

CHAPTER 20.10

SUPPLEMENTAL USE REGULATIONS

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**Section 20.10.010 General restrictions.**

- A. Conformance with regulations. Any use hereafter placed on land and any building or part thereof hereafter erected, altered, expanded, placed, converted, or otherwise located in the City shall comply with the requirements set forth in this Title and otherwise as required by the El Paso City Code.

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- B. Lot required. Every building hereafter erected, altered, expanded, placed, converted, or otherwise located shall be on a lot or lots, and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Title. Where more than one (1) building is allowed for a principal use within a zoning district, all buildings shall be subject to the provisions of this Title. All buildings shall be so located on a lot or lots as to provide for safe and convenient vehicular access.
- C. Legal access required. No lot or portion thereof shall be used or occupied unless such lot has frontage upon an accessway, except for agricultural uses associated with the conduct of a farm or ranch.
- D. Reference to other legislation.
  - 1. Any condominium project and any declaration or restriction to be filed in connection therewith shall comply in all respects with the provisions of the Texas Condominium Act and with the requirements of the ordinance codified herein to the extent not in direct conflict.
  - 2. No building or land shall hereafter be used and no building or part thereof shall be erected, altered, expanded, placed, converted, or otherwise located on a lot or lots unless in conformity with the regulations of the El Paso City Code and any applicable state or federal regulations.

**Section 20.10.020 General performance standards.**

The general performance standards set forth below are intended to reduce the impacts that development may have on adjacent properties. Satisfactory compliance with the performance standards shall be required to be demonstrated for a particular use at the time of issuance of a building permit or certificate of occupancy, and continued compliance with the performance standards shall be enforced by the City against any use if there are reasonable grounds to believe that the performance standards are being violated by such use. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any point where the existence of such elements may be more apparent.

- A. Noise. No use permissible in any zoning district may generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the use if that use is one of several located on a lot, or uses located on adjacent lots. The maximum permissible noise levels are set forth in Chapter 9.40 (Noise) of the El Paso City Code. Maximum permissible noise levels shall vary according to the use and zoning of the lot(s). Decibel level measurements shall be taken at the boundary line of the lot where the use is located.

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- B. Vibration. No use permissible in any zoning district may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupied by the use generating the vibration if the use is one of several located on a lot, or the lot line if the use generating the vibration is the only use located on a lot. Ground-transmitted vibration shall not be permitted in excess of the maximum limits set forth in Chapter 9.16 (Nuisances) of the El Paso City Code. Vibration shall be measured at any adjacent lot line with suitable instrumentation or computed on the basis of displacement and frequency.
- C. Odors. No use permissible in any zoning district may generate any odor that reaches the odor threshold measured at the outside boundary of the immediate space occupied by the use generating the odor, or the lot line if the use generating the odor is the only use located on a lot. For purposes of this Section, the odor threshold shall be defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory system as set forth in Chapter 9.16 (Nuisances) of the El Paso City Code.
- D. Air pollution. Any use permissible in any zoning district that emits any air contaminant shall comply with applicable standards of Chapter 9.36 (Air Pollution) of the El Paso City Code, 30 TAC (Texas Administrative Code), and any state or federal standards concerning air pollution. No permit may be issued for a use emitting an "air contaminant" until the state or federal agency with jurisdiction has certified to the City that the appropriate permits have been received or that the development is otherwise in compliance with applicable laws.
- E. Disposal of liquid wastes. No use permissible in any zoning district may:
1. Discharge any waste contrary to the provisions of Title 19 (Subdivisions) of the El Paso City Code, and any state or federal law governing discharges of radiological, chemical, or biological wastes into surface or subsurface waters, or
  2. Discharge into the City sewage treatment facilities any waste that cannot be adequately treated by biological means, or without the permission of the El Paso Water Utility.
- F. Electrical disturbance or interference. No use permissible in any zoning district may:
1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or
  2. Otherwise cause, create, or contribute to the interference with electronic signals (including but not limited to, television, telephone and radio broadcasting

transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

- G. Fire and explosion hazards. All activities involving and all storage of inflammable and explosive materials shall ensure there are adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment and devices standard in the industry pursuant to applicable Sections of Chapter 9.52 (Fire Prevention Code) of the El Paso City Code, and any relevant state or federal standards.
- H. Glare. No direct or sky-reflected glare from high-temperature processes, such as but not limited to combustion, welding or otherwise, so as to be visible at the property line shall be permitted.
- I. Lighting. All entrances, exits, parking lots, and other common areas and facilities within a lot shall be sufficiently illuminated to ensure the security of property and the safety of persons using such areas and facilities, provided, however, that lighting within a lot shall be adequately shielded or directed so that illumination is provided in a manner that would not substantially interfere with the use or enjoyment of neighboring properties, and is in compliance with Title 18.

#### **Section 20.10.030 Accessory Buildings & Structures**

- A. Residential
  - 1. Residential accessory buildings not over one story or fifteen feet in height must be located in a rear yard, or may be located in a side yard if minimum required side setbacks are maintained. Condensing units for central air conditioning systems shall be no closer than five feet to a lot line.
  - 2. Any residential accessory building closer than five feet to a main building shall be considered as part of the main building, shall be located within the buildable area required for a main building, and shall be subject to all applicable restrictions for the main building.
  - 3. Residential accessory buildings shall be located not less than sixty feet from the front lot line, a minimum of five feet from the main building, and shall comply with the side and side street yard requirements. No rear yard setback shall be required.
  - 4. The gross floor area of a residential accessory building shall not exceed the more restrictive of the following, except that a building with up to four hundred square feet shall be permitted:
    - a. Fifty percent of the gross floor area of the main building, or

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b. Forty percent of the area of the rear yard.

5. A residential private garage or other accessory building may be connected to the main building by a breezeway or connected by a fence or wall up to six feet in height, provided that the breezeway shall not exceed an overall width of five feet and shall be a minimum of seventy-five percent open to the outside on both sides.
6. Residential accessory buildings shall be built concurrently with or after the construction of the main building and shall be used only as permitted by this Code.
7. Where a residential garage entrance is from an alley, the structure must be located at least five feet from the property line.
8. In residential, apartment and special districts where community refuse containers are provided, these shall be completely screened from view by fences or walls and have a gate which can be latched open.

B. Ranch and Farm District

1. A maximum of two single-family dwelling units shall be permitted for farm and ranch properties of not less than six acres nor more than twenty-five acres, without regard to street frontage, provided both dwelling units shall be for year-round farm and ranch operators, or farm and ranch workers and their families.
2. One additional dwelling unit for additional farm and ranch workers and their families shall be permitted for each additional twenty-five acres;

C. Placement of Portable Storage Containers

1. On any lot located in zoning district C2, C3, C4, M1, M2, M3, PI, GMU or IMU one or more portable storage containers may be permitted as accessory storage to the principal use(s) provided the following conditions are met:
2. The floor area contained in the portable storage container shall be limited to no more than ten percent of the floor area of the principal use except that for principal buildings less than 1,600 square feet in size, the container may be up to 160 square feet in size. In buildings with multiple tenants, no single user shall be permitted more than ten percent of the floor area of its use.
3. Portable storage containers shall be located at least five feet behind the front wall line of the principal building.

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4. Portable storage containers shall be required to meet side and rear setback requirements for buildings and shall be located at least 20 feet from any abutting apartment or residential zoning district.
5. Signage on portable storage containers shall be limited to one sign per container, not exceeding two square feet. The signage shall not be visible from any abutting street or any adjacent property in an apartment or residential zoning district.
6. Vertical stacking of portable storage container and stacking of any other materials or merchandise on top of any portable storage container shall be prohibited. No running gear shall be left underneath any portable storage container.
7. No portable storage container shall be placed or located on a required parking space, circulation aisle/lane, fire access lane, required landscape area, required open space, retention or detention basins, loading zone, or any other location that may cause hazardous conditions or constitute a threat to public safety.
8. A building permit shall be required for the installation of portable storage containers and the design and installation of any such portable storage containers shall comply with Title 18.
9. Exceptions:
  - a. Portable storage containers temporarily placed on lots during a period of ongoing permitted construction on the same lots are exempt from the above requirements.
  - b. The temporary placement of a portable storage container on a lot for the purpose of loading and unloading household contents shall be permitted for a period of time not exceeding seven (7) days in a calendar year.

**Section 20.10.040 Accessory Uses, Medical.**

Permitted accessory uses for hospitals, medical and dental offices may include florist shops, gift shops and pharmacies, with the following restrictions:

- A. No display of goods or merchandise shall be visible from any public street, and
- B. No sign advertising the accessory use or service shall be visible from any public street, and
- C. All access to the accessory use or service shall be from within a completely enclosed building and no outside entrance shall be visible from any public street.

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**Section 20.10.050 Accessory Uses, Residential Development.**

The following are permitted accessory uses in attached single-family developments or multifamily developments:

- A. An office located in a main building for administration of a development containing ten or more dwelling units,
- B. A laundry room for use of occupants of a development,
- C. A sauna, exercise room, clubhouse or similar facility for use of occupants of a development,
- D. Vending machines for candy, ice, soft drinks and sundries, located inside a building.

**Section 20.10.060 Alcoholic Beverages.**

- A. Requirements. The sale, storage, or handling of alcoholic beverages for the purpose of sale is permitted only where the use is authorized by and complies with all applicable provisions of this Title and the Texas Alcoholic Beverage Code.
  - 1. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted only where licensed in accordance with Chapter 5.08 of the City Code and the Texas Alcoholic Beverage Code.
  - 2. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted only in approved locations within the interior of buildings or structures that have a valid certificate of occupancy allowing such use.
  - 3. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted in specific uses in the following zoning districts, subject to the requirements of this chapter:
    - a. C-1, C-2, C-3, C-4, and C-5 commercial districts,
    - b. P-C planned commercial district,
    - c. GMU general mixed use district
    - d. S-D special development district,
    - e. U-P union plaza district,
    - f. M-1, M-2 and M-3 manufacturing districts,
    - g. IMU industrial mixed use district,
  - 4. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted as an accessory use to specific permitted uses in the following zoning districts, subject to the requirements of this chapter:

- a. R-F ranch and farm district,
  - b. R-1, R-2, R-2A, R-3, R-3A, R-4 and R-5 residential districts,
  - c. PMD planned mountain development district,
  - d. A-1, A-2, A-3 and A-4 apartment districts,
  - e. A-O and A-3/O apartment/office districts,
  - f. COP commercial office park district,
  - f. A-M apartment and manufactured home park district,
  - g. RMU residential mixed use district,
  - h. PR-1 and PR-II planned residential districts
5. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted as an accessory use to specific uses allowed by special permit in the following zoning districts, subject to the requirements of this chapter:
- a. PMD planned mountain development district,
  - b. A-1, A-2, A-3 and A-4 apartment districts,
  - c. A-O and A-3/O apartment/office districts,
  - d. A-M apartment and manufactured home park district.
- B. Restrictions.
1. The sale, storage or handling of alcoholic beverages for the purpose of sale is not permitted in any zoning district where the place of business is located within three hundred feet of a church, public or private school, or public hospital unless expressly granted an exception pursuant to the requirements of this section.
  2. The sale, storage or handling of alcoholic beverages for the purpose of sale is not permitted in any zoning district where the place of business is located within three hundred (300) feet of a day-care center or a child-care facility as defined in the Texas Human Resources Code §42.002 and the permit or license holder does not hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission, unless expressly varied pursuant to the requirements of this section, except that this provision shall not apply:
    - a. If the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
    - b. If the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.
  3. The distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be measured along the property lines of the

street fronts and from front door to front door, and in direct line across intersections;

4. The distance between the place of business where alcoholic beverages are sold and a school, day-care center or child-care facility shall be measured in direct line from the property line of the school, day-care center or child-care facility to the property line of the place of business, and in a direct line across intersections;
5. The prohibition of the sale of alcoholic beverages within three hundred feet of a church, school or public hospital shall not apply to the sale of alcoholic beverages by any business that held a valid license on August 31, 1983, and has remained established and engaged in the sale of alcoholic beverages within three hundred feet of any church, school or public hospital; nor shall the provisions of this section prevent any business legally engaged in the sale of alcoholic beverages on August 31, 1983, and continuing to be so engaged within three hundred feet of any church, school or public hospital from securing a renewal of their license, nor from a new license being issued for such location to any other applicant.
6. The prohibition of the sale of alcoholic beverages within three hundred feet of a commercial day care shall not apply to the sale of alcoholic beverages by any business that held a valid license on June 5, 2007, and has remained established and engaged in the sale of alcoholic beverages within three hundred feet of any commercial day care; nor shall the provisions of this section prevent any business legally engaged in the sale of alcoholic beverages on June 5, 2007, and continuing to be so engaged within three hundred feet of any commercial day care from securing a renewal of their license, nor from a new license being issued for such location to any other applicant.
7. The city council may grant an exception from prohibition of the sale of alcoholic beverages within three hundred feet of a church, school, commercial day care or public hospital after notice and public hearing if the council determines that the enforcement of the prohibition in a particular instance:
  - a. Is not in the best interest of the public;
  - b. Constitutes waste or the inefficient use of land or other resources;
  - c. Creates an undue hardship on an applicant;
  - d. Does not serve its intended purpose;
  - e. Is not effective or necessary; or
  - f. For any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

**Section 20.10.070 Amateur & CB Radios.**

Federally licensed amateur and CB radio stations must comply with FCC regulations. Installation of radio towers and masts shall comply with the building code requirements of the city.

**Section 20.10.080 Animal Facilities (animal kennel, animal training facility, veterinary treatment center, clinic or hospital)**

- A. Kennels and animal training establishments are permitted when in compliance with Title 7 of this code and the following conditions:
1. In the Ranch-Farm zoning district, provided,
    - a. The site has a minimum of six acres, and
    - b. Any building relating to this use is not closer than three hundred feet from the nearest residential or apartment district or use,
  2. In C-2, C-3, and C-4 zoning districts:
    - a. All animals are housed inside a permitted structure,
    - b. No open pens are provided or used,
    - c. No building, structure or open area (except space for parking of employee and customer automobiles) shall be used for this use unless it is at least three hundred feet from the nearest residential or apartment district or use,
    - d. A means of mechanical air exchange is provided for all permitted structures, and
    - e. No outside runs are permitted.
- B. Small animal veterinary hospitals or clinics are permitted when in compliance with Title 7 of this code and the following conditions:
1. In the R-1 and C-1 zoning districts (with a special permit approved by City Council):
    - a. All animals are housed inside a permitted structure that is completely enclosed and soundproof,
    - b. No open pens are provided or used,
    - c. The distance between a building, structure or open area (except for parking of employee and customer automobiles) used for any hospital or clinic purpose from the nearest residential or apartment district or use existing at the time the hospital or clinic use is established shall not be less than one hundred fifty feet. This restriction does not apply to a residential structure located on the same site and used as a part of the hospital or clinic operation,
    - d. A means of mechanical air exchange is provided for all permitted structures, and

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- e. No outside runs are permitted.
2. In C-2, C-3, and C-4 zoning districts:
  - a. All animals are housed inside a permitted structure,
  - b. No open pens are provided or used,
  - c. No building, structure or open area (except space for parking of employee and customer automobiles) shall be used for any hospital or clinic purpose unless it is at least one hundred fifty feet from the nearest residential or apartment district or use at the time the hospital or clinic use is established,
  - d. A means of mechanical air exchange is provided for all permitted hospital or clinic structures, and
  - e. No outside runs are permitted.
- C. Small or large animal veterinary hospitals or clinics in the R-F zoning district, and large animal hospitals or clinics in the C-4 zoning district with a special permit approved by City Council, must comply with Title 7 of this code, and the following conditions:
  1. Lot area shall be a minimum of one acre with a minimum average lot width of two hundred feet,
  2. No building, structure, open pen or corral (except open space for parking of employee and customer automobiles) shall be used for any hospital or clinic purpose unless it is at least one hundred fifty feet from the nearest residential or apartment district or use at the time the hospital or clinic use is established, and
  3. A means of mechanical air exchange is provided for all hospital or clinic structures.

**Section 20.10.090 Automotive Uses.**

- A. Motor Vehicle Repair, Minor. When located in S-D, C-1, C-2 and P-C zoning districts, facilities are subject to the following standards:
  1. The property has frontage on a collector arterial or larger street,
  2. A maximum building square footage of 4,000 square feet is permitted,
  3. A minimum 25 foot setback is required from any abutting residential or apartment use or district,
  4. All services must be performed within an enclosed building,
  5. No service bay doors may open facing a residential use or district,

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6. No overnight outside storage of inoperative vehicles is allowed, and
7. No outside display of stock or inventory sold at retail shall be permitted.
- B. Motor Vehicle Repair, Major. Facilities shall comply with the following standards:
  1. The property has frontage on a collector arterial or larger street,
  2. A minimum 25 foot setback is required from any abutting residential or apartment use or district,
  3. No service bay doors may open facing a residential use or district, and
  4. No outside display of stock or inventory sold at retail shall be permitted.
- C. Motor Vehicle Storage Yard (accessory use to motor vehicle repair). Facilities shall comply with the following standards:
  1. These yards shall be paved and enclosed by a six foot screening wall except for necessary ingress and egress or where prohibited by this code, to prevent visibility from adjacent properties or rights-of-way,
  2. For the purposes of this use, temporary storage of a vehicle means for a maximum of 10 consecutive calendar days,
  3. The maximum number of vehicles authorized in temporary storage at any one time shall be the greater of three (3) vehicles per bay or ten (10) vehicles, and
  4. A vehicle must be inoperative and waiting for parts, or unsafe to operate, to be temporarily stored in this manner.
- D. Rental Satellite Location. In the S-D, C-1, C-2 and P-C zoning districts, a maximum of ten (10) vehicles are permitted.

**Section 20.10.100 Bakeries and Tortilla Factories.**

The gross floor area shall not exceed two thousand five hundred square feet, not including sales area; and all products produced on the premises shall be sold at retail on the premises, except in the C-3, C-4, C-5 and GMU zoning districts. See also the Table of Permitted Uses (Chapter 20.08); "Bread and bakery product manufacturing."

**Section 20.10.110 Banks & Financial Institutions.**

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Drive in facilities must have a stacking lane or deceleration lane as approved by the traffic engineer.

**Section 20.10.120 Carwash Facilities.**

A forty (40) foot minimum front yard setback and thirty (30) foot minimum rear yard setback shall be required, except that the main building shall be a minimum of one hundred (100) feet from any residential or apartment use or district.

**Section 20.10.140 Child Care Facilities.**

- A. Home occupation - child care facilities shall comply with the following:
  - 1. A license shall be maintained at all times as required by law or ordinance.
  - 2. The home child care facility shall be clearly incidental and secondary to the principal use of the property.
  - 3. A caregiver shall be required.
  - 4. The front, side and side street yards shall be maintained as open space and all play activity shall be confined to the rear yard.
  - 5. An indoor area of thirty square feet, excluding single purpose areas as defined in the Texas Human Resources Code, and a rear yard area of eighty square feet shall be provided per child.
  - 6. Permitted signs shall be limited to a one square foot nameplate attached to and not projecting more than one inch beyond the face of the building.
  - 7. The exterior of the building or grounds shall not be altered, decorated or painted in any way to distract from the residential character of the neighborhood.
  - 8. Annual certification shall be required from the Fire Chief, Building Official, Director of City-County Health, and licensing supervisor for the Texas Department of Family and Protective Services that the use and the structure comply with the requirements of their respective codes. Provisions of Section 20.10.270 shall also apply to home child care facilities.
  - 9. The play area shall be separated from adjacent properties by a solid masonry wall, not less than four feet high. The solid masonry wall may be along any or all rear lot lines or surrounding the play area, so long as a solid masonry wall exists between the play area and all adjacent property.
  - 10. A minimum of one off-street parking space shall be provided plus one additional off-street parking space for every six children. For this use, the off-

street parking requirement shall include garage or carport spaces, and paved driveways which may or may not afford ingress and egress for an automobile. Any passenger loading or unloading at curbside shall be subject to approval by the traffic engineer.

- B. Commercial day care centers shall comply with the following:
1. License or registration is maintained at all times when required by law or ordinance,
  2. A solid wall, not less than four feet high, is maintained along all interior lot lines with separate play areas for adjacent properties. If the play area abuts open, undeveloped land, a four-foot fence may be substituted, provided that a solid wall is built when the abutting land is developed.
  3. The required front yard, and side street yard if one exists, shall be maintained as open space and shall not be used for child care,
  4. There shall be at least thirty square feet of indoor activity space for each child in the day care center, measured wall-to-wall on the inside, not including single-use areas,
  5. The day care center shall have at least eighty square feet of outdoor play area for each child using the area at one time. All outdoor play areas used by the children shall be accessible by a safe route and enclosed by a building or fence at least four feet high with at least two exits.

**Section 20.10.150 Congregate Home.**

- A. The congregate home shall be clearly incidental and secondary to the principle use of the property as a dwelling.
- B. The facility shall provide per elderly resident a minimum floor space of eighty square feet for a single occupancy bedroom and sixty square feet for a multiple occupancy bedroom.
- C. A minimum of one off-street parking space shall be provided plus one additional off-street parking space for every two elderly residents, or for every two employees, whichever parking requirement is greater.
- D. Annual certification shall be required from the Fire Chief or designee, Building Official, Director of City-County Health, and any required licensing agency for the state that the use and the structure comply with the requirements of their respective codes.

- E. The exterior of the building, or grounds shall not be altered, decorated or painted in any manner to distract from the residential character of the neighborhood.
- F. Permitted signs shall be limited to a one square foot nameplate attached to and not projecting more than one inch beyond the face of the building.

**Section 20.10.160 Contractor Yards.**

- A. The contractor's business office may be an accessory use to a contractor's yard.
- B. Vehicles and equipment used by that contractor may be repaired or maintained in a contractor's yard provided such work is done in an enclosed building or structure.
- C. A six (6) foot high screening wall shall be required at the rear property line and at interior side property lines, and a forty-two (42) inch high screening wall shall be required at the front property line and side street property lines (except where otherwise prohibited by this code) to minimize visual impacts on adjacent properties and public rights-of-way.

**Section 20.10.170 Custom Shops.**

Shops for custom work in making of articles such as jewelry, picture frames, draperies, stained glass and other similar crafts shall not exceed two thousand five hundred square feet in floor area and all products shall be sold at retail on the premises.

**Section 20.10.180 Drilling Facilities.**

Drilling of oil or gas wells or other similar types of shaft mining shall meet the following minimum requirements:

- A. Minimum site of five acres, with minimum lot width of two hundred feet, minimum lot depth of two hundred feet and minimum front, side, side street and rear yard of fifty feet,
- B. Any structure exceeding fifty feet in height shall maintain setbacks from all property boundaries on streets equal to the height of the structure,
- C. A plan is submitted and approved by City Council as part of the special permit application, showing the reclamation of the site and its future use after the extraction has been completed. Approval of the Fire Chief, Building Official and official of the City-County Health District shall be required and the use shall comply with all appropriate regulations. A bond or other guarantee satisfactory to the City Attorney and in an amount approved by the Building

Official may be required by City Council as a guarantee that the reclamation plan will be carried out.

**Section 20.10.190 Dry Cleaning Shops.**

Dry cleaning shops with less than two thousand five hundred square feet of floor area may employ no more than five persons on the premises at any given time; and no cleaning fluid with a base of petroleum or one of its derivatives shall be used.

**Section 20.10.200 Energy Conversion Systems.**

- A. Solar energy conversion systems components, including, but not limited to, absorption cooling units, collectors, heat exchangers, photovoltaic cell arrays, solar power concentrating arrays, solar reflectors, including solar dishes and storage water tank units may be permitted as accessory uses and/or buildings in any district in accordance with building permit requirements where applicable and in compliance with the following conditions:
  - 1. If mounted on the main building, it shall not exceed the maximum height limit as provided for such buildings by more than ten (10) feet.
  - 2. If mounted on any accessory structures, it shall not exceed more than ten (10) feet above the top of the structure.
  - 3. No portion of the system shall project over any property line or required front, side, or side street setback.
- B. Wind-driven generators or wind-driven pumps, where permitted, are subject to the following conditions:
  - 1. Must be located in the rear yard.
  - 2. Shall not exceed forty-five (45) feet in height.
  - 3. Any propeller blades or similar devices shall come no closer than ten (10) feet to the ground or to any structure, and shall have clearance from any overhead wires in accordance with electric utility company requirements.
  - 4. No portion of the system shall project over any property line or required front, side, or side street setback.
  - 5. The structural integrity of every wind-driven generator and pump, regardless of height, shall be designed and sealed by a registered professional engineer in the state of Texas.

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6. The construction of wind-driven generator and pump foundations must comply with the building code of the City.
7. Noise and vibration levels must be in compliance with Title 9 (Health & Safety) of the El Paso City Code.

**Section 20.10.210 Explosives, Storage.**

Storage of explosives is permitted by special permit where the location and the safeguards imposed to regulate the possession, transportation and use are approved by the Fire Chief, and in compliance with all applicable state and federal regulations. City Council must find that the location and safeguards are reasonable to protect the public safety. Special permits for storage of explosives shall not be granted for more than one year, but may be renewed by following the same procedure as required for original issuance.

**Section 20.10.220 Farming.**

Notwithstanding any other provisions of this Title, in all zoning districts except for the PMD (Planned Mountain Development), a property may be used wholly or partially for farming and harvesting of field, tree and bush crops as an interim use in any zoning district until a change in use or development occurs on the property. The change in use or development of the property shall be for a use legally permissible within the base-zoning district or as permitted by special permit approved by City Council.

**Section 20.10.230 Feed Yards.**

- A. A minimum site of 20 acres is required.
- B. Buildings or feeder lots for five or more cattle shall not be closer than five hundred feet from the nearest property line.
- C. Written evidence of approval from the Texas Commission on Environmental Quality (TCEQ) to determine any additional environmental protection requirements must be submitted with the building permit application. A feed yard may not be located within certain sensitive systems, including but not limited to: federally-designated wetlands, designated flood plains, and state-designated areas of "Special Sensitivity" to environmental impacts due to topography, soil type (i.e. sand, karst, etc.), water quality, natural habitat significance, or public health and welfare protection.
- D. Shall comply with Title 7 of the El Paso City Code.

**Section 20.10.240 Freight & Passenger Terminals.**

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The following uses are considered freight & passenger terminals: Transportation terminal type A, transportation terminal type B, passenger station, motor-carrier terminal, railyard, auxiliary rail facilities, airport, intermodal facility, heliport, airpad, helistop, interlocking tower, diesel maintenance facility, and railroad repair shop; and

The proposed development shall comply with the development standards specified below which shall be required on the building permit application:

- A. Lighting shall comply with Title 18 of the El Paso City Code.
- B. Screening. A screening wall complying with Chapter 20.16 shall be provided along the property lines abutting an existing residential use or an existing R, A, PR, SRR or PMD zoning district, and adjacent to any right-of-way or easement which separates the property from a residential use or an R, A, PR, SRR or PMD zoning district, except for necessary ingress and egress and where otherwise prohibited by this code.
- C. Perimeter Treatment. A minimum perimeter setback shall be provided along the property lines abutting an existing residential use or an existing R, A, PR, SRR or PMD zoning district, and adjacent to any right-of-way or easement which separates the property from a residential use or an R, A, PR, SRR or PMD zoning district, to minimize potential negative impacts created by any activity within the site as follows:

Use	Setback (in feet)
Passenger station	100
Transportation terminal type A or B	100
Railyard, auxiliary rail facilities	100
Railroad repair shop	100
Diesel maintenance facility	100
Intermodal facility	100
Airport	1500
Heliport	500
Airpad	150
Helistop	150
Motor-carrier terminal	050
Other uses	050

- 1. Within the minimum perimeter setback, employee and visitor off-street parking and necessary walks and drives shall be allowed. The use of the property within the designated perimeter setback for storage of containers, truck chassis, equipment, trailers or truck parking areas is expressly prohibited. This perimeter setback shall replace the required yard standard of the district where it abuts the residential use or residential zoning district.

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2. Where a right-of-way or easement separates the property from a residential use or residential zoning district, the width of such right-of-way or easement shall be included in meeting the perimeter setback requirement, provided, however, that the setback from the property line shall never be less than that required in the district.
  3. The minimum perimeter setback may be reduced by the zoning administrator when topographic conditions negate the buffering effect of the additional setback, provided, that the setback from the property line shall never be less than that required in the district. A fee for processing requests to reduce the minimum perimeter setback requirement shall be as provided in Chapter 20.04.
- D. Additional requirements for passenger terminals (except an airpad or helistop)
1. A lobby or waiting room with a floor area of not less than 200 square feet must be provided.
  2. Seating in the lobby or waiting room must be provided at a minimum of one seat for every 25 square feet of floor area in the lobby or waiting room.
  3. The outdoor sale of general merchandise or food is prohibited, except for vending machines.
  4. No loading or unloading of passengers is permitted on public right-of-way.
  5. Analysis required: Traffic and parking demand studies must be submitted with an application for a special use permit.
  6. Outside speaker restrictions. Outside speakers are not permitted within 50 feet of a property line abutting a residential district or use. Outside speakers, when permitted, must face away from adjacent properties.

**Section 20.10.250 General Warehousing.**

- A. Screening. A screening wall complying with Chapter 20.16 (Screening & Fencing) shall be provided along the property lines abutting an existing residential use or an existing R, A, PR, SRR or PMD zoning district, and adjacent to any right-of-way or easement which separates the property from a residential use or an R, A, PR, SRR or PMD zoning district, except for necessary ingress and egress where otherwise prohibited by this code.
- B. Perimeter Treatment. A minimum perimeter setback of 50 feet shall be provided along the property lines abutting an existing residential use or an existing R, A, PR, SRR or PMD zoning district, and adjacent to any right-of-way or easement which separates the property from a residential use or an R, A, PR, SRR or

PMD zoning district, to minimize potential negative impacts created by activity within the site.

1. Within the minimum perimeter setback, employee and visitor off-street parking and loading and necessary walks and drives shall be allowed. This perimeter setback shall replace the required yard standard of the district where it abuts the residential use or residential zoning district.
  2. In the case where a right-of-way or easement separates the property from a residential use or residential zoning district, the width of such right-of-way or easement shall be included in meeting the perimeter setback requirement, provided that the setback from the property line shall never be less than that required in the district.
  3. The minimum perimeter setback may be reduced by the zoning administrator when topographic conditions negate the buffering effect of the additional setback, provided, that the setback from the property line shall never be less than that required in the district. A fee for processing requests to reduce the minimum perimeter setback requirement shall be as provided in Chapter 20.04.
- C. Retail sales are permitted as part of the warehouse use provided the retail sales floor area does not exceed 10% of the total warehouse floor area.
1. Up to 100 % of the total warehouse floor area may be devoted to retail sales activities during an occasional warehouse sale.
  2. No more than four occasional warehouse sales may be permitted in any 12 month period and each occasional warehouse sale must be limited in duration to no more than 3 consecutive calendar days.

#### **Section 20.10.260 Governmental Uses & Buildings**

Where permitted in a district, public or governmental buildings and uses, public, private or parochial schools, libraries, churches and philanthropic institutions shall be allowed to operate a collection facility subject to the standards in Section 20.10.520.

#### **Section 20.10.270 Home occupation uses.**

- A. Where permitted in a district, whether a license is required or not, home occupation uses shall meet the following requirements:
- B. Home occupations shall be secondary and incidental to the use of the premises as a dwelling, and may only be conducted by an occupant of the residence.

1. A home occupation may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or garage.
2. Shall only operate during the hours of 8 a.m. to 6 p.m. for outdoor activities and 8 a.m. to 10 p.m. for indoor activities.
3. Instructional classes may be held outside of the main building, providing a maximum of six students may be allowed in each session and other provisions of this section are met.
4. Shall not conduct outdoor activities unless the activities are screened from the neighboring property by a solid fence of at least six feet in height.
5. Home occupation uses shall have no negative impact on adjoining properties and the residential character of the lot and dwelling shall be maintained. A home occupation that requires a structural alteration of the dwelling to comply with the nonresidential construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.
6. No more than normal household vehicular traffic shall be generated by the home occupation.
7. No home occupation shall generate delivery or pick-up by commercial vehicles more frequently than normal household traffic.
8. No more than two (2) clients at any one time at the home for each home occupation is permitted, except that this provision shall not apply to adult and child care facilities as herein mentioned and regulated by the State of Texas.
9. No more than two (2) persons not members of the resident household may be employed at the residence any one time per home occupation, provided, however, the number of employees permitted for child and adult care facilities may exceed two (2) per home occupation when required by state law.
10. No more than twenty-five percent (25%) of the gross floor area of the dwelling shall be used in accommodation of the home occupation. For child and adult care facilities, see Sections 20.10.140 and 20.10.450 respectively.
11. No equipment, materials, or merchandise associated with the home occupation shall be displayed or stored where visible from any street or public right-of-way.
12. One sign, not exceeding one (1) square foot in sign area and not internally illuminated shall be permitted for a home occupation. A sign permit shall not be required for a sign complying with this section.

13. Only products made on the premises or incidental to the permitted home occupation may be sold on the premises.
- B. Uses permitted as home occupations that do not require a license include:
1. Consultation office, to preclude physical treatment, of a physician, dentist, licensed massage therapist, or other similar licensed medical practitioner,
  2. Office of a lawyer, legal assistant, psychologist, psychiatrist, accountant, business management, professional member associations, book-keeper, auditor, broker, tax consultant, financial consultant, travel agent, appraiser, architect, landscape architect, interior designer, draftsman, engineer, urban planner, builder, contractor, designer, desktop publisher, advertising professional, biologist, botanist, geologist, archeologist, paleontologist, secretarial and clerical services,
  3. Office of a private investigator, body guard, personal trainer, nutritionist, clown to include magician entertainment, disc jockey,
  4. Office of computer software and hardware consultant to include hardware repair, Web master, data processor, Internet entrepreneur,
  5. Office of plumber, electrician, landscape services, locksmith, carpet cleaner, HVAC contractor, painter, janitorial services,
  6. Shop of dress maker, seamstress, tailor,
  7. Office of salesperson, sales representative, real estate agent, insurance agent, caterer, event planner,
  8. Studio of author, composer, artist, painter (fine art), sculptor, photographer,
  9. Studio of music or dance instructor, martial arts instructor, personal trainer, tutor,
  10. Shop for arts and crafts such as making of stained glass, ceramics, jewelry, lapidary work, rug weaving, floral work,
  11. Shop for making and repair of portable musical instruments, bicycle repair,
  12. Office of Telemarketing service, shuttle service, limousine service,
  13. Occupations similar to those listed above.
- C. Uses permitted as home occupations that require a license include:

1. Adult foster care home/private care home providing that the facility is in accordance with Section 20.10.450.
2. Home child care facilities Types 1-2 providing that the facility is in accordance with Section 20.10.140,
3. Congregate housing provided that the facility cares for no more than seven (7) elderly persons and is in accordance with Section 20.10.150.
- D. Application for a Home Occupation License shall be made to the Development Services Department pursuant to the requirements of Title 5 (Business taxes, licenses and regulations) of the El Paso City Code.
- E. A home occupation shall not include the following uses:
  1. physical or medical treatment of persons or animals, animal hospitals or animal breeding,
  2. beauty shops or barber shops,
  3. carpenter shops,
  4. electrical shops,
  5. massage establishments, other than those employing massage therapists licensed by the state,
  6. plumber shops,
  7. heating and air conditioning shops,
  8. radio shops,
  9. auto repairing or painting,
  10. furniture repairing,
  11. sign painting,
  12. contractors yards;
  13. scrap and salvage services;
  14. restaurants;
  15. cocktail lounges;
  16. rental outlets;
  17. equipment sales;
  18. adult oriented businesses;
  19. recycling centers;
  20. drop-off recycling collection facilities;
  21. businesses involving the repair of any type of internal combustion engine, including equipment repair services.

#### **Section 20.10.280 Infill Development.**

The provisions of this section apply to any property designated with an overlay designation to encourage redevelopment and infill development, the specific purposes of which are to: provide a more flexible approach to design and development of infill

projects, encourage infill development by simplifying procedures for plan approval, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. In order to provide incentives for private investment in these targeted areas, the following standards shall apply:

- A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.
- B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.
- C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.
- D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

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- E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.
- F. Landscaping. The landscape standards contained within Title 18 of this code shall apply to an infill development.
- G. Density. The maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to fifty percent for an infill development as approved by city council.
- H. Lots. There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.

**Section 20.10.290 Keeping of Animals for Personal Use or Enjoyment.**

Permitted as an accessory use and not as a business, in all districts, when in compliance with Title 7 of this code.

**Section 20.10.300 Laundromats.**

Laundromats or laundries with less than five thousand square feet of floor area shall not employ more than five employees on the premises at any given time.

**Section 20.10.310 Liquefied Petroleum Storage & Dispensing.**

Liquefied petroleum gas, storage and dispensing as a commercial operation. Special permits for such may be issued only upon recommendation of the Fire Chief and are subject to revocation at any time upon recommendation of the Fire Chief or upon finding by the city council that the operation is no longer in the public interest.

**Section 20.10.320 Live-work flex units.**

Where permitted in a zoning district, live-work flex units encourage design solutions for compatible mixed uses and are subject to the following restrictions and provisions:

- A. Restricted category.

1. A live-work flex unit under this category shall be permitted within the apartment, commercial, manufacturing and special purpose zoning districts enumerated in the Table of Permissible Uses, Chapter 20.08 (Permissible Uses) of this Title.
  2. This category permits a mix of single-family residential and office usage and is only for artisans or professionals with no more than one (1) employee and two (2) customers at any time.
  3. Building requirements are the same as for single-family residential uses, commercial signage is disallowed, and no separation is required within the flex unit. It is a wide-open unit, where the workplace and living area are fully integrated, and generally built on their own lots or stacked as in a loft building. These units do not permit walk-in trade of retail or food service.
  4. Off-street parking shall satisfy the requirements for a single-family residential unit pursuant to Chapter 20.14 (Off-Street Parking & Loading Requirements).
  5. The area of the office usage shall be limited to no more than five hundred (500) square feet of gross floor area of the flex unit.
- B. Open category.
1. A live-work flex unit under this category shall only be permitted within the commercial, manufacturing and special purpose districts enumerated in the Table of Permissible Uses, Appendix A of this Title.
  2. This category allows a single-family residential unit with any permitted office or commercial use allowed in the base-zoning district.
  3. There is no minimum or maximum gross floor area requirement.
  4. Building, off-street parking and signage requirements shall satisfy commercial standards for the entire area of the flex unit.
  5. There is no limitation on the number of employees or customers at any time at the live-work flex unit.

**Section 20.10.330 Loading Spaces (Serving Another Property).**

- A. Any otherwise permitted use for which the loading requirements of Chapter 20.14 are to be satisfied by loading spaces on property which is located within two hundred fifty feet of the property requiring the loading spaces,
- B. Loading spaces serving another property which are located partially or totally within two hundred fifty feet of the property requiring the loading spaces.

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**Section 20.10.340 Manufactured Home Parks.**

- A. Each manufactured home space shall have a minimum area of at least three thousand (3,000) square feet, with a minimum width of thirty (30) feet and minimum depth of ninety (90) feet.
- B. Minimum distance between structures:
  - 1. The minimum distance between manufactured home structures, including a garage or carport, shall be ten feet,
  - 2. The minimum distance between manufactured home structures, including a garage or carport, and manufactured home park community buildings shall be ten feet,
  - 3. The minimum distance between a structure and interior access roads shall be ten feet.
- C. Open space consisting of at least fifty percent of the lot area of an interior lot or forty percent of the lot area for a corner lot shall be provided,
- D. A minimum of five (5) percent of the gross site area of the park shall be devoted to recreational facilities and located in a central location. Community buildings and community use facilities, including adult recreation and child play areas, swimming pools, may be included in computing the area of recreational facilities. However, vehicle-parking areas shall not be used in such computation.
- E. Screening: There shall be a screening wall complying with Chapter 20.16 at the perimeter of the manufactured home park. This wall shall be 6 feet in height at the rear property line and any interior side property lines, and 42 inches in height at the front property line and any side property lines abutting a side street, except for necessary ingress and egress and except within 20 feet of an intersection, where the maximum height is 36 inches.
- F. There shall be a minimum of two hundred cubic feet of storage space per manufactured home unit located either in community accessory buildings accessible to all manufactured home park units or in individual accessory buildings at each manufactured home stand,
- G. Accessory buildings may be attached to the manufactured home or if separate shall be not less than five (5) feet away from the manufactured home. All additions to manufactured homes shall be engineered and built to comply with currently applicable manufactured home construction standards and must be of

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such design that the structural components could be disassembled upon removal of the manufactured home unit,

- H. One off-street parking space for each manufactured home unit and one off-street parking space for guest parking for each three manufactured home units shall be provided within the manufactured home park in accordance with the standards provided in Chapter 20.14 (Off-Street Parking & Loading)
- I. The height limit for any structure intended for occupancy in the manufactured home park shall be thirty-five (35) feet,
- J. Internal streets and all traffic control devices and street name signs within a manufactured home park shall be privately owned, built, and maintained. Internal streets shall be designed for safe and convenient access to all spaces and to common facilities.
  - 1. Internal streets shall be kept open and free of obstruction to allow emergency vehicles to have access to all spaces and to common facilities,
  - 2. Internal streets in a manufactured home park shall be constructed and maintained to City standards. They shall be kept free of cracks, holes, and other hazards,
  - 3. An internal street roadway shall have a minimum width of thirty-five (35) feet,
  - 4. All internal streets shall be named and all manufactured homes shall be numbered to conform to block numbers on adjacent public streets. Street name signs shall be of a color and size contrasting with those used for public streets. Street name signs and address numbers shall comply with City Code requirements,
  - 5. Each internal street shall be provided with street lighting.
- K. Tenant Responsibilities. Each park tenant shall maintain the tenant's manufactured home and lot in compliance with the following:
  - 1. The manufactured home shall be properly placed on its stand and anchored in a manner approved by the City and State. All utilities shall be properly installed in accordance with the instructions of the park's owner or operator, and in accordance with the City Code. The building official has the right to refuse to issue permits to connect a manufactured home up to utilities until the tenant or owner or operator of the park shows proof that the manufactured home has been anchored in accordance with City and State regulations.

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2. A noncombustible skirting shall be installed around the manufactured home. Such skirting may include any vents, screens, and/or openings necessary for utility and mechanical system hookups.
3. The skirting, and any porches, stairways, awnings and other additions shall be constructed and installed per City code requirements, and maintained in good repair. All requirements of the Building Code pertaining to single family dwellings for like structures or additions shall be applicable.
4. The space beneath a mobile shall not be used for storage of flammable or combustible items.
5. A person commits an offense if the person is a park tenant and knowingly fails to maintain the person's manufactured home and lot in compliance with this section.
6. A person commits an offense if the person owns or operates a park and knowingly allows a violation of this section by a tenant.
- L. Utilities – All utilities shall be installed in compliance with applicable code requirements.
- M. Recreational Vehicles in Parks
  1. A maximum of five (5) percent of the gross area of a park may be dedicated to overnight or short-term use (no longer than 14 consecutive days) by recreational vehicles.
  2. Such portion of the park shall be clearly delineated and shall comply with all requirements of Title 20 for recreational vehicle parks except the requirement for a minimum number of spaces.
  3. A person commits an offense if the person owns or operates a park knowingly allows a violation of this section by another person.

**Section 20.10.350 Manufacturing Uses (not listed) in M- Districts.**

- A. Light manufacturing uses similar to those listed in Chapter 20.08 (Permissible Uses) which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare or electrical impulse than that which is generally associated with these uses, may also be permitted in the zoning district, subject to a determination by the Zoning Administrator in accordance with the provisions of Section 20.08.040.

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- B. The administrator may require an engineering report describing the nature of a process or use and probable impact at property lines.

**Section 20.10.360 Mixed-use development.**

- A. Special Development (S-D)

- 1. Design requirements--Open space and recreation area.

The amount and arrangement of open space and recreation area should be in accord with standards of the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the development permit and subdivision plat. Satisfactory provision for the maintenance of common open space shall be provided in accordance with the procedure in Chapter 20.04.

- 2. Design requirements-- Preservation of environment.

In all S-D development, the elements of natural environment including existing vegetation, arroyos, flood prone areas, mountains, steep slopes and other features shall be considered in planning the design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.

- 3. The provisions of Chapter 20.20 (Historic Designations) where applicable, shall continue to apply in addition to the provisions of this section.

- 4. Perimeter treatment.

The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or proposed development, if known, by provision of compatible uses and structures, setbacks, masonry walls, landscaping or other treatment.

- 5. Height regulations.

No building shall exceed three stories or forty-five feet in height, except as follows:

- a. As provided in Chapter 20.12
- b. Where the development would consist of twenty-five acres or more; or

- c. Where, after city plan commission recommendation, city council approves an exception to these height regulations under the following conditions:
  - (1) The authorized height is compatible with the uses, appearance and environment of adjacent areas;
  - (2) The applicant submits a traffic study describing traffic volumes and impact of proposed development on adjacent streets;
  - (3) The council finds that the proposed development mitigates those traffic impacts and provides for an acceptable level of service;
  - (4) The site is located on an arterial street (collection, minor or major) that is served by a regularly scheduled mass transit line; and
  - (5) Any other condition reasonably necessary to protect the health, safety and welfare of the general public.
  
- 6. Review standards for establishment of S-D district.
  - a. The city plan commission and the city council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The commission and the city council shall study the relationship between uses of high intensity permitted in the S-D district and uses of low intensity, existing or future, outside the proposed S-D district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by the section unless such uses create immediate land use conflicts along project boundary lines.
  - b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density & Dimensional Standards) a detailed site development shall not be required.
  - c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density & Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the City Plan Commission and approved by the City Council in order to protect the public health, safety and welfare.
  
- B. Union Plaza (U-P)
  - 1. District boundaries. The district created under this chapter is recognized as that part of the city within the following described boundaries: Blocks 7, 25, 31, 32, 45, 46, 51, 152, 160, 161, 169, 170 and 171 Campbell Addition also known as Mills Addition blocks 7, 25, 31, 32, 45, 46 and 51.
  - 2. Development standards.

- a. For residential/commercial mixed-use developments, where residential and commercial uses are combined in a single building, residential uses may not occupy the ground floor. In other multifamily dwelling buildings, not including commercial uses, residential uses may occupy the ground floor.
  - b. Lot and Site Area Standards.
    - (1) Residential/commercial mixed use developments must have a lot area of at least five hundred fifty square feet per unit, excluding the area devoted to commercial uses. For buildings three or more stories in height, a minimum lot area of three hundred square feet per unit is required, excluding the area devoted to commercial uses. A minimum site area of nine thousand three hundred sixty square feet, having a minimum average width of seventy-five feet is required.
    - (2) Multifamily residential developments must have a lot area of at least five hundred square feet per unit.
    - (3) For all other uses, no minimum lot area is required.
  - c. Off-Street Parking. Off-street parking requirements of Chapter 20.14 shall not apply to properties in the district.
  - d. Drive-through facilities are prohibited in the district.
  - e. Outside Amplification. No person shall make, continue or cause to be made or continued any noise as prohibited in Chapter 9.40 of this code.
3. Plans and permits required. Prior to the issuance of any building or related permits for any new construction or renovation of the exterior of existing building(s), drawings and applications shall be reviewed for approval by the deputy director or his designee, to ensure that the proposed construction complies with the architectural and design guidelines described in this Section. Applications shall be reviewed within ten business days upon receipt of a complete application. The deputy director or his designee may request assistance of other departments to review drawings and applications.
  4. Architectural and design guidelines. The purpose of these guidelines is to protect business investments in the district from unsightly construction that would ultimately diminish the appeal of the district. All applications for redevelopment of existing buildings or structures or new construction must comply with the Union Plaza architectural and design guidelines. Copies of the Union Plaza architectural and design guidelines are on file in the Development Services Department.
  5. Application requirements. In addition to those items required for the application for a building permit, the following information shall be submitted for approval prior to issuance of a building permit for new construction or exterior renovation of existing buildings in the district. Eight copies of the site plan and development plan are required unless additional copies are required by

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the deputy director or his designee. All maps, plans and drawings should be at a scale of not less than twenty feet to the inch unless a modification is authorized by the deputy director or his designee.

- a. A detailed site plan including:
  - (1) Legal description,
  - (2) Metes and bounds if portion of lot, block or if property is unplatted,
  - (3) Site dimensions,
  - (4) Adjacent public right-of-way, public transportation routes and pedestrian systems,
  - (5) Utility lines to rights-of-way and easements through the site,
  - (6) Description of other site features including drainage, soils or other considerations that may affect the development of the site,
  - (7) Location of any special or custom street lighting to be approved by the City Engineer, if proposed,
  - (8) Stamp or seal and signature of a registered professional engineer or architect preparing plans;
  
- b. A development plan including:
  - (1) Site layout including sizes and location of proposed buildings, parking, open space and other facilities,
  - (2) Location, capacity and design of parking facilities to include ingress/egress, landscaping, signage and fencing,
  - (3) Stormwater drainage,
  - (4) Description of use of individual building(s), included in the project and maximum floor area devoted to each use,
  - (5) Schematic location and design of open space on site, if proposed, including proposed landscaping if any,
  - (6) Sidewalks, to include any existing traffic signals and signage, light poles or other utility apparatus adjacent to the site,
  - (7) Schematic building elevations and sections, as required to describe the general design and the maximum height of the building including proposed colors and construction materials,
  - (8) Proposed water and sanitary sewer and utility improvements. The application shall include a permit approved by the El Paso Water Utilities,
  - (9) Location, sizes and types of proposed signs, lighting, fencing or walls, landscaping and trash receptacles,
  - (10) Design standards applicable to the project,
  - (11) Site location map to scale, and
  - (12) Location and size of loading and unloading berths, if proposed.

C. Planned Residential (PR-1 and PR-2)

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1. Open space and recreation area. The amount and arrangement of open space and recreation area should be in accord with the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the detailed site plan and subdivision plat. Satisfactory provision shall be made for the maintenance of common open space in accordance with the procedure in Chapter 20.04
2. Preservation of the environment. In all P-R developments, the elements of natural environment, including existing vegetation, arroyos, floodprone areas, mountains, steep slopes and other features, shall be considered in planning and design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
3. Perimeter treatment.
  - a. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures; masonry walls; and landscaping or other treatment.
  - b. A minimum setback of ten feet plus two additional feet of separation for each story above two shall be maintained between any structure and the outside boundary line of the planned residential development.
4. Review standards for establishment of P-R district.
  - a. The city plan commission and the city council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The commission and the city council shall study the relationship between uses of high intensity permitted in the P-R district and uses of low intensity, existing or future, outside the proposed P-R district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by this section unless such uses create immediate land use conflicts along project boundary lines.
  - b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density & Dimensional Standards) a detailed site development shall not be required.
  - c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density & Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the City Plan

Commission and approved by the City Council in order to protect the public health, safety and welfare.

D. Planned Commercial (P-C)

1. Ownership control.

- a. The land in a P-C district shall be developed as a unified whole. All owners shall be included as joint applicants and all approvals shall bind all owners.
- b. A building or land shall be used only in accordance with an approved detailed site plan conforming with Chapter 20.04 and only for the uses permitted in Chapter 20.08, provided that the district shall be planned and developed as a unit, subject to the additional requirements and provisions of this section.

2. General procedures--Plans required.

- a. Establishment of a P-C planned commercial district shall follow the procedures for changes and amendments of Chapter 20.04, including notice and hearings, recommendations by the city plan commission and action by the city council. A detailed site plan complying with the requirements of Chapter 20.04 shall be required.
- b. If the project is to be accomplished as a series of development units, a detailed site development plan of a proposed unit shall be submitted with a general concept plan and a schedule of phasing provided.
- c. The proposed development shall follow all applicable procedures, standards, and requirements of this ordinance and other regulations governing the subdivision of land. Where a plat is required, no building permit shall be issued until a final plat of the proposed development, or part thereof, is approved by the city plan commission, filed and recorded

3. Supplemental height and bulk standards.

- a. When a community or regional shopping center is a part of a planned development of one hundred fifty acres or more, or where there are unique features of topography, access, and location with respect to existing and future development to justify such action, the city plan commission may recommend and the city council may approve height limits for community and regional shopping centers in excess of those specified in Chapter 20.12.
- b. The floor area ratio for a neighborhood shopping center or area shall not exceed 0.30. A maximum floor area ratio may be specified for community and regional shopping centers or general commercial areas as a condition of development permit approval.

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4. Compatibility with nearby properties. The development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, particularly in larger centers or where tall buildings are to be located in the vicinity of buildings of low height, and to this end may employ such design techniques as may be appropriate to a particular site, including location of building, orientation, spacing and setback of buildings, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and screening.
5. Access. The principal means of access shall be from arterial or collector streets. For a major shopping center, principal access shall be from at least one major arterial street. In no case shall the principal means of access be from a minor residential street. Access points shall be designed to minimize traffic hazard and congestion and shall be approved by the City Engineer.
6. Internal circulation. The design for internal circulation shall be appropriately related to access points and provide for safe and efficient movement of vehicles and pedestrians with special attention to reduction of crossing conflicts, improvement of visibility, convenience of pickup areas, traffic signs and speed controls.
7. Paved areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.
8. Refuse. Refuse containers or refuse storage areas shall be hidden from general public view, either from within or outside the center, by means of fences, walls, or landscape planting.
9. Findings required of city plan commission. Before recommending approval of a P-C planned commercial district, the plan commission shall make specific findings as follows:
  - a. That the location and design of the commercial area are appropriate and are in compliance with the requirements and purpose of the P-C district, and specifically that there is adequate provision for traffic to and from the center, without undue congestion, on existing streets or on streets scheduled to be completed by the time the center is to be opened;
  - b. That a proposed construction timing schedule has been approved by the commission and is recommended for adoption by the city council;
  - c. Specific conditions, if any, which should be imposed, including recommendations to insure construction of improvements.

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- 10. Abandonment after final approval.
  - a. In the event that the detailed site plan is approved by the city council and thereafter the applicant or his successor abandons said plan, or in the event the applicant or his successor fails to commence the development of a specific unit within four years after final approval has been granted, then such approval of the detailed site plan shall terminate and be deemed null and void unless such time period is extended by the city council upon recommendation by the city plan commission upon written application by the applicant or his successor.
  - b. Once terminated, a new detailed site plan must be approved following the procedures of Chapter 20.04, including public hearing, prior to issuance of a building permit or permits for the project.

E. Planned Industrial (P-I)

- 1. Compatibility with nearby properties. The industrial development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces and parking area, grading, landscaping and services.
- 2. Enclosed buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or other abutting property by a solid masonry wall not less than six feet or more than eight feet in height. This screening must be located behind any required landscaping. Screening may be waived by the city council where it is found the screening will not serve the purpose of blocking the view from a street or from a more restrictive zoning district.
- 3. Parking. Adequate parking space shall be provided off the street for all employees and visitors to the building, if necessary, in excess of the minimum requirements of Section 20.14. No parking shall be permitted in the required front yard or within ten feet of the boundary of any residential district and no storage of materials, equipment, or products shall be permitted in any part of a required front yard.
- 4. Loading.
  - a. Off-street loading space for individual uses shall be provided in accord with the provisions of Section 20.14. Loading operations shall be conducted within a building or screened from general public view from

a front street where possible, but may be conducted at the side or rear of buildings whether or not facing a street.

- b. Where an industrial tract abuts railroad property containing a spur track on the rear or side property line, railroad loading docks or the building itself may extend to the property line for the purpose of receiving service from the railroad spur tracks.

- 5. Paved areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.

F. Special Residential Revitalization (SRR)

- 1. This district is established in recognition that developments containing both residential and commercial uses can create an appealing and vital urban environment when carefully designed. Developments approved for this district shall be designed to eliminate potential use conflicts through creative design methods. The SRR district allows for mixing residential environments with workplaces and services. Development in the SRR district must accommodate transportation systems, surrounding environments and pedestrian movements.
- 2. District boundaries. This district is created to maintain a compatible mix of residential and neighborhood commercial uses within the area known as South El Paso. For purposes of this section, South El Paso is defined as the area south of Paisano Drive, and lying between Santa Fe Street and Cotton Street. No applications for SRR zoning may be requested outside of South El Paso.
- 3. Off-street parking requirements found in Chapter 20.14 shall not apply in this district; loading spaces, however, shall be required to comply.

G. Residential, Commercial and Industrial Mixed Use (RMU, GMU, IMU). Uses permitted in a mixed-use development are as approved by City Council through a master zoning plan and detailed site plan in accordance with Chapter 20.04 (Administrative Review Procedures). A mixed-use development may be authorized to encourage use schemes such as but not limited to, entertainment, medical, and employment centers. The following regulations shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan, except that nothing in this Section shall restrict the City from imposing additional standards and conditions as part of the review process.

- 1. General design principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and

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detailed site plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.

a. Development perspective.

- (1) That the natural infrastructure and visual character of the development area be retained, as derived from existing topography, riparian corridors and other environmentally sensitive areas.
- (2) That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
- (3) That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
- (4) That proposed development non-contiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
- (5) That a mixture of housing types and densities be distributed throughout the mixed-use development.
- (6) That transportation corridors be planned and reserved in coordination with land use patterns.
- (7) That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
- (8) That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
- (9) That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
- (10) That neighborhoods be compact, pedestrian-friendly, and mixed use.
- (11) That ordinary activity of daily living occurs within walking distance of most dwellings.
- (12) That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.
- (13) That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
- (14) That appropriate building densities and land use be provided within walking distance of transit stops.
- (15) That civic, institutional and commercial activity be embedded, and not isolated, in the development.
- (16) That a range of open space including parks, squares, and playgrounds be distributed within the development.
- (17) That a development have sufficient size to accommodate the mixed-use concentration of uses.

c. Building perspective.

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- (1) That buildings and landscaping contribute to the physical definition of streets as civic places.
- (2) That the design of streets and buildings reinforce safe environments.
- (3) That architecture and landscape design grow from local climate, topography, history and building practice.
- (4) That public gathering spaces be provided in locations that reinforce community identity.
- (5) That the preservation and renewal of historic buildings be facilitated.
- (6) That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.

2. General design elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and detailed site plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.

- a. Neighborhoods limited in size and oriented toward pedestrian activity.
- b. A variety of housing types, jobs, shopping, services, and public facilities.
- c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
- d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
- e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
- f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit, and automotive vehicles.
- g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
- h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
- i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a livable and harmonious environment.
- j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.

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3. Architectural objectives. As part of the review of the master zoning plan and detailed site plan, the architectural design shall achieve the following objectives:
  - a. Architectural compatibility,
  - b. Human scale design,
  - c. Integration of uses,
  - d. Encouragement of pedestrian activity,
  - e. Buildings that relate to and are oriented toward the street and surrounding buildings,
  - f. Residential scale buildings in any mixed residential area,
  - g. Buildings that contain special architectural features to signify entrances to the mixed-use development, and
  - h. Buildings that focus activity on a neighborhood open space, square or plaza.
  
4. Roadway design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of the El Paso City Code shall apply in all instances.
  
5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking & Loading Requirements) of this Title shall apply for purposes of calculating required spaces, provided, however, that community-parking facilities are encouraged. This concept would permit the required parking for a particular use to be located anywhere within the designated land use area to promote the use of shared parking lots and pedestrian activity within the neighborhood.
  
6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the City Council as part of the review of the master zoning plan and detailed site plan.
  
7. Densities. The densities, in terms of number of units per gross residential acre, and lot area requirements shall be as approved by City Council in the master zoning plan for the development.
  
8. Landscaping. Uses within a mixed-use development shall not be required to conform to the landscaping requirements of Title 18 (Building & Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and detailed site plan approval process.

**Section 20.10.365 Mobile service units.**

- A. Mobile service activities may be conducted only on approved parking surfaces, in zoning districts where the defined use is permitted.
- B. An operator permit shall be required for each company providing mobile services. The permit shall be for a period of one year and the fee shall be as established by City Council. A renewal application must be filed with the Building Permits and Inspection Division thirty days prior to the expiration of the current permit. All operator permit applications meeting code requirements shall be approved within fifteen days of receipt.
- C. The permit application shall include submittal of specifications of the mobile unit and a written authorization form signed by the property owner for each proposed location.
- D. No part of the mobile service unit shall be located nearer than seventy-five feet from a residentially-zoned district.
- E. The mobile service unit shall not operate in a manner which:
1. Obstructs on-site circulation, visibility or convenient ingress and egress;
  2. Subjects the occupants of adjacent buildings to unacceptable noise levels; or
  3. Deposits on the parking lot surface any toxic, hazardous and/or non-biodegradable materials of any type.
- F. All fluids collected from any vehicle must be disposed of in compliance with federal, state and local laws.
- G. All equipment utilized by the mobile unit shall be mounted on, carried or transported by a self-powered vehicle.
- H. No mobile service activities shall be conducted on city streets or rights-of-way.
- I. In addition to other penalties imposed by the city code, any violation of the ordinance codified in this section or other applicable laws, codes or regulations shall subject the holder to suspension or revocation of their permit.
- J. Sales and service shall only be permitted on private parking lots, occupied by a single owner. Sales to the general public and sales other than to fleets of vehicles are expressly prohibited.

**Section 20.10.370 Mountain development.**

- A. Purpose. The purpose of these regulations is to promote the following city objectives within mountain development areas:
  - 1. To protect significant natural features of the mountain development area and preserve the city's unique visual setting as part of the comprehensive plan,
  - 2. To provide an alternative approach to conventional flat land development by allowing transfer of residential densities through clustering of dwellings in order to preserve larger areas of open space,
  - 3. To minimize scarring and disturbances of the natural character of the mountain development area through control of grading and cut/fill operations as defined in the grading ordinance,
  - 4. To control water runoff and soil erosion,
  - 5. To provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within the mountain development area,
  - 6. To encourage sound engineering practices related to mountain development.
- B. Minimum district area. The minimum area for a mountain development district where common or public open space is to be provided shall be one acre. Extensions to the original district, from a common boundary, may be considered in increments of less than one acre, provided, however, that all other requirements are observed.
- C. Ownership control. Where required, the common open space shall be owned by an incorporated or unincorporated association to assure that it will be permanently maintained in its natural state. Open space may be made public if dedicated or transferred in trust to the city and the city council accepts such dedication or transfer without affecting any other provision of this Title.
- D. Open Space Required. To retain the significant natural features of the mountain development area, common, public or private open space, or a combination thereof, shall be provided as part of a proposed development. The minimum amount of open space to be provided shall be based on the percent average slope of the property as shown below. The required open space within a mountain development district shall be shown on the subdivision plat and detailed site plan.

Percent Average Slope	Open Space Required/Percent of Total Gross Acreage to Remain Percent Average Slope Undisturbed
0 to 5	20
5.1 to 10	25

10.1 to 15	30
15.1 to 20	35
20.1 to 25	40
25.1 to 30	45
30.1 to 35	50
35.1 to 40	55
40.1 or more	60

E. Architectural design standards. Building and construction materials within a mountain development district shall meet the following architectural design standards:

1. Mirrored surfaces or any treatments that change ordinary glass into a mirrored surface shall be prohibited.
2. Bright untarnished copper or other metallic surfaces shall be treated to reduce reflections.
3. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.
4. Development design and construction techniques shall blend scale, form and visual character into the natural landform, and shall minimize exposed scars.
5. Exterior lighting shall be low scale and directed downward, recessed, or shielded so that the light source is not visible from the adjacent developments.
6. Reflective building materials shall be prohibited.
7. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. (The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.)

F. Property development standards. The following property development standards shall apply to all land, buildings and structures within a mountain development district:

1. Subdivision Plat. Buildings and structures in a mountain development district shall be erected only on land where a plat or replat approved by the city plan commission, has been filed of record, and indicates compliance with the provisions of this section. Each attached or detached single-family dwelling must be platted on an individual lot prior to issuance of occupancy permits.
2. Site Plan. A detailed site plan complying with all of the requirements of Chapter 20.04 (Administrative Review Procedures) shall be required for all

property within a mountain development district, except where a development is for single-family detached dwellings meeting the minimum yard requirements of Chapter 20.12 (Density & Dimensional Regulations) and where common or public open space is provided to satisfy the open space requirements of this Section. If a development is to be undertaken in a series of phases, a development schedule indicating the proposed phasing shall accompany the required detailed site plan.

3. Common or Public Open Space. Where required, the total amount and distribution of common or public open space shall be shown on the detailed site plan and subdivision plat and shall be expressed as the percent of the site which will remain in its natural state. Satisfactory provisions for assuring continued retention of the common or public open space shall be provided.
4. Percent Slope. The percent slope of a proposed mountain development used to determine the common open space shall be shown on the required detailed site plan and subdivision plat.
5. Perimeter Treatment. The perimeter treatment of the proposed mountain development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible land uses and structures. A minimum setback of ten feet of separation for each story or fraction thereof shall be maintained between any structure and the outside boundary of the proposed mountain development.
- G. Private Streets. Where authorized by the city plan commission in approving a subdivision plat, streets may be privately owned.
- H. Preservation of the Environment. In all mountain developments, existing vegetation, animal life, arroyos, flood prone areas, steep slopes, and other natural features shall be considered in the planning, design and layout of buildings, service areas and location of streets in the allocation of open spaces reserve the natural environment.
- I. Right-of-Way and Pavement Widths. The right-of-way and pavement widths for internal ways, streets and alleys within and adjacent to the proposed mountain development shall be:
  1. Determined from the standards contained in the City's current subdivision regulations and any applicable ordinance governing streets,
  2. In conformity with the estimated needs of the entire mountain development and the traffic to be generated thereby,

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- 3. Adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs and the access for firefighting equipment vehicles while preventing undue scarring and grading.

Off-street Parking and Loading. The minimum requirements for off-street parking and loading shall be satisfied as set forth in Chapter 20.14 (Off-Street Parking & Loading Regulations).

- K. Utilities and Public Services. Every mountain development shall be adequately served by essential utilities and public services such as water, sanitary sewer, storm drainage, police, fire and other similar services.

- L. Property grading standards. Grading in a mountain development shall be in accordance with Chapter 18.44 (Grading) of the El Paso City Code.

**Section 20.10.380 Multi-Family Dwellings.**

- A. In the A-1 (Apartment) zoning district: single-family attached dwellings (other than duplexes) and apartments hereafter erected or structurally altered shall have:

- 1. No more than four units per structure;
- 2. The following minimum distances between structures, except that structures may be separated by carports or garages under a common roof:
  - a. Structures side by side: At least ten feet,
  - b. Structures side by front or rear: At least twenty feet,
  - c. Structures facing front to front or front to rear: At least forty feet;
  - d. Structures backing rear to rear: At least ten feet;
- 3. One additional foot of side yard for each unit the rear of which is on the side yard abutting the side yard of the adjoining property or a side street;
- 4. All yards may be used for access, service, on-site parking or other open use, except that a minimum of twenty percent of the required front yard shall be landscaped.

- B. In the A-2 zoning district: single-family attached dwellings (other than duplexes) and apartments hereafter erected or structurally altered shall have:

- 1. One additional foot of side yard for each unit the rear of which abuts upon the side yard of the adjoining property or a side street;

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2. All yards may be used for access, service, on-site parking or other open use, except that a minimum of twenty percent of the required front yard shall be landscaped.

C. In the A-3 zoning district: single-family attached dwellings (other than duplexes) and apartments hereafter erected or structurally altered shall have:

1. One additional foot of side yard for each unit the rear of which abuts upon the side yard of the adjoining property or a side street;

All yards may be used for access, service, on-site parking or other open use, except that a minimum of twenty percent of the required front yard shall be landscaped.

D. In the A-M (Apartment-Manufactured home) district: single-family attached dwellings (other than duplexes) and apartments hereafter erected or structurally altered shall have the following requirement:

All yards may be used for access, service, on-site parking or other open use, except that a minimum of twenty percent of the required front yard shall be landscaped.

E. Commercial Districts: No uses other than dwellings, except the office of the manager of the apartments, shall be permitted in the dwelling units or in portions of the building designed for apartment use. Listed commercial uses are permitted in an apartment building when such uses are grouped together on floors below or above those floors designated for apartment use, except that the ground floor level of an apartment building may be used for dwelling units and permitted commercial uses when the commercial uses are grouped together. Retail shops are permitted on ground level floors or basements only.

**Section 20.10.390 Neighborhood Commercial Uses (SRR District).**

A. No portion of any existing single-story or multistory building or structure which was rehabilitated for residential purposes, during the period from November 17, 1986 to November 14, 1995 may be used for neighborhood commercial uses pursuant to this section. For purposes of this subsection, a building or structure shall be considered to have been rehabilitated if any portion of such building or structure was restored or reconstructed to meet all applicable city building codes.

B. Within a multistory building or structure complying with this section, a special permit application for neighborhood commercial uses (see Appendix A - Table of Permissible Uses) may be made for the ground floor level only. The remaining floors shall be limited to the residential uses permitted in the SRR District.

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- C. Pursuant to this section, the property owner shall pay relocation costs for any tenant displaced because of a conversion from residential to neighborhood commercial uses, as provided in the city's tenant assistance policy.

**Section 20.10.400 Neighborhood Conservancy Overlay.**

- A. Purpose. The purpose of a neighborhood conservancy overlay (NCO) is to regulate the construction, reconstruction, renovation and alteration of buildings and other structures in designated places and areas of historic, cultural, or architectural importance and significance within the City. These designated places and areas have a distinctive atmosphere or character and should be conserved through regulations that protect and enhance their significant attributes. The designation has the effect of modifying the existing development standards of the district by requiring owners of property to comply with additional reasonable design standards as part of building construction within a neighborhood. The design standards are intended to promote the conservation of the neighborhood attributes and thereby contributing to the stability or stabilization of the neighborhood. All properties within an NCO will carry the suffix "NCO," indicating that such property is subject to the design standards of both the designated zoning district and the NCO. An NCO designation shall not prohibit the use of a property that is otherwise permitted by the existing zoning.
- B. Designation.
  - 1. An application for an NCO designation may be initiated either by a property owner or group of property owners, or by the city plan commission, or by the El Paso city council. No NCO shall be designated and approved by the El Paso city council if owners of more than fifty-one percent of the total land area within a neighborhood described in the application object in writing to the designation. Signatures of the property owners evidencing their dissent must be submitted prior to approval by the El Paso city council of an ordinance designating a NCO.
  - 2. The area described in the application shall include at least one block face. For purposes of this section, a block face shall be defined as a parcel of land entirely surrounded by public highways, streets, or alleys.
- C. Application. An application for an NCO designation shall be subject to the requirements and procedures of Chapter 20.04, and shall also be accompanied with all of the following:
  - 1. A list of all neighborhood associations and/or other organizations representing the interests of the property owners in the area described in the application.

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2. A written justification which supports the requested NCO designation. The justification must contain a detailed statement of why such a designation would be in the best interest of the city as a whole, and a description of the attributes of the area which merit conservation.
  
- D. Study Area Plan Formulation and Adoption. Prior to application for a NCO, the city shall have adopted a specific study area plan, as required by "The Plan for El Paso," for property within a neighborhood wholly or partially to be designated for mixed-use. The study area plan shall, at a minimum, include a written and graphic description of the concerns, policy objectives, guidelines and design standards for regulating the development of the area. The Development Services Department shall, upon authorization and prioritization by the El Paso city council, assist area residents and other interested parties to prepare a study area plan. Any NCO designation approved by the city shall incorporate the study area plan by express reference.
  
- E. City Review Committee.
  1. A City Review Committee (CRC) shall be created to oversee the functions within each area designated a NCO. The CRC shall have the power and authority to review and authorize the release of building permits for any new construction, reconstruction or renovation of the exterior of existing buildings or structures within a designated NCO. The Building Official shall forward all applicable building permit applications to the CRC.
  
  2. Members of the CRC shall consist of the Deputy Director of Planning, the Building Official and the city architect (or their respective designees). The Deputy Director of Planning shall act as secretary of the committee. For quorum purposes, presence of all members of the CRC shall be required to convene a meeting and vote on any permit. Meetings shall be scheduled, with notice duly posted according to the Texas Open Meetings Law, by the secretary as necessary to review and act on permit applications. Written notice of any permit application received and pending action before the CRC shall be given, as a minimum, to any area neighborhood associations and to the immediate abutting property owners within the NCO area. The notice shall state the date and time of the scheduled meeting before the CRC.
  
  3. The secretary shall make and maintain a detailed record of all proceedings and procedures of the CRC, setting forth the reasons for each decision, the vote of each member participating therein, and any failure of a member to vote. Action taken at a CRC meeting shall require the affirmative vote of a majority of the members present at the meeting. The CRC shall, in every case, reach a decision without unreasonable delay.
  
  4. All decisions of the CRC shall be reasonable under the circumstances and shall not be arbitrary or capricious. If the CRC has not disapproved an application

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for a building permit within twenty days after it has been properly submitted then such application shall be deemed to have been approved without further action of the CRC. All decisions shall be in writing and shall be served on the applicant by the United States mail, postage prepaid, return receipt requested, and shall be deemed given when deposited in the United States mail.

- F. Contents of Application, Scope of Review, Waivers.
1. Prior to the issuance of any building permits for any new construction, reconstruction or renovation of the exterior of existing buildings on property (or any portion thereof) with an NCO designation, drawings and applications shall be reviewed by the CRC to determine if the proposed new construction, reconstruction or renovation complies with the design standards of the specific study area plan.
  2. The CRC shall establish and publish a detailed list of the documents and information that must be submitted by an applicant together with the application for a building permit, copies of which shall be maintained in the Development Services Department. All applications for building permits on property with an NCO designation shall comply with the required design standards for the applicable study area plan. Approval of a permit shall indicate that the proposed construction complies with the requirements of this section and the design standards of the specific study area plan. The CRC may request assistance of other city departments to review drawings and applications. In the event that the design standards of the applicable study area plan are more restrictive or impose higher (or different) standards than the requirements of this title, the design standards of the applicable study area plan shall govern. Copies of adopted study area plans are on file in the Development Services Department.
  3. The CRC is authorized and empowered, upon written request of an applicant, to grant waivers from the applicable design standards of a specific study area plan where, due to the lot itself or special conditions caused by property adjacent to the lot, a literal enforcement of the provisions of the design standards and development criteria will prevent a reasonable use of the lot or a reasonable design of a building or other improvements to be constructed on such lot. All decisions of the CRC shall be reasonable under the circumstances and shall not be arbitrary or capricious. In making its decision, the CRC may completely dispense with the application of a particular design standard where the particular circumstances so warrant. The CRC shall render its decision on a request for waiver not later than twenty calendar days following receipt of the request and all information reasonably necessary to determine whether the waiver request is warranted. If the CRC fails to approve or disapprove the requested waiver within twenty calendar days after all required documents and information has been submitted, then the request for waiver shall be deemed approved. All decisions shall be in writing and shall be served on the applicant

by the United States mail, postage prepaid, return receipt requested, and shall be deemed given when deposited in the United States mail. The CRC shall not consider a request for waiver that is the same or substantially similar to the request previously disapproved for a period of twelve months from the date of disapproval, and shall not consider any request for waiver which may be in violation of any statute, ordinance or rule and regulation to which a lot is subject.

- G. Appeals of CRC Actions. Decisions of the CRC on any building permit application may be appealed to the city plan commission within fifteen calendar days after the decision is rendered by the CRC. The applicant, or an owner of a building or structure located within the designated NCO, and aggrieved by the decision of the CRC may file an appeal. The appeal shall be filed in writing with the secretary and shall be accompanied by a reasonably detailed statement of which design standard is not met in the application for a building permit with sufficient evidence to warrant the appeal. Evidence may include, but is not limited to:
1. A demonstration that the intent of a design standard has been misconstrued or incorrectly interpreted;
  2. Relevant evidence was not considered by the CRC in making its decision; or
  3. The alternate design is at least equivalent of that prescribed in terms of quality, effectiveness and aesthetics.
  4. Written notice of any appeal filed shall be given, as a minimum, to any area neighborhood associations and to the immediate abutting property owners within the NCO area. The notice shall state the date and time of the scheduled meeting before the city plan commission.
  5. In exercising its powers, the city plan commission may reverse or affirm, in whole or in part, or may modify the requirement, decision or determination appealed from a decision of the CRC. The city plan commission shall be authorized to impose any necessary conditions or safeguards to ensure that the purpose and intent of these regulations is satisfied. The grant of an appeal to a requirement pursuant to this section shall not be construed as a waiver of any other requirement of this section. Modifications concerning use shall never be permitted under any circumstances. Any decision of the city plan commission on an appeal as provided in this section shall be final.
  6. An application for appeal shall be on forms prescribed by the Planning Division, and shall be accompanied by a fee set by resolution or ordinance of the El Paso city council to help defray the cost of publication and general expenses in connection with the appeal. All decisions shall be in writing and shall be served on the applicant by the United States mail, postage prepaid,

return receipt requested, and shall be deemed given when deposited in the United States mail.

- H. Plan Review Not Required. For purposes of this section, review and authorization to release building permit applications for the new construction, reconstruction, or renovation of the exterior of buildings within an approved NCO shall not be required for ordinary minor non-structural repair work having a value of two thousand dollars or less.

**Section 20.10.410 Off-Street Parking (Serving Another Property).**

- A. Any otherwise permitted use for which the off-street parking requirements of Chapter 20.14 are to be satisfied by off-street parking spaces on property which is located on a separate site from the property requiring the off-street parking spaces, and for which the following can be demonstrated:
1. The parking area is compatible with the general development of the neighborhood and does not adversely affect the use of adjacent properties,
  2. The parking area is so arranged as to permit sufficient space for parking spaces and turning maneuvers, as well as adequate ingress and egress to the site,
  3. Lighting shall comply with Chapter 18.18 (Dark Sky Ordinance) of the El Paso City Code,
  4. The parking area is located in such a manner from the site generating the parking requirement to assure that such parking facility will adequately serve the use,
  5. Access to be provided to the parking area shall not be through private property that is not zoned to permit the use generating the off-street parking,
  6. Adequate provisions shall be made to assure that the parking area is reasonably identifiable as to the patronage it serves, the location, points of access, hours of operation and other appropriate matters made as a condition of the special permit approval,
  7. The parking spaces required to be provided for the use shall be restricted to that use,
  8. Any off-street parking spaces to be provided on the site generating the off-street parking requirement shall be used to accommodate required handicapped accessible spaces and patron parking,
  9. The parking area shall be owned or leased by the same property owner who operates the use generating the off-street parking requirement, and any

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leasehold interest in the parking area shall be validly held for the duration of the use.

- B. Off-street parking spaces serving another property which are located partially or totally on a separate site from the property requiring the off-street parking spaces.

**Section 20.10.420 Office warehouse.**

Where permitted in a zoning district, an office warehouse shall be subject to the following:

- A. The facility shall include a combined use of either an office or office showroom and a warehouse for the distribution of products.
- B. The office showroom component shall mean that portion of this use that provides area for the regular transaction of business and for the display of open merchandise in a finished building setting.
- C. An office component of this use must comprise at least ten (10) percent of the total floor area of the use, and an office showroom component of this use must comprise at least fifteen (15) percent of the total floor area of the use.
- D. Retail sales of products which are sold at wholesale on the premises is permitted as a part of this use.

**Section 20.10.430 Outdoor Flea Markets.**

- A. Compliance Required. Where permitted in a district, outdoor flea markets shall comply with the following:
  - 1. One (1) vendor off-street parking space and one (1) customer off-street parking space shall be provided per stall/space. Each off-street parking space shall meet the minimum requirements of Chapter 20.14 (Off-Street Parking & Loading Regulations) of this Title,
  - 2. Site area to be paved with asphalt, cement or other dust-free surface,
  - 3. A six-foot high screening wall shall be required around that portion of the site perimeter abutting a residential or apartment district on any existing flea market operation filed with the zoning administrator, or a six-foot high masonry wall shall be required around that portion of the site perimeter abutting a residential district for all new flea market operations. A waiver of this requirement may be requested pursuant to the provisions of Chapter 20.04 (Administrative Procedures) of this Title,

4. Each vendor stall/space shall provide at least one (1) covered garbage container, a minimum five-gallon garbage container shall be required for each food vendor,
5. One (1) sanitary portable facility shall be provided for every twenty-five (25) vendor stalls/spaces, or portion thereof, or the number of fixed sanitary facilities required by the Plumbing Code for the city based on the site area,
6. The operator shall be responsible for maintaining the site area to insure compliance with applicable portions of this code,
7. A ten-foot pedestrian walkway shall be provided between each row of vendor stalls/spaces,
8. A twenty-foot fire accessway shall be provided within the site area where required by the Fire Chief,
9. A minimum clear area of all sides (distance) of five feet shall be provided between a food vendor (utilizing cooking or heating facilities) stall/space and any other adjoining nonfood vendor stall/space, unless otherwise approved by the Fire Chief,
10. Only natural gas or liquefied petroleum gas shall be allowed for food cooking units, unless otherwise approved by the Fire Chief, on a case by case inspection, other cooking appliances that meet code may be approved,
11. A nonflammable shelter shall be required for all food cooking units,
12. At least one 2A10BC fire extinguisher shall be required for all food cooking units,
13. No parking or structures shall be allowed within the required setback, pedestrian walkways or fire accessway,
14. Signage for the flea market activity shall be restricted to that allowed in the applicable zoning district,
15. The noise levels of the flea market activity shall not exceed those specified in Chapter 9.40 of the El Paso City Code. No outside amplification devices shall be permitted in conjunction with the flea market operation when the site is adjacent to any property that is used for residential purposes,
16. The operator shall be responsible for maintaining the property and abutting sidewalks, parkways and street gutters from accumulations of waste, and shall be subject to all applicable health and safety provisions of this code.

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- B. Operator License. An operator license or the operation of an outdoor flea market shall be required and be subject to the requirements of Title 5 (Business taxes, licenses and regulations) of the El Paso City Code. An application for an operator license shall be made to the Development Services Department.

**Section 20.10.440 Pasturage.**

Where permitted in a district, pasturage of horses, cattle, goats and sheep, including breeding, must additionally comply with Title 7 of this code.

**Section 20.10.450 Personal Care Facilities.**

- A. Where permitted in a district, personal care facilities operated in a home (personal care home, private care home, adult foster care home) shall comply with the following:
1. A license shall be maintained at all times as required by law.
  2. The home personal care facility shall be clearly incidental and secondary to the principal use of the property,
  3. A provider shall be required, and care shall be provided to no more than 4 personal care recipients unrelated to the provider.
  4. Permitted signs shall be limited to a one square foot nameplate attached to and not projecting more than one inch beyond the face of the building. The nameplate shall contain only the name and occupation of the provider.
  5. The exterior of the building or grounds shall not be altered, decorated or painted in any way to distract from the residential character of the neighborhood.
  6. Annual certification shall be obtained from the Fire Chief, Building Official, Director of City-county health, and the licensing agency for the state that the use and the structure comply with the requirements of their individual codes.
  7. A minimum of one off-street parking space shall be provided plus one additional off-street parking space for every seven recipients or portion thereof, or for every two employees or portion thereof, whichever additional parking requirement is greater.
  8. The facility shall provide per recipient a minimum floor space of eighty square feet for a single occupancy bedroom and sixty square feet for a multiple occupancy bedroom.

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- B. Commercial facilities - convalescent, nursing or rest homes provide nursing and convalescent care under the direction and supervision of licensed medical personnel for four or more unrelated recipients.

**Section 20.10.455 Personal Wireless Service Facilities.**

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the City and shall be operable in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter.

- B. Certification. All owners of PWSF currently in existence as of the date of the passage of this ordinance shall certify in writing, no later than thirty days after the passage of this ordinance, to the Building Official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of each PWSF and any other pertinent information, excluding proprietary information, required on the form prescribed by the Development Services Department.

Thereafter, for all such PWSF and additionally for all new PWSF installed and constructed after the date of passage by this ordinance and permitted in accordance with this chapter, the owner shall certify in writing, annually no later than January 31, beginning in 2008, to the Building Official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of the PWSF, and any other pertinent information, excluding proprietary information, required on the form prescribed by the Development Services Department.

The person who constructed the PWSF, the person who operated the PWSF or the owner of record must notify the Zoning Administrator of any change in the information or status of the PWSF as stated in the certification within thirty days after such change.

- C. Removal. For any PWSF constructed after the date of this ordinance, if the PWSF is not used to transmit, receive or relay voice and data signals to or from wireless communication devices for a period of six months, then the owner of record must notify the Development Services Department and apply for a permit to remove the structure. All PWSF towers and antennas shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility or by the property owner within eighteen months from the time the PWSF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

If the use of the PWSF has not been restored within an eighteen month period from the time the PWSF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the PWSF

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must be removed and the PWSF site restored to its original or better condition, at the property owner's expense.

For any PWSF in existence but not listed as operable on the certification form as of the date of the passage of this ordinance, the owner shall have eighteen months from the date of certification in which the PWSF must be made operable. If the PWSF is not operable within eighteen months, then the owner of record must notify the Development Services Department and apply for a permit to remove the structure. All PWSF towers and antennas shall be removed by the person who constructed the facility, by the person who operated the facility or by the property owner within six months after the aforementioned time period expires. The PWSF site must be restored to its original or better condition, at the property owner's expense.

- D. PWSF located in Residential and Apartment Districts (including RF, SRR, PR-1, PR-2, & PMD) shall comply with the following:
1. Ground-mounted PWSF antenna support structures and appurtenant equipment storage facilities are permitted by special permit with the following restrictions:
    - a. Setbacks:
      - (1) A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than 1 foot for each foot of height, measured from the PSWF antenna support structure base.
      - (2) When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.
    - b. Modified Setbacks: The setback set forth in D.1.a.(1) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the City Council, based on written evidence provided by the applicant, finds that:
      - (1) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant

- that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
- (2) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (3) The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.
- c. Separation between PWSF antenna support structures: The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in D.1.d. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.
- d. Modified Separation between PWSF antenna support structures: The separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by City Council based on findings that:
- (1) The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (2) The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (3) The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; and
  - (4) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and

- (5) The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.
- e. Height Restriction: PWSF antenna support structures and appurtenant antennas shall not exceed 75 feet in height, except as provided in D.1.f.
- f. Modified Height Restriction: If the applicant is collocating two or more antennas on a structure, then the maximum height for a PWSF antenna support structure and appurtenant antennas shall not exceed 100 feet.
- g. Camouflage and Screening.
- (1) All ground-mounted PWSF located in residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.
- (2) Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
- (3) Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.
- (4) Landscaping shall comply with all code requirements for landscaping.
- h. Other Requirements. The following must accompany a request for a special permit:
- (1) A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; and
- (2) Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the Public Safety Technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications

Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and

- (3) The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree (90°) angles for a full three hundred sixty-degree (360°) radius, shown to scale.
  - i. Screening Fence: A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
  - j. Access Driveway: The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the Building Official.
  - k. Increase in Elevation on existing PWSF Antenna Support Structure: An increase in elevation, not to exceed a maximum height of 100 feet, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
2. Roof-mounted PWSF antenna support structures with appurtenant antennas and equipment storage facilities are permitted with the following restrictions:
  - a. Where permitted: Roof-mounted PWSF antenna support structures shall only be permitted on those residential structures consisting of five or more units or on nonresidential structures.
  - b. Height Restriction: Roof-mounted PWSF antenna support structures and appurtenant antennas shall not exceed 30 feet in height above the existing roofline; except that when the property on which the PWSF is located abuts a residential zoning district the PWSF shall not exceed 10 feet in height above the existing roofline.
  - c. Modified Height Restriction: The height of a roof-mounted PWSF antenna support structure on property abutting a residential zoning

district may be increased by special permit application, but not above 30 feet measured from the existing roofline, if the City Council finds that:

- (1) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
- (2) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
- (3) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and
- (4) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.

d. Camouflage and Screening.

- (1) Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.
- (2) Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
- (3) Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds 35 feet. Screening may be waived by the Building Official on buildings where the height of

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the roofline is 35 feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.

- e. Other Requirements. The following must accompany a request for a building permit or special permit:
    - (1) A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; and
    - (2) Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the Public Safety Technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and
    - (3) Satisfactory completion of a certification of compliance for personal wireless service providers issued by the Public Safety Technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
  
  - f. Increases in elevation on existing PWSF Antenna Support Structure: Increases in elevation, not to exceed 30 feet measured from the existing roofline, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
3. Facility-mounted PWSF antennas and appurtenant equipment storage facilities are permitted subject to the following restrictions:
- a. Where permitted: Antennas may only be mounted on a functioning facility-structure whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.
  - b. Height Restriction: Facility-mounted PWSF shall not exceed 100 feet in height, which shall include the height of the facility-structure. An existing facility-structure may be replaced for structural purposes, however the use shall not be changed to another use and the new

- facility-structure shall not exceed the greater of the existing facility-structure's height or 100 feet in height.
- c. Modified Height Restriction: The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five additional feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed 125 feet, which shall include the height of the facility-structure.
  - d. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
  - e. Other Requirements: The following must accompany a request for a building permit:
    - (1) A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street; and
    - (2) Satisfactory completion of a certification of compliance for personal wireless service providers issued by the Public Safety Technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and
    - (3) The applicant shall provide documentation to the Building Permits and Inspections Division that the applicant has the permission from the structure owner to install the antennas(s) on the structure.
  - f. Collocation: Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
- E. C-1, C-2 and P-C Commercial Districts, S-D Special Development
- 1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
    - a. Setbacks:

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- (1) A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than 1 foot for each foot of height, measured from the PSWF antenna support structure base.
  - (2) When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.
- b. Modified Setbacks: The setback set forth in E.1.a.(1) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the City Council, based on written evidence provided by the applicant, finds that:
- (1) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (2) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (3) The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.
- c. Separation between PWSF antenna support structures: The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in E.1.d. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.
- d. Modified Separation between PWSF antenna support structures: The minimum separation between ground-mounted PWSF antenna support

structures may be reduced below one-half mile by City Council upon approval of a special permit application based on findings that:

- (1) The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (2) The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (3) The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; and
  - (4) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (5) The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.
- e. Height Restriction: Ground-mounted PWSF antenna support structures shall not exceed 75 400 feet in height, except as provided in E.1.f.
- f. Modified Height Restriction: If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure shall not exceed 100 feet.
- g. Camouflage and Screening.
- (1) All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.
  - (2) Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from

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- paint manufacturers and it measures the amount of light reflected by a certain color.
- (3) Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.
  - (4) Landscaping shall comply with all code requirements for landscaping.
- h. Other Requirements. The following must accompany a request for a building permit:
- (1) A detailed plan showing the PWSF antenna support structure, antennas and equipment in relation to the surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street; and
  - (2) A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available upon request; and
  - (3) Satisfactory completion of a certification of compliance for personal wireless service providers issued by the Public Safety Technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and
  - (4) The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree (90°) angles for a full three hundred sixty-degree (360°) radius, shown to scale. The Building Official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
- i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.

- j. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the Building Official.
  - k. Increase in elevation on existing PWSF Antenna Support Structure: Increase in elevation, not to exceed 100 feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
- a. Where permitted: Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed use structures or those residential structures consisting of five or more units.
  - b. Height Restriction: The PWSF antenna support structure and appurtenant antennas shall not exceed 30 feet in height above the existing roofline; except that, when abutting a residential zoning district it shall not exceed 10 feet in height above the existing roofline, except as provided in E.2.c.
  - c. Modified Height Restriction: The height for a roof-mounted PWSF antenna support structure may be increased as follows:
    - (1) Up to 10 additional feet if the building exceeds 45 feet in height or 3 stories, and up to 20 additional feet if the building exceeds 60 feet in height or five stories; or,
    - (2) Up to a maximum height of 30 feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the City Council finds that:
      - (a) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
      - (b) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and

- (c) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and
  - (d) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
- d. Camouflage and Screening.
- (1) Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.
  - (2) Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
  - (3) Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds 35 feet. Screening may be waived by the Building Official on buildings where the height of the roofline is 35 feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
- e. Other Requirements: The following must accompany a request for a building permit:
- (1) A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including fencing, screening and camouflage; and
  - (2) Satisfactory completion of a certification of compliance for personal wireless service providers issued by the Public Safety Technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been

- requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
- f. Collocation: Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
3. Facility-mounted PWSF antenna and equipment storage facilities are permitted subject to the following restrictions:
- a. Where permitted: PWSF may only be mounted on functioning facility-structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.
- b. Height Restriction: Facility-mounted PWSF shall not exceed 100 feet in height, which shall include the height of the facility-structure. An existing facility-structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility-structure shall not exceed 100 feet in height.
- c. Modified Height Restriction: The height for a facility-mounted PWSF antenna support structure may be increased up to 25 feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed 125 feet, which shall include the height of the facility-structure.
- d. Facility-mounted PWSF shall be painted to integrate and blend with the existing facility-structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
- e. Other Requirements. The following must accompany a request for a building permit:
- (1) A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including fencing, off-street parking and access from the facility structures site to the nearest public street; and
- (2) A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing

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- electromagnetic radiation (NIER) reports are available on request from the applicant; and
- (3) The applicant shall provide documentation to the Building Permits and Inspections Division that the applicant has the permission from the structure owner to install the antennas(s) on the structure.
  - f. Collocation: Collocation or installation of additional PWSF antennas on an existing facility-structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
- F. C-3, C-4 and C-5 Commercial Districts
1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
    - a. Setbacks: The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.
    - b. Separation between PWSF antenna support structures: The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in F.1.c. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.
    - c. Modified Separation between PWSF antenna support structures: The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by City Council upon approval of a special permit application if the City Council finds that:
      - (1) The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
      - (2) The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half

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- mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
- (3) The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; and
  - (4) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (5) The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.
- d. Height Restriction: The PWSF antenna support structure and appurtenant antennas shall not exceed 125 feet in height, except as provided in F.1.e or F.1.f.
- e. Modified Height Restriction: If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed 150 feet.
- f. Special permit for additional height in C-3 and C-4 Commercial Districts only: The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by City Council upon approval of a special permit application, if the City Council finds that that:
- (1) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (2) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
  - (3) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially

- reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and
- (4) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
- g. Camouflage and Screening.
- (1) All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.
- (2) Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
- (3) Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.
- (4) Landscaping shall comply with all code requirements for landscaping.
- h. Other Requirements. The following must accompany a request for a building permit or special permit:
- (1) A detailed plan showing the PWSF antennas support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street; and,
- (2) A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and,
- (3) Satisfactory completion of a certification of compliance for personal wireless service providers issued by the Public Safety Technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing

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- electromagnetic radiation (NIER) reports are available on request from the applicant; and,
- (4) The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree (90°) angles for a full three hundred sixty-degree (360°) radius, shown to scale. The Building Official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
    - i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the Building Official of a structural recertification report prepared and sealed by a licensed professional engineer.
    - j. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the Building Official.
    - k. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
  2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
    - a. Where permitted: Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed use structures or those residential structures consisting of five or more units.
    - b. Height Restriction: The PWSF antenna support structure and appurtenant antennas shall not exceed 30 feet in height above the existing roofline; except that when the property abuts a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in F.2.c.

- c. Modified Height Restriction: The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:
  - (1) Up to 10 additional feet if the building exceeds 45 feet in height or three stories, and up to 20 additional feet if the building exceeds 60 feet in height or five stories; or
  - (2) Up to a maximum height of 30 feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the City Council finds that:
    - (a) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and,
    - (b) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and,
    - (c) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and,
    - (d) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
- d. Camouflage and Screening.
  - (1) Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in

- bell steeples or clock towers, or on similar alternative-design mounting structures.
- (2) Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
  - (3) Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds 35 feet. Screening may be waived by the Building Official on buildings where the height of the roofline is 35 feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
- e. Other Requirements. The following must accompany a request for a building permit:
- (1) A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and
  - (2) A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
- f. Increase in elevation: Increase in elevation, not to exceed 30 feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.
3. Facility-mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:
- a. Where permitted: Antennas may only be mounted on functioning facility-structures whose primary purpose is, and will continue to be, a use other than as an PWSF antenna support structure.
  - b. Height Restriction: New facility-mounted PWSF shall not exceed 125 feet in height. An existing facility-structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility-structure shall not exceed 125 feet in height.

- c. Modified Height Restriction: The height for a facility-mounted PWSF antenna support structure may be increased up to 25 feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed 125 feet, which shall include the height of the facility-structure.
- d. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
- e. Other Requirements. The following must accompany a request for a building permit:
  - (1) A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street; and
  - (2) A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and
  - (3) The applicant shall provide documentation to the Building Permits and Inspections Division that the applicant has the permission from the structure owner to install the antennas(s) on the structure.
- f. Collocation: Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the Building Official prior to issuance of a building permit.

#### **Section 20.10.460 Pet Shops.**

Pet shops for retail sale of animals, including grooming services, must comply with Title 7 of this code, and any workrooms and cages shall be maintained within a completely enclosed, soundproof building and that such shop be operated in a manner so as to produce no objectionable noise or odors.

#### **Section 20.10.470 Planned Residential Development.**

- A. A planned residential development shall occupy at least the minimum site area established in the district regulations. City Council may approve a special

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permit for a planned residential development with general lot sizes and setbacks below the minimum of the underlying zoning district. The proposed development shall additionally meet the following requirements necessary to protect the public health, safety and general welfare of the community and in order to foster the attractiveness of a residential development and its surrounding neighborhoods:

1. Evaluation criteria.
  - a. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings. For purposes of this Subsection, harmoniously shall not be deemed to require that the same architecture or same type of building materials be uniformly used.
  - b. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, relationship of vehicular and pedestrian traffic, and the arrangement of parking areas that are safe and convenient.
2. General requirements.
  - a. Private streets and gates shall be permitted within a planned residential development and shall conform to the design standards enumerated in Title 19 (Subdivisions) of the El Paso City Code.
  - b. The minimum site area for a planned residential development shall be one (1) acre, within which only residential uses of the base-zoning district shall be permitted. Extensions to a planned residential development from a common boundary shall be permitted in increments of less than one (1) acre, provided that the owners of at least seventy-five (75) percent of the land within the original planned residential development are in agreement and are included as joint applicants to the request for special permit.
  - c. The minimum area requirement of the base-zoning district may be reduced by no more than 25% for lots within a planned residential development, provided, however, that the maximum density permitted by the base-zoning district shall apply in all cases except as otherwise approved by any applicable special permit granted pursuant to Chapter 20.04 (Administrative Provisions).
  - d. The setback requirements of the base-zoning district shall not apply to a planned residential development, except as follows:
    - (1) The distance between buildings shall be a minimum of ten (10) feet except as otherwise permitted in this Title,

- (2) The length of the driveway shall not be less than twenty (20) feet as measured from the face of the garage or carport to the dwelling side of the sidewalk, or to the property line where there is no sidewalk.
- e. The perimeter of the planned residential development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures.
- f. No building shall exceed the height requirements of the base-zoning district.
- g. Consideration in the site plan review and evaluation process shall include the following:
  - (1) The nature and character of the development and adequacy of the buffer between proposed improvements on the site and adjacent property.
  - (2) The adequacy of utilities, access, drainage and other necessary supporting facilities that have been or will be provided.
  - (3) The adequacy of the design, location and arrangement of driveways and parking spaces so as to provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
- h. A planned residential development shall be an architecturally integrated subdivision, whether unified by similar use and density, design, building materials, or open space and streetscape elements.

#### **Section 20.10.480 Poultry Hatchery.**

Hatching, raising and marketing of poultry must comply with Title 7 of this Code, and are subject to the following requirements:

- A. In a Ranch-Farm District - no building pertaining to this use shall be closer than 50 feet from the nearest adjoining property line.
- B. In an R-1 (Residential) District - no building pertaining to this use shall be closer than 100 feet from the nearest adjoining property line. A minimum lot size of 40,000 square feet shall be required.

#### **Section 20.10.490 Processing Facilities.**

- A. Light Processing Facilities. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials. Where permitted in a district, by special permit, light processing facilities shall comply with the following standards:
  1. Facility does not abut a bridge or overpass,

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2. Light processors will operate in an enclosed building except for incidental storage, or:
  - a. Shall be located within an area enclosed on all sides by a screening fence or wall not less than six feet in height and landscaped on all street frontages, and
  - b. Located at least one hundred fifty feet from the property lines of an existing residential use or existing R, A, PR, SRR, RMU and PMD zoning district,
3. A light processing facility shall be no larger than forty-five thousand square feet and may not shred, compact or bale ferrous metals other than food and beverage containers,
4. A light processing facility may accept used motor oil for recycling from the generator in accordance with federal, state and local regulations,
5. Setbacks and landscaping requirements shall be as provided for in the zoning district in which the facility is located or required by the city at the time of approval of the special permit,
6. Oil storage must be in containers approved by the Texas Water Commission. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing,
7. Site shall be maintained free of litter and any other undesirable materials, will be cleaned of loose debris on a daily basis and secured from unauthorized entry and removal of materials when attendants are not present,
8. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of ten customers or the peak load, whichever is higher,
9. One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated in Chapter 20.14 of this code,
10. Noise levels shall be in compliance with Chapter 9.40 of code,
11. Any containers provided for after-hours donation of recyclable materials will be at least fifty feet from any property line of an existing residential use or existing R, A, PR, SRR, RMU or PMD zoning district, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials,

12. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers,
  13. Sign requirements shall be those provided for in the zoning district in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation,
  14. No dust, fumes, smoke, vibration or odor may be detectable on neighboring properties,
  15. The owner/operator must obtain a permit from the city-county health district.
- B. Heavy/Light Processing Facilities. Where permitted in an M-2 or M-3 district, heavy and light processing facilities shall comply with the following standards:
1. Facility does not abut a bridge or overpass and shall be located at least one hundred fifty feet from the property lines of an existing residential use or existing R, A, PR, SRR or PMD zoning district,
  2. Shall be located within an enclosed building or enclosed on all sides by a screening fence or wall not less than six feet in height and landscaped on all street frontages,
  3. Noise levels shall be in compliance with Chapter 9.40 of the code,
  4. Heavy processing facilities may accept used motor oil for recycling from the generator in accordance with federal, state and local regulations,
  5. Setbacks shall be those required for in the zoning district in which the facility is located,
  6. Oil storage must be in containers approved by the Texas Water Commission.

**Section 20.10.500 Quarries.**

- A. This district is established in order to reasonably and uniformly limit, safeguard and control future mining, quarrying, excavating, processing and stockpiling of rock, sand, gravel, clay and aggregate, for commercial or retail sales in a manner and location which is in the public interest and which is consistent with the comprehensive plan and any supplemental land use and developmental policies which are adopted by the city plan commission and city council.

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Includes accessory buildings, equipment, supplies and land which are used solely for the processing, storage, maintenance and sale of materials, operating and security personnel offices, and other uses associated with quarrying, landfill and transfer station operations, also the sale, within a building, of supplies or merchandise normally used or produced in direct connection with a permitted use, or supplies normally used in direct connection with operations and products derived from permitted uses, including but not limited to supplies such as cement, rebar, mesh, wooden forms and other concrete finish equipment.

B. Application for a Q quarry district shall require submittal of the following with the rezoning application:

1. A metes and bounds description of the proposed district certified by a professional engineer or a registered land surveyor;
2. One copy of the zoning map at a scale of three hundred feet to the inch, outlining in red the area proposed for change of zoning;
3. Eight copies of a site plan drawn to a scale of not less than one hundred feet to the inch, unless a modification as to scale is authorized by the Deputy Director of the Planning Division or his designee. This site plan shall show the following:
  - a. The boundaries of the proposed district;
  - b. The location, arrangement and use of all existing structures or properties, utility rights-of-way and easements, local and arterial streets, schools, parks and other such features for the proposed district;
  - c. Existing contours at not more than twenty-foot intervals where the natural slope is greater than five percent, and not more than two-foot intervals where the natural slope is less than five percent;
  - d. Proposed use(s);
  - e. Areas of excavation;
  - f. Proposed contours to which the district is to be excavated.
4. Two copies of a master drainage plan showing the following:
  - a. Impact on the water table;
  - b. All watershed tributaries to the proposed district;
  - c. Amount of storm runoff;
  - d. Proposed method of controlling the expected runoff.

This drainage plan must be accompanied by hydraulic calculations based on the city's one hundred year storm prediction and must be signed and sealed by a registered professional engineer.

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5. For the purpose of erosion control and soil stabilization, a plan showing the method of stabilization. The City Engineer may waive this requirement if it is determined to be impossible or impractical.

C. Responsibilities of the owner and operator.

The landowner or his authorized agent will bear responsibility for:

1. Obtaining, when required, the services of an engineer or architect authorized to practice in Texas;
2. All of the legal duties, obligations or liabilities incidental to ownership of the property while the work is in progress or after its completion. The provisions of this chapter will not relieve any person or owner from any responsibility for damages to persons or property otherwise imposed by law, nor impose any liability upon the city or any official of the city for such damages;
3. Installing the appropriate devices, structures, landscaping and facilities and executing soil stabilization, erosion control, handling of materials and other proper measures to fulfill the intent and purpose of this chapter;
4. Providing continued maintenance and repair of all retaining walls, cribbing, drainage facilities, slopes, landscaping, soil stabilization and erosion control measures and any other protective devices located within the property;
5. Obtaining clearance from all utilities within the boundaries of the district. Failure to clear with any such utility may result in an immediate suspension of the work at the discretion of the Building Official.

D. Authority of the City Engineer and Building Official.

The Building Official, under authority of this chapter, has the authority to impose any of the following requirements to protect the interest of the property owner, the adjacent property owner and the general public during or after the extraction operation as may be reasonably necessary to cause the work to fulfill the purpose of this chapter:

1. Interim and permanent soil erosion control requirements;
2. Slope stabilization requirements;
3. Work procedures and safety requirements related to transportation of materials on public ways;
4. Fencing or other screening as may be required to protect surrounding properties.

- E. Operating standards.
1. Any permitted quarry operation shall meet all applicable local, state and federal regulations.
  2. Any blasting shall be done in accordance with the requirements of this code, except that no grading permit shall be required as a part of those requirements.
  3. A perimeter setback of one hundred feet shall be observed from any site property line for extraction operations and a perimeter setback of twenty-five feet shall be observed from any site property line for any accessory uses.
  4. If materials are washed or deposited upon streets, alleys or other public property as a result of improperly controlled activities, the Building Official shall notify the landowner or operator to remove such materials and restore the streets, alleys or other public property to their original condition. Excessive dirt which is carried from this site onto adjoining streets shall be removed by the operator the same day in which it is deposited.
  5. Where the Building Official finds that a quarry operation is creating an imminent danger of death, personal injury or property damage, he may order that such quarry operation be immediately suspended until the hazardous condition is removed. Notice given under this chapter shall be in writing to the owner, operator, person or agent in charge of such operation.
  6. A quarry operation as permitted in this chapter does not require a grading permit as specified in Chapter 18.44 of this code;
  7. The city council may adopt by resolution a schedule of fees for inspection by city departments called for by this chapter.
- F. Authority to issue citations.
1. In addition to those authorized to issue citations under this title, the following public officials shall be authorized to enforce the provisions of this chapter and shall have the power to issue Class C misdemeanor citations to any persons violating the provisions of this chapter:
    - a. The City Engineer;
    - b. The assistant city engineer;
    - c. The subdivision and grading supervisor;
    - d. The construction engineer;
    - e. The assistant construction engineer;
    - f. All construction inspectors; and
    - g. The investigative engineer.

2. The public officials designated in subsection 1 of this section are authorized to make inspections of any property necessary to enforce the provisions of this chapter.
- G. Penalty. Any person violating this chapter is deemed guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars. In the case of a continuing violation, each day's violation shall be deemed a separate offense.

**Section 20.10.510 Recreational Vehicle Parks.**

All recreational vehicle parks shall be constructed and maintained in accordance with all applicable provisions of the City Code.

- A. All recreational vehicle parks and extensions and additions to recreational vehicle parks shall be constructed and maintained in compliance with the following requirements:
  1. A recreational vehicle park shall have a minimum of thirty (30) recreational vehicle spaces.
  2. A recreational vehicle park shall not exceed a density of twenty-five (25) lots per acre of gross site area.
  3. Each lot shall have a minimum of one thousand (1,000) square feet.
  4. Recreational vehicles shall be separated from each other and from all other structures by at least ten (10) feet. For the purposes of such measurement, any accessory to a recreational vehicle, such as an awning or individual storage facility, shall be considered as part of the recreational vehicle.
  5. No recreational vehicle shall be closer than twenty (20) feet to the property line adjoining a public street, nor closer than fifteen (15) feet to any property line on which the abutting property residential or apartment zoning.
  6. Each lot shall provide adequate support and drainage for the placement of the recreational vehicle.
  7. Exposed ground surfaces in all parts of a recreational vehicle park shall be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and elimination of dust.
  8. The ground surface in all parts of a recreational vehicle park shall be graded and equipped to drain all surface water in a safe and efficient manner.