

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: January 6, 2011
Public Hearing: January 25, 2011

CONTACT PERSON/PHONE: David A. Coronado, (915) 541-4632

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions); Chapter 20.06 (Zoning Districts and Maps); Chapter 20.10 (Supplemental Use Regulations); and Appendix A (Table of Permissible Uses) of the El Paso City Code, to amend the definition for Open Space and Natural Open Space, amend the Natural Open Space District; amend standards for Supplemental Uses in Natural Open Space; and to amend the Permissible Use Standards in Natural Open Space Districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

BACKGROUND / DISCUSSION:

This amendment to Title 20 (Zoning) was initially recommended by the Open Space Advisory Board in its capacity to act as an advisory board and provide recommendations to the City Council in efforts to preserve and acquire open space.

PRIOR COUNCIL ACTION:

On April 6, 2010, City Council amended Title 20 (Zoning) to adopt the Natural Open Space District and set standards for that district through Ordinance No. 017306.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Open Space Advisory Board (OSAB) – unanimous approval
City Plan Commission (CPC) – unanimous approval

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS); CHAPTER 20.06 (ZONING DISTRICTS AND MAPS); CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS); AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE, TO AMEND THE DEFINITION FOR OPEN SPACE AND NATURAL OPEN SPACE, AMEND THE NATURAL OPEN SPACE DISTRICT; AMEND STANDARDS FOR SUPPLEMENTAL USES IN NATURAL OPEN SPACE; AND TO AMEND THE PERMISSIBLE USE STANDARDS IN NATURAL OPEN SPACE DISTRICTS. 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 Green Infrastructure Plan for the City of El Paso, Texas recommends that a Natural Open Space zoning district be implemented for the City of El Paso; and

WHEREAS, the Open Space Advisory Board and City Plan Commission recommend that the City Council establish a Natural Open Space zoning district; and

WHEREAS, the City Council has determined that the regulations of the Natural Open Space zoning district are designed to protect ecologically sensitive lands and to prohibit those activities that would adversely affect the environmental characteristics of the district; and,

WHEREAS, City Council has determined that the regulation of Natural Open Space zoning district is necessary to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the regulations established by this Ordinance are part of a comprehensive regulatory scheme designed to protect the culture, heritage, ecology and aesthetics 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), Paragraph 20.02.648, of the El Paso City Code is amended as follows:

20.02.648. "Open Space" means an area that is intended to provide light and air and is designed for either scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, desert areas, foothills, walkways, active and passive recreation areas, hike and bike trails, equestrian trail nodes, picnic benches and shelters, scenic lookouts, viewing shelters, shade structures, playgrounds, fountains, river banks, swimming pools, wooded areas and water courses, and restrooms. The calculation of required open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel or storage.

SECTION 2. That Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Paragraph 20.02.651, of the El Paso City Code is amended as follows:

20.02.651. "Natural Open Space" means a zoning district that includes areas that have not been developed or that allow those activities that would not adversely affect the environmental characteristics of the district and preserves land. Only structures and uses identified in the Table of Permissible uses are allowed in accordance with the approved detailed site plan or approved special permit as required. Natural Open Space may be under public or private ownership. Natural Open Space is intended but not required to include activities such as hiking, photography, or nature studies and if specifically designated, bicycling, climbing, and horseback riding. Activities shall not include motorized activity except for maintenance, emergency services, or legal access agreements or as allowed on streets, parking lots, or railroad right-of-way. Natural Open Space may include properties designated in the Green Infrastructure Plan for El Paso and additions to the plan when approved by City Council and shall have some combination of natural scenic beauty, natural resources that are deemed worthy of preservation, or have a cultural or historic significance to the area or region.

SECTION 3. That Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), Section 20.06.020 (Purpose of Districts), Subsection D (Special Purpose Districts), Paragraph 13, "NOS" Natural Open Space District, of the El Paso City Code is amended as follows:

20.06.020 D. Special Purpose Districts

13. "NOS" Natural Open Space District.

B. The regulations of this district are designed to protect ecologically sensitive lands and to prohibit those activities that would adversely affect the environmental characteristics of the district. This district is also intended to preserve land that, if disturbed, may be susceptible to flooding and soil erosion due to steep slopes and runoff. Property located within this district shall remain undeveloped, except as allowed and in accordance with the approved detailed site plan and any approved special permit.

SECTION 4. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.385 (Natural Open Space), Paragraph C, Property Development Standards, of the El Paso City Code is amended as follows:

20.10.385 Natural Open Space.

C. Property Development Standards. The following land uses and property development standards shall apply to land zoned as NOS.

1. Refer to Appendix A – Table of Permissible Uses. The uses specified below shall have additional restrictions:
 - a. Storage of supplies, equipment, goods shall not exceed 2,000 square feet.
 - b. Specialty shop shall not exceed 1,200 square feet and shall specialize in the sale of gift/souvenir merchandise.

2. Walls. No wall or fence shall be placed to impede normal flow of water. Interior walls or fences shall not restrict the visibility of scenic vistas or on-site amenities.
3. Parking. Off-street parking requirements of Chapter 20.14 shall not apply to properties in this district. Parking shall be provided in accordance with the approved detailed site development plan.
4. Site Plan. A detailed site development plan complying with all of the requirements of Chapter 20.04 (Administrative Provisions) shall be required for all property within a natural open space district. In addition, the site plan shall include the following:
 - a. Location of all impervious surfaces, structures and utilities, as well as all areas that will be disturbed by the construction of a permitted use.
 - b. All areas that shall remain in their natural state.
5. Signs. Community service signs may be approved by the deputy director of development services - planning, in conformance with 20.18.490 after review by the parks and recreation director and open space advisory board. The total number of signs on the property may exceed two per street frontage and four per premise upon approval of the deputy director of development services - planning and upon review by the parks and recreation director and open space advisory board.
6. Wildlife Sanctuary. The city council may designate a property as a Wildlife Sanctuary as part of the approval of a NOS rezoning application.
7. Perimeter Treatments.
 - a. Abutting Properties
 - i. A minimum perimeter setback of 25 feet shall be provided along the property lines for any use abutting an existing NOS zoning district to minimize potential negative impacts created by activity within the site.
8. Landscape Treatments.
 - a. Whenever a portion of the property is disturbed by the construction of a permitted use or has been cleared of vegetation, the disturbed area shall be revegetated in conformance with Chapter 18.44 (Grading), using plants native to the site and the immediately surrounding area. Revegetation shall be at a similar density to the natural surroundings.
 - b. Abutting Properties
 - i. A minimum landscape buffer of 10 feet shall be provided along the property lines of any commercial, manufacturing, or industrial uses abutting an existing NOS zoning district with a designation of a Wildlife Sanctuary in order to minimize potential negative impacts created by activity within the site. The landscape buffer shall include high profile native trees with a minimum of 2" caliper placed at every 15 feet on center. The tree species shall be selected by planning official based upon consultation with the Parks and Recreation Director, Open Space Advisory Board and the Wildlife Sanctuary's managing entity. The landscape buffer shall be in addition to the landscape requirements of Title 18 and be installed prior to the issuance of any certificates of occupancy.

SECTION 5. That Appendix A (Table of Permissible Uses) of the El Paso City Code be amended as follows:

Appendix A, Table of Permissible Uses

Under NOS add the following uses:

- “D” Barn
- “D” Dude ranch
- “D” Livestock grazing
- “D” Pasturage (small or large animals)
- “D” Raising (field, tree, brush crops)
- “D” Raising (small or large animals)
- “D” Storage of supplies, equipment, goods
- “D” Garage or lot, parking (community)
- “D” Campground
- “D” Ranch (> 5 acres)
- “D” Specialty shop
- “D” On-premise advertising
- “D” Railroad R.O.W.
- “S” Major utility facility
- “D” Streets and ROW (public or private)
- “S” Stormwater retention pond (public/private)
- “D” Transfer of Development Rights

SECTION 6. Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

PASSED and APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director
Planning and Economic Development
Department – Planning

ORDINANCE NO. _____