

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Five

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.10 (GENERAL TO ALL PLANS), CHAPTER 21.30 (NEW COMMUNITY PLANS), CHAPTER 21.40 (INFILL COMMUNITY PLANS), CHAPTER 21.50 (BUILDING SCALE PLANS), CHAPTER 21.70 (DEFINITION OF TERMS), AND 21.80 (TABLES) IN ORDER TO COMPLY WITH THE UPDATED REQUIREMENTS IN ACCORDANCE WITH SENATE BILL 15 AND SENATE BILL 840 OF THE TEXAS 89TH LEGISLATIVE SESSION. THE PENALTY IS AS PROVIDED IN 21.60 OF THE EL PASO CITY CODE.

WHEREAS, Senate Bill 15 (“SB 15”) and Senate Bill 840 (“SB 840”) were enacted on June 20, 2025 and May 28, 2025 respectively by the Texas 89th Legislative Session, with an effective date of September 1, 2025; and

WHEREAS, SB 15 and SB 840 seeks to increase the housing stock and housing options within Texas; and

WHEREAS, this Ordinance amends Title 21 (SmartCode) of the El Paso City Code to comply with SB 15 and SB 840.

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

Section 1. That Title 21 (SmartCode), Chapter 21.10 (General to All Plans), Subsection 21.10.040 is amended and replaced as follows:

21.10.040 Process.

- C. Once the property is rezoned to SmartCode Zone (SCZ), the property owner is authorized to proceed under Chapters 21.30 and 21.40, whichever is applicable, and Chapter 21.50 under this title. El Paso City Council, hereby creates a Consolidated Review Committee (CRC) comprised of a designated member or designated alternate member from each city department or other agency represented by the development coordinating committee. The CRC shall be responsible for approving adjustments to new community plans as defined in Chapter 21.30 or infill community plans as defined in Chapter 21.40 of this title and approving building scale plans as defined in Chapter 21.50 of this title. Building scale plans shall not be approved unless a new community plan or an infill community plan for the property has been approved. No building scale plan shall be required where the development is for apartments or mixed-use residential development that meet all minimum requirements set forth in Chapter 21 (SmartCode) and 20.10.363. An owner may appeal a decision of the CRC to the city council.
- D. Once the property owner receives approval of a preliminary building scale plan from the CRC (see Section 21.50.010), except that no building scale plan shall be required where the development is for apartments or mixed-use residential development that meet all minimum requirements set forth in Chapter 21 (SmartCode) and 20.10.363, the property owner must

comply with the provisions of Title 19 Subdivisions to receive plat approval, provided that any provisions concerning platting requirements that are specifically addressed in this title, shall take precedence over similar requirements in Title 19. Prior to the submission of any plat, the property to be developed under this title must be part of an approved preliminary building scale plan. When reviewing a plat submitted in compliance with the provisions of this title, to include approval of the building scale plan, the city plan commission shall determine whether the preliminary building scale plans were approved by the CRC and whether the plat provisions contained in Title 19 which are not addressed in this title have been complied with. The city plan commission shall have no authority over the building scale plans other than to determine whether such preliminary plans comply with both Title 21 and Title 19, provided that where Title 19 conflicts with a specific provision under this title, addressing the same issue, the standard or requirement of this title shall prevail.

Section 2. That Title 21 (SmartCode), Chapter 21.30 (New Community Plans), Subsection 21.30.090 is amended and replaced as follows:

21.30.090 Special requirements.

- A. A new community regulating plan may designate and upon designation shall enforce any of the following special requirements which, if approved, shall then be enforced at the building scale plan stage (except where development is for apartments or mixed-use residential development that meet all minimum requirements set forth in Chapter 21 (SmartCode) and Section 20.10.363, no building scale plan shall be required):

Section 3. That Title 21 (SmartCode), Chapter 21.40 (Infill Community Plans), Subsections 21.40.010, 21.40.030, and 21.40.070 are amended and replaced as follows:

21.40.010 Instructions.

- E. Upon rezoning of an area as a SmartCode Zone, all parcels within the zone shall be marked as such on the zoning map of El Paso. Within the SmartCode Zone, the approved infill regulating plan and this title shall become the exclusive and mandatory zoning regulation, and its provisions, as altered by approved warrants, variances, and adjustments, shall be applied in their entirety property owners within the plan area may submit building scale plans under Chapter 21.50 in accordance with the provisions of this title. Building scale plans requiring no variances shall be approved administratively by the CRC, except where development is for apartments or mixed-use residential development that meet all minimum requirements set forth in Chapter 21 (SmartCode) and Section 20.10.363, no building scale plan shall be required.

21.40.030 Transect zones.

- B. After approval into a SmartCode Zone by the city council, landowners in each transect zone may obtain building scale plans that include any of the elements indicated by Chapters 21.40 and 21.50, except where development is for apartments or mixed-use residential development that meet all minimum requirements set forth in Chapter 21 (SmartCode) and Section 20.10.363, no building scale plan shall be required.

21.40.070 Special requirements.

- A. An infill regulating plan may designate any of the following special requirements, which if approved shall then be enforced at the building scale plan stage, except where development is for apartments or mixed-use residential development that meet all minimum requirements set forth in Chapter 21 (SmartCode) and Section 20.10.363, shall be enforced prior to issuance of building permits:

Section 4. That Title 21 (SmartCode), Chapter 21.50 (Building Scale Plans), Subsection 21.50.070 is amended and replaced as follows:

21.50.070 Building configuration.

- B. Specific to zones T2, T3, T4, T4-O, T5, T5O, T-6, SD-1, SD-2, SD-3, SD-4, SD-5, SD-6, SD-7.

Section 5. That Title 21 (SmartCode), Chapter 21.70 (Definition of Terms), Subsection 21.70.010 is amended and replaced as follows to include the following new definitions:

21.70.010 Definitions.

“Apartment/Multifamily residential building” means a building or part of a building containing three or more attached or detached dwelling units, to include condominium. The term includes the use or development of a condominium. A “condominium” means a single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

“Mixed-use residential,” when used to describe land use or development, means the use or development, as applicable, of a site consisting of residential and nonresidential uses in which the residential uses are at least 65 percent of the total square footage of the development and meets the criteria found in El Paso City Code section 20.10.363. The term includes the use or development of a condominium. A “condominium” means a single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property. Developments not meeting the criteria

listed above shall not be considered mixed-use residential and shall be required to meet the requirements of the base zoning or use requirements.

"Small lot" means a residential lot that is 4,000 square feet or less and meets the criteria found in El Paso City Code section 20.10.625.

The following definitions are amended and replaced as follows:

21.70.010 Definitions.

"Live-work" means a mixed use unit consisting of a commercial and residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry. Where the live-work development meets the definition of mixed-use residential, that shall supersede. See Work-Live. (Syn: flexhouse.)

"Rowhouse" means a single-family dwelling individually on a lot that shares a party wall with another of the same type on a separate lot and occupies the full frontage line. See Rear yard Building. (Syn: Townhouse)

Section 6. That Title 21 (SmartCode), Chapter 21.80 (Tables), Subsection 21.80.140 is amended as follows:

Table 11 is amended to add the following row:

21.80.140 - Table 11: Parking Calculations.

REQUIRED PARKING (See Table 10)

	T2 T3	T4	T4O T5 T5O T6
APARTMENT AND MIXED USE RESIDENTIAL	1.0/dwelling	1.0/dwelling	1.0/dwelling

Table 12 is amended to add the following row:

21.80.150 Table 12: Specific Function & Use.

	T1	T2	T3	T4	T4O	T5	T5O	T6	SD
a. RESIDENTIAL									
Mixed-use Residential		■	■	■	■	■	■	■	■

The following rows in Table 12 are amended and replaced as follows:

21.80.150 Table 12: Specific Function & Use.

	T1	T2	T3	T4	T4O	T5	T5O	T6	SD
a. RESIDENTIAL									
Apartment Building		■	■	■	■	■	■	■	■
f. OTHER: AGRICULTURE									
Greenhouse		■	■						
Stable		■							
Kennel		■	■	■	■	■	■		
f. OTHER: AUTOMOTIVE									
Roadside Stand		■		■					■

The following rows in Table 14 are amended and replaced as follows:

21.80.170 Table 14: Summary Table.

	T1 NAT URA L ZON E	T2 RUR AL ZON E	T3 SUB- URB AN ZON E	T4 GEN ERA L URB AN ZON E	T4O GEN ERA L URB AN ZON E- OPE N	T5 URB AN CEN TER ZON E	T5O URB AN CEN TER ZON E- OPE N	T6 URB AN COR E ZON E	SD SPE CIA L DIST RIC T	
	b. BASE RESIDENTIAL DENSITY (see Section 3.8)									
	Reser ved									
	By Right	by Varia nce	by Varian ce.	6 units/a c.	15 units/	20 units/	24 units/	26 units/	<u>145</u> <u>unit/a</u> <u>c for</u>	

				<u>145 unit/ac for Apartments and Mixed-use Residential uses</u>	Gross . 145 unit/ac for Apartments and Mixed-use Residential uses	ac. Gross. 145 unit/a c for Apartments and Mixed-use Residential uses	ac. Gross. 145 unit/a c for Apartments and Mixed-use Residential uses	ac. Gross. 145 unit/a c for Apartments and Mixed-use Residential uses	ac. Gross. 145 unit/a c for Apartments and Mixed-use Residential uses	<u>Apart ment s and Mixe d-use Resid ential uses</u>		
		f. LOT OCCUPATION										
		Lot Width	not applicable	120 ft. min. Small Lot Development: See Section 20.10.625	50 ft. min 120 ft. max. Small Lot Development: See Section 20.10.625.	20 ft. min 80 ft. max	20 ft. min 450 ft. max	18 ft. min 180 ft. max	18 ft. min 180 ft. max	18 ft. min 700 ft. max		DISPOSITION
		Lot Coverage	not applicable	30% max. None for Small Lot Development under Section 20.10.625	60% max. None for Small Lot Development under Section 20.10.625	70% max. None for Small Lot Development under Section 20.10.625	90% max. None for Small Lot Development under Section 20.10.625	90% max. None for Small Lot Development under Section 20.10.625	90% max. None for Small Lot Development under Section 20.10.625	100 % max		
		g. SETBACKS	-			*only one building in excess of 200 ft.						

		PRINCIPAL BUILDING				permitted per Pedestrian Shed					
		Front Setback (Principal)	not applicable	48 ft. min. 0 ft. min for Apartments and Mixed-use Residential	20 ft. min. 0 ft. min for Apartments and Mixed-use Residential	0 ft. min 12 ft. max	0 ft. min 12 ft. max	0 ft. min 12 ft. max	0 ft. min 12 ft. max	0 ft. min 8 ft. max	
		Front Setback (Secondary)	not applicable	48 ft. min. 0 ft. min for Apartments and Mixed-use Residential	12 ft. min. 0 ft. min for Apartments and Mixed-use Residential	6 ft. min 12 ft. max. 0 ft. min 12 ft. max for Apartments and Mixed-use Residential	6 ft. min 12 ft. max. 0 ft. min 12 ft. max for Apartments and Mixed-use Residential	0 ft. min 12 ft. max	0 ft. min 12 ft. max	0 ft. min 8 ft. max	
		Side Setback	not applicable	96 ft. min. 0 ft. min for Apartments and Mixed-use Residential	0 ft. or 18 ft. total min	0 ft. min	0 ft. min	0 ft. min 24 ft. max	0 ft. min 24 ft. max	0 ft. min 8 ft. max	
		Rear Setback	not applicable	96 ft. min. 0 ft. min	12 ft. min. 0 ft. min	0 ft. min	0 ft. min	0 ft. min	0 ft. min	0 ft. min	

					for Apart ments and Mixed -use Reside ntial	for Apart ments and Mixed -use Reside ntial						
		k. BUILDING CONFIGURATION (see Table 8)										
		Principal Building	not applicable	2 Stories max	2 Stories max <u>4 stories max for Apartments and Mixed-use Residential not to exceed 45 feet max.</u>	3 Stories max <u>4 stories max for Apartments and Mixed-use Residential not to exceed 45 feet max.</u>	4 Stories max, 20 ft. min	5 Stories max., 2 min	6 Stories max., 2 min	2 Stories min		

The following rows in Table 15A are amended and replaced as follows:

21.80.180 Table 15A. Form-Based Code Graphics - T3.

BUILDING CONFIGURATION (see Table 8)	
a. Principal Building	2 stories max. 4 stories max for Apartments and Mixed-use Residential not to exceed 45 feet max.
LOT OCCUPATION	
a. Lot Width	50 ft. min 120 ft. max. <u>Small Lot Development: See Section 20.10.625.</u>
b. Lot Coverage	60% max.

	None for Small Lot Development under Section <u>20.10.625</u>
SETBACKS - PRINCIPAL BUILDING	
a. Front Setback (P)	20 ft. min. 0 ft. min for Apartments and Mixed-use Residential
b. Front Setback (S)	12 ft. min. 0 ft. min for Apartments and Mixed-use Residential
d. Rear Setback	12 ft. min. 0 ft. min for Apartments and Mixed-use Residential

The following rows in Table 15B are amended and replaced as follows:

21.80.190 Table 15B. Form-Based Code Graphics - T4.

BUILDING CONFIGURATION (see Table 8)	
a. Principal Building	2 stories max. 4 stories max for Apartments and Mixed-use Residential not to exceed 45 feet max.
LOT OCCUPATION	
b. Lot Coverage	70% max. None for Small Lot Development under Section <u>20.10.625</u>
SETBACKS - PRINCIPAL BUILDING	
b. Front Setback (S)	6 ft. min. 12 ft. max. 0 ft. min for Apartments and Mixed-use Residential

The following rows in Table 15C are amended and replaced as follows:

21.80.200 Table 15C. Form-Based Code Graphics - T40.

LOT OCCUPATION	
b. Lot Coverage	90% max. None for Small Lot Development under Section <u>20.10.625</u>
SETBACKS - PRINCIPAL BUILDING	
b. Front Setback (S)	6 ft. min. 12 ft. max. 0 ft. min 12 ft. max for Apartments and Mixed- use Residential

The following rows in Table 16 are amended and replaced as follows:

21.80.230 Table 16: Special District Standards.

	SD1	SD2	SD3	SD4	SD5	SD6	SD7
b. BASE RESIDENTIAL DENSITY							
By Right	24. 145 unit/ac for Apartme nts and Mixed- use Resident ial uses	24. 145 unit/ac for Apartme nts and Mixed- use Resident ial uses	NA. 145 unit/ac for Apartmen ts and Mixed- use Residentia l uses	NA. 145 unit/ac for Apartmen ts and Mixed- use Residentia l uses	NA. 145 unit/ac for Apartmen ts and Mixed- use Residentia l uses	48. 145 unit/ac for Apartme nts and Mixed- use Resident ial uses	24. 145 unit/ac for Apartme nts and Mixed- use Resident ial uses
f. LOT OCCUPATION							
Lot Coverage	NA	NA	90% max. None for Small Lot Developm ent under Section 20.10.625	90% max. None for Small Lot Developm ent under Section 20.10.625	90% max. None for Small Lot Developm ent under Section 20.10.625	100% max.	NA
g. SETBACKS - PRINCIPAL BUILDING							
Rear Setback	0 ft. min.	3 ft. min. 0 ft. min for Apartme nts and Mixed- use Resident ial	3 ft. min. 0 ft. min for Apartmen ts and Mixed- use Residentia l	3 ft. min. 0 ft. min for Apartmen ts and Mixed- use Residentia l	3 ft. min. or 20 ft. min.** 0 ft. min for Apartmen ts and Mixed- use Residentia l	3 ft. min. 0 ft. min for Apartme nts and Mixed- use Resident ial	0 ft. min.
j. BUILDING CONFIGURATION							
Principal Building	6 Stories, max.	8 Stories, max.	12 Stories, max.***	6 Stories, max.***	3 Stories, max.*** 4 stories max for Apartmen ts and Mixed-	NA***	6 stories max.

					use Residential I not to exceed 45 feet max. ***		
Outbuilding	NA	NA	3 Stories, max.***	3 Stories, max.***	2 Stories, max.***	NA	NA

Section 7. Except as herein amended, Title 21 (SmartCode) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO:

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip Etiwe, Director
Planning & Inspections Department