

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

**AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO CITY CODE, BY AMENDING CHAPTER 20.02, DEFINITIONS, BY ADDING DEFINITIONS FOR “PUBLIC ASSEMBLY USE” AND “RELIGIOUS INSTITUTION”; BY AMENDING CHAPTER 20.08 (APPENDIX A), TABLE OF PERMISSIBLE USES, BY DESIGNATING THAT A SPECIAL USE PERMIT SHALL BE REQUIRED FOR SUCH; BY AMENDING CHAPTER 20.10, SUPPLEMENTAL USE REGULATIONS, BY ADDING A NEW SECTION 20.10.495, PUBLIC ASSEMBLY USE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR SEVERABILITY; BY AMENDING CHAPTER 20.22, NON CONFORMING SITUATIONS, BY ADDING A NEW SECTION 20.22.110, PUBLIC ASSEMBLY USES; AND PROVIDING FOR A PENALTY AS PROVIDED IN CHAPTER 20.24 OF THE CODE.**

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**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 Zoning Ordinance adopted by City Council on June 5, 2007, and scheduled to go into effect on November 1, 2007, provides no standards for the development of certain public assembly uses in residential districts that ensure their compatibility with residential neighborhoods; and

**WHEREAS**, the Development Coordinating Committee and the City Plan Commission have reviewed and recommended the adoption of changes to the current ordinance to provide for standards and a review process for the public assembly uses which may be appropriate for neighborhoods within certain development standards, but which may expand and serve participants from a larger area, 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 adoption of the regulations as submitted 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; and,

**WHEREAS**, the El Paso City Council finds the regulations established by this amendment are designed to prevent property owners from adversely affecting adjoining property owners in an unreasonable manner; and,

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

**SECTION 1.** That the above findings are adopted and incorporated herein as if fully set out herein.

**SECTION 2.** That the following amendments are hereby made in Title 20 (Zoning) of the El Paso City Code:

1. Chapter 20.02, Definitions, shall be and hereby is amended by adding the following definitions:

**20.02.747. Public Assembly Uses.** “Public Assembly Uses” shall mean any public or private college, university, school, library, museum, religious institution, community recreational facility, public recreational facility, or other similar use.

**20.02.805. Religious Institution.** “Religious Institution” shall mean a location used for regular organized religious worship or related activities that are intrinsic to the religion. The use generally excludes such secondary uses as open enrollment private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities for such secondary uses. Such uses may be allowed upon a showing of the intrinsic nature of the secondary use to the exercise of the organization’s religious beliefs, as determined by the zoning administrator.

2. Chapter 20.08, Section 20.08.030.C (Appendix A) Table of Permissible Uses, shall be and hereby is amended by replacing the “P” (permitted use) with “S” (special permit use) in all Residential zones (R-1, R-2, R-3, R-4, R-5, RMH) and by adding “Section 20.10.495” to the Supplemental Standards column for the following uses:

- 3.09 Church
- 3.10 Community center
- 3.13 Library
- 3.16 Museum
- 3.19 School, public, private or parochial (9 through 12)
- 3.20 School, public, private or parochial (Pre-K through 8)
- 3.24 Synagogue
- 3.25 Temple
- 3.27 University, college
- 3.28 Youth organization.

3. Chapter 20.10 Supplemental Use Regulations, shall be and hereby is amended by adding the following Section 20.10.495, Public Assembly Use:

Any public assembly use, as defined in this Title shall conform to, in addition to all other applicable code provisions, the development standards set forth herein. Provided further, however, that other reasonable standards than those prescribed here in may be recommended by the City Plan Commission and adopted by City Council consistent with the particular characteristics of the specific use which serve to integrate meld the use into the neighborhood but which are the least burdensome to the assembly use, when required by law.

For purposes of this ordinance, a public assembly use shall be categorized and defined as one of the following, which shall be declared by the applicant on the application form for the special use permit:

Neighborhood Facility. A public assembly use designed for and which serves the residents of a neighborhood, which is defined for purposes of this Section as an area of one (1) square mile. Minimum standards for a Neighborhood Facility shall include:

Minimum Lot Area: 1 contiguous acre

Maximum Lot Area: 5 contiguous acres

Location: Any public street

Maximum square footage of buildings: 1/5 the total land area  
(example: 1 acre of land – maximum building size is 8,712 square feet;  
5 acres of land – maximum building(s) size is 43,560 square feet)

Maximum impervious cover: 40 percent of lot area

Front setback: 50 feet

Side yard setback: 50 feet

Rear yard setback: 50 feet

(Setbacks in property zoned for mixed use shall be in accordance with an approved master zoning plan.)

Community Facility. A public assembly use designed for and which serves the residents of several neighborhood areas, but within the same approximate geographic area, defined for purposes of this Section as an area of 4 square miles.

Minimum Lot Area: More than 5 contiguous acres

Maximum Lot Area: 15 contiguous acres

Location: Any arterial street

Maximum square footage of buildings: 1/5 the total land area  
(example: 10 acres of land – maximum building(s) size is 2 acres or 87,120 square feet; 15 acres of land – maximum building(s) size is 3 acres or 130,680 square feet).

Maximum impervious cover: 25 percent of lot area

Front setback: 100 feet

Side yard setback: 100 feet; 150 feet on side yard  
adjoining a street

Rear yard setback: 100 feet

(Setbacks in property zoned for mixed use shall be in accordance with an approved master zoning plan.)

Regional Facility. A public assembly use designed for and which serves the residents of the entire city, nearby communities, and unincorporated areas.

Minimum Lot Area: More than 15 contiguous acres

Location: Major arterial or higher classification

Maximum square footage of buildings: 1/5 the total land area  
(example: 20 acres of land – maximum building(s) size is 4 acres or 174,240 square feet)

Maximum impervious cover: 20 percent of lot area

Front setback: 200 feet

Side yard setback: 100 feet; 150 feet on side yard  
adjoining a street

Rear yard setback: 100 feet

(Setbacks in property zoned for mixed use shall be in accordance with an approved master zoning plan.)

Additional Requirements: All Public Assembly Uses shall provide parking in accordance with the requirements of this Title. All lighting, landscaping, and other construction and site development standards shall be installed and maintained in accordance with the requirements of applicable code provisions.

Traffic flows shall be designed and constructed to ensure the least possible impact on neighboring properties and residential streets. The owner of the proposed assembly use shall be responsible for all necessary improvements to maintain safe traffic conditions as described in applicable code provisions and approved by the city engineer or designee. A traffic study shall be submitted at the time of application to demonstrate compliance with these requirements. The owner shall ensure adequate and safe traffic management during

peak traffic flows when necessary to ensure safe ingress, egress, and traffic conditions. Primary ingress and egress shall be from the highest service level adjacent street.

4. Chapter 20.22, Non Conforming Situations shall be and is hereby amended by adding the following Section:

20.22.110. Public Assembly Uses

A. Continuance and Mitigation of Nonconformities.

Public Assembly Uses, lawfully operating prior to the adoption of Section 20.10.495, Public Assembly Use, which do not conform to its provisions create a nonconformity, whether of use, building, setback, or other element of a land use lawfully in existence on the effective date of the ordinance, the following shall apply.

1. Any lawfully existing use or structure shall generally be allowed to continue indefinitely, in accordance with the nonconforming provisions of this Chapter

2. A lawfully existing use or building, when a nonconformity is created by Section 20.10.495, may be allowed to expand, provided the following conditions are met:

a. An application for a special use permit is submitted of the entire site or sites, if separated by public streets, owned or controlled by the entity seeking the expansion. Such application shall conform to all submittal requirements of Chapter 20.04.

b. If the site is nonconforming as to lot area as described in Section 20.10.495, then the applicant shall be required to mitigate the impact(s) of the use on adjacent properties. Such mitigation measures shall be detailed in the application, with both sufficient written and illustrative detail, as necessary, to communicate the full mitigation effort. Impacts that may require mitigation will be evaluated on a site-specific basis, and may include, but are not limited to, traffic (flow, management, turn lanes), parking (dust, noise, location, lighting impact), size and bulk of building in relation to the bulk of buildings located on the adjacent properties and within the neighborhood. Mitigation efforts must comply with all applicable city ordinances, and may include, for example, the installation of turn lanes, construction of fencing or landscaped areas to shield neighboring uses from automobile lights or noise, the provision of additional landscaping, smaller signage, or other measures that allow the use to continue but which does not detract from the character of the surrounding area.

5. Council retains full legislative discretion in the review of requests to expand under this section.

**SECTION 3:** That this ordinance shall take effect on November 1, 2007.

**SECTION 4:** Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of El Paso, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 5:** 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 \_\_\_\_\_, 2007.

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:

\_\_\_\_\_  
Patricia D. Aduato, Deputy City  
Manager for Development and Infrastructure  
Services

