



Antonio Araujo
Mayor

Leticia Miranda
Aldersperson Place 1

David Cantu
Aldersperson Place 2

Lorenzo E. Leyva Sr.
Aldersperson Place 3

Maria Covernali
Aldersperson Place 4

George Almanzar
Aldersperson Place 5

ORDINANCE NO. 2003.05

AN ORDINANCE ADOPTING AND IMPLEMENTING A FEE SCHEDULE FOR APPLICATIONS SUBMITTED PURSUANT TO THE CITY OF SAN ELIZARIO HISTORIC PRESERVATION ORDINANCE AND IMPEMETING A CITY SURCHARGE FEE FOR PROCESSING APPLICATIONS UNDER THE EL PASO MISSION TRAIL HISTORICAL AREA ZONING REGULATIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

RECITALS

WHEREAS, the City Council ("City Council") of the City of San Elizario ("City") seeks to provide for reasonable administrative fees in order to recoup the cost of conducting municipal land use and development programs on the public's behalf without imposing an undue burden on its citizenry; and

WHEREAS, the City of San Elizario is permitted under state law to recoup its costs and expenses for the review and processing of permit applications and related documents; and

WHEREAS, pursuant to Chapter 102 of the Texas Local Government Code, the City has the specific authority to adopt a budget and provide for revenue and expenditures; and

WHEREAS, the fees instituted by this ordinance are consistent with and in accordance with the City's annual budget and the City's costs and expenses; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance that is for the good government, peace or order of

the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that the attached schedule of fees is reasonable, prudent and necessary to provide essential regulatory land use programs for the good and general welfare of our citizens.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. ADOPTION AND ENACTMENT

- A. The City Council hereby adopts and enacts the "City of San Elizario Fee Schedule: Historic Preservation and Historic Areas/Districts", contained in *Attachment A*, attached hereto and incorporated fully herein for all intents and purposes.
- B. In the event that a fee as set in *Attachment A* is greater than a fee established by the County of El Paso under the Mission Trail Historical Area Zoning Regulations ("MTHA"), the City shall assess the difference in the two fee amounts as a City surcharge on the fee, as such surcharge is necessary and appropriate for the City to recover its actual costs and expenses in processing applications and issuing permits under the MTHA.
- C. For any application under the MTHA that the City processes in whole or in part that was initially filed with the County of El Paso, all such applicants shall reimburse the City for the entire cost of giving or sending notices and/or publishing notices, when such notices are required by the MTHA regulations or state law. In the event that an applicant believes that he or she has already paid the County for these costs, it shall be the responsibility of the applicant to seek a refund from the County.
- D. The City Administrator is authorized to develop a schedule of fee reductions and implement such reduced fees for those instances in which an applicant must file multiple applications regarding the same parcel of land, which can be processed simultaneously and result in a reduction of the City's costs and expenses due to the ability of staff to make one review and recommendation relating to one or more portions of the multiple applications. This authority shall extend to the reduction of fees set by other ordinances of the City, provided that the criteria for simultaneous review and accompanying cost reduction are met. The City Administrator is further authorized to waive the requirements for a permit under the Historic Preservation Ordinance when such permit is an exact duplicate of a permit or requirement under the MTHA **and** the determination of the Historic Landmark Commission regarding the permit has taken the City's Historic Preservation Ordinance into

consideration when the decision was made to issue a permit by the Historic Landmark Commission.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

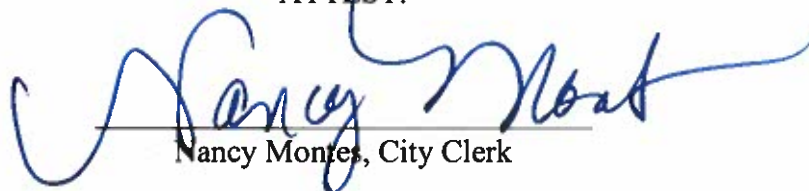
PASSED AND APPROVED this, the 14 day of January, 2020, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk

**CITY OF SAN ELIZARIO FEE SCHEDULE: HISTORIC
PRESERVATION AND HISTORIC AREAS/DISTRICTS**

<u>Item (MTHA)</u>	<u>Surcharge/Fee</u>
Zoning Permit Application: residential; grading, clearing or excavating; accessory structures**	\$100
Zoning Permit Application: commercial and other non-residential properties; grading, clearing or excavating; accessory structures**	\$250
Zoning Permit Application: fencing only*	\$50 (Residential) \$100 (Commercial)
Zoning Permit Application: change of use	\$75
Zoning Permit Application: all other types	\$200
Combination Zoning and Sign Permit	\$250
Zoning Map Amendment Application (rezone)	\$750 plus publication costs
Special Use Permit Application	\$550 plus publication costs
Sign Permit Application* (when zoning permit not required)	\$50
Application for Zoning Map Interpretation	\$45 plus any charges by the County
Certificate of Appropriateness Application*	\$50 plus public notice costs
Certificate of Demolition Application*	\$75
Home Occupation Application	\$50 until such time as home occupation is included in the City Business Registration Ordinance at which time the fee established in the Business Registration Ordinance shall apply and supersede the fee herein.
Appeal from an administrative order or decision	\$50

Appeal from a ruling of the Historical Landmark Commission	\$300
Variance Application	
(1) Commercial	\$250 plus public notice costs
(2) Residential	\$100 plus public notice costs
Certificates of Use	\$50
Change of Use Application*	\$75
Archeological Site Review (A deposit up to \$5,000 may be required to cover the costs of obtaining the consulting services of an archeologist.)	\$550 plus consultant costs
Public Notice Costs A deposit may be required to cover associated costs for public notices and newspaper publication, if required, and signage. Unused deposit account balances shall be refunded to the Applicant.	Up to \$500 Deposit

*Building permit costs are not included in this fee
**Building permit costs and other fees, such as for a grading permit, are not included in this fee

Item (Historic Preservation Ordinance) Fee

Application to designate a historic landmark	\$750 plus notice costs
Application to designate a historic district	\$1,000 or \$400 plus \$100 for each building or structure over 500 square feet within the proposed district, whichever is greater, plus notice costs.
Certificate of Appropriateness Application*	
• For administrative review and action	\$50
• For Board review and action	\$75 plus public notice costs
Change to a Certificate of Appropriateness	\$25
Approval of new infill construction	\$550
Certificate of Demolition Application*	\$75

Appeal from an administrative order or decision \$50

Appeal from a ruling of the Board of Review \$300

Archeological Site Review \$550 plus consultant costs
(A deposit up to \$5,000 may be required to cover the costs of obtaining the consulting services of an archeologist, if obtained by the City.)

Public Notice Costs Up to \$500 Deposit
A deposit may be required to cover associated costs for public notices and newspaper publication, if required, and signage. Unused deposit account balances shall be refunded to the Applicant.

*Building permit costs are not included in this fee