

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: April 3, 2012
Public Hearing: May 1 2012

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code, to add a section establishing standards for an environmental and wildlife research conservancy overlay. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

BACKGROUND / DISCUSSION:

The proposed amendment encourages additional conservation through an environmental and wildlife research conservancy overlay. The environmental and wildlife research conservancy overlay codifies the City Council, City Plan Commission and Open Space Advisory Board direction to protect ecologically sensitive lands and prohibit those activities that would adversely affect the environment.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation 5-0

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) OF THE EL PASO CITY CODE, TO ADD A SECTION ESTABLISHING STANDARDS FOR AN ENVIRONMENTAL AND WILDLIFE RESEARCH CONSERVANCY OVERLAY. THE PENALTY IS AS PROVIDED FOR 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, the Green Infrastructure Plan for the City of El Paso, Texas recommends that an open space zoning district be implemented for the City of El Paso; and

WHEREAS, the Open Space Advisory Board and City Plan Commission recommend that the City Council establish additional conservation through an Environmental and Wildlife Research overlay; and

WHEREAS, the Open Space Advisory Board and City Plan Commission recommend that the City Council establish an Environmental and Wildlife Research overlay; and

WHEREAS, the City Council has determined that the regulations of the Environmental and Wildlife Research overlay are designed to protect ecologically sensitive lands and to prohibit those activities that would adversely affect the environmental characteristics of the district; and,

WHEREAS, City Council has determined that the regulation of the Environmental and Wildlife Research overlay is necessary to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the regulations established by this Ordinance are part of a comprehensive regulatory scheme designed to protect the culture, heritage, ecology and aesthetics 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 (Definitions) of the El Paso City Code be amended to add the following section:

20.02.805 Environmental and Wildlife Research

“Environmental and Wildlife Research” means scholarly or scientific investigation, or study related to environmental, cultural, nature, habitat, or wildlife.

SECTION 2. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code be amended to add the following section:

20.10.405 Environmental and Wildlife Research Conservancy Overlay

A. Purpose.

1. The purpose of an Environmental and Wildlife Research Conservancy Overlay (EWRCO) is to conserve, protect, manage, restore, or enhance areas that have a distinctive environmental, cultural, natural or wildlife character or attributes through the application of regulatory standards that protect and enhance those specified character and attributes. The designation has the effect of modifying the existing land use and development standards of the base zoning district of the land within the overlay by requiring owners of property to comply with additional reasonable land use and design standards. The adopted land use and development standards are intended to contribute towards the stability or stabilization of the property while allowing compatible research, educational and recreational activity within the property.

2. Development standards such as height, setbacks, and allowed land uses shall be specified by the study area plan of the managing entity adopting the EWRCO overlay. All properties within an EWRCO will carry the suffix "EWRCO," indicating that such property is subject to the land use and design standards of the EWRCO.

B. Designation.

1. An application for an EWRCO designation may be initiated either by a property owner or group of property owners. No EWRCO shall be designated and approved by the El Paso city council unless all property owners of the total land area proposed for the overlay agree to the designation.

C. Application. An application for an EWRCO designation shall be subject to the requirements and procedures of Chapter 20.04, and shall also be accompanied with all of the following:

1. A list of all the property owners in the area described in the application;

2. A written justification which supports the requested EWRCO designation. The justification must contain a detailed statement of why such a designation would be in the best interest of the city as a whole, and a description of the attributes of the area which merit conservation.

D. Study area plan formulation and adoption. Prior to approval for an EWRCO, the city shall have adopted a specific study area plan, as required by "The Plan for El Paso," for property within the proposed EWRCO. The study area plan shall, at a minimum, include a written and graphic description of the concerns, policy objectives, guidelines and design standards for regulating the development of the area. The planning and economic development department may, upon authorization of the City Manager, assist the property owners and other interested parties to prepare a study area plan, and when completed shall be on file in the department. Any EWRCO designation approved by the city shall incorporate the study area plan by express reference.

E. Contents of application, scope of review, waivers.

1. Prior to the issuance of any building permits for any new construction, reconstruction or renovation of the exterior of existing buildings on property (or any portion thereof) with an EWRCO designation, drawings and applications shall be reviewed by the planning division to determine if the proposed new construction, reconstruction or renovation complies with the design standards of the specific study area plan.

2. All applications for building permits on property with an EWRCO designation shall comply with the required design standards for the applicable study area plan. Approval of a permit shall indicate that the proposed construction complies with the requirements of this section and the design standards of the specific study area plan.

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

ADOPTED THIS _____ day of _____ 2012.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Planning & Economic Development
Department