to the boundary of a Subdistrict that results in the relocation of 10% or more of the area of the Subdistrict.
- (5) An increase of 10% or more of the originally approved number of projected dwelling units within a designated Subdistrict, provided that the total projected dwelling units within the entire MZP shall not increase by 10%.
- (6) An increase of 10% or more of the originally approved floor area for non-residential uses within a designated Subdistrict.
- (7) Any reduction to the public or private open space components within a designated Subdistrict.
- (8) A 20% or greater increase in the height of structures by land use type within a designated Subdistrict.

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- (9) A 10% or greater reduction in the originally approved setbacks by land use type within a designated Subdistrict.
- (10) A 5% or greater increase in lot coverage by structures by land use type within a designated Subdistrict.
- (11) Any changes within and/or between Subdistricts that, when aggregated result in an increase to one or more of the aforementioned variances for the Mixed Use District as a whole.
- (12) Any change which would result in the juxtaposition of incompatible land uses.

b. Approval of a major amendment may be granted upon a finding that:

- (1) The requested amendment is in general conformity with the stated purposes of this Section and the purposes of the specific zoning district to which the property is subject to;
- (2) The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
- (3) The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.

2. Minor Amendments. An amendment will be deemed minor if it is a change to the timing or phasing of the proposed development or if it does not involve any one of the foregoing provisions of a major amendment. The minor amendment process is limited in nature and may not be used by the applicant to exceed the numeric variance permitted by subsection B.1. above.

a. Minor amendments shall be submitted in writing to the Development Services Department and accompanied with three copies of the revised MZP. Minor amendments may be acted upon administratively by the Deputy Director of Planning, only upon the finding that the amendment meets all of the following requirements:

- (1) The requested amendment is in general conformity with the stated purposes of this Section and the purposes of the specific zoning district to which the property is subject to;
- (2) The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
- (3) The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.

b. A decision of the Deputy Director of Planning to deny a minor amendment shall be binding. Requests for minor amendments shall be acted upon within fifteen (15) days of receipt of the written request for amendment.

c. In no instance shall the Deputy Director approve a minor amendment that results in a change in conditions imposed as part of the zoning ordinance approval, or any subdivision plan, site plan, contract condition or other condition applicable to the property.

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d. Any change in location of parks and trails may be approved administratively by the Parks Director.

C. Mixed Use Development Plan

1. Upon approval or amended approval of a mixed use district and MZP, a mixed use development plan is required showing development in conformance with the MZP as well as compliance with the requirements of Title 19 prior to the issuance of building permits and development of the property.

2. A mixed use development plan, if not submitted with the MZP, may be administratively approved by the Deputy Director of Planning, provided that the mixed use development plan is in accordance with the MZP approved by City Council.

3. Contents. The mixed use development plan approval applications shall include:

a. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a registered land surveyor;

b. Eight copies of the mixed use development plan are required, showing the boundaries of the tract proposed for development; elevations or perspectives of the buildings; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; general stormwater drainage layout; general sanitary sewer layout; general water layout; on-site parking spaces, to include loading and unloading berths; open spaces; landscaped areas; size, and location of exterior signs; screening walls; screening of on-site parking facilities. For development tracts containing residential dwelling units, representative examples of typical elevations shall be provided.

c. Proof of ownership, (warranty deed, title commitment, etc.)

d. Tax certificate

4. A mixed use development plan may be submitted for the entire mixed-use district or in phases in accordance with the MZP.

5. Approval of mixed use development plan will authorize application for building permits, provided that all requirements of the El Paso City Code have been met.

6. For purposes of expediting the review process, a mixed use development plan may accompany the initial application for mixed use zoning and be processed concurrently with the MZP; provided, however, that no final action on the mixed use development plan shall occur prior to approval of the zoning request and the MZP by City Council.

D. Incentives.

1. An applicant with an approved MZP may utilize the alternative subdivision design standards (Title 19, Section 19.26.5), so long as the development is in accordance with the MZP.

2. Applications under this section shall be processed with priority on a "fast-track" basis, defined as follows:

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- a. Processing for mixed used development plans: 30 days.
- b. Processing for an MZP or other application that requires City Council approval: approximately 60 days (minimum) for final approval.

3. The City shall waive application fees for rezoning, mixed-use development plans, and any major or minor amendment applications.

E. Applicability.

While ownership of a project may subsequently be transferred, in whole or in part, a MZP shall continue to be implemented and maintained on the total acreage of the mixed use district.

Section 3. That Title 20, Zoning, Chapter 20.06, Zoning Districts and Maps, Section 20.06.020 Purpose of Districts, Subparagraph 11, of the El Paso City Code be amended as follows:

20.06.020 Purpose of Districts

11. "G-MU" General Mixed Use District. The purpose of this district is to accommodate, encourage and promote innovatively designed developments involving the combining and mixing of uses allowed in various zoning districts with appropriate regulations, which together form an attractive and harmonious unit of the City. The regulations of this district are intended to allow for large-scale developments that are able to function as individual neighborhoods or an integrated collection (two or more) of individual neighborhoods supported by civic, commercial and recreational uses; as small-scale developments requiring flexibility because of unique design characteristics; or as transitional areas between dissimilar land uses. It is intended that the district regulations permit flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

Section 4. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 20.10.360 Mixed Used Development, Paragraph G, of the El Paso City Code be amended as follows:

20.10.360 Mixed-use development

- G. Residential, Commercial and Industrial Mixed Use Districts (RMU, GMU and IMU)

Uses permitted in a mixed-use development are as approved by City Council through a master zoning plan. A mixed-use development may be authorized to encourage use schemes such as but not limited to, residential, entertainment, medical, and employment centers. The following principles and requirements shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan.

1. General design principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.

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a. Development perspective.

- (1) That the natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
- (2) That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
- (3) That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
- (4) That proposed development non-contiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
- (5) That a mixture of housing types and densities be distributed throughout the mixed-use development.
- (6) That transportation corridors be planned and reserved in coordination with land use patterns.
- (7) That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
- (8) That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
- (9) That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
- (10) That neighborhoods be compact, pedestrian-friendly, and mixed use.
- (11) That ordinary activity of daily living occurs within walking distance of most dwellings.
- (12) That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.
- (13) That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
- (14) That appropriate building densities and land use be provided within walking distance of transit stops.
- (15) That civic, institutional and commercial activity be embedded, and not isolated, in the development.
- (16) That a range of open space including parks, squares, and playgrounds be distributed within the development.
- (17) That a development have sufficient size to accommodate the mixed-use concentration of uses.

b. Building perspective.

- (1) That buildings and landscaping contribute to the physical definition of streets as civic places.
- (2) That the design of streets and buildings reinforce safe environments.
- (3) That architecture and landscape design grow from local climate, topography, history and building practice.
- (4) That public gathering spaces be provided in locations that reinforce community identity.

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- (5) That the preservation and renewal of historic buildings be facilitated.
- (6) That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.

2. General design elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.

- a. Neighborhoods limited in size and oriented toward pedestrian activity.
- b. A variety of housing types, jobs, shopping, services, and public facilities.
- c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
- d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
- e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
- f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit, and automotive vehicles.
- g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
- h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
- i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.
- j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.

3. Architectural objectives. As part of the review of the mixed use development plan the architectural design shall achieve the following objectives:

- a. Architectural compatibility,
- b. Human scale design,
- c. Integration of uses,
- d. Encouragement of pedestrian activity,
- e. Buildings that relate to and are oriented toward the street and surrounding buildings,
- f. Residential scale buildings in any mixed residential area,
- g. Buildings that contain special architectural features to signify entrances to the mixed-use development, and
- h. Buildings that focus activity on a neighborhood open space, square or plaza.

4. Roadway design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the

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anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of the El Paso City Code shall apply in all instances.

5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking & Loading Requirements) of this Title shall apply for purposes of calculating required spaces.

Community-parking facilities or shared parking shall be encouraged in lieu of traditional off-street parking design. This concept would permit the collocation of required parking for individual uses in order to promote pedestrian activity within the neighborhood. In instances where shared parking is proposed, a shared parking study shall be reviewed by the City along with any traffic engineering and planning data that are appropriate to the establishment of parking requirements for the uses proposed. A shared parking study shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed uses. The shared parking analysis shall be based on the mixture of uses and corresponding peak demand for all uses. The study shall document the source of data used to develop recommendations.

6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the City Council as part of the review of the master zoning plan.

7. Landscaping. Uses within a mixed-use development shall not be required to conform to the landscaping requirements of Title 18 (Building & Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and mixed use development plan approval process.

Section 5. That Title 20, Zoning, Appendix A – Table of Permissible Uses, of the El Paso City Code be amended as follows:

Title 20 Zoning, Appendix A – Table of Permissible Uses

[Add the following Uses as Master Zoning Plan Required (Z) to the G-MU and I-MU columns]

- 1.00** Agricultural and related operations
 - 1.07** Composting facility (specific performance and location requirements; minimum development size requirements)

- 2.00** Commercial, storage and processing
 - 2.16** Storage of supplies, equipment, goods (specific performance and location requirements)

- 9.00** Parking and Loading
 - 9.09** Unenclosed parking space shelter (specific performance and location requirements)

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[Add the following Uses as Master Zoning Plan Required (Z) to the G-MU column]

- 2.00 Commercial, storage and processing
- 2.03 Boutique bottling (specific performance and location requirements)

- 13.00 Residential
 - 13.04 Bed and Breakfast Inn (specific performance and location requirements)
 - 13.31 Single-family detached dwelling

- 18.00 Transportation related uses
 - 18.16 Transportation terminal, Type 'A' (specific performance and location requirements)
 - 18.17 Transportation terminal, Type 'B' (specific performance and location requirements)

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[Add the following Uses as Permitted Accessory Use (A) to the G-MU column]

- 16.00 Temporary uses
 - 16.07 Garage sale (specific performance and location requirements)
 - 16.14 Rummage sale (specific performance and location requirements)
 - 16.18 Yard sale (specific performance and location requirements)

Section 6. Except as herein provided, Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____ 2008.

CITY OF EL PASO

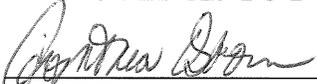
John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

for 

Lupe Cuellar
Assistant City Attorney



Patricia D. Adauto, Deputy City Manager
Development and Infrastructure Services