

**ARTICLE I. GENERAL PROVISIONS**

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**20.02.004 Title.**

The ordinance codified in this title shall be known as the "Zoning Ordinance for the City of El Paso, Texas."

**20.02.008 Applicability.**

This title shall apply to the incorporated area of El Paso, Texas.

**20.02.012 Purpose.**

The zoning regulations and districts as established in this title have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the city. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of the land throughout the city.

**20.02.016 Interpretation.**

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this title to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or lot dimensions than are imposed or required by other resolutions, ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this title shall govern.

**ARTICLE II. DEFINITIONS**

**20.02.020 Rules of construction.**

The following general rules of construction shall apply to the regulations of this title:

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.

- C. The word "shall" is always mandatory. The word "may" is permissive.
- D. The word "building" or "structure" includes any part thereof, and the word "structure" includes the word "building."
- E. Words and terms not defined herein shall be interpreted in accord with Merriam-Webster's Collegiate Dictionary, Tenth Edition.

**20.02.022 Generally.**

For the purpose of this title, certain terms and words are defined as set forth in this chapter.

**20.02.024 Abutting.**

"Abutting" when referring to zoning, means having zoning district boundaries in common. When referring to lots or parcels of land, abutting shall mean having lot lines in common. Lots or parcels of land, which touch at corners only, shall not be deemed abutting. "Abut," "adjacent," "adjoining" and "contiguous" shall mean the same as "abutting."

**20.02.026 Access or accessway.**

"Access or accessway" means the public or private street by which pedestrians and vehicles shall have lawful and usable ingress and egress to a property line. Provided, however, that access may be provided through a private easement that is filed of record.

**20.02.028 Accessory building.**

"Accessory building" means a detached subordinate building or other structure, the use of which is clearly incidental to or customarily found in connection with and located on the same lot as the main building or principal use of the land.

**20.02.030 Accessory use.**

"Accessory use" means a use, which is clearly incidental to or customarily found in connection with, and subordinate in area, extent and purpose to the principal use and is located on the same lot as the principal use of the premises.

**20.02.032 Acreage, gross.**

"Gross acreage" means the total area within a parcel of land.

**20.02.034 Administrator.**

"Administrator" means the Director of Development Services of the City of El Paso, Texas, or his designee.

**20.02.036 Adult bookstore.**

"Adult bookstore" means an establishment having a majority of its stock in trade, books, magazines and other periodicals, "peep shows," film strips, video, electronic or digital recordings which are distinguished or characterized by their emphasis on pictorial, photographic, or cinematic representation of "specified sexual activities" or "specified anatomical areas" (as defined in this chapter), or an establishment with a

section or segment devoted to the sale, rental or display of such material, where such section or segment comprises twenty percent or more of such establishment's stock in trade, sales or rentals.

**20.02.038 Adult day care center.**

"Adult day care center" means a facility that provides care for adults for less than twenty-four hours a day.

**20.02.040 Adult foster care home/private care home.**

"Adult foster care home/private care home" means a personal care facility operated in a home, where care is provided for no more than four personal care recipients unrelated to the provider.

**20.02.042 Adult motion picture theater.**

"Adult motion picture theater" means a facility in which material is presented that is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this chapter) for observation by patrons of such establishments, and which presents such materials for at least any one hundred twenty days in any twelve-month period.

**20.02.044 Airpad.**

"Airpad" means a type of passenger terminal used for the storing, landing or takeoff of a small single-engine or light twin-engine aircraft for the purpose of loading or unloading passengers, but does not afford refueling, maintenance, repair or other facilities.

**20.02.046 Airport.**

"Airport" means a type of freight or passenger terminal that is used to accommodate all phases of operation of aircraft, whether private or commercial.

**20.02.048 Alley.**

"Alley" means a dedicated public right of way affording secondary means of access to abutting property and service to the rear or side of property whose principal frontage is on another street.

**20.02.050 Alteration.**

"Alteration" means any construction or renovation to an existing structure other than repair or addition.

**20.02.052 Amusement game complex.**

"Amusement game complex" means a group of more than four amusement game machines in the same place, location or premises.

**20.02.054 Amusement game machine.**

"Amusement game machine" means a coin-operated machine or device which whether mechanical, electrical, electronic, digital or video, shall be ready for play by the

insertion of a coin, metal slug or token, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players, whether playing concurrently or not, demonstrates relative skill or competence or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence, or for any other purpose other than the dispensing or vending of merchandise, music or service exclusively.

**20.02.056 Amusement park.**

"Amusement park" means a commercially operated park with various devices for entertainment and booths for the sale of food and drink.

**20.02.058 Amusement rides (commercial).**

"Amusement rides (commercial)" means a temporary commercial use of land with various rides for entertainment and booths for the sale of food and drink.

**20.02.060 Animal.**

"Animal" means any living animal except human beings and includes (without limiting the generality thereof) mammals, birds, reptiles and fish.

**20.02.062 Animal crematory.**

"Animal crematory" means a structure containing a furnace used or intended to be used for the cremation, or reducing to ashes, of animal remains.

**20.02.064 Animal food manufacturing.**

"Animal food manufacturing" means a facility for the work or processing necessary for the production of animal food.

**20.02.066 Animal kennel.**

See Kennel.

**20.02.068 Animal slaughter and processing.**

"Animal slaughter and processing" means a facility where animals are slaughtered and processed.

**20.02.070 Animals, keeping for enjoyment purposes.**

"Animals, keeping for enjoyment purposes" means animals that are customarily kept for personal use or enjoyment, not raised for commercial purposes.

**20.02.072 Apartment.**

"Apartment" means a part of a building or building complex containing culinary and bathroom facilities, consisting of a room or suite of rooms intended, designed and used as a dwelling unit by an individual or a single family.

**20.02.074 Apartment building (5 or more units).**

"Apartment building (5 or more units)" means a building or part of a building containing five or more attached dwelling units.

**20.02.076 Area of intersection.**

"Area of intersection" means that area bounded by the converging of all congruent right-of-way lines.

**20.02.078 Areas of special control.**

"Areas of special control" means those areas designated in this title as worthy of protection from off premise advertising because of inherent environmental, scenic or significant historical qualities.

**20.02.080 Arterial thoroughfare.**

"Arterial thoroughfare" means a street designed as an interstate, major arterial or minor arterial on the adopted major thoroughfare plan of the city.

**20.02.082 Assisted living facility.**

"Assisted living facility" means an establishment that furnishes food and shelter and provides personal care services to four or more persons who are unrelated to the proprietor of the establishment.

**20.02.084 Athletic facility (indoor).**

See Exercise facility (indoor).

**20.02.086 Athletic facility (outdoor).**

"Athletic facility (outdoor)" means a developed recreation area that may contain a playground as well as fields for competitive sports such as baseball, football, or soccer.

**20.02.088 Atrium house.**

"Atrium house" means an attached single-family dwelling, shaped to surround or partly surround a private covered space called an atrium which is a principal source of natural light for the interior of the house.

**20.02.090 Automobile (sales, service, storage and rental).**

"Automobile (sales, service, storage and rental)" means a facility that sells or leases new or used automobiles, light trucks or other similar motorized transportation vehicles. The facility may maintain an inventory of the vehicles for sale or lease on site and may provide on-site facilities for the repair and service of the vehicles.

**20.02.092 Automobile rental location (satellite).**

"Automobile rental location (satellite)" means an office where customers may contract for rental use, for the pick up and delivery of automobiles and light trucks. There shall be no maintenance of vehicles on this site.

**20.02.094 Automobile and light truck lubrication service.**

"Automobile and light truck lubrication service" means a service that performs lubrication of automobiles and light trucks.

**20.02.096 Automotive service station.**

"Automotive service station" means any place of business with pumps and underground storage tanks, having as its purpose the retail servicing of motor vehicles with fuels or lubricants, including incidental minor repairs and inspections but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of radiator, engine, cylinder heads, crankcase, CV joints, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts, or any body repairing or painting.

**20.02.098 Automobile wrecking yard.**

"Automobile wrecking yard" means a yard consisting of that part of a lot not enclosed by a building, which is used for the wrecking or dismantling of used, damaged or obsolete motor vehicles or trailers or the storage, sale, or dumping of such vehicles or of the salvaged parts therefrom.

**20.02.100 Automotive repair garage.**

"Automotive repair garage" means an area or building which provides for the repair, rebuilding or reconditioning of engines, motor vehicles or trailers, body frame or fender repair, or painting of vehicles.

**20.02.102 Automotive tune-up service.**

"Automotive tune-up service" means a service that does minor engine or motor tune-ups on automobiles or light trucks.

**20.02.104 Auxiliary rail facilities.**

"Auxiliary rail facilities" are accessory to and customarily found in connection with the operation of a railyard. These facilities include a freight station, energy conversion plant, power plant, police station, office, storage facility, fueling station, water station, sanding station, maintenance shop, utility and transmission plant, passenger station, diesel maintenance facility, interlocking tower, railroad repair shop, crew station for temporary lodging of railroad personnel, as well as all equipment and facilities utilized to accomplish the foregoing accessory uses.

**20.02.106 Auxiliary tracks.**

"Auxiliary tracks" are types of tracks commonly found within a railyard that facilitate the movement of cars, locomotives and trains.

**20.02.108 Awning.**

"Awning" means a detachable, roof-like cover, supported from the walls of a building for protection from sun or weather.

**20.02.110 Ballroom.**

See Dancehall.

**20.02.112 Bank.**

See Financial institution.

**20.02.114 Barn.**

"Barn" means a building used for the storage of grain, hay, and other farm products, and/or the sheltering of livestock or farm equipment.

**20.02.116 Basement.**

"Basement" means a space wholly or partly underground, and having more than one-half of its height, measured from its floor to its ceiling, below the average of the four sides of the adjoining grade.

**20.02.118 Base zoning district.**

"Base zoning district" means the underlying zoning district that is affected by an overlay designation.

**20.02.120 Batching plant.**

"Batching plant" means a manufacturing facility for the production of concrete or asphalt.

**20.02.122 Bed and breakfast establishment.**

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

**20.02.124 Bed and breakfast inn.**

"Bed and breakfast inn" means an owner-occupied or manager-occupied residential structure providing nine or more rooms for temporary, overnight lodging, with or without meals, for paying guests.

**20.02.126 Bed and breakfast (residence).**

"Bed and breakfast (residence)" means an owner-occupied or manager-occupied residential structure providing eight or fewer rooms for temporary, overnight lodging, with or without meals, for paying guests.

**20.02.128 Billboard.**

See Sign, billboard.

**20.02.130 Billiard and pool hall.**

"Billiard and pool hall" means a place where three or more billiard or pool tables are provided.

**20.02.132 Block.**

"Block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**20.02.134 Board.**

"Board" means the Zoning Board of Adjustment of the City of El Paso, Texas.

**20.02.136 Boardinghouse (rooming or lodging house).**

"Boardinghouse (rooming or lodging house)" means a dwelling other than a hotel, motel or tourist home, where, for compensation and by prearrangement, meals or lodging and meals, are provided for four or more persons unrelated by blood or marriage to the owner or operator; including residential fraternity and sorority houses.

**20.02.138 Borrow pit (commercial).**

"Borrow pit (commercial)" means a location from which earth is extracted for the commercial purpose of being used as fill at a location outside the pit.

**20.02.140 Borrow pit (related to construction operations).**

"Borrow pit (related to construction operations)" means a temporary location from which earth is extracted for the purpose of being used as fill at a location outside the pit. This use is incidental to construction operations during development being conducted on the same tract or subdivision.

**20.02.142 Bottling works.**

"Bottling works" means a facility used for the bottling of liquids.

**20.02.144 Boutique.**

"Boutique" means a small specialty shop or business.

**20.02.146 Boutique bottling.**

"Boutique bottling" means an establishment that contains a restaurant and a beverage bottling facility. In addition to serving food, this establishment manufactures, bottles, cans, packages, and labels alcoholic and/or nonalcoholic beverages for consumption on or off the premises. The total annual production of beverages may not exceed 155,000 gallons.

**20.02.148 Bread and bakery product manufacturing.**

"Bread and bakery product manufacturing" means a business that produces baked goods primarily for the wholesale market.

**20.02.150 Buildable area.**

"Buildable area" means the portion of a lot or site, excluding required yard areas, setbacks or open space within which a structure may be built.

**20.02.152 Building.**

"Building" means any structure permanently affixed to a lot or lots and having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property of any kind.

**20.02.154 Building coverage (lot coverage).**

"Building coverage (lot coverage)" means the percentage of a lot that can be covered by a structure or structures or any part thereof, excluding roof overhang.

**20.02.156 Building, height of.**

"Building, height of" means the vertical distance measured from the mean elevation of the top of the street curb, within the lot limits, to the highest point of the structure, exclusive of chimneys, ventilators, air conditioners and ducts, elevator equipment, flagpoles, communication antennas, church spires, belfries, water towers, or other similar vertical projections.

**20.02.158 Building official.**

"Building Official" means the Deputy Director of the Building Permits and Inspections Division of the City of El Paso, Texas.

**20.02.160 Building, main.**

"Building, main" means the principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

**20.02.162 Building, principal.**

"Building, principal" means a building on a lot intended for occupancy by the principal use.

**20.02.164 Building site.**

"Building site" means a lot for a building or structure together with all yards and open space.

**20.02.166 Bulletin.**

See Sign, bulletin.

**20.02.168 Bus.**

"Bus" means a motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

**20.02.170 Cafeteria.**

"Cafeteria" means a restaurant where customers serve themselves or are served at a counter.

**20.02.172 Canal.**

"Canal" means an artificial channel for conveyance of water, including laterals.

**20.02.174 Canopy.**

CITY CLERK DEPT.  
07 MAY 10 AM 8:45

"Canopy" means a detachable, roof-like cover, supported from the ground or deck, floor or walls of a building, for protection from sun and weather. Does not include carport.

**20.02.176 Caregiver.**

"Caregiver" means a person whose duties include the supervision, guidance, and protection of a child or children.

**20.02.178 Caretaker, property.**

"Caretaker, property" means one who is employed to maintain, repair and protect a facility or property.

**20.02.180 Carrier.**

"Carrier" means any person, partnership, corporation or organization that undertakes the carrying of freight or persons and offers its transportation services by rail, motor vehicle or aircraft.

**20.02.182 Car wash, full-service.**

"Car wash, full-service" means an establishment where washing, drying, polishing or vacuuming of an automobile is done by an employee or owner of the establishment and/or by machinery; and where the driver remains in the automobile or in a designated waiting area.

**20.02.184 Car wash, self-service.**

"Car wash, self-service" means an establishment where washing, drying, polishing or vacuuming of an automobile is done by the customer; or where the driver remains in the automobile while the washing, drying and polishing are done by machinery; or a combination thereof.

**20.02.186 Cellular telecommunication antenna, facility-mounted.**

See "Personal Wireless Service Facility, facility-mounted"

**20.02.188 Cemetery.**

"Cemetery" means a place for interment of the dead, above or below ground.

**20.02.190 Centerline.**

See Street centerline.

**20.02.192 Child care facility (home or commercial).**

"Child care facility (home or commercial)" means an establishment licensed by the government and subject to government regulations, which provides assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the establishment operates for profit or charges for its services. A child care facility includes the people, administration, governing body, activities on or off the premises, operations, buildings, grounds, equipment, furnishings,

and materials. A child care facility does not include child placing agencies, family homes, or maternity homes.

**20.02.194 Child care facility, Type 3.**

"Child care facility, Type 3" means a type of facility that provides care for from seven (7) to 12 children for up to 24 hours per day. These types of facilities are provided in the caregiver's home, require a special permit from the city council, and include, but are not limited to: residential treatment center, therapeutic foster care facilities and treatment training residences.

**20.02.196 Child care facility, Type 4.**

"Child care facility, Type 4" means a type of facility that provides care for from seven (7) to 12 children for either less than or up to 24 hours per day. These types of facilities are not provided in the caregiver's home, and include, but are not limited to: agency group homes, group day-care homes, residential treatment center, therapeutic foster care facilities and treatment training residences.

**20.02.198 Child care facility, Type 5.**

"Child care facility, Type 5" means a type of facility that provides care for more than 12 children for either less than or up to 24 hours per day. These types of facilities include, but are not limited to: commercial day-care centers, drop-in day-care centers, residential treatment center, therapeutic foster care facilities and treatment training residences.

**20.02.200 Child care facility, Type 6.**

"Child care facility, Type 6" means a facility that is primarily an education facility but also cares for more than 12 children, ages 5 – 13, for less than 24 hours per day. This type of facility includes, but is not limited to: schools (grades K through 9) and nursery schools and kindergartens.

**20.02.202 Child care facility, Type 7.**

"Child care facility, Type 7" means a facility that provides care for more than 12 children for up to 24 hours per day. These types of facilities include, but are not limited to: child care institutions, children's homes, halfway houses, residential treatment camps, emergency shelters, training schools and correctional schools.

**20.02.204 Child care institution.**

"Child care institution" means a child-care facility that provides care for more than 12 children for 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment camps, emergency shelters and training or correctional schools for children.

**20.02.206 Christmas tree stand.**

"Christmas tree stand" means a temporary location from which Christmas trees are sold.

**20.02.208 Church.**

"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building together with its accessory buildings and uses (which may include a columbarium), is maintained and controlled by a religious body organized to sustain public worship.

**20.02.210 Circus.**

"Circus" means the temporary use of land for performances by persons and/or animals under temporary cover or similar structure, with or without other sideshows.

**20.02.212 City Council.**

"City Council" means the City Council of the City of El Paso.

**20.02.214 Clinic.**

"Clinic" means a facility for examining and treating patients with medical conditions on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours.

**20.02.216 Club, private.**

"Club, private" means buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business. The definition includes civic community and noncommercial private clubs, but does not include a church.

**20.02.218 Coliseum.**

See Sports arena.

**20.02.220 Collection facility.**

See "Recycling collection facility, large (>2,000 square feet)" or "Recycling collection facility, small ( $\leq$  2,000 square feet)".

**20.02.222 Collector street.**

"Collector street" means a street designated as a collector on the adopted major thoroughfare plan of the city.

**20.02.224 College or university.**

"College or university" means an institution of higher learning accredited by the state of Texas and offering a course of studies leading to a degree.

**20.02.226 Commercial day care center.**

"Commercial day care center" means a commercial child care facility that cares for children who are less than 14 years of age.

**20.02.228 Commercial equipment repair.**

"Commercial equipment repair" means facilities engaged in the repair and maintenance of commercial, industrial or agricultural machinery and equipment.

**20.02.230 Commercial fueling station.**

"Commercial fueling station" means a facility with unattended gasoline, diesel, or other fuel pumps or dispensers, typically operated by the driver of the vehicle being fueled, with automatic billing through a credit card or debit card system.

**20.02.232 Commercial unit development.**

"Commercial unit development" means a platted lot, zoned for commercial, manufacturing or industrial uses, which is further divided into more than one lot and where all additional lots are provided access to a public or private street through a private easement. The access shall be a parcel of land over which a private easement for road purposes, having a minimum paved width of twenty feet, is granted to all owners of property within the commercial unit development. In each instance the instrument creating such private easement, including the original agreement and any changes thereto resulting from the sale, lease or creation of additional lots, shall be held in perpetuity between all signatories, owners or lessees, to the agreement or their successors in interest, shall run with the land and be unseverable, and shall be duly recorded and filed with the office of the county clerk.

**20.02.234 Commercial vehicle.**

"Commercial vehicle" means every vehicle designed, maintained or used primarily for the transportation of property for commercial purposes.

**20.02.236 Communication utility facility.**

See "Public utility facility"

**20.02.238 Community building.**

"Community building" means a facility to be used as a place of meeting, recreation, cultural or social activity.

**20.02.240 Community recreational facility.**

"Community recreational facility" means open or enclosed facilities such as swimming pools, tennis courts, other playing surfaces, picnic areas, or other recreational areas, including necessary accessory facilities such as bathhouses, sun or rain shelters, storage buildings, and parking areas, for the exclusive use of members of and to be operated and managed by a private organization or a nonprofit neighborhood organization, association or similar type of neighborhood group.

**20.02.242 Composting facility.**

"Composting facility" means a facility where organic matter derived primarily from off-site is processed by composting or by other means for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**20.02.244 Comprehensive plan.**

"Comprehensive plan" means the long range plan for the development of the City of El Paso, Texas, reviewed by the City Plan Commission and adopted by the City Council. The comprehensive plan includes the land use plan, major thoroughfare plan, planning area plans, maps and other documents that have been adopted as a part of the comprehensive plan.

**20.02.246 Computer electronic product assembly.**

"Computer electronic product assembly" means establishments primarily engaged in assembling electronic computers, such as mainframes, personal computers, workstations, laptops, and computer servers; and computer peripheral equipment, such as storage devices, printers, monitors, input/output devices and terminals.

**20.02.248 Computer product manufacturing.**

"Computer product manufacturing" means establishments primarily engaged in manufacturing and/or assembling electronic computers, such as mainframes, personal computers, workstations, laptops, and computer servers; and computer peripheral equipment, such as storage devices, printers, monitors, input/output devices and terminals.

**20.02.250 Concrete or cement mixing plant.**

"Concrete or cement mixing plant" means a temporary use of property for the mixing of concrete. This use is incidental to construction operations during development being conducted on the same tract or subdivision.

**20.02.252 Condominium.**

"Condominium" means a single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

**20.02.254 Congregate home.**

"Congregate home" means a residential facility for elderly or disabled persons in a dwelling where the services provided include but are not limited to the following: living and sleeping facilities, meal preparation, laundry services, room cleaning and transportation. Congregate housing residents shall not be provided personal care or other health-related service.

**20.02.256 Contractor equipment (sales, storage, repair and rental).**

See Heavy equipment (sales, storage, repair and rental).

**20.02.258 Contractor yard, large (> .50 acre).**

"Contractor yard, large (> .50 acre)" means property used to park or store construction materials, vehicles, or equipment used by a building or construction trades contractor. The contractor's business office may be an accessory use to a contractor's yard. 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.

**20.02.260 Contractor yard, small (≤ .50 acre).**

"Contractor yard, small (≤ .50 acre)" means property used to park or store construction materials, vehicles or equipment used by a building or construction trades contractor. The contractor's business office may be an accessory use to a contractor's yard. 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.

**20.02.262 Convalescent, nursing or rest home.**

"Convalescent, nursing or rest home" means a personal care facility that provides nursing and convalescent care under the direction and supervision of licensed medical personnel for four or more unrelated recipients.

**20.02.264 Convenience store.**

"Convenience store" means a store offering for sale foodstuffs and some household supplies whose gross floor area is no greater than 4,000 square feet.

**20.02.266 Convenience store with gas pumps.**

"Convenience store with gas pumps" means a store offering for sale gasoline, foodstuffs and some household supplies whose gross floor area is no greater than 4,000 square feet.

**20.02.268 Convent.**

"Convent" means the dwelling units of a religious order or congregation.

**20.02.270 Convention center.**

"Convention center" means a facility used for service organizations, business and professional conferences, and seminars.

**20.02.272 Copy shop.**

"Copy shop" means a business engaging in the reproduction or photographic impressions through mimeographic, electronic, digital, electrostatic or thermal copy process, whether wet or dry.

**20.02.274 Correctional facility.**

"Correctional facility" means a publicly or privately operated facility housing persons awaiting trial or persons serving a sentence imposed by a court of law.

**20.02.276 Courier and message service.**

"Courier and message service" mean an establishment that provides air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban centers.

**20.02.278 Court.**

"Court" means an open space that may or may not have direct street access and around which is arranged a single building or a group of related buildings.

**20.02.280 Credit union.**

See Financial institution

**20.02.282 Crematorium.**

"Crematorium" means a facility with cremation chambers used for the reduction of the human body to ashes by heat.

**20.02.284 Dairy product processing.**

"Dairy product processing" means a facility for the work or processing necessary for the production of dairy products.

**20.02.286 Dancehall.**

"Dancehall" means any place the principal purpose of which is the furnishing of facilities for dancing.

**20.02.288 Data processing center.**

"Data processing center" means a facility where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing.

**20.02.290 Density.**

"Density" means the number of dwelling units that may be constructed per acre, calculated by dividing the site area by minimum required lot area in the underlying zoning district.

**20.02.292 Detention basin (public/private).**

"Detention basin (public/private)" means a facility for the temporary storage of storm water runoff.

**20.02.294 Development standard.**

"Development standard" means regulations that limit the size, bulk or siting conditions of particular types of buildings or uses located within any designated district.

**20.02.296 Diesel maintenance facility.**

"Diesel maintenance facility" means a facility where locomotives and switch engines are housed, tested, repaired, maintained, inspected, serviced and fueled, as well as all equipment and facilities utilized to accomplish the foregoing activities; also commonly referred to as a roundhouse.

**20.02.298 Director.**

"Director" means the Director of the Development Services Department of the City of El Paso, Texas, or his designee.

**20.02.300 Disabled person.**

"Disabled person" means a person who has a physical or mental impairment, or both, that substantially limits one or more major life activities.

**20.02.302 Domestic garden house, toolhouse, playhouse.**

"Domestic garden house, toolhouse, playhouse" means a detached accessory structure used as a garden house, tool house, playhouse, or other suitable uses otherwise conforming to zoning district requirements.

**20.02.304 Domestic storage.**

See Domestic garden house, toolhouse, playhouse.

**20.02.306 Drug Store.**

See Pharmacy

**20.02.308 Dry cleaning shop ( $\leq 2,500$  square feet).**

"Dry cleaning shop ( $\leq 2,500$  square feet)" means a facility with less than or equal to 2,500 square feet of floor area, maintained for the pickup and delivery of dry cleaning and laundry, where the cleaning and laundering is performed at another site.

**20.02.310 Dry cleaning shop ( $> 2,500$  square feet).**

"Dry cleaning shop ( $> 2,500$  square feet)" means a facility with more than 2,500 square feet of floor area, maintained for the pickup and delivery of dry cleaning and laundry, where the cleaning and laundering is performed at the site.

**20.02.312 Dry-cleaners (commercial).**

"Dry-cleaners (commercial)" means a facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort. Typical uses include, but are not limited to, laundries, diaper services and linen supply services.

**20.02.314 Dude ranch.**

"Dude ranch" means a resort patterned after a Western ranch, featuring camping, horseback riding and other outdoor activities.

**20.02.316 Duplex (two-family dwelling).**

"Duplex (two-family dwelling)" means a building designed or occupied as two dwelling units.

**20.02.318 Dwelling.**

"Dwelling" means a building, structure or portion thereof, designed or used primarily for residential occupancy with culinary and bathroom facilities. A dwelling does not include boats, trailers, motor homes, hotels, motels, motor lodges, boarding or lodging houses.

**20.02.320 Dwelling, attached single-family.**

See Single-family attached dwelling (atrium, patio, townhouse, condominium).

**20.02.322 Dwelling, detached single-family.**

See Single-family detached dwelling.

**20.02.324 Dwelling, multifamily.**

"Multifamily dwelling" means a building, or portion thereof, designed or used for occupancy by three or more families, all living independently of each other in separate dwelling units.

**20.02.326 Dwelling, resident watchman or property caretaker.**

"Dwelling, resident watchman or property caretaker" means a residence located on a premises with a principal use and occupied by a caretaker or guard employed on the premises.

**20.02.328 Dwelling, single-family.**

"Dwelling, single family" means a building designed for or occupied exclusively by one family.

**20.02.330 Dwelling, two-family (duplex).**

"Dwelling, two-family (duplex)" means a building designed for or occupied exclusively by two families living independently of each other.

**20.02.332 Dwelling unit.**

"Dwelling unit" means a room or group of rooms occupied or designed to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone, and having its own permanently installed cooking and sanitary facilities.

**20.02.334 Easement, private.**

"Easement, private" means a right-of-use over property of another granted but not dedicated to the city, for the limited use of private land where general use and maintenance of such easement is governed by an agreement which runs with the land and is recorded with the office of the county clerk. A private easement may include certain improved portions of private land which are intended for the general use, enjoyment, convenience and benefit of all signatories, owners or lessees, and their permittees, including but not limited to, parking areas and spaces, roadways (including roads or lateral access drives), driveways, entrances to dedicated public or private streets, sidewalks, landscaped areas, and truck loading or delivery areas.

**20.02.336 Electronic product manufacturing or assembly.**

"Electronic product manufacturing or assembly" means a facility where electronic devices and systems are manufactured and/or assembled.

**20.02.338 Engineering Department.**

"Engineering Department" means the Engineering Department of the City of El Paso, Texas.

**20.02.340 Establishment.**

"Establishment" means a place of business, including the possessions and employees.

**20.02.342 Executive Secretary of the City Plan Commission.**

"Executive Secretary of the City Plan Commission" means an individual who is selected in accordance with the CPC bylaws and is responsible for the maintenance of all records and research activities undertaken by the commission.

**20.02.344 Exercise facility (indoor).**

"Exercise facility (indoor)" means a facility where members use equipment or space for the purpose of physical exercise, physical training or team sports.

**20.02.346 Exhibition hall.**

See Convention center.

**20.02.348 Explosives storage.**

"Explosives storage" means a facility where legally approved explosives are stored as mandated by and in conformance with all applicable law.

**20.02.350 Extermination service.**

"Extermination service" means a business with the primary purpose of the eradication or control of rodents, insects, or other pests with incidental storage of pesticides on site.

**20.02.352 Fabricated metal product manufacturing.**

"Fabricated metal product manufacturing" means a facility that transforms metal into intermediate or end products through forging, stamping, bending, forming, and machining, such processes used to shape individual pieces of metal; and other processes, such as welding and assembling, used to join separate parts together.

**20.02.354 Facility-mount.**

See Personal Wireless Service Facility, facility-mounted

**20.02.356 Facility-structure.**

"Facility-structure" means a functioning light standard, recreational facility light pole, flag pole or other approved structure.

**20.02.358 Fairground.**

"Fairground" means an open space of land where fairs, exhibitions, or other public events are held.

**20.02.360 Family.**

"Family" means any individual or group of persons related by blood, adoption or marriage, or not more than five unrelated persons living as a single housekeeping unit or home.

**20.02.362 Farm.**

"Farm" means an area that is used for the production of farm crops, such as vegetables, fruit trees, cotton, dairy products, grain or similar crops and their storage, and the

CITY CLERK DEPT.  
07 MAY 10 AM 8:46

raising of farm animals. Farming does not include the commercial raising of animals or feed yards.

**20.02.364 Farmer's market.**

"Farmer's market" means the offering for sale of primarily fresh agricultural or food products directly to the consumer at an open-air market.

**20.02.366 Feed dealer.**

"Feed dealer" means a facility engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

**20.02.368 Feed yard.**

"Feed yard" means a lot, yard, corral or other area in which livestock are confined, primarily for the commercial purposes of feeding and growth prior to slaughter. The term does not include areas that are used for raising crops or other vegetation or upon which livestock are allowed to graze.

**20.02.370 Fence.**

"Fence" means a physical barrier of any type of construction used as a boundary or means of protection.

**20.02.372 Firewood sales.**

"Firewood sales" means a location from which firewood is sold.

**20.02.374 Flea market (swap meet).**

"Flea market (swap meet)" means a commercial activity, conducted by multiple retail operators, which is open to the general public and composed of semi-enclosed or outdoor stalls, rooms, stands or spaces used for the purpose of display and sale, exchange or barter of merchandise. Does not include shopping centers, individual retail operations or sales conducted by a nonprofit or charitable organization.

**20.02.376 Flea market, indoor.**

"Flea market, indoor" means a flea market that is located within an enclosed building or buildings, which shall also be subject to the provisions of Section 20.10.430 of this Title.

**20.02.378 Flea market, outdoor.**

"Flea market, outdoor" means a flea market that is located partially or totally within an unenclosed parcel of land, which shall be subject to the provisions of Section 20.10.430 of this Title.

**20.02.380 Floor area.**

"Floor area" means

- A. For non-residential buildings or buildings containing mixed uses: the sum of the gross horizontal areas of the floors of a building measured from the exterior

faces of the exterior walls or from the centerline of walls separating two buildings.

- B. For residential buildings: the sum of the gross horizontal areas of the floors of a dwelling, exclusive of garages, atriums, stairwells, open porches and unoccupied basements, cellars, and attics, measured from the exterior faces of the exterior walls.

**20.02.382 Floor area, gross.**

"Floor area, gross" means the sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings, but not including unoccupied attics, basements, cellars, stairwells or atriums (above ground level), and exclusive of areas open and unobstructed to the sky.

**20.02.384 Floor area, gross leasable.**

"Floor area, gross leasable" means that area utilized for sales, service and warehousing purposes, and excluding public restrooms, enclosed trash storage areas, equipment room areas, and parking areas.

**20.02.386 Floor area ratio.**

"Floor area ratio" means the numerical value obtained by dividing the gross floor area of a building or buildings on any lot by the area of the lot.

**20.02.388 Food manufacturing, other.**

"Food manufacturing, other" means a facility not otherwise defined as an animal food manufacturing facility, beverage product manufacturing facility, bread and bakery product manufacturing facility, brewery, dairy product processing facility, seafood product preparation facility, or a sugar and confectionary product manufacturing facility.

**20.02.390 Food storage locker.**

"Food storage locker" means a food locker plant renting only individual lockers for home customer storage of food, and/or sale at retail, delivery of individual home orders and the cutting and packaging of meats or game, but not including slaughtering or eviscerating thereof.

**20.02.392 Freeway.**

"Freeway" means all U.S. interstate highways and other roadways designated as freeways in the Master Thoroughfare Plan.

**20.02.394 Freight.**

"Freight" includes goods, merchandise, substances, materials and commodities of any kind that may be transported or transferred from one place to another by air, rail or motor-carrier.

**20.02.396 Freight terminal.**

"Freight terminal" means a facility or location where the principal use is the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement or transfer of freight, as well as all equipment and facilities utilized to accomplish the foregoing activities. For purposes of this definition, a railroad right-of-way shall not be considered to be a freight terminal.

**20.02.398 Frontage.**

"Frontage" means

- A. Street frontage: all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or, if the street is dead-ended, then all the property abutting on one side between an intersecting street and dead-end of the street;
- B. Lot frontage: the distance for which the front boundary line of the lot and the street line are coincident.

**20.02.400 Funeral home.**

"Funeral home" means a facility for the arrangement of funerals and the preparation of the dead for burial or cremation.

**20.02.402 Gambling casino.**

"Gambling casino" means a facility where legal gambling is conducted.

**20.02.404 Game court (non-commercial).**

"Game court (non-commercial)" means a marked playing area for playing games such as tennis and basketball intended for the exclusive use of the residents and their private guests.

**20.02.406 Garage, automotive repair.**

See Automotive repair garage.

**20.02.408 Garage, community.**

"Garage, community" means an area that provides for parking and refueling of passenger cars only; does not include automotive repair garage.

**20.02.410 Garage, parking.**

"Garage, parking" means a building or portion thereof designed or used for the temporary storage of motor-driven vehicles, with or without the retail dispensing, sale or offering for sale of motor fuels, lubricants and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles; does not include automotive repair garage or any outside storage.

**20.02.412 Garage, private.**

"Garage, private" means a detached accessory building or a portion of a main building on the same lot as a dwelling for the storage of private motor vehicles, boats or trailers of the occupants of the dwellings; includes carport.

**20.02.414 Garage sale.**

"Garage sale" means the selling of used articles on the premises of a single or two family dwelling.

**20.02.416 Governmental use, building.**

"Governmental use, building" means a building or structure owned, operated, or occupied by a governmental agency.

**20.02.418 Grade.**

"Grade" means the slope of any surface specified in percentage terms.

**20.02.420 Grain and oil seed milling.**

"Grain and oil seed milling" means facilities engaged in flour milling and malt manufacturing; starch and vegetable fats and oil manufacturing; and breakfast cereal manufacturing.

**20.02.422 Greenhouse (industrial scale).**

"Greenhouse (industrial scale)" means a structure partially or wholly enclosed used for the cultivation or protection of plants for commercial production.

**20.02.424 Grocery.**

"Grocery" means a store offering for sale foodstuffs and some household supplies, where the gross floor area is greater than 4,000 but less than or equal to 12,000 square feet.

**20.02.426 Group home.**

"Group home" is an Intermediate Care Facility for Persons with Mental Retardation (ICF-MR) that provides Medicaid-funded residential services to individuals with mental retardation or a related condition. These group homes are licensed and certified by the Texas Department of Aging and Disability Services.

**20.02.428 Guest and/or employee quarters.**

"Guest and/or employee quarters" means living quarters within a detached accessory building located on the same premises with the principal building, for use by employees or guests of the occupants of the premises; such quarters having no separate utility meters, and not rented or otherwise used as a separate dwelling.

**20.02.430 Harvesting crops.**

"Harvesting crops" means the act or process of gathering in a crop.

**20.02.432 Heavy equipment.**

"Heavy equipment" means all motor-driven equipment with a manufacturer's rated carrying capacity exceeding two tons, not otherwise herein defined.

**20.02.434 Heavy equipment (sales, storage, repair and rental).**

CITY CLERK DEPT.  
07 MAY 10 AM 8:46

"Heavy equipment (sales, storage, repair and rental)" means a facility where heavy equipment is sold, stored, repaired or rented.

**20.02.436 Heavy truck.**

"Heavy truck" means every truck with a manufacturer's rated carrying capacity exceeding two tons.

**20.02.438 Heavy truck (sales, storage, repair and rental).**

"Heavy truck (sales, storage, repair and rental)" means a facility for the display, sale, storage, service, repair, or rental of heavy trucks.

**20.02.440 Hedge.**

"Hedge" means a natural shrubbery planted in a compact line serving as a fence, wall or boundary.

**20.02.442 Heliport.**

"Heliport" means a type of passenger terminal that is used to accommodate all phases of operation of helicopters, either at ground level or elevated on a structure.

**20.02.444 Helistop.**

"Helistop" means a type of passenger terminal used, either at ground level or elevated on a structure, for the storing, landing and takeoff of a single helicopter for the purpose of loading and unloading passengers, but does not afford refueling, maintenance, repair or other facilities.

**20.02.446 Historic landmark.**

"Historic landmark" means a building, structure, site district, area or land of architectural, historical, archaeological or cultural importance or value, which the city council determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and general welfare of the people.

**20.02.448 Historic Landmark Commission (HLC).**

"Historic Landmark Commission" means the Historic Landmark Commission of the City of El Paso, Texas.

**20.02.450 Home child care facility.**

"Home child care facility" means a facility which at any time provides care for no more than a total of twelve children who are less than fourteen years of age, of which the caretaker's own children shall also be counted in the total number allowed.

**20.02.452 Home improvement center.**

"Home improvement center" means a facility for the sale of home, lawn, and garden supplies, brick, lumber, and other similar building materials.

**20.02.454 Home occupation.**

CITY CLERK DEPT.  
07 MAY 10 AM 8:46

"Home occupation" means a permitted occupation carried on primarily within a home where such use is clearly incidental and secondary to the principal use of the property as a dwelling, and meeting the additional requirements of Section 20.10.270.

**20.02.456 Hospital.**

"Hospital" means an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

**20.02.458 Hotel, motel.**

"Hotel, motel" means a building in which lodging or boarding and lodging are provided for persons, primarily transient, and offered to the public for compensation and in which room assignments are made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contrast to a boarding, rooming or lodging house, or multiple-family dwelling, which are herein separately defined. A hotel or motel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms.

**20.02.460 Household goods repair.**

"Household goods repair" means a facility for the repair of household and home equipment, including appliances, lawnmowers, power tools, and similar items.

**20.02.462 Household product manufacturing.**

"Household product manufacturing" means an establishment engaged in the production of household products.

**20.02.464 HUD-code manufactured home (manufactured home).**

"HUD-code manufactured home (manufactured home)" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

**20.02.466 HUD-code manufactured home park (manufactured home park).**

"HUD-code manufactured home park (manufactured home park)" means a parcel of ground, not a part of a manufactured home subdivision, providing sites for the parking or location of one or more occupied manufactured homes, travel trailers, recreation vehicles and similar units.

**20.02.468 Indoor entertainment and recreational uses.**

"Indoor entertainment and recreational uses" means an establishment or place of business primarily engaged in the provision of entertainment or recreation for participants or spectators. Permitted uses include meeting halls, bingo parlors, motion picture theaters, bowling alleys, billiard halls, dance studios, skating rinks, indoor tennis and racquetball courts, and health and physical fitness studios.

**20.02.470 Industrialized home.**

"Industrialized home" means a residential structure:

- A. Designed for the occupancy of one or more families;
- B. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site;
- C. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system; and
- D. Outfitted with plumbing, heating, air conditioning, and electrical systems.

"Industrialized home" does not mean:

- A. A residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;
- B. Housing constructed of a sectional or panelized system that does not use a modular component; or
- C. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

**20.02.472 Institution, educational.**

"Institution, educational" means a school offering graded academic or vocational instruction meeting the requirements of state compulsory education laws, or a college or university giving general instruction equivalent to the standards prescribed by local and state public educational authorities. May be public or private. Does not include trade schools, dance schools, karate schools, riding academies, nursery schools and similar commercial operations.

**20.02.474 Institution, philanthropic.**

"Institution, philanthropic" means a nonprofit institution existing for the sole purpose of promoting the welfare of mankind by works of charity, including orphanages, homes for unwed mothers, and similar institutions of this general nature. Does not include secret societies, fraternal organizations, social or private clubs, which may be incidentally engaged in charitable or philanthropic work.

**20.02.476 Interchange.**

"Interchange" means the intersection of two public rights-of-way not on the same grade (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

**20.02.478 Interlocking tower.**

"Interlocking tower" means the building, equipment or facilities used in the operation of the arrangement of signals and signal appliances for the movement of rail locomotives and rolling stock.

**20.02.480 Intermediate care facility.**

See Group home.

**20.02.482 Intermodal facility.**

"Intermodal facility" means a freight terminal where freight is moved by two or more different modes of transport within the same facility.

**20.02.484 Intersection.**

"Intersection" means the junction of any two public rights-of-way crossing at grade.

**20.02.486 Junk motor vehicle.**

"Junk motor vehicle" means any motor vehicle without current registration (license) or safety inspection sticker and/or unable to travel on public streets or highways legally under its own power.

**20.02.488 Kennel.**

"Kennel" means any premises on which animals are kept or housed for conducting the business of buying, selling, breeding, grooming, training or boarding of animals for compensation. The adoption of animals may be permitted as a part of a kennel operation. However, for the purpose of setbacks and other specific restrictions, a retail pet shop shall not be classified as a kennel.

**20.02.490 Kitchen.**

"Kitchen" means any room or facility designed to be used or maintained for the cooking or preparation of food.

**20.02.492 Landmark.**

"Landmark" means all buildings, structures or sites so identified by a national, state or local historic register, or located within any national, state or local historic district.

**20.02.494 Landscape planting area.**

"Landscape planting area" means an area that is devoted and maintained to the growing of grass and other plant material or by the use of organic or inorganic mulch.

**20.02.496 Laundromat (≤5,000 square feet).**

"Laundromat (≤5,000 square feet)" means a building or part thereof with less than or equal to 5,000 square feet where customer's clothes or other household articles are washed and dried in self-service machines, and may also be ironed but no dry cleaning services are offered.

**20.02.498 Laundromat (>5,000 square feet).**

"Laundromat (>5,000 square feet)" means a building or part thereof with more than 5,000 square feet where customer's clothes or other household articles are washed and dried in self-service machines, and may also be ironed but no delivery service is offered.

**20.02.500 Laundry.**

"Laundry" means a building or part thereof, other than a laundromat, where clothes and other articles are washed, dried and ironed.

**20.02.502 Laundry (commercial).**

"Laundry (commercial)" means a facility engaged in the business of providing laundry services for institutions, businesses or other such establishments.

**20.02.504 Legal description.**

"Legal description" means a description of a parcel of land indicating the lot or tract number, block number, and name of officially approved subdivision which has been recorded with the county clerk; or a metes and bounds description of a parcel of land and amount of land included, certified as a complete and proper legal description by an architect, or a professional engineer with a civil engineering degree, or a surveyor.

**20.02.506 Light truck.**

"Light truck" means every truck or van with a manufacturer's rated carrying capacity not to exceed two tons.

**20.02.508 Light truck (sales, service, storage and rental).**

See Automobile (sales, service, storage and rental).

**20.02.510 Liquified petroleum gas (storage and dispensing).**

"Liquified petroleum gas (storage and dispensing)" means a facility or person that engages in activities where liquified petroleum gas is stored and/or sold for which a license is required from the Railroad commission or Texas in accordance with state law.

**20.02.512 Livestock auction.**

"Livestock auction" means a facility where livestock are received and sold to buyers on an auction basis.

**20.02.514 Livestock grazing.**

See Pasturage (small or large animals).

**20.02.516 Live-work flex unit.**

"Live-work flex unit" means a building with one or more dwelling units and one principal commercial use that is owned and/or operated by one of the residents.

**20.02.518 Loading berth.**

"Loading berth" means a space within a building or on the premises providing for the standing, loading or unloading, and together with apron space for maneuvering of vehicles, trucks and semi-tractor trailers.

**20.02.520 Loading space.**

"Loading space" means an off-street space on the same lot with a principal building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading.

**20.02.522 Loading spaces (serving another property).**

"Loading spaces (serving another property)" means loading spaces on property that is located on a separate site from the property requiring the loading spaces.

**20.02.524 Lodge.**

"Lodge" means a facility used as the meeting place of a fraternal organization.

**20.02.526 Lodging house.**

See Boardinghouse.

**20.02.528 Lot.**

"Lot" means a parcel of land having frontage upon an accessway and shown either on a plat of record or described by metes and bounds; provided, however, that access may be provided through a private easement.

**20.02.530 Lot, corner.**

"Lot, corner" means a lot located at the intersection of two or more streets.

**20.02.532 Lot depth.**

"Lot depth" means the distance between the front and rear lot lines, measured as follows:

- A. Where the lot lines are straight, from the midpoints thereof;
- B. Where the lot line curves in or out, from the midpoint of the arc between the side property lines;
- C. Where there is no rear lot line, the lot depth shall be the length of a straight line connecting the bisecting point of the front lot line and the intersection of the two sidelines.

**20.02.534 Lot, double frontage.**

"Lot, double frontage" means any lot having frontage on two streets which are nonintersecting or which intersect at an angle of less than or equal to seventy degrees with reference to the lot, as distinguished from a corner lot.

**20.02.536 Lot, interior.**

"Lot, interior" means any lot having frontage on one street only.

**20.02.538 Lot, panhandle.**

"Lot, panhandle" means a lot with frontage and access provided by way of a narrow projection of the lot to the street.

**20.02.540 Lot, triple frontage.**

"Lot, triple frontage" means a corner lot having frontage on three streets.

**20.02.542 Lot of record.**

"Lot of record" means a lot that is a part of a subdivision or plat that has been recorded in the real property records of the County Clerk, or a lot described by metes and bounds, the description of which has been recorded in the real property records of the County Clerk.

**20.02.544 Lot width, average.**

"Lot width, average" means the lot area divided by the lot depth.

**20.02.546 Machinery manufacturing.**

"Machinery manufacturing" means a facility where heavy equipment is manufactured, produced or assembled.

**20.02.548 Main track.**

"Main track" means a track, other than an auxiliary track, within railroad right-of-way which extends through railyards and between stations, upon which trains are operated by timetable or track warrant, or both, or the use of which is governed by a signal system.

**20.02.550 Major utility facility.**

See "Public utility facility"

**20.02.552 Manufactured home (single-family dwelling).**

See HUD-code manufactured home.

**20.02.554 Manufacturer's rated carrying capacity.**

"Manufacturer's rated carrying capacity" means the nominal or commonly used carrying capacity in tons assigned by the manufacturer to a truck or piece of equipment, as distinguished from the actual load carrying capacity.

**20.02.556 Manufactured home (sales, display and repair).**

"Manufactured home (sales display and repair)" means a facility for the sales, display and repair of manufactured housing.

**20.02.558 Marquee.**

"Marquee" means a canopy-type or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

**20.02.560 Massage establishment.**

"Massage establishment" means a place of business that advertises massage therapy or offers massage therapy as a service. "Massage therapy" means the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage and includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. The terms "massage," "therapeutic massage," "massage technology," "myotherapy," "body massage," "body rub," or any derivation of those terms are synonyms for "massage therapy."

**20.02.562 Master Zoning Plan**

"Master Zoning Plan" means the conceptual site plan and narrative proposal submitted with an application for a mixed-use zoning district (RMU, GMU or IMU), that, if approved by City Council, sets out the zoning regulations for the mixed-use district. The Master Zoning Plan must show the proposed uses, lot sizes, setbacks, height of buildings and design standards for the entire development.

**20.02.564 Mausoleum.**

"Mausoleum" means a structure for the entombment of the dead above ground.

**20.02.566 Medical lab.**

"Medical lab" means a facility equipped for medical testing and analysis.

**20.02.568 Medical treatment facility.**

See Clinic.

**20.02.570 Miniature golf course.**

"Miniature golf course" means a theme-oriented recreational facility where the principal activity is golf played on a miniature course, and which may provide auxiliary uses such as food service and amusement game machines.

**20.02.572 Minor utility facility.**

See "Public utility facility"

**20.02.574 Mobile home.**

"Mobile home" is defined by the Texas Manufactured Housing Standards Act as a structure constructed before 1976 and regulated by the Texas Department of Housing and Community Affairs.

**20.02.576 Mobile home park.**

See HUD-code manufactured home park.

**20.02.578 Mobile home (sales, display and repair).**

See Manufactured home (sales, display and repair).

**20.02.580 Mobile home space.**

"Mobile home space" means a lot or site within an approved mobile home park designed for the accommodation of a mobile home unit.

**20.02.582 Mobile office/storage unit (related to construction operations).**

"Mobile office/storage unit (related to construction operations)" means a temporary mobile or relocatable office or storage unit located on a site incidental to construction operations during development being conducted on the same tract or subdivision, and which is removed upon completion of construction .

**20.02.584 Mobile office/storage unit (related to sales or rental).**

"Mobile office/storage unit (related to sales or rental)" means a temporary mobile or relocatable office unit for use as sales or rental office for an approved real estate development or subdivision.

**20.02.586 Mobile service unit.**

"Mobile service unit" means a self-contained and self-powered vehicle that is equipped to operate as an extension of a licensed fixed base automobile and light truck lubrication business or as a mobile refueling station, in zoning districts where the fixed base business equivalent is a permitted use. All mobile service units must obtain an operator permit from the city. Mobile service units are additionally subject to all City Code provisions including development standards in Section 20.10.365 and other applicable federal, state or local regulations.

**20.02.588 Mobile recycling unit.**

"Mobile recycling unit" means an automobile, truck, trailer, van or other commercial vehicle, which is used for the collection of recyclable material. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable material.

**20.02.590 Model dwelling.**

"Model dwelling" means a completed unoccupied housing unit located in a subdivision and used for the sole purpose of displaying and selling similar units within the same subdivision and used for this purpose only until the units within said area are sold.

**20.02.592 Mortuary.**

See Funeral home.

**20.02.594 Motel.**

See Hotel.

**20.02.596 Motor-carrier.**

"Motor-carrier" means a carrier engaged in transporting, by motor vehicles on public/private streets and highways, freight or passengers through local, intrastate or interstate transportation.

**20.02.598 Motor-carrier terminal.**

“Motor-carrier terminal” means an area and buildings where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo for transshipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

**20.02.600 Motorcycle.**

“Motorcycle” means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

**20.02.602 Motor vehicle.**

"Motor vehicle" means every vehicle that is self-propelled.

**20.02.604 Motor vehicle repair, major.**

“Motor vehicle repair, major” means an area or building which may provide services of minor automotive repair, automotive tune-up or lubrication service; and allows the repair, rebuilding or reconditioning of engines, motor vehicles and trailers; including painting of vehicles.

**20.02.606 Motor vehicle repair, minor.**

“Motor vehicle repair, minor” means an area or building that may provide the services of minor automotive repair, tune-up or lubrication service and/or an automotive service station and may include the following activities:

- A. Wheel alignments and mounting
- B. Tire sales, service, mounting and balancing
- C. Maintenance on brake system
- D. Emergency road service
- E. Inspections

**20.02.608 Motor vehicle storage yard.**

“Motor vehicle storage yard” means an area located on the property of a “Motor vehicle repair, major” facility that has a storage area for temporary storage of motor vehicles that are inoperative and waiting for parts or unsafe to operate. This area is in addition to the parking spaces required for customers and employees.

**20.02.610 Motor vehicle wrecking yard.**

See Automobile wrecking yard.

**20.02.612 Moving and storage facility.**

"Moving and storage facility" means a facility that provides specialized local or long-distance trucking of household, institutional, or commercial furniture and equipment. Incidental packing and storage activities are often provided.

**20.02.614 Music store.**

CITY CLERK DEPT.

07 MAY 10 AM 8:46

"Music store" means an establishment that engages in retailing prerecorded audio and video tapes, compact discs (CDs), digital video discs (DVDs), phonograph records, musical instruments, sheet music, and related supplies.

**20.02.616 Neighborhood fair, carnival.**

"Neighborhood fair, carnival" means the temporary use of land with various rides for entertainment and booths for the sale of food and drink.

**20.02.618 Nonconforming lot.**

"Nonconforming lot" means an otherwise legally platted lot that does not conform to the minimum area or dimensional requirements of this Title for the zoning district in which it is located either at the effective date of the ordinance codified herein or as a result of subsequent amendments to such ordinance.

**20.02.620 Nonconforming structure.**

"Nonconforming structure" means an otherwise legal building or structure that does not conform with the lot area, yard, height, fence or screening wall, lot coverage, or other area regulations of this Title, for the zoning district in which it is located, either at the effective date of the ordinance codified herein or as a result of subsequent amendments to such ordinance.

**20.02.622 Nonconforming use.**

"Nonconforming use" means the otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Title for the zoning district in which it is located, either at the effective date of the ordinance codified herein or as a result of subsequent amendments to such ordinance.

**20.02.624 Nonionizing electromagnetic radiation (NIER) report.**

"Nonionizing electromagnetic radiation (NIER) report" means a technical report containing information about the amount of electromagnetic radiation emissions generated by radio broadcast or telecommunication antenna installation. The report shall be in a format acceptable to the Federal Communications Commission (FCC) and shall include:

- A. Name and address of the owner of the transmitter and antenna;
- B. Location of the antenna, including address, geographic coordinates and height above the ground;
- C. Manufacturer, type and model of antenna and antenna radiation patterns, to the extent they are available;
- D. Frequency and output of transmitter and direction of transmission;
- E. Power input to antenna;
- F. Type of modulation and class of service.

**20.02.626 Nonmetallic mineral product manufacturing.**

"Nonmetallic mineral product manufacturing" means a facility that transforms mined or quarried nonmetallic minerals, such as sand, gravel, stone, clay, and refractory

CITY CLERK DEPT.

07 MAY 10 AM 8:46

materials, into products for intermediate or final consumption. Processes used include grinding, mixing, cutting, shaping, and honing.

**20.02.628 Nude live entertainment club.**

"Nude live entertainment club" means any establishment that offers nude live entertainment. "Nude live entertainment" means live human dancers, models, actors, actresses, players, waitresses or waiters exposing "specified anatomical areas," as that term is defined in this code, to the view of patrons.

**20.02.630 Nursing home.**

See Convalescent home.

**20.02.632 Nursery, greenhouse.**

"Nursery, greenhouse" means a facility for the storage of live trees, shrubs, or plants offered for retail sale on the premises.

**20.02.634 Nursery (industrial-scale).**

"Nursery (industrial-scale)" means a wholesale business whose principal activity is the growing and selling of plants.

**20.02.636 Office, administrative and manager's.**

See Office, business.

**20.02.638 Office, business.**

"Office, business" means a facility or portion of a building in which the administrative activities, record keeping, clerical work and other similar affairs of a business, professional service, industry, or government are conducted. A business office shall include a psychologist's or psychiatrist's office.

**20.02.640 Office, medical.**

"Office, medical" means a facility or portion of a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities; includes physician's and other medical offices. For a psychologist's or psychiatrist's office, see "Office, business."

**20.02.642 Office, professional.**

See Office, business.

**20.02.644 Office warehouse.**

"Office warehouse" means a facility that has the combined uses of office/showroom and warehouse for the primary purpose of retail and wholesale trade, display, and distribution of products.

**20.02.646 Open pit mining.**

"Open pit mining" is essentially the same as strip mining, except that open pit mining is typically deeper with less horizontal area than strip mining.

**20.02.648 Open space.**

"Open space" means an area that is intended to provide light and air and is designed for either scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, desert areas, foothills, walkways, active and passive recreation areas, playgrounds, fountains, river banks, swimming pools, wooded areas and water courses. Open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel, or storage.

**20.02.650 Open space, common.**

"Open space, common" means private land in a subdivision in which the owners have an undivided interest and which is specifically developed for common recreational areas, or designated for the general use and enjoyment of the occupants of the development.

**20.02.652 Open space, private.**

"Open space, private" means the part of a lot owned by a person or entity in a planned mountain development specifically designated as open area to remain undisturbed in its natural state.

**20.02.654 Open space, public.**

"Open space, public" means the land dedicated to and accepted by the City of El Paso that is specifically designated as open area to remain undisturbed in its natural state.

**20.02.656 Operator, flea market.**

"Operator, flea market" means the property owner or his agent/representative who engages in the business of a flea market by renting, leasing or otherwise securing spaces, stalls, rooms or stands from which merchandise may be sold, offered or exhibited for sale by vendors.

**20.02.658 Optical dispensary.**

"Optical dispensary" means a facility that retails prescription or nonprescription eyeglasses and contact lenses. This category also includes establishments that provide customer fitting or lens grinding in addition to eyeglasses.

**20.02.660 Orphanage, shelter.**

"Orphanage, shelter" means an institution for the care of orphans.

**20.02.662 Other retail establishment (high-volume).**

"Other retail establishment (high-volume)" means establishments engaged in high volume selling of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of a retail trade establishment are:

- A. The establishment is usually a place of business and is engaged in activity to attract the general public to buy.
- B. The establishment buys, receives and sells merchandise.

- C. The establishment may process some of the products, but such processing is incidental or subordinate to the selling activities.
- D. The establishment sells to customers for their own personal or household use. This definition does not include other uses that are specifically listed in this Title.

**20.02.664 Other retail establishment (low-volume).**

"Other retail establishment (low-volume)" means establishments engaged in low volume selling of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of retail trade establishments are:

- A. The establishment is usually a place of business and is engaged in activity to attract the general public to buy.
- B. The establishment buys, receives and sells merchandise.
- C. The establishment may process some of the products, but such processing is incidental or subordinate to the selling activities.
- D. The establishment sells to customers for their own personal or household use. This definition does not include other uses that are specifically listed in this Title.

**20.02.666 Other wholesale establishment (high-volume).**

"Other wholesale establishment (high-volume)" means establishments engaged in high volume selling of merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers. This definition does not include other uses that are specifically listed in this Title.

**20.02.668 Other wholesale establishment (low-volume).**

"Other wholesale establishment (low-volume)" means establishments engaged in low volume selling of merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers. This definition does not include other uses that are specifically listed in this Title.

**20.02.670 Package liquor store.**

"Package liquor store" means a store that sells bottled or canned alcoholic beverages for consumption off the premises.

**20.02.672 Paint ball center (indoor).**

"Paint ball center (indoor)" means a facility used for the discharging of paint ball guns, and which is completely enclosed within a building or structure.

**20.02.674 Paint ball center (outdoor).**

"Paint ball center (outdoor)" means land used for the discharging of paint ball guns.

**20.02.676 Parking lot.**

"Parking lot" means an area, not including a street or alley right-of-way, containing one or more parking spaces for motor vehicles, designed in accordance with the requirements of Chapter 20.14, and intended as an accommodation for patrons, customers, and employees, either with or without a charge for such accommodation.

**20.02.678 Parking reduction.**

"Parking reduction" means the reduction of the amount of off-street parking required for a specific use or use category, as approved by City Council.

**20.02.680 Parking space, off-street.**

"Parking space, off-street" means an area, not including a street or alley right-of-way, permanently reserved for the temporary storage of one motor vehicle, meeting all of the requirements of Chapter 20.14.

**20.02.682 Parking spaces (serving another property).**

"Parking spaces (serving another property)" means parking spaces on property which is located on a separate site from the property requiring the off-street parking spaces.

**20.02.684 Parkway.**

"Parkway" means that area of street right-of-way between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

**20.02.686 Passenger car.**

"Passenger car" means every vehicle, except motorcycles, designed for carrying ten passengers or less and used for the transportation of persons.

**20.02.688 Passenger station.**

"Passenger station" means a type of passenger terminal that receives and discharges passengers by rail.

**20.02.690 Passenger terminal.**

"Passenger terminal" means a facility or location where the principal use is the handling, receiving and transfer of passenger traffic, and may include as an accessory use the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement or transfer of freight, as well as all equipment and facilities utilized to accomplish the foregoing activities. For purposes of this definition, a facility that handles the transport of passengers, by any vehicle type, for any public, private or parochial school shall not be considered to be a passenger terminal.

**20.02.692 Passive solar energy system.**

"Passive solar energy system" means any space or structural components that are specifically designed to retain heat derived from solar energy, including ponds for evaporative cooling, and any moving parts that increase heat retention by the system.

**20.02.694 Pasturage (small or large animals).**

"Pasturage (small or large animals)" means land used for grazing.

**20.02.696 Patio house.**

"Patio house" means a single-family dwelling, attached or semidetached, which together with an enclosed private court or patio may occupy up to one hundred percent of a subdivided lot or assigned land area. The courtyard or patio of such a house serves as the principal open space for the occupants and a major source of natural light for the interior of the house.

**20.02.698 Performing arts center.**

"Performing arts center" means a structure or structures, used for dramatic, operatic, or other performance as the principal use of the space, although incidental use for private meetings, exhibits and presentations shall be permitted. Such establishments may include related services such as food and beverage sales and other concessions.

**20.02.700 Performance standard.**

"Performance standard" means regulations that allow uses based on specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of uses of land or structures.

**20.02.702 Person.**

"Person" means any individual, partnership, corporation or other entity of any kind authorized to transact business in the state.

**20.02.704 Personal care facility (residential or commercial).**

"Personal care facility (residential or commercial)" means a facility which is not a family home, where room, board and personal care services are furnished for twenty-four hours a day to any personal care recipient who is unable to provide for his own personal needs without such assistance, whether or not the facility charges for the services it provides.

**20.02.706 Personal care services.**

"Personal care services" means services of a protective nature that are in excess of room and board. These services include, but are not limited to

- A. assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;
- B. the administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or
- C. general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

**20.02.708 Personal goods repair.**

"Personal goods repair" means a facility engaged in the repair of watches, jewelry, musical instruments, bicycles or similar items.

**20.02.710 Personal Wireless Service Facility**

"Personal Wireless Service Facility (PWSF)" is an umbrella term encompassing a broad range of wireless communications technologies that transmit information, primarily cellular telephones (which use analog technology) and the newer personal communication services (PCS, which use digital technology). For both cellular and PCS facilities, there are three types of hardware to be considered: the antennas themselves, the mounting structures upon which the antennas are placed, and the equipment shelters in which the controls for the antennas are located.

- A. "Ground-mounted PWSF" means an antenna that is mounted on a free-standing support structure, such as a monopole or tower.
- B. "Roof-mounted PWSF" means an antenna that is mounted on a structure that is located on the roof of a building.
- C. "Facility-mounted PWSF" means an antenna that is mounted on a functioning light pole or other structure whose primary purpose is and will continue to be a use other than as an antenna support structure.

**20.02.712 Petroleum products manufacturing.**

"Petroleum products manufacturing" means a facility for the work or processing necessary for the production of petroleum products.

**20.02.714 Pharmacy.**

"Pharmacy" means a place where drugs and medicines are prepared and dispensed.

**20.02.716 Phasing plan.**

"Phasing plan" means a general proposal for development of property containing the proposed sequence of development, open space, the layout of land uses, density expressed in units per acre, a circulation plan, and any similar information determined necessary for the review of the proposed development.

**20.02.718 Photo finishing lab.**

"Photo finishing lab" means a business where the primary function is to develop and print photographic film.

**20.02.720 Plan Commission.**

"Plan Commission" means the City Plan Commission of El Paso, Texas.

**20.02.722 Planned development.**

"Planned development" means a development on property which is planned and built to achieve a cohesive relationship between uses and facilities; which has been platted in accordance with this Code; and which has received approval from city council.

**20.02.724 Planned residential development.**

"Planned residential development" means a residential development within which are permitted a diversity of dwelling types and uses, observing the design requirements of the zoning district and requiring approval of the city council before the start of development.

**20.02.726 Poultry hatchery.**

"Poultry hatchery" means a facility used for hatching, rearing or keeping of poultry for either egg or meat production.

**20.02.728 Precision equipment repair.**

"Precision equipment repair" means establishments primarily engaged in repairing and maintaining electronic and precision equipment, such as medical diagnostic imaging equipment, measuring and surveying instruments, laboratory instruments, and radar and sonar equipment.

**20.02.730 Primary metal manufacturing.**

"Primary metal manufacturing" means a facility that smelts and/or refines ferrous and nonferrous metals from ore, pig iron or scrap, using electrometallurgical and other metallurgical techniques. These facilities also manufacture metal alloys and superalloys by introducing other chemical elements to pure metals.

**20.02.732 Primary system.**

"Primary system" means that portion of connected main highways located within the state which now or hereafter may be designated officially by the State Highway and Public Transportation Commission.

**20.02.734 Principal use.**

"Principal use" means a use that is the predominant activity or operation of the facility, building or premises.

**20.02.736 Produce stand.**

"Produce stand" means a facility used primarily for the sale of fruits, vegetables and other farm products, not to include meat and dairy products.

**20.02.738 Provider.**

"Provider" means a person residing or working in a personal care facility, whose duties include, but are not limited to, direct care, supervision and guidance of personal care recipients.

**20.02.740 Premises.**

"Premises" means a lot, together with all buildings and structures thereon.

**20.02.742 Processing facility, heavy.**

"Processing facility, heavy" means any processing facility other than a light processing facility.

**20.02.744 Processing facility, light.**

"Processing facility, light" means a facility with less than forty-five thousand square feet of gross collection, processing and storage area. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separate recyclable material and repairing of reusable material. A light

processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.

**20.02.746 Property line.**

"Property line" means the official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or recorded subdivision plat filed in the records and maps of the county clerk.

**20.02.748 Public building.**

"Public building" means a building, or part thereof, owned and occupied and used by an agency or political subdivision of the United States of America, the state of Texas, El Paso County or the City of El Paso, Texas.

**20.02.750 Public entryway.**

"Public entryway" means street frontage or building entries open to the public, but shall not include loading docks, delivery entries, curb cuts or required exits to buildings.

**20.02.752 Public utility.**

"Public utility" means a closely regulated enterprise existing under the provisions of Chapter 402 of the Texas Local Government Code or of Title 32, Chapter 10 of the Texas Revised Civil Statutes, which provides to the public a utility service deemed necessary for the public health, safety, and general welfare. For purposes of this section, a municipality owning or operating a public utility system or an entity with a franchise with the municipality to provide a public utility system shall be considered a public utility.

**20.02.754 Public utility facility.**

"Public utility facility" means the buildings, structures and facilities relating to the furnishing of public utility services to the public. Public utility facilities shall be categorized as follows:

- A. Minor utility facilities. Minor utility facilities shall include facilities which are necessary to support principal development including, but not limited to, lines, poles, pipes, drains, conduits, wires, meters, valves, hydrants, cross-connection control devices, transformers, gauges and other similar facilities which serve to distribute and transmit electrical power, gas, water and other essential public utilities; bus shelters, terminals and other similar facilities necessary for mass transportation service; bridges, catch basins, channels, culverts, detention ponds, ditches, flumes, pipes and other similar facilities which serve to carry, store, divert or collect storm drainage from land; and which minor utility facilities are customarily placed within a public right-of-way or public easement.
- B. Water and wastewater utility facilities. Water and wastewater utility facilities shall include facilities providing service, maintenance or repair of essential public utilities to one or more developments including, but not limited to, wells, pumping stations, boosters, reservoirs, repeaters, water storage tanks, lift

- stations, regulators and other similar facilities; and which are not a minor or major utility facility.
- C. Communication utility facilities. Communication utility facilities are not minor or major utility facilities and shall include facilities that provide for the transmission, transfer and distribution of telephone service and related activities. Facilities include, but shall not be limited to, communications exchanges, mini-huts, maxi-huts and other similar facilities.
- D. Major utility facilities. Major utility facilities shall include facilities which are used primarily for the storage, treatment, distribution or collection of an essential public utility service including, but not limited to, facilities for generation of energy, water and wastewater treatment plants, storage yards, switching facilities, primary substations and similar facilities.

**20.02.756 Public utility service.**

"Public utility service" means a service essential to the health, safety and general welfare of the public, such as the generation, transmission and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; the collection, storage or diversion of surface waters from land; and the provision of mass transportation.

**20.02.758 Pumpkin patch.**

"Pumpkin patch" means a temporary location from which pumpkins are sold.

**20.02.760 Quadraplex.**

"Quadraplex" means a building designed or occupied as four dwelling units.

**20.02.762 Quarry.**

"Quarry" means an open pit from which building stone, sand, gravel, mineral or fill is taken to be processed for commercial purposes.

**20.02.764 Racetrack, auto or truck.**

See Stadium.

**20.02.766 Racetrack, motorcycle.**

See Stadium.

**20.02.768 Racquetball club, indoor (with/without restaurant and bar).**

"Racquetball club, indoor (with/without restaurant and bar)" means a commercial or noncommercial establishment that provides facilities for playing racquetball.

**20.02.770 Racquetball club, outdoor (with/without restaurant and bar).**

"Racquetball club, outdoor (with/without restaurant and bar)" means a commercial or noncommercial establishment that provides facilities for playing racquetball.

**20.02.772 Radio transmitting and receiving facility.**

CITY CLERK DEPT.

07 MAY 10 AM 8:47

"Radio transmitting and receiving facility" means a site containing radio transmitting and receiving apparatus and appurtenant equipment and including unipole or dipole antennas, array antennas or microwave parabolic (dish) antennas which radiate, and may receive, audio, video, digital or encoded radio frequency signals from station-to-station or on a broadcast basis. Such facilities shall include, but shall not be limited to, commercial AM or FM radio station transmitter sites, commercial television station transmitter sites, telephone cellular stations and mobile type radio communication fixed transmitter sites. The antennas may be wall, roof or tower mounted. This definition shall not apply to federally licensed amateur radio stations complying with the Federal Communications Commission (FCC) regulations.

**20.02.774 Railroad repair shop.**

"Railroad repair shop" is a repair facility consisting of tracks and shop buildings for the purpose of repairing, inspecting, testing, painting, maintaining, servicing and storing cars, engines, trucks, locomotives, switch engines, rolling stock and equipment as well as all equipment and facilities utilized to accomplish the foregoing activities.

**20.02.776 Railroad right-of-way (R.O.W.).**

"Railroad right-of-way (R.O.W.)" is a roadway not exceeding two hundred feet in width occupied by a main track or other trackage including, but not limited to, land as may be reasonably needed for the purpose of cuttings and embankments necessary for the proper construction and security of its tracks, and any and all rights and appurtenances authorized by state or federal law.

**20.02.778 Railroad spur track.**

"Railroad spur track" is a track which facilitates service by a carrier to one or more warehousing, manufacturing or industrial enterprises, for the purpose of receiving materials needed for the operation of that enterprise and the loading or unloading of freight onto trailers, containers or railcars.

**20.02.780 Railyard.**

"Railyard" is an area of land, a portion of which is covered by a system of tracks that provide for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a railyard include, but are not limited to, the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing or transferring of cars, trains, engines, locomotives and rolling stock.

**20.02.782 Raising (small or large animals).**

"Raising (small or large animals)" means the use of land for the raising of animals for agricultural or commercial purposes.

**20.02.784 Raising crops.**

"Raising crops" means the use of land for the raising of crops for agricultural or commercial purposes.

**20.02.786 Ranchette (>1 acre and <5 acres).**

"Ranchette" means a single dwelling unit occupied by a non-farming household on a parcel greater than one acre but less than five acres that has been subdivided from agricultural land.

**20.02.788 Raw material processing.**

"Raw material processing" means the processing of extracted materials from a site, as related to a quarry operation.

**20.02.790 Recreation vehicle.**

"Recreation vehicle" means a vehicle that is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Self-propelled or permanently towable by motor vehicle or light duty truck;
- D. Designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- E. Required by Texas law to have a valid vehicle registration when traveling upon public streets.

"Recreational vehicle" shall not include a manufactured home.

**20.02.792 Recreation vehicle park.**

"Recreation vehicle park" means a unified development on a tract of land under common ownership designed primarily for transient service, on which recreational vehicles of the general public are parked or situated.

**20.02.794 Recyclable material.**

"Recyclable material" means reusable material including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous waste, unless such refuse or hazardous waste is mandated to be recycled under federal, state or local law. Recyclable material may include used motor oil collected and transported in accordance with federal, state and local laws.

**20.02.796 Recycling facility.**

"Recycling facility" means a center for the collection and/or processing of recyclable material. A recycling facility does not include storage containers or processing facilities located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include collection facilities and processing facilities.

**20.02.798 Recycling collection facility, large (>2,000 square feet).**

"Recycling collection facility, large (>2,000 square feet)" means a center with more than 2,000 square feet of recycling area for the collection or processing of recyclable materials including glass, paper, plastic, cans, motor oil, chemicals, household

appliances, tires, automobiles, automobile parts, or other source-separated nonputrescible materials.

**20.02.800 Recycling collection facility, small ( $\leq 2,000$  square feet).**

"Recycling collection facility, small ( $\leq 2,000$  square feet)" means a center with 2,000 square feet or less of recycling area for the collection or processing of recyclable materials including glass, paper, plastic, cans or other source-separated nonputrescible materials, but excluding motor oil, chemicals, household appliances, tires, automobiles, automobile parts, and putrescible materials.

**20.02.802 Recycling collection facility, temporary.**

"Recycling collection facility, temporary" means a temporary facility designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products. This facility can be mobile.

**20.02.804 Regulations.**

"Regulations" means the whole body of regulations, text, charts, tables, diagrams, maps, notations, references and symbols, contained or referred to in the El Paso City Code.

**20.02.806 Research laboratory.**

"Research laboratory" means a facility where administrative, engineering, scientific research, design, or experimentation, including research on electronic components, optical equipment, etc., is conducted with minimal noxious impacts.

**20.02.808 Resource recovery plant.**

"Resource recovery plant" means a facility for the processing of municipal solid waste or wastewater treatment byproducts into energy or other useful products.

**20.02.810 Restaurant, drive-in.**

"Restaurant, drive-in" means a restaurant that may or may not provide seating inside and its principal character is to provide parking spaces for motor vehicles and to provide service to patrons who remain in the motor vehicles.

**20.02.812 Rest home.**

See Convalescent, nursing or rest home.

**20.02.814 Retail shipping center.**

"Retail shipping center" means a type of freight terminal where the principal activity is shipping, mailing and drop-off services, and may include as an accessory use the retailing of products associated with product shipping and mailing.

**20.02.816 Reverse vending machine.**

"Reverse vending machine" is an automated mechanical device which accepts and mechanically processes at least one or more types of materials including, but not

limited to, aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip or other form of benefit; and the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, multiple grouping of reverse vending machines may be necessary.

**20.02.818 Riding academy.**

"Riding academy" means an establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be rented for riding.

**20.02.820 Rooming house.**

See Boardinghouse.

**20.02.822 Sales stands (ranch and farm products).**

"Sales stands (ranch and farm products)" means the temporary use of land for the sale of agricultural produce or merchandise produced by the owner or the owner's family on their farm.

**20.02.824 Salvage yard (scrap materials).**

"Salvage yard (scrap materials)" means a facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment and appliances.

**20.02.826 Sand and gravel pit.**

"Sand and gravel pit" means a type of open pit mine, or strip mine, from which sand and gravel are removed.

**20.02.828 Sand or gravel, extraction of.**

"Sand or gravel, extraction of" means the separation and removal of sand or gravel from a quarry for commercial or other purposes.

**20.02.830 Sanitarium.**

"Sanitarium" means a facility where two or more sick, injured or infirm persons are regularly housed, and are provided therapy, treatment or rehabilitation, with no surgical care provided.

**20.02.832 Sanitary landfill.**

"Sanitary landfill" means a publicly or privately owned area of land used for the disposal of solid waste in accordance with applicable statutes, ordinances, standards, rules or orders pertaining to the disposal of solid waste where the landfill is located.

**20.02.834 Sauna, exercise room.**

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"Sauna, exercise room" means a building or portion of a building used for providing a steam bath or heated bathing room using steam or hot air.

**20.02.836 Scenic area.**

"Scenic area" means any area of particular scenic beauty or historical significance as determined by the United States of America, the state, or the city, including any interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty.

**20.02.838 Scenic corridor.**

"Scenic corridor" means an area of land generally adjacent to and visible from a roadway that requires protective measures to ensure perpetuation of its scenic qualities.

**20.02.840 School.**

"School" means any public, private or parochial institution that offers a course of instruction for any grades from kindergarten through the twelfth grade.

**20.02.842 School, arts and crafts.**

"School, arts and crafts" means a facility for instruction in arts and crafts.

**20.02.844 School, trade, business or vocational.**

"School, trade, business or vocational" means a facility where training is provided in a particular trade, craft or skill.

**20.02.846 Screening.**

"Screening" means a hedge, earth berm, wall or fence constructed in accordance with the requirements of the ordinance codified herein to provide a visual separator or physical barrier.

**20.02.848 Seafood product preparation and processing.**

"Seafood product preparation and processing" means a facility primarily engaged in canning seafood (including soup); smoking, salting, and drying seafood; eviscerating fresh fish by removing heads, fins, scales, bones, and entrails; shucking and packing fresh shellfish; processing marine fats and oils; and freezing seafood.

**20.02.850 Seat.**

"Seat" means a seating space at least eighteen inches wide and suitable for human occupancy.

**20.02.852 Secondary mobile home unit.**

"Secondary mobile home unit" shall mean a "mobile home" that is located on the same lot, tract or parcel of land as a single-family detached dwelling, when permitted by special permit in the R-F zoning district.

**20.02.854 Self storage warehouse.**

"Self storage warehouse" means a building or group of buildings divided into separate compartments which are rented to meet temporary storage needs; and may include refrigerated facilities. May also include the storage of vehicles, recreational vehicles and boats.

**20.02.856 Setback line.**

"Setback line" means the distance between a structure and the nearest lot line.

**20.02.858 Shooting range, archery or gun (indoor).**

"Shooting range, archery or gun (indoor)" means a facility used for archery and/or the discharging of firearms, and which is completely enclosed within a building or structure.

**20.02.860 Shooting range, archery or gun (outdoor).**

"Shooting range, archery or gun (outdoor)" means land used for archery and/or the discharging of firearms.

**20.02.862 Shopping center.**

"Shopping center" means a group of retail stores and service establishments with accessory uses such as parking, all designed as a unit to function effectively together.

**20.02.864 Shopping center, community.**

"Shopping center, community" means a moderate-sized shopping center generally utilizing a site of eight to thirty acres, with leading tenants being a variety store or small department store and serving several neighborhoods generally having an overall population of thirty-five thousand persons or greater.

**20.02.866 Shopping center, convenience.**

"Shopping center, convenience" means a small shopping center on one to four acres of land and designed to serve a small area, or part of a neighborhood, with convenience goods.

**20.02.868 Shopping center, neighborhood.**

"Shopping center, neighborhood" means a small to moderate shopping center, generally utilizing a site of four to eight acres, with leading tenants being a supermarket and/or drugstore, and serving a neighborhood generally having a population of four thousand persons or greater.

**20.02.870 Shopping center, regional.**

"Shopping center, regional" means a large shopping center, generally utilizing a building of 400,000 square feet or more, having as leading tenants one or more large anchor stores and serving several community areas.

**20.02.872 Shrub.**

"Shrub" means a woody plant, deciduous or evergreen, generally multi-stemmed with small branches near the ground, and smaller growing than a tree.

**20.02.874 Sign.**

"Sign" means any outdoor display surface, structure, search light, banner, pennant, inflatable balloon, active motion inflatable or other device visible to vehicular or pedestrian traffic on a public right-of-way and used to direct attention to any business, product, commodity, entertainment or service, whether by means of words, letters, numerals, trademarks, pictures, designs, objects or by any other means.

**20.02.876 Sign, active motion inflatable.**

See Sign, temporary inflatable sign.

**20.02.878 Sign, add-ons.**

"Sign, add-ons" means a design embellishment that extends outside the sign area on a bulletin size billboard.

**20.02.880 Sign, adopt-a-median.**

"Sign, adopt-a-median" means a freestanding sign located in the median of a street right-of-way identifying the entity or organization that is responsible for maintaining the median where the sign is located.

**20.02.882 Sign area.**

"Sign area" means the entire area of a sign on which copy could be placed within a continuous perimeter composed of a geometric configuration which encloses the extreme limits of the advertising, excluding the sign pole(s), base(s) or other support(s). Where a sign has two or more faces, the area of all faces shall be considered in determining the sign area, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel or the faces are in a V configuration and the interior angle between the faces does not exceed forty-five degrees. Where a sign consists only of individual components (letters, numerals, symbols or other similar components), which are painted on or attached flat against the wall of a building, are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the area of the square, rectangle or other straight line geometric configuration which circumscribes the entire message.

**20.02.884 Sign, auxiliary.**

"Sign, auxiliary" means a sign with no advertising, except for the name or logo of the business, that pertains to the safe and efficient movement of pedestrians and vehicular traffic into and out of a building or premises and that has a directional purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "emergency entrance," and other similar directives.

**20.02.886 Sign, awning.**

"Sign, awning" means a wall sign suspended from, mounted on or otherwise supported by an awning (a wall mounted, frame structure with flexible, reinforced fabric covering).

**20.02.888 Sign, banner.**

See Sign, temporary banner.

**20.02.890 Sign, billboard.**

“Sign, billboard” means a sign, including sign faces, structure, support poles, attached ladders, attached catwalks, and appurtenant lighting systems, displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located, or primarily manufactured, or sold on the premises on which the sign is located unless the sales of the specific brand of product or service being advertised is not more than one percent (1%) of all sales made on the premises.

**20.02.892 Sign, building marker.**

“Sign, building marker” means a sign indicating the name of a building, date of construction, or other incidental information about its construction and/or history.

**20.02.894 Sign, bulletin.**

"Sign, bulletin" means a billboard with a sign face area greater than three hundred seventy-eight square feet, but no greater than six hundred seventy-two square feet.

**20.02.896 Sign, canopy.**

“Sign, canopy” means a wall sign suspended from, mounted on or otherwise supported by a canopy, arcade or portal.

**20.02.898 Sign, city pride sign.**

“Sign, city pride sign” means a sign located along a public street at the El Paso International Airport terminal or along a state-controlled interstate highway, freeway/expressway, super arterial, or major arterial right-of-way that displays civic organization display information signs.

**20.02.900 Sign, construction site.**

See Sign, temporary construction.

**20.02.902 Sign cut-outs.**

“Sign cut-outs” mean the following:

- A. The area of sign face extension available to complete the artwork on a billboard.
- B. The portion of the sign structure area of a monument sign that is completely open or void.

**20.02.904 Sign, directory.**

“Sign, directory” means a wall or monument sign that provides a listing of names of the tenants and space numbers for a multi-tenant building, lot or park.

**20.02.906 Sign, educational.**

"Sign, educational" means a sign containing information or symbols about regulatory violations, hazardous activities, or other educational messages.