



**City of El Paso – City Plan Commission
Ordinance to Amend Title 20 Zoning, Chapter 20.02
(General Provisions and Definitions), Chapter 20.16
(Screening and Fencing), Section 20.16.020
(Mandatory Walls) Subsections A, B, and H**

- The proposed amendment adds a definition for masonry wall currently not existing in the Zoning Code and provides an alternative design on required masonry walls such as a combination of wrought iron and rock wall. The amendment also proposes to clarify mandatory rock wall waiver provisions by simplifying and arranging the applicable waiver exception requirements.

Attachments:

Attachment 1: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), CHAPTER 20.16 (SCREENING AND FENCING), SECTION 20.16.020 (MANDATORY WALLS) [KMN1] SUBSECTIONS A, B AND H TO AMEND THE SCREENING AND FENCING REQUIREMENTS. 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, screening and fencing is intended to provide a physical and visual barrier between incongruent land uses; and,

WHEREAS, it is necessary to define masonry wall in order to provide clarification for mandatory screening and fencing; and,

WHEREAS, the existing screening and fencing provisions require modification to allow for certain waivers of the mandatory wall requirement; 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 General Provisions and Definitions, be amended as follows:

Add the following definition:

20.02.559 Masonry Wall

“Masonry wall” means a vertical barrier intended to provide visual screening and privacy. For purposes of this Title, a masonry wall may consist of any combination of durable rock and wrought-iron.

SECTION 2. That Title 20 Zoning, Chapter 20.16 Screening and Fencing, Section 20.16.020 Mandatory walls, be amended as follows:

Delete the following sections in their entirety:

A.8. Within mixed-use districts, between residential uses and nonresidential uses or pursuant to the approved master zoning plan.

B.8. Within mixed-use districts, between residential uses and nonresidential uses by the owner of the property having the nonresidential use or pursuant to the approved master zoning plan.

SECTION 3. That Title 20 Zoning, Chapter 20.16 Screening and Fencing, Section 20.16.020 Mandatory walls, Subsection H., be amended to read as follows:

H. Exceptions.

1. *Topographic Conditions.* Upon receipt of a written application from the property owner, the zoning administrator, when topographic conditions negate the visual screening effect of the wall, may approve a revised location or may waive the mandatory wall requirement or for a mandatory wall within the same property to achieve an equal or improved use of the screen.
2. *Nonresidential Uses Adjacent to Open Space.* Upon receipt of a written application from the property owner, the zoning administrator, when the property is adjacent to nonresidential uses or common recreational areas, such as golf courses, parks or other areas designated as open space under the provisions of this title, may approve a revised location or may waive the mandatory wall requirement.
3. *Nonresidential Uses Adjacent to Property Zoned NOS.* A mandatory wall along the property line of a natural open space zoning district and nonresidential uses cannot be waived.
4. *Where Streets Separate Zoning Districts.* No mandatory wall shall be required where a street is the boundary line between districts except that this does not apply to properties used for outside storage.
5. *Alternative Designs.* In instances whereby a masonry wall is mandatory in accordance with Sections 20.16.020 A and B, the City Plan Commission may consider and make a recommendation to City Council for an alternative screening and fencing design. Alternative designs for mandatory masonry walls may include but are not limited to: brick, concrete, wrought iron or a combination thereof.
6. *Fee.* An applicant will pay the established fee for processing requests to amend the mandatory wall requirement.

SECTION 3. 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 _____, 2015.

CITY OF EL PASO

ATTEST:

Oscar Leeser, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning &