

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

AGENDA DATE: December 13, 2022

PUBLIC HEARING DATE: January 17, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Kevin Smith, (915) 212-1566

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection process
3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance amending the following provisions of El Paso City Code Title 20 (Zoning): Chapter 20.02 (General Provisions and Definitions), Article II (Definitions) to add definitions for Type 1 and Type 2 Short Term Rentals and amend the definition for Bed and Breakfast Establishment; Chapter 20.08 (Permissible Uses), Section 20.08.030.C (Permissible Uses) Appendix A (Table of Permissible Uses) to add Type 1 and Type 2 Short Term Rentals; Chapter 20.10 (Supplemental Use Regulations) to add supplemental use regulations for Type 1 and Type 2 Short Term Rentals; and Title 20 (Zoning) Chapter 20.14 (Off-street Parking, Loading and Storage Standards), Section 20.14.050 (Parking Requirements and Standards), Subsection C, Table of Parking Requirements and Standards: Appendix C (Table of Parking Requirements and Standards) to add parking requirements for Type 1 and Type 2 Short Term Rentals. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

BACKGROUND / DISCUSSION:

This item would amend sections of El Paso City Code Title 20 (Zoning) to add definitions, supplemental use regulations, and parking requirements for Short Term Rental uses. Modification to the Bed and Breakfast Establishment definition is also included as part of the proposed amendments. An item proposing amendments to El Paso City Code Title 5 (Business License and Permit Regulations) is accompanying this item. The City Plan Commission recommended approval of these amendments on December 1, 2022.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF EL PASO CITY CODE TITLE 20 (ZONING): CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II (DEFINITIONS) TO ADD DEFINITIONS FOR TYPE 1 AND TYPE 2 SHORT TERM RENTALS AND AMEND THE DEFINITION FOR BED AND BREAKFAST ESTABLISHMENT; CHAPTER 20.08 (PERMISSIBLE USES), SECTION 20.08.030.C (PERMISSIBLE USES) APPENDIX A (TABLE OF PERMISSIBLE USES) TO ADD TYPE 1 AND TYPE 2 SHORT TERM RENTALS; CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) TO ADD SUPPLEMENTAL USE REGULATIONS FOR TYPE 1 AND TYPE 2 SHORT TERM RENTALS; AND TITLE 20 (ZONING) CHAPTER 20.14 (OFF-STREET PARKING, LOADING AND STORAGE STANDARDS), SECTION 20.14.050 (PARKING REQUIREMENTS AND STANDARDS), SUBSECTION C, TABLE OF PARKING REQUIREMENTS AND STANDARDS; APPENDIX C (TABLE OF PARKING REQUIREMENTS AND STANDARDS) TO ADD PARKING REQUIREMENTS FOR TYPE 1 AND TYPE 2 SHORT TERM RENTALS. 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 purpose of this amendment is to establish regulations to protect, the health, safety, and welfare of occupants of short-term rental properties, and protect the integrity of the neighborhoods in which short term rental properties operate; and,

WHEREAS, the City Plan Commission after a public hearing recommends approval of the proposed amendment; and,

WHEREAS, the City Council after a public hearing has determined 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 (General Provisions and Definitions), Article II (Definitions), of the El Paso City Code be amended to add the following sections:

20.02.870.5 Short Term Rental, Type 1. “Type 1 Short Term Rental” means a single-family detached dwelling, single-family attached dwelling, accessory dwelling unit, or two-family dwelling unit where sleeping areas are rented to overnight guests for a period of less than 30 days, but not less than 12 hours and there are no employees on-site. The Type 1 Short Term Rental shall be located on a parcel with a unique property identification number.

ORDINANCE NO. _____

22-1007-2989 | 1208858

Title 20 Amendment - Short Term Rentals

RTA

20.02.870.6 Short Term Rental, Type 2. "Type 2 Short Term Rental" means a multifamily dwelling where sleeping areas are rented to overnight guests for a period of less than 30 days, but not less than 12 hours and there are no employees on-site.

20.02.122 Bed and breakfast establishment. "Bed and breakfast establishment" means a building or portion thereof, other than a hotel, motel or boardinghouse, where, for compensation, eight or fewer rooms are offered as temporary lodging and only breakfast is offered to the registered guest(s) where the owner and an employee are present on-site.

SECTION 2. That Title 20 (Zoning), 20.08 (Permissible Uses), Section 20.08.030.C (Permissible Uses) Appendix A (Table of Permissible Uses, Section 13.00 (Residential) of the El Paso City Code be amended to add the following new rows as follows:

Add the following rows:

Use	Residential														Commercial					Manufacturing			Special Purpose										Supplemental Standards	Accessory Uses Permitted to Specific Use						
	R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PMD***	S-D**	U-P**	P-R1**	P-R II**	P-C**			P-I**	SRR**	R-MU**	G-MU**	I-MU**	NOS
13.00 Residential																																								
13.36 Type 1 Short term rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	P	D	P	D	P	P	X	X	P	Z	Z	X	X	X	20.10.552
13.37 Type 2 short term rental	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	X	D	P	D	P	P	X	X	P	Z	Z	X	X	X	20.10.552

SECTION 3. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), be amended to add Section 20.10.552 Short Term Rental as follows:

20.10.552 Short Term Rental. Where permitted, a Short Term Rental shall comply with the following standards:

1. A Short Term Rental shall be permitted only where the established use is permitted in the zoning district.
2. No Type 1 Short Term Rental shall be located within five hundred feet of another Type 1 Short Term Rental, measured in a straight line from property line to property line.
3. Type 2 Short Term Rentals shall consist of no more than ten percent of the total number of units. Multifamily dwellings with less than ten units shall be allowed one unit for a Type 2 Short Term Rental use.
4. Type 1 and Type 2 Short Term Rentals shall be considered lawfully in existence for the purpose of determining nonconforming use rights if all of the following criteria are met:
 - (a) The applicant shall demonstrate operating the specific property as such prior to the effective date of this ordinance;
 - (b) Current compliance with payment of the City of El Paso’s Hotel Occupancy Tax within thirty (30) days of the effective date of this ordinance. All other provisions of 20.22 of the El Paso City Code shall be applicable;
 - (c) This nonconforming use is subject to the applicable standards, including but not limited to termination, under Section 20.22.030 (Nonconforming Uses) of this Code.

5. No signage shall be permitted for a Short Term Rental.
6. Noise levels shall be in compliance with Chapter 9.40 of the El Paso City Code.
7. Required parking shall be compliant with the applicable standards found in Appendix C Section 20.14.050 of this Code.

SECTION 4. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), Section 20.14.050 (Parking requirements and standards), Subsection C, Table of parking requirements and standards: Appendix C (Table of parking requirements and standards) be amended to add new rows as follows:

Add rows as follows:

13.00	Residential	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
13.34	Type 1 Short Term Rental	2/dwelling unit; 1/accessory dwelling unit		None	None	Allowed	2H
13.35	Type 2 Short Term Rental	2/dwelling unit		Note 3	None	Allowed	2C

SECTION 5. Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
22-1007-2989 | 1208858
Title 20 Amendment - Short Term Rentals
RTA

Title 20 Redlines – Short Term Rentals

[20.02.870.5 Short Term Rental, Type 1. "Type 1 Short Term Rental" means a single-family detached dwelling, single-family attached dwelling, accessory dwelling unit, or two-family dwelling unit where sleeping areas are rented to overnight guests for a period of less than 30 days, but not less than 12 hours and there are no employees on-site. The Type 1 Short Term Rental shall be located on a parcel with a unique property identification number.](#)

[20.02.870.6 Short Term Rental, Type 2. "Type 2 Short Term Rental" means a multifamily dwelling where sleeping areas are rented to overnight guests for a period of less than 30 days, but not less than 12 hours and there are no employees on-site.](#)

20.02.122 - Bed and breakfast establishment. "Bed and breakfast establishment" means a building or portion thereof, other than a hotel, motel or boardinghouse, where, for compensation, eight or fewer rooms are offered as temporary lodging and only breakfast is offered to the registered guest(s) [where the owner and an employee are present on-site.](#)

[20.10.552 Short Term Rental. Where permitted, a Short Term Rental shall comply with the following standards:](#)

[1. A Short Term Rental shall be permitted only where the established use is permitted in the zoning district.](#)

[2. No Type 1 Short Term Rental shall be located within five hundred feet of another Type 1 Short Term Rental, measured in a straight line from property line to property line.](#)

[3. Type 2 Short Term Rentals shall consist of no more than ten percent of the total number of units. Multifamily dwellings with less than ten units shall be allowed one unit for a Type 2 Short Term Rental use.](#)

[4. Type 1 and Type 2 Short Term Rentals shall be considered lawfully in existence for the purpose of determining nonconforming use rights if all of the following criteria are met:](#)

[\(a\) The applicant shall demonstrate operating the specific property as such prior to the effective date of this ordinance;](#)

[\(b\) Current compliance with payment of the City of El Paso's Hotel Occupancy Tax within thirty \(30\) days of the effective date of this ordinance. All other provisions of 20.22 of the El Paso City Code shall be applicable;](#)

[\(c\) This nonconforming use is subject to the applicable standards, including but not limited to termination, under Section 20.22.030 \(Nonconforming Uses\) of this Code.](#)

[5.No signage shall be permitted for a Short Term Rental.](#)

[6.Noise levels shall be in compliance with Chapter 9.40 of the El Paso City Code.](#)

[7.Required parking shall be compliant with the applicable standards found in Appendix C Section 20.14.050 of this Code.](#)

Appendix A

Use	Residential													Commercial					Manufacturing			Special Purpose											Supplemental Standards	Accessory Uses Permitted to Specific Use											
	R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PMD****	S-D**	U-P**	P-R I**	P-R II**	P-C**			P-I**	SRR**	R-MU**	G-MU**	I-MU**	NOS	URD				
13.00 Residential																																													
13.36 Type 1 Short term rental	P	P	P	P	P	P	P	X	P	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	P	D	P	D	P	P	X	X	P	Z	Z	X	X	X						
13.37 Type 2 short term rental	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	P	D	P	D	P	P	X	X	P	Z	Z	X	X	X						

Appendix C

<u>13.00</u>	<u>Residential</u>	<u>Automobile & Light Truck</u>		<u>Bicycle</u>	<u>Heavy Truck Trailer</u>	<u>Gravel Screen Parking</u>	
		<u>Minimum</u>	<u>Maximum</u>			<u>Required</u>	<u>Notes</u>
<u>13.34</u>	<u>Type 1 Short Term Rental</u>	<u>2/dwelling unit; 1/accessory dwelling unit</u>		<u>None</u>	<u>None</u>	<u>Allowed</u>	<u>2H</u>
<u>13.35</u>	<u>Type 2 Short Term Rental</u>	<u>2/dwelling unit</u>		<u>Note 3</u>	<u>None</u>	<u>Allowed</u>	<u>2C</u>