

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

DEPARTMENT: Planning and Inspection Department, Planning Division

AGENDA DATE: Introduction – December 17, 2019

PUBLIC HEARING DATE: January 7, 2020

CONTACT PERSON NAME AND PHONE NUMBER:

Philip F. Etiwe, (915) 212-1553, etiwepf@elpasotexas.gov

Raul Garcia, (915) 212-1643, garciar1@elpasotexas.gov

DISTRICT(S) AFFECTED: (All)

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

Discussion and action on an ordinance amending Title 20, Chapter 20.02, Article II (Definitions) to add a definition for Medical Waste Facility and amend the definition for Heavy Processing Facility, Section 20.08.030.C Appendix A (Table of Permissible Uses) to add Medical Waste Facility, Chapter 20.10 (Supplemental Use Regulations) to add supplemental use regulations for Medical Waste Facility, Section 20.14.020.C Appendix C (Table of Parking Requirements and Standards) to add parking requirements for Medical Waste Facility.
Staff Contact: Raul Garcia

BACKGROUND / DISCUSSION:

The CPC recommended unanimous approval on December 5, 2019.

PRIOR COUNCIL ACTION:


There is no prior City Council action on this rezoning application.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



Philip F. Etiwe, Director
Planning and Inspection Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE EL PASO CITY CODE: TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II (DEFINITIONS), TO ADD A DEFINITION FOR MEDICAL WASTE FACILITY; TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS), ARTICLE II (DEFINITIONS), SECTION 20.02.742 TO AMEND THE DEFINITION FOR PROCESSING FACILITY, HEAVY; TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES), TO ADD MEDICAL WASTE FACILITY; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.490 (PROCESSING FACILITIES), TO ADD A SUBSECTION C (WASTE PROCESSING FACILITIES); TITLE 20 (ZONING), APPENDIX C (TABLE OF PARKING REQUIREMENTS AND STANDARDS), TO ADD PARKING REQUIREMENTS FOR MEDICAL WASTE FACILITY. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE 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 October 1, 2019, the City Council of the City of El Paso directed the City Manager to create a use classification and definition for medical waste processing facility and identify appropriate areas where the use would be permitted; and,

WHEREAS, the City Plan Commission after a public hearing recommends approval of the proposed amendment; and,

WHEREAS, the City Council after a public hearing has determined this amendment is in the best interest of the public and will promote the public health, safety of the City.

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), Article II (Definitions), of the El Paso City Code be amended to add a new section as follows:

20.02.745 Processing facility, waste. "Waste Processing Facility" means a facility where solid waste or wastewater is processed for eventual disposal or reclamation. Waste types can include recyclable materials, putrescible materials, regulated medical waste, and wastewater or septage. Those facilities meeting the definition of "public utility" as defined in Chapter 402 of the Texas Local Government Code or of Title 32, Chapter 10 of the Texas Revised Civil Statutes are exempt from this definition.

SECTION 2. That Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II (Definitions), Section 20.02.742 of the El Paso City Code be amended as follows:

ORDINANCE NO. _____

19-1007-2553 | 954579

Title 20 Amendment-Medical Waste Facility

OAR

20.02.742 Processing facility, heavy. "Heavy processing facility" means any processing facility other than a light or a waste processing facility.

SECTION 3. That Title 20 (Zoning), Appendix A (Table of permissible uses), Section 5.00 (Manufacturing, processing & assembling) of the El Paso City Code be amended to add a new row numbered 5.27.5 (Processing facility (waste)) as follows:

Add the following row:

Use	Residential														Commercial				Manufacturing				Special Purpose														Supplemental Standards	Accessory Uses Permitted by Specific Use																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
	R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMB1	A-1	A-2	A-3	A-4	A-O	A-3/O	N	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	B	PMD ¹	S	U	PR	PR	PR	PR	PR	PR	PR	PR			PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR

SECTION 4. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.490 (Processing facilities) of the El Paso City Code, be amended to add a new Subsection C. (Waste processing facilities) as follows:

C. Waste processing facilities. Where permitted by Special Permit in an M-1 district and where permitted in an M-2 or M-3 district, waste processing facilities shall comply with the following standards:

1. Facility does not abut a bridge or overpass;
2. No waste processing facility may be located within five hundred feet, measured along the shortest distance between the nearest point of the building site of the waste facility and the nearest point of the property line of the following:
 - a. A church;
 - b. A public or private elementary or secondary school;
 - c. A nursery school, kindergarten, child care center, day nursery or day care center;
 - d. A university, college, vocational or business school;
 - e. A boundary of any R, A, PR, SRR, PMD, RMU or NOS zoning district;
 - f. A park;
 - g. The property line of a lot devoted to any residential use;
3. Facility shall be entirely operating in an enclosed building or:
 - a. Within an area enclosed by a screening fence having a minimum height of six feet; and
 - b. Landscaped on all street frontages; and
 - c. At least one thousand feet from the property line of existing residential use or existing R, A, PR, SRR, PMD, RMU or NOS zoning district;
4. Any exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition;

5. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
6. Noise levels shall be in compliance with Chapter 9.40 of this Code.

SECTION 5. That Title 20 (Zoning), Appendix C (Table of parking requirements and standards), Section 5.00 (Manufacturing, processing & assembling), of the El Paso City Code be amended to add a new row numbered 5.25.5 (Processing facilities) as follows:

Add a row as follows:

5.00	Manufacturing, Processing & Assembling	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
5.25.5	Processing facilities	1/1440 sf GFA	1/1000 GFA	None	1/50,000 sf GFA	Allowed	2C

SECTION 6. Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2020.

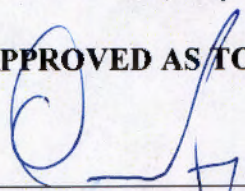
THE CITY OF EL PASO:

Dee Margo, Mayor

ATTEST:

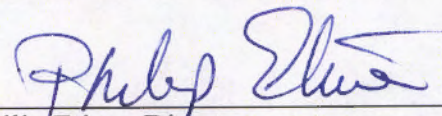
Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip Etiwe, Director
Planning & Inspections Department

MEMORANDUM

DATE: December 10, 2019

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Raul Garcia, Planning Program Manager

SUBJECT: **Title 20 Amendment**

The City Plan Commission (CPC), on December 5, 2019 voted 8-0 to recommend **Approval** of the Title 20 amendment.

The CPC found that the amendment is in conformance with Plan El Paso. The CPC also determined that the amendment protects the best interest, health, safety and welfare of the public in general; that the amendment will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division did not receive any communication in support or opposition to the rezoning request.

Attachments:

Summary

SUMMARY

MEDICAL WASTE FACILITY

PROPOSED DEFINITION

Processing facility, waste

“Waste Processing Facility” means a facility where solid waste or waste water is processed for eventual disposal or reclamation. Waste types can include recyclable materials, putrescible materials, regulated medical waste, and wastewater or septage. Those facilities meeting the definition of “public utility” as defined in Chapter 402 of the Texas Local Government Code or of Title 32, Chapter 10 of the Texas Revised Civil Statutes are exempt from this definition.

PROPOSED SUPPLEMENTAL REGULATIONS

1. Facility does not abut a bridge or overpass;
2. No Waste Processing Facility may be located within five hundred feet, measured along the shortest distance between the nearest point of the building site of the waste facility and the nearest point of the property line of the following:
 - a. A church
 - b. A public or private elementary or secondary school
 - c. A nursery school, kindergarten, child care center, day nursery or day care center
 - d. A university, college, vocational or business school
 - e. A boundary of any R, A, PR, SRR, RMU, PMD, or NOS zoning district
 - f. A park
 - g. The property line of a lot devoted to any residential use;
3. Facility shall be entirely operating in an enclosed building or:
 - a. Within an area enclosed by a screening fence having a minimum height of six feet; and
 - b. Landscaped on all street frontages; and
 - c. At least one thousand feet from the property line of an existing residential use or existing R, A, PR, SRR, RMU, PMD, or NOS zoning district;
4. Any exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition;
5. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
6. Noise levels shall be in compliance with Chapter 9.40 of this Code.

PROPOSED PERMISSIBILITY

- By Special Permit in M1
- By right in M2 & M3
- Prohibited in all other districts