

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

DEPARTMENT: Economic and International Development Department

AGENDA DATE: First Reading: April 17, 2018
Second Reading: May 1, 2018

CONTACT PERSON: Elizabeth Triggs, (915) 212-1619,
TriggsEK@elpasotexas.gov

CITY CLERK DEPT.
2018 APR 11 AM 10:22

DISTRICT(S) AFFECTED: District 1

SUBJECT:

Discussion and action on an ordinance amending Title 15 (Public Services) to amend Chapter 15.08 (Street Rentals) to add a definition for the Cincinnati Commercial District in Section 15.08.011 (Definitions); to add regulations for the use of Outdoor Patio Cafes throughout the City; and to add regulations for the use of Outdoor Patio Cafes in the Cincinnati Commercial District in Section 15.08.120 (Special Privilege Licenses and Permits); the penalty being as provided for in Section 15.08.070 and 15.08.125 of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amends the portion of the El Paso City Code that regulates outdoor patio cafes located on city right-of-way (i.e. sidewalks) to introduce regulations affecting new outdoor patio cafes to be located on Cincinnati Avenue, between N. Mesa St. and N. Stanton St. As part of the University Pedestrian Improvement project, terraced outdoor patio cafes are proposed along Cincinnati Avenue, adjacent to storefronts between N. Mesa Street and N. Stanton St., and on City right-of-way. This ordinance provides regulations addressing the unique character of the proposed cafes and their location in close proximity to residential properties.

Regulations include required uniform fencing of the cafes, seated-only capacity and the prohibition of smoking within the bounds of the café, and the cessation of service and sale of alcoholic beverages within the café after 1:00 am. All other regulations of Section 15.08.120(N) related to permitting of sidewalk patio cafes on city right-of-way apply.

Attachments:
Proposed Ordinance

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

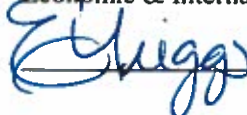
BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

Dr. Jessica Herrera, Director
Economic & International Development Department



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES) TO AMEND CHAPTER 15.08 (STREET RENTALS) TO ADD A DEFINITION FOR THE CINCINNATI COMMERCIAL DISTRICT IN SECTION 15.08.011 (DEFINITIONS); TO ADD REGULATIONS FOR THE USE OF OUTDOOR PATIO CAFÉS THROUGHOUT THE CITY; AND TO ADD REGULATIONS FOR THE USE OF OUTDOOR PATIO CAFÉS IN THE CINCINNATI COMMERCIAL DISTRICT IN SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS); THE PENALTY BEING AS PROVIDED FOR IN SECTION 15.08.070 AND 15.08.125 OF THE EL PASO CITY CODE.

WHEREAS, the public rights of way have been dedicated to the City of El Paso for the benefit and use of the public; and

WHEREAS, the City Council approved funding for the University Pedestrian Improvement Program which allowed for the redesign of Cincinnati street between N. Mesa Street and N. Stanton to install wider sidewalks, street lighting, street trees, and parking meters; and

WHEREAS, the City Council has reviewed the following ordinance amendment and has found it is necessary to protect the health, safety, and welfare of the community.

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

SECTION 1. That Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.011 (Definitions) of the El Paso City Code be amended to add a new definition as follows:

D. "Cincinnati Commercial District" means the commercial district on Cincinnati Avenue bounded by N. Mesa Street and N. Stanton Street.

SECTION 2. That Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsection 15.08.120 N. (Outdoor Patio Cafes) of the El Paso City Code to add the following new provisions as follows:

N. Outdoor patio cafes.

1. Filing application.

b. The permittee shall be required to comply with all applicable codes, rules, regulations, and laws.

8. **Cincinnati Commercial District Outdoor Patio Café Requirements.** In addition to all other applicable provisions of Subsection 15.08.120 (Special Privilege Licenses and Permits) of this Code, the following provisions shall be applicable to this District:

- a. **Boundaries.** The Outdoor Patio Cafés shall be defined as the terraced areas immediately adjacent to the storefront. For purposes of this Subsection, retail and/or office space establishments, in addition to food and/or beverage service establishments may have obtain an Outdoor Patio Café Permit to use the terraced area immediately adjacent to the storefront. Boundaries of the Outdoor Patio Cafés shall be limited to the City of El Paso's constructed terraces as referenced in the University Pedestrian Improvements Streetscape Construction Documents.
- b. **Fencing.** All fencing shall comply with design and height specifications found in the Furnishing Details of the City of El Paso's University Pedestrian Improvements Streetscape Construction Documents.
- c. **Seating.** Seated-only capacity shall be required. Standing-only capacity shall not be permitted.

(1) Tables and chairs shall not exceed thirty (30) inches in height.

(2) Tables and chairs must be movable to accommodate wheelchair access.

- d. **Smoking.** Smoking shall not be permitted within the boundaries of the Outdoor Patio Café.
- e. **Limits on Use of the Outdoor Patio Café.** A bar or nightclub may obtain an Outdoor Patio Café Special Privilege Permit pursuant to this Section, but shall cease to sell, serve or deliver or offer to sell, serve or deliver any beer, wine or alcoholic beverage, regardless of alcohol content within the boundaries of the Outdoor Patio Café after 1:00 am.

ADOPTED this ____ day of _____, 2018.

(Signatures on Following Page)

CITY OF EL PASO

CITY CLERK DEPT.
2018 APR 11 AM 10:22

Dee Margo, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



for: Jessica Herrera, Director
Economic and International Development
Department