

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

**DEPARTMENT:** Development Services Department  
**AGENDA DATE:** Introduction: September 29, 2009  
Public Hearing: October 20, 2009  
**CONTACT PERSON/PHONE:** Christina Ainsworth, 541-4930  
**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

An Ordinance amending Title 21, SmartCode, Chapter 21.10 (General to all Plans), Section 21.10.040 (Process), Paragraph C and D; and Chapter 21.80 (Tables), Section 21.80.170, Table 14 (Summary) and Section 21.80.180, Table 15a (Form-Based Code Graphics – T3); to correct typographical errors, and to amend the density requirements in T-4 and T-5. The penalty is as provided in Chapter 21.60 of the El Paso City Code. Applicant: City of El Paso (All Districts)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

June 29, 2008: The City Council voted to adopt Title 21, SmartCode.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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**BOARD / COMMISSION ACTION:**

DCC: Approval Recommendation  
CPC: Approval Recommendation

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

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

**DEPARTMENT HEAD:** \_\_\_\_\_  
**Victor Torres, Director**

**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE AMENDING TITLE 21, SMARTCODE, CHAPTER 21.10 (GENERAL TO ALL PLANS), SECTION 21.10.040 (PROCESS), PARAGRAPH C AND D; AND CHAPTER 21.80 (TABLES), SECTION 21.80.170, TABLE 14 (SUMMARY) AND SECTION 21.80.180, TABLE 15A (FORM-BASED CODE GRAPHICS – T3); TO CORRECT TYPOGRAPHICAL ERRORS, AND TO AMEND THE DENSITY REQUIREMENTS IN T-4 AND T-5. THE PENALTY IS AS PROVIDED IN CHAPTER 21.60 OF THE EL PASO CITY CODE.**

**WHEREAS**, the City Council of the City of El Paso, by Ordinance 016945 approved on June 29, 2008, adopted Title 21, SmartCode, and added Title 21 to the El Paso City Code; and,

**WHEREAS**, typographical errors were noted in Chapter 21.10 (Process), Section 21.10.040 Paragraphs C and D, and Chapter 21.80 (Tables), Section 21.80.180, Table 15A (Form-Based Code Graphics – T3) which should be corrected; and,

**WHEREAS**, the density allowances in Chapter 21.80 (Tables), Section 21.80.170, Table 14 (Summary) for T-4 and T-5 should also be amended in order to encourage the use of the SmartCode; and,

**WHEREAS**, the El Paso City Council, having considered the recommendations and held a public hearing at which the public was allowed to comment on the proposed ordinance amendments, finds that the amendments will further protect and provide for the public health, safety, morals and general welfare of the community, and will carry out the purpose and spirit of the policies expressed in The Plan for El Paso; and

**WHEREAS**, the El Paso City Council finds that the regulations established by this amendment have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City;

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

**SECTION 1.** That Title 21, SmartCode, Chapter 21.10, General to All Plans, Section 21.10.40, Process, Paragraph C and Paragraph D, of the El Paso City Code is amended as follows:

21.10.040 Process.

- C. The process and procedure once an application is submitted shall be in accordance with the provisions of Article VI of Title 20, Zoning, Section 20.04, of the City Code, except that the application requirements specified in paragraph 1.4.1 above shall supersede the application requirements stated in Article VI of Section 20.04, Zoning.
- D. Once the property owner receives approval of the required building scale plans from the CRC, the property owner must comply with the provisions of Title 19 Subdivisions to receive plat approval, provided that any provisions concerning platting requirements that are specifically addressed in this title, shall take

precedence over similar requirements in Title 19. Prior to the submission of any plat, the property to be developed under this code must be part of an approved building scale plan. When reviewing a plat submitted in compliance with the provisions of this title, to include approval of the building scale plan, the CPC shall determine whether the community scale plans and the building scale plans were approved by the CRC and whether the plat provisions contained in Title 19 which are not addressed in this title have been complied with. The city plan commission shall have no authority over the building scale plans or community scale plans, other than to determine whether such plans were approved by the CRC.

**SECTION 2.** That Title 21, SmartCode, Section 21.80.170, Table 14 (Summary), Section b (Base Residential Density) of the El Paso City Code is amended as follows:

b. Base Residential Density

T5 – (By Right) no maximum dwelling units per acre.

T4 – 24 units per acre, 29 dwelling units per acre within 1/2 mile of transit.

**SECTION 3.** That Title 21, SmartCode, Section 21.80.180, Table 15A Form-Based Code Graphics – T3, of the El Paso City Code is amended as follows:

21.80.180 Table 15A. Form-based code graphics - T3.

Setbacks – Principal Building

a. Front Setback (P) 20 ft. min.

b. Front Setback (S) 12 ft. min.

c. Side Setback (P) 0 ft. min. – 18 ft. total min.

**SECTION 4:** Except as herein amended, Title 21, SmartCode, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

THE CITY OF EL PASO

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

Mayor

ATTEST:

\_\_\_\_\_  
Richarda Momsen

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Lupe Cuellar

Assistant City Attorney

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Mathew McElroy, Deputy Director

Development Services Department



*City of El Paso – City Plan Commission Staff Report*

**Application Type:** Amendment to Title 21  
**CPC Hearing Date:** September 24, 2009  
**Staff Planner:** Christina Ainsworth, 915-541-4930, [ainsworthmc@elpasotexas.gov](mailto:ainsworthmc@elpasotexas.gov)  
**Applicant:** City of El Paso

**APPLICATION DESCRIPTION**

The City proposes to amend Title 21 (SmartCode) in order to add architectural standards, to correct typographical errors, and to amend the density requirements in T-4 and T-5.

**DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee provides the following comments:

Recommends **approval** of the request to amend Title 21 to add architectural standards, to correct typographical errors, and to amend the density requirements in T-4 and T-5.

**Development Services Department - Planning Division**

Recommends **approval** of the request to amend Title 21 to add architectural standards, to correct typographical errors, and to amend the density requirements in T-4 and T-5.

**Attachments**

1. Proposed Ordinance