

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: October 18, 2016
Public Hearing: November 1, 2016

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, NicholsLF@elpasotexas.gov
Raul Garcia, (915) 212-1643, Garciar1@elpasotexas.gov

DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance amending Title 20 (Zoning), Chapter 20.02 (Definitions), Section 20.02.426 (Group Residential Facility); and Chapter 20.10 (Supplemental Use Regulations), Section 20.10.265 (Group Residential Facilities), and Section 20.10.270 (Home Occupation Use) to clarify size and licensing requirements for these uses. The penalty is as provided for in Chapter 20.24 (Enforcement-Penalty) of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

On June 30, 2016 The City Plan Commission recommended Approval on a 6-0 vote.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this ordinance amendment.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

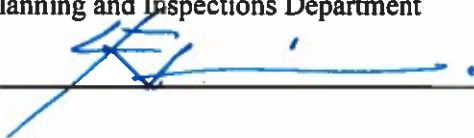
City Plan Commission (CPC) – Recommended Approval 6-0.

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Larry F. Nichols
Director, Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (DEFINITIONS), SECTION 20.02.426 (GROUP RESIDENTIAL FACILITY); AND CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.265 (GROUP RESIDENTIAL FACILITIES), AND SECTION 20.10.270 (HOME OCCUPATION USE) TO CLARIFY SIZE AND LICENSING REQUIREMENTS FOR THESE USES. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 (ENFORCEMENT – PENALTY) 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, it is necessary to provide adequate and reasonable accommodation for the disabled and elderly through the creation of development standards for the location of facilities serving these populations; and,

WHEREAS, it is necessary to revise existing development standards to clarify size regulations and bring licensing requirements into conformance with State law; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare 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), Section 20.02.426 (Group residential facility) of the El Paso City Code be amended as follows:

“Group residential facility” means an interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to seven (7) or more disabled persons, and who live together as a single housing unit. Disabled person has the meaning defined by the Federal Fair Housing Act of 1988, as amended. This use does not include a homeless shelter or halfway house defined in this Title.

SECTION 2. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.265 (Group residential facilities), Subsection 20.10.265(A) Occupancy of the El Paso City Code be amended as follows:

A. Occupancy: Seven (7) or more disabled persons.

SECTION 3. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.270 (Home occupation uses), Subsection 20.10.270(B) of the El Paso City Code be amended to delete Subsection 20.10.270(B)(14).

Ordinance No. _____

16-1007-1664/520420_2

Group Home Revision Ordinance

KMN

SECTION 4. 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 _____ 2016.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

MEMORANDUM

DATE: October 10, 2016

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

FROM: Raul Garcia, Lead Planner

SUBJECT: Title 20 Ordinance Amendment

The City Plan Commission (CPC), on June 30, 2016 voted 6-0 to recommend **Approval** of an ordinance amending Title 20 (Zoning), Chapter 20.02 (Definitions), Section 20.02.426 (Group Residential Facility); and Chapter 20.10 (Supplemental Use Regulations), Section 20.10.265 (Group Residential Facilities), and Section 20.10.270 (Home Occupation Use) to clarify size and licensing requirements for these uses

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 proposed amendment is compatible with adjacent land uses; and, 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 has not received any letters or phone calls in support or opposition of the amendment request.

Attachments:
Ordinance Amendment



Title 20 Zoning Code Amendment

Adult Foster Home – Definition & Occupancy

3. Promote the Visual Image of El Paso



Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (6-0)
- Public Input: The Planning Division has not received any phone calls or letters in support or opposition to the request.

Strategic Goal #3 Promote the Visual Image of El Paso

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



Amendment

20.10.175 - Disabled group dwelling.

- A. Occupancy: Not more than six persons with disabilities **and two supervisors** may reside in a community home at the same time.
(Occupancy will remain the same)

20.10.265 - Group residential facilities.

- A. Occupancy: ~~More than eight~~ **Seven (7) or more** disabled persons.

20.10.270.(B) Uses permitted as home occupations that do not require a license include:

~~14. Adult foster care facilities with no more than four care recipients.~~



QUESTIONS?