

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

CITY CLERK DEPT.  
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**DEPARTMENT:** Department of the City Manager  
Development & Infrastructure Services

**AGENDA DATE:** Introduction: September 18, 2007  
Public Hearing: September 25, 2007

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

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

**SUBJECT:**

An Ordinance amending the effective date of Ordinance No. 016659, which amended Title 5 (Business Taxes, Licenses and Regulations) by adding Chapter 5.30 (Flea Market Operator Permit), Chapter 5.34 (Home Occupation License) and Chapter 5.94 (Sign Permit Fees, Licenses and Bonds) to the El Paso City Code. The penalty as being provided in Section 5.30 (11), Section 5.34G and Section 5.94B(11) of the El Paso City Code.

An Ordinance amending the effective date of Ordinance No. 016654, which amended Title 18 (Building and Construction) of the El Paso City Code by adding a new Chapter 18.46 (Landscape) to the El Paso City Code. The penalty as being provided in Section 18.46.180 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

The Planning & Development Legislative Review Committee (LRC) has held meetings to consider various provisions of the El Paso City Code as formerly adopted. Review of a few remaining issues is pending before the Committee. Because this work of the Committee is ongoing and not yet completed, City staff is recommending that the effective date of the regulations be delayed one month from October 1 to November 1, 2007 in order to allow an additional month of review before the LRC. This allows presentation of any amended text to the industry and community before the regulations take effect.

**PRIOR COUNCIL ACTION:**

The zoning and other accompanying regulations were completely rewritten and adopted in full by the El Paso City Council on June 5, 2007. The adopted regulations were to be effective as of October 1, 2007 in order to allow adequate time for releasing the text to the industry and general public so that they would be aware of the new requirements. As part of the approval, City Council also referred certain text to the Planning & Development LRC given community objection and concerns by members of the Council. It was intended that meetings of the LRC would be held and any revisions to the Code would come forward before the effective date of the regulations. Below is a table of the issues referred to the LRC at the time of adoption of the various texts.

Code	Chapter	Issue	Staff Comment
Title 20 (Zoning)	Chapter 20.06 (Zoning Districts & Map)	Create new open space district or overlay designation to complement recommendations of the Parks & Open Space Plan	New Mixed Use Districts allow for Council to designate areas for Open Space with specific criteria; neighborhood conservancy overlay designation also allows for preservation opportunities as guided by a neighborhood plan

Title 20 (Zoning)	Chapter 20.06 (Zoning Districts & Map)	Create separate district for regulation of mobile home subdivisions and mobile home parks	Currently allowed in RMH and A-M zoning districts where these uses abut other residential uses; are permitted in commercial zones similar to other multi-family developments with supplemental use restrictions
Title 20 (Zoning)	Chapter 20.08 (Permissible Uses)	Evaluate mechanism to restrict expansion of churches, schools and other uses of public assembly that impact neighborhoods negatively	Needs legal guidance
Title 20 (Zoning)	Chapter 20.12 (Density & Dimensional Standards)	Allow inclusionary zoning where upzonings to higher residential zoning by requiring a percentage of housing to affordable markets	Needs legal guidance
Title 20 (Zoning)	Chapter 20.14 (Off-Street Parking & Loading Regulations)	Adjust vehicle off-street parking requirements by land use to insure that policy direction to reduce spacing requirements for land consumption is met and mass transit alternatives are encouraged	Current regulations are minimum standards for uses as set by industry standards
Title 20 (Zoning)	Chapter 20.14 (Off-Street Parking & Loading Regulations)	Require bicycle requirements for all uses, set minimum spaces	Proposed regulations require bicycle parking for certain uses
Title 20 (Zoning)	Chapter 20.14 (Off-Street Parking & Loading Regulations)	Evaluate requirement for structured parking versus surface parking for high demand uses	Needs legal guidance
Title 20 (Zoning)	Chapter 20.16 (Screening & Fencing Regulations)	Address screening requirements of more intensive governmental uses (both existing and proposed uses)	Inventory of existing City governmental uses required; assignment pending
Title 20 (Zoning)	Chapter 20.18 (Sign Regulations)	Evaluate reductions in sign area and sign height for pole and monument signs; insure incentives are in place to encourage monument vs. pole signs	Current regulations have added new types of on-premise signage; incentives for use of monument vs. pole signs have been included, but height and size not a factor in all cases
Title 5 (Business Taxes, Licensing & Regulations)	Chapter 5.30 (Flea Market Operator Permit)	Mechanism to require existing outdoor flea markets to comply with new Code provisions	Current regulations require operator's permit paid annually; new operator's application is required only for new or expanded facilities; needs legal guidance
Title 5 (Business Taxes, Licensing & Regulations)	Chapter 5.30 (Flea Market Operator Permit)	Allow for automatic revocation of operator's permit for outdoor flea markets in non compliance; create standards for defining situations for automatic revocation, including appeal procedures	Current regulations allow City to suspend or revoke permit upon written notice by the Building Official; discretionary on when situations arise to level of permit revocation; needs legal guidance
Title 18 (Building & Construction)	Add new chapter	Develop residential landscape regulations	Assignment pending
Title 9 (Health & Safety)	Chapter 9.10 (Mulberry Trees)	Revise regulations to remove prohibition on planting of mulberry trees	Policy direction pending

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**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

The Building and Zoning Advisory Committee (BZAC), per directive of Ordinance Nos. 014102 & 014116, was charged with reviewing and providing recommendations on amendments to Titles 5 (Business Taxes, Licenses and Regulations), 9 (Health and Safety), 13 (Streets, Sidewalks and Public Places), 15 (Public Services), 17 (Housing), 18 (Building and Construction), and 20 (Zoning) of the El Paso City Code that dealt primarily with development regulations, which restrict the land use and building construction of a particular property. The BZAC submitted its recommendations to the City Plan Commission and the El Paso City Council.

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**SECTION HEAD:**

**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE AMENDING THE EFFECTIVE DATE OF ORDINANCE NO. 016659, WHICH AMENDED TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) BY ADDING CHAPTER 5.30 (FLEA MARKET OPERATOR PERMIT), CHAPTER 5.34 (HOME OCCUPATION LICENSE) AND CHAPTER 5.94 (SIGN PERMIT FEES, LICENSES AND BONDS) TO THE EL PASO CITY CODE, THE PENALTY AS BEING PROVIDED IN SECTION 5.30 (11), SECTION 5.34 G AND SECTION 5.94B(11) OF THE EL PASO CITY CODE**

**WHEREAS**, the City Council of the City of El Paso, by Ordinance 016659 approved on June 5, 2007 amended Title 5 (Business Texas, Licenses and Regulations) by adding Chapter 5.34 to provide for permits for flea market operations, Chapter 5.34 to provide for home occupation licensing and Chapter 5.94 to provide for sign permit fees, to the El Paso City Code; and,

**WHEREAS**, the effective date of Ordinance 016659 was established as October 1, 2007 to permit a transition period for the purposes of communication and training on the applicability of the new regulations to the development and building industry and the public at large before taking effect; and,

**WHEREAS**, the City Council of the City of El Paso, by Ordinance 016653, also approved on June 5, 2007, replaced Title 20, Zoning, of the El Paso City Code in its entirety; and,

**WHEREAS**, the City Council of El Paso desires to amend Ordinance 016653 to revise the effective date of Ordinance 016653 and such revision will make it necessary to amend the effective date of Ordinance 016659 because some of the provisions in Ordinance 016653 are related to Ordinance 016659;

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

1. That Ordinance 016659 is hereby amended to revise the effective date of Ordinance 016659 from October 1, 2007 to the new effective date of November 1, 2007.
2. Except as herein amended, all other provisions of Ordinance 016659 shall remain in full force and effect.

**PASSED AND APPROVED this** \_\_\_ day of \_\_\_\_\_ **2007.**

CITY OF EL PASO

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

ATTEST:

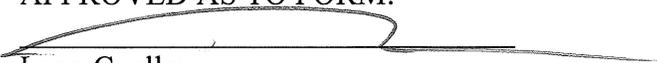
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Richarda Duffy Momsen  
City Clerk

**SIGNATURES CONTINUE ON FOLLOWING PAGE**

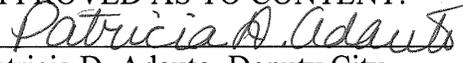
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APPROVED AS TO FORM:

  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

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