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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: November 14, 2006**
Public Hearing: November 28, 2006

CONTACT PERSON/PHONE: Linda Castle, Senior Planner/541-4029

DISTRICT(S) AFFECTED: All

SUBJECT:

An Ordinance amending Title 2, Administration and Personnel, Chapter 2.16, Zoning Board of Adjustment, Section 2.16.050, Special Exceptions, of the El Paso City Code to amend certain special exceptions as to space, yards and setbacks. The penalty is as provided in Chapter 20.68 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

See attached information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Zoning Board of Adjustment (ZBA) – Unanimous Approval Recommendation
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: R. Alan Shubert

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

BACKGROUND / DISCUSSION:

Chapter 2.16 of the El Paso City Code authorizes the Zoning Board of Adjustment to grant Special Exceptions to Title 20 (Zoning) as to setbacks. These changes to the Special Exceptions were suggested by both members of the Zoning Board of Adjustment and the staff of the Development Services Department–Planning Division:

- Special Exception C – Permits applicant to find two or more nonconforming properties within the same block on the same side of the street in order to modify their own setbacks. *The change adds properties across the street.*
- Special Exception G – Permits applicant to add a room to the rear of their single-family house. The addition can encroach 3/5 of the depth of the required yard setback. *The change requires a minimum 10' rear yard.*
- Special Exception H – Same as the Special Exception G, except for duplexes. *The change requires a minimum 10' rear yard.*
- Special Exception K – Permits an applicant in a Residential (R) district to request up to a 50 per cent reduction in a side street yard setback. *The change deletes the Residential restriction, allowing applicants in all districts to apply for this Special Exception.*
- Special Exception T – Permits an applicant to reduce a yard setback in order to install a permanent shade covering for vehicle sales. *The change deletes the definition of "parkway."*

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ORDINANCE NO._____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.16 (ZONING BOARD OF ADJUSTMENT), SECTION 2.16.050 (SPECIAL EXCEPTIONS), OF THE EL PASO CITY CODE TO AMEND CERTAIN SPECIAL EXCEPTIONS AS TO SPACE, YARDS AND SETBACKS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, the City Council of the City of El Paso authorized the Zoning Board of Adjustment, by Ordinance No. 012681, enacted January 9, 1996, to grant certain Special Exceptions in the event specific conditions have been met; and

WHEREAS, the Zoning Board of Adjustment and the City Plan Commission have recommended, after a public hearing, that the City Council approve changes to certain Special Exceptions; and

WHEREAS, the El Paso City Council finds that the proposed amendments as herein enumerated 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 THE CITY OF EL PASO:

1. **That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 C (Special Exceptions) of the El Paso City Code is hereby amended to read**:

2.16.050 C. Modify the requirements as to setbacks as the board deems necessary to secure an appropriate development of a lot, where within the block on the same side of the street or within the block directly across and abutting the street are two or more lots that do not conform to these regulations, provided that such modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots; and, further, that if the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception;

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2. **That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 G (Special Exceptions) of the El Paso City Code is hereby amended to read**:

2.16.050 G. Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum 10 foot rear yard setback shall be required; and,
2. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
3. The minimum side and side street yards shall not be reduced; and,
4. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred and twenty square feet; and,
5. Unless otherwise provided in this ordinance, all remaining areas of the required rear yard shall be permanent open space; and,
6. The extension shall not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site.

3. **That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 H (Special Exceptions) of the El Paso City Code is hereby amended as follows:**

2.16.050 H. Permit an extension of a duplex residential building or structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum 10 foot rear yard setback shall be required; and,
2. The total of all extensions granted shall not exceed one-third of the average width of the site, and the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit; and,
3. The minimum side and side street yards shall not be reduced; and,
4. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred and twenty square feet; and,
5. Unless otherwise provided in this ordinance, all remaining areas of the required rear yard shall be permanent open space; and,

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6. The extension shall not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site.

4. **That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 K (Special Exceptions) of the El Paso City Code is hereby amended as follows**:

2.16.050 K. Modify district side street yard requirements where the following conditions are met:

1. The proposed modification does not exceed fifty percent of the required side street yard requirement; and,
2. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer; and,
3. The proposed modification does not permit the creation of an additional dwelling unit.

5. **That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 T (Special Exceptions) of the El Paso City Code is hereby amended as follows**:

2.16.050 T. Authorize the reduction of a required yard setback as applied to the installation of a permanent protective shade covering that is to be located on any lot, or portion thereof, devoted to the sale of automobiles, light trucks, motorcycles and boats; provided, that the following conditions are met:

1. No portion of the permanent protective shade covering is within five feet of a property line; and,
2. No building wall shall be permitted to be erected which encloses the permanent protective shade covering; and,
3. A minimum parkway of twelve feet is provided along a property line abutting a street right-of-way; and
4. The encroachment of the permanent protective shade covering onto a portion of a required yard setback is necessary due to a specific characteristic in the particular property involved, including the proximity to existing structures on the property, the shape or topography of the property, or any similar distinguishing condition; and,
5. The color and design of the permanent protective shade covering complements the building and does not obscure the architecture of any primary building on the property; and,
6. A landscaped area is provided within the property to buffer the lower elements of the permanent protective shade covering from a street right-of-way; and,

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7. No sign, including balloons, pennants, banners or other outdoor advertising displays, shall be permitted on any part of the permanent protective shade covering; and,
8. Aesthetic lighting is provided to illuminate the permanent protective shade covering; and,
9. The design and construction of the permanent protective shade covering is structurally sound and in accordance with all applicable provisions of this code, except for the encroachment into a required yard setback.

6. Except has herein amended, Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment) shall remain in full force and effect.

APPROVED this _____ day of _____ 2006.

THE CITY OF EL PASO, TEXAS

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen,
Municipal Clerk

APPROVED AS TO FORM:

_____
Hillary S. McGinnes
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Linda Castle, Senior Planner
Development Services Department

ORDINANCE NO._____

Proposed Ordinance Changes Special Exceptions, Chapter 2.16

Zoning Board of Adjustment

November 2006

Special Exception C

- Permits applicant to find two other nonconforming lots in same block on same side of street in order to get modification in setbacks

- Proposed change adds properties across the street

Special Exception C
Interior Lot
Current
LA LUZ
HOUSTO
BOONE
MONTANA
HOUSTON
Subject Property
TULAROSA
N
W
E
S
The CITY OF EL PASO makes no warranties, guaranties, or representations as to the accuracy, reliability, completeness, currency, or suitability of the information and is not responsible for omissions or any result obtained from the use of information provided for any sites. Distribution of the information does not constitute such a warranty. Use of the information is the sole responsibility of the user.

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Special Exception C
Corner Lot
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HOUSTO
BOONE
MONTANA
HOUSTON
Subject Property
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Special Exception G

- Permits applicant to extend residence a depth of 3/5 of required rear yard setback

- Proposed change requires at least a 10’ rear yard setback
  - BZAC changes in lot development allowing percentage of lot to be developed vs. fixed setbacks
  - Special Permits that allow reduced setbacks

Special Exception H

- Permits applicant to extend duplex by a depth of 3/5 of required yard setback

- Proposed change requires at least a 10’ rear yard setback
  - BZAC changes in lot development allowing percentage of lot to be developed vs. fixed setbacks
  - Special Permits that allow reduced setbacks

Special Exception K

- Permits applicants in Residential districts to request up to a 50% reduction in side street yard setback

- Proposed change deletes Residential restriction, allowing properties in other zoning districts to be considered for this Special Exception

Special Exception T

- Permits application for reduced yard setbacks for permanent shade coverings for vehicle sales

- Proposed change deletes definition of parkway (defined in Subdivision Code)