

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

DEPARTMENT: Planning and Inspections Department

AGENDA DATE: **First reading: July 10, 2018**
 Second reading: July 24, 2018

CONTACT PERSON: Morgan Hester, (915) 212-1518
 HesterMT@elpasotexas.gov

DISTRICT(S) AFFECTED: **District 1**

SUBJECT:

Discussion and action on an ordinance amendment to Title 15 (Public Service) to amend Chapter 15.08 (Street Rentals) to clarify the hours of use of Outdoor Patio Cafes in the Cincinnati Commercial District in Section 15.08.120 (Special Privilege Licenses and Permits). No use of the Outdoor Patio Cafes will be permitted between the hours of 1 a.m to 7 a.m.; the penalty being as provided for in Section 15.08.070 and 15.08.125 of the El Paso City Code.

BACKGROUND / DISCUSSION:

The original amendment was approved by Council on May 1, 2018. This amendment clarifies the hours that sidewalk cafes will be operable or utilized by a licensee. No use of the Outdoor Patio Cafes will be permitted between the hours of 1 a.m to 7 a.m. unless a Special Event Permit dictates otherwise.

Attachments:

- Proposed Ordinance
- Presentation

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

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 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 15.08.120 (Special Privilege Licenses and Permits), Subsection 15.08.120 N. (Outdoor Patio Cafes) Sub-subsection 8 (Cincinnati Commercial District Outdoor Patio Café Requirements) of the El Paso City Code be amended in its entirety as follows:

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 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. Outdoor Patio Cafés are limited to the use of seated only food and/or beverage service or retail and/or office space use.

- 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. For food and/or beverage service only. Seated-only capacity shall be required. Standing-only capacity shall not be permitted.
 - (i) Tables and chairs shall not exceed thirty (30) inches in height.
 - (ii) Tables and chairs must be moveable 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. The use of the Outdoor Patio Café (as defined in 15.08.120.N.8.a) must cease between the hours of 1:00 a.m. to 7:00 a.m. However, the use of the Outdoor Patio Café during Special Events will be governed by the terms of the Special Event Permit.

SECTION 2. Except as herein Amended Title 15, Chapter 15.08, and Section 15.08.120 remain in full force and effect.

ADOPTED this ____ day of _____, 2018.


CITY OF EL PASO

Dee Margo, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Jessica Herrera, Director
Economic and International Development
Department



ITEM XX.X

Amending the Cincinnati Sidewalk Café Ordinance

Providing clarity to the permitted hours of
operation

Strategic Goal 3: Promote the Visual Image of El Paso



What we're asking...

That City Council approve:

- An ordinance amending Chapter 15.08.120(N)(8) of the City Code to clarify the hours of use for Cincinnati Sidewalk Cafes



Sidewalk Café Background & Use

- Retail and/or office space establishments, in addition to food and/or beverage service establishments may obtain an Outdoor Patio Café Permit.
- Outdoor Patio Cafés are limited to the use of seated only food and/or beverage service or retail and/or office space use.



Existing Cincinnati Sidewalk Café Ordinance

Section 15.08.120(N)(8)(e)

- Limits on Use of 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.



Amended Cincinnati Sidewalk Café Ordinance

Section 15.08.120(N)(8)(e)

- Limits on Use of Outdoor Patio Café. The use of the Outdoor Patio Café (as defined in 15.08.120.N.8.a) must cease between the hours of 1:00 am to 7:00 am. However, the use of the Outdoor Patio Café during Special Events will be governed by the terms of the Special Event Permit.