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ORDINANCE NO. 018688

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) TO ADD NEW DEFINITIONS FOR VARIOUS INFILL DEVELOPMENT TYPES, AND CHAPTER 20.10.280 (INFILL DEVELOPMENT) OF THE EL PASO CITY CODE TO AMEND THE REQUIREMENTS FOR APPLICATIONS FOR INFILL DEVELOPMENT, AND THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE CITY OF EL PASO CITY CODE.

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, on December 16, 2003, City Council adopted Ordinance #15630 adding Chapter 20.10.280 (Infill development) of the El Paso City Code to provide greater flexibility of certain development standards in an effort to facilitate the development of infill projects; and, the amendment herein is in keeping with the adopted economic incentive policy of the City of El Paso and serves to create economic activity within certain older areas of the city by reducing the magnitude of constraints that inhibit urban density and infill of vacant parcels; and,

WHEREAS, Policy 1.2.3 of the comprehensive plan of the city of El Paso, *Plan El Paso*, states that vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods. The City's zoning and development regulations should be modified accordingly. Additional infill incentives should be considered by the City; and,

WHEREAS, it is the determination of the El Paso City Council that encouraging the utilization of existing infrastructure through infill and redevelopment is an appropriate growth management strategy to limit sprawl, increase the City's housing stock and enhance the value of the City's tax base; and,

WHEREAS, the proposed amendment has been reviewed by the development coordinating committee and a public hearing regarding the proposed amendment was held before the City Plan Commission and each has recommended approval of the amendments, and

WHEREAS, the El Paso City Council finds that the amendments proposed herein will further protect and provide for the public health, safety, morals and general welfare of the community, and

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

Section 1. That Title 20, Zoning, Chapter 20.02, General Provisions and Definitions, of the El Paso City Code is amended to include the following definitions:

20.02.149 - Brownfield development – redevelopment of abandoned or obsolete parcels in which demonstrable environmental remediation or mitigation is undertaken.

20.02.421 - Greenfield development – development of an area that consists of open or wooded land or farmland that has not been previously developed.

20.02.423 - Greyfield development – redevelopment of abandoned or obsolete or underutilized parcels surrounded by substantial existing development.

20.02.471 – Infill Development – Any development activity, including but not limited to new construction, renovation, addition, rehabilitation or redevelopment, associated with vacant or underutilized parcels within existing, largely developed urban areas.

Section 2. That Title 20, Zoning, Chapter 20.10, Supplemental Use Regulations, Section 19.10.280, Infill Development, of the El Paso City Code is deleted in its entirety and replaced by the following:

20.10.280 - Infill Development.

- A. **Purpose.** The purpose of these regulations is to encourage infill development by simplifying procedures for plan approval, provide a more flexible approach to design and development of infill development, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. Additionally, the regulations herein serve to supplement the city’s tax base by addressing the issue of urban blight and providing relief mechanisms for developing historically underutilized and vacant parcels within the city’s urban core which is in keeping with the city’s adopted goals and policies.
- B. **Location Criteria.** An infill development may be located on any parcel of land which meets at least one of the following criteria:
 - 1. Any parcel of land designated within a historic district and developed in compliance with section 20.20.080.
 - 2. Any parcel of land within the downtown plan area.
 - 3. Any parcel of land annexed prior to 1955.
 - 4. Parcels of land within or share a common property line to an existing subdivision platted for no less than 25 years.
 - 5. Any brownfield or greyfield development.
 - 6. Parcels of land within areas identified by the city’s comprehensive plan as G-2 Traditional Neighborhood and G-7 Industrial and/or Railyards.
 - 7. Redevelopment of sites previously or currently occupied by civic buildings, public spaces or educational facilities as defined in 20.10.145.

C. Design. Applications for infill development shall be designed in a manner that is consistent and compatible to the massing and character of the surrounding properties and the general design policies and guidelines included in the adopted comprehensive plan. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks. Additionally, applications for infill development must meet all of the following mandatory design requirements and no less than 3 (three) of the selective design guidelines:

1. Mandatory Design Requirements: Applications for infill development shall comply with all of the following requirements.

i. Where on-site surface parking is proposed, it shall be located at the rear of the property and when possible accessed via alleyway; or at the side of the property and screened in accordance with 21.50.070(F)(5). On-site surface parking shall not be located in the front yard.

1. The zoning administrator may grant an exception to this requirement when the following site conditions exist:

- a. Exceptional topographical conditions exist that result in an access driveway with a percent grade greater than 14%.
- b. Existing development that shares a common property line at the rear of the property.
- c. Lots with less than 50 feet of street frontage.
- d. Alley right-of-way is unimproved or unpaved.
- e. Redevelopment of single family residential parcels in which parking in the rear would not be consistent with existing development along the block face.

2. When on-street parking directly abutting the property is not present, the applicant may request the installation of on-street parking. The application fee may be subject to reimbursement.

3. Applicants shall have the opportunity to appeal the zoning administrator's decision in the event of a denial any such determination by the zoning administrator in accordance with 2.16.040.

ii. Buildings shall be placed on the parcel such that the principal orientation is toward the main street and the principal entrance is from the sidewalk.

1. For purposes of this section, *main street* shall be defined as the street of higher classification within the city's adopted thoroughfare plan. In cases where adjacent streets are of the same classification the zoning administrator shall determine the *main street* based on the orientation of adjacent buildings along the same block face.

iii. For proposals abutting existing residential development the front building setback shall not deviate from the average front setback of lots within the same block as the proposed development by more than 15%.

2. Selective Design Guidelines: Applications for infill development shall comply with no less than 3 of the following requirements.

- i. Any new structure with a ground floor commercial use shall demonstrate that building façades facing public rights-of-way have a majority (50% or more) transparent surface on the ground floor. Transparent surface elements include, but are not limited to, doors and non-opaque windows.
- ii. The percentage of gross floor area divided by the total lot area for infill development projects shall be no less than 80%
- iii. The project shall propose a mix of land use categories as classified in Section 20.08.030 (e.g. residential and commercial).
- iv. The project shall propose commercial activity within or directly abutting an adjacent street sidewalk. Examples of qualifying commercial activity include, but are not limited to, the placement of outdoor seating and tables or other sidewalk furniture, and stands for the sale of goods and services.
- v. The total width of the primary structure shall be greater than or equal to 80% of the total lot width along the main street. For the purposes of this calculation, any necessary vehicular access driveway shall be subtracted from the total lot width.
- vi. The project shall demonstrate compliance with one of the architectural styles defined in the Community Design Manual of Plan El Paso.
- vii. The height of any proposed infill development shall be equal to at least half the width of the widest abutting street.
- viii. The project includes low impact storm water management including, but not limited to depressed landscaped areas, bioswales, vegetated roofs, pervious pavements, capture and reuse systems.
- ix. One of the following is demonstrated:
 - 1. The project is certified by the United States Green Building Council LEED-BD+C, LEED HOMES, LEED-ND certification system or any, equivalent, nationally recognized alternative; or
 - 2. The architect or engineer of record is LEED accredited; or
 - 3. The project qualifies for and participates in the City of El Paso Green Building Grant Program.
- x. For projects in residential districts the applicant shall demonstrate that the parcel has been vacant or underdeveloped for no less than 15 years. For purposes of this guideline only, underdeveloped shall be defined as parcels which do not meet the maximum density permitted in the base zoning district.
- xi. For projects in residential districts the applicant shall demonstrate that a private frontage as describe in 21.80, Table 7a through 7e is proposed.

D. **Setback Provisions.** The side, front and rear setback requirements of the base-zoning district for the property on which the infill development is proposed may be reduced up to one hundred percent by City Council.

E. **Parking.**

- 1. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) shall be automatically reduced by fifty percent for any use within a designated infill development where on-street parking is available, or, after coordination with the Streets & Maintenance Department, is agreed to be installed at the applicant's own cost. If on-street parking is not available along the block face of the proposed development, proof of parking mitigation in the

form of a parking reduction impact study indicating that a reduction in the off-street parking requirement will not create a safety hazard or other condition inconsistent with the objectives of Chapter 20.14, or shared parking agreement shall be required for any requests for parking reduction.

2. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) may be reduced up to one hundred percent for any use within a designated infill development upon submission of a parking reduction impact study indicating that a reduction in the off-street parking requirement greater than 50% will not create a safety hazard or other condition inconsistent with the objectives of Chapter 20.14.
 3. Where on-street parking directly abutting the property is not available, the applicant may request the installation of on-street parking. The application fee may be subject to reimbursement.
- F. **Building Height.** The maximum building height permitted in the base zoning district may be increased to meet a maximum building height to street width ratio of 1:1 for parcels abutting collector and arterial streets.
- G. **Landscaping.** All applications shall comply with Chapter 18.46. Some applications may be eligible for a reduction in the required landscaping in accordance with Chapter 18.46.090(A)(3).
- H. **Density.** The maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to fifty percent for an infill development, or as approved by city council.
- I. **Lots.** There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.
- J. **Use Regulations.** Unless the ordinance designating the infill development overlay provides otherwise, a proposed infill development may be approved for any use permitted in the base zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.
- K. **Exclusions.** The provision of this section shall not be utilized to legalize any existing development which does not conform to the dimensional standards of the underlying zoning district. Additionally, the following development shall be excluded from the provisions of this section:
- i. Any greenfield development.
 - ii. Additions to existing structures on lots restricted to single family residential use which do not increase the density.
 - iii. Structures that encroach into required setbacks built without permits.

Section 3. Except as herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED this 30th of May 2017



THE CITY OF EL PASO

Oscar Leeser

Oscar Leeser, Mayor

ATTEST:

Richarda Duffy Momsen

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Larry F. Nichols

Larry F. Nichols
Planning & Inspections Department

APPROVED AS TO FORM:

Karla M. Nieman

Karla M. Nieman
Assistant City Attorney

CITY CLERK DEPT.
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