CITY CLERK DEPT.
07MAY 10 AM 8:47

20.02.908 Sign, externally illuminated.
"Sign, externally illuminated" means the illumination of a surface of a sign from an external source of light intentionally directed upon the sign.

20.02.910 Sign height.
"Sign height" means the following:

A. For freestanding signs, the vertical measurement between the highest part of the sign, excluding all billboard add-ons, and the ground level upon which the sign is located;

B. For wall and all other signs, the vertical measurement of the sign area.

20.02.912 Sign, home occupation.
"Sign, home occupation" means a wall sign indicating only the name, address or business, in any combination, of a code-compliant home occupation operated by the occupant at that residence.

20.02.914 Sign, indirectly illuminated.
See Sign, externally illuminated.

20.02.916 Sign, internally illuminated.
"Sign, internally illuminated" means the illumination of an electric sign with a source of light entirely enclosed within the sign.

20.02.918 Sign, junior.
"Junior" means a billboard with a sign face area not greater than seventy-two square feet.

20.02.920 Sign, marquee.
"Sign, marquee" means a wall or projecting sign suspended from, mounted on or otherwise supported by a marquee (theater canopy).

20.02.922 Sign, monument.
"Sign, monument" means a sign that is supported from the ground by a three-dimensional masonry, wood, or metal support structure having a minimum width of at least thirty-three percent (33%) of the sign structure width and that is not attached to a building and is not a pole sign.

20.02.924 Sign, multi-tenant.
"Sign, multi-tenant" means a sign displaying three or more businesses, each with a separate certificate of occupancy, located on the same lot or premises.

20.02.926 Sign, non-commercial message.
"Sign, non-commercial message" means a sign with a message that is intended to display an individual's or entity's personal opinion or belief, and that does not direct attention to any business, product, commodity, entertainment or service.

CITY CLERK DEPT.
07MAY 10 AM 8:47

20.02.928 Sign, non-conforming.
"Sign, non-conforming" means a sign legally erected prior to enactment or amendment of this Code and maintained in compliance with city codes that does not conform to the current provisions of the sign code or other applicable city ordinances.

20.02.930 Sign, off premise.
"Sign, off-premise" 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 1% of the all sales made on the premises.

20.02.932 Sign, off premise historic wall sign.
"Sign, off premise historic wall sign" means a sign that exists or once existed on the façade of a building with an historic designation.

20.02.934 Sign, off premise temporary parkway.
"Sign, off premise temporary parkway" means a temporary off-premise sign located on the parkway portion of public right-of-way.

20.02.936 Sign, off premise temporary special event directional.
"Sign, off premise temporary special event directional" means a temporary off premise sign advertising and providing direction to a properly authorized special event that is open to the public.

20.02.938 Sign, off premise temporary subdivision directional.
"Sign, off premise temporary subdivision directional" means a temporary off premise sign located on private, unimproved property with the permission of the owner of the property that directs vehicular and pedestrian traffic toward a developing subdivision.

20.02.940 Sign, on premise.
"Sign, on premise" means a sign advertising a business, person, activity, good, product or service located on the premises where the sign is installed and maintained.

20.02.942 Sign, pole.
"Sign, pole" means a freestanding sign that is supported from the ground by an exposed pole(s) (structural column or round steel pipe) or a three-dimensional support structure having a minimum width less than fifty percent (50%) of the sign structure width and that is not attached to a building.

20.02.944 Sign, portable.
See Sign, temporary portable.

20.02.946 Sign, poster.

CITY CLERK DEPT.
07 MAY 10 AM 8:47

"Sign, poster" means a billboard with a sign face area greater than seventy-two square feet but not greater than three hundred square feet.

20.02.948 Sign, real estate.
See Sign, temporary real estate.

20.02.950 Sign, roof.
"Sign, roof" means a sign that is mounted on a roof or projects above the highest point of the roof line, parapet, or fascia of a building. A sign mounted on a mansard roof is a wall sign, not a roof sign.

20.02.952 Sign, secondary advertising.
"Secondary advertising sign" means an on-premise sign placed on private property, which is not the primary sign intended for advertising and only provides directional information of particular goods and services to the public.

20.02.954 Sign, shingle.
"Sign, shingle" means a wall sign that projects from the face of a building and is suspended from a metal structure, awning, canopy or marquee.

20.02.956 Sign, structure area.
"Sign, structure area" means for monument signs, the entire area of the sign structure computed by multiplying the sign height by the sign structure width.

20.02.958 Sign, structure support width.
"Sign, structure support width" means for freestanding signs, the width of the three-dimensional support structure(s) that extends from the top of the sign structure to the ground.

20.02.960 Sign, subdivision identification sign.
"Sign, subdivision identification sign" means a monument or wall sign located at a main entrance of a subdivision that identifies the name of the subdivision.

20.02.962 Sign, temporary.
"Sign, temporary" means a sign or advertising display intended to be displayed for a limited period of time only, constructed of cloth, canvas, light fabric, cardboard, wallboard, wood, or other light materials, that is not permanently affixed to a building or structure on a site or is not mounted on a permanent foundation.

20.02.964 Sign, temporary inflatable.
"Sign, temporary inflatable" means a gas-filled balloon, greater than two cubic feet in volume, used in a temporary manner to promote grand openings, reopening, new management, sales events, civic events or other such promotions. Inflatable games used for entertainment purposes, such as but not limited to jumping dragons, shall not be subject to the sign regulations of this title unless any portion of the inflatable game

CITY CLERK DEPT.
07 MAY 10 AM 8:47

contains words, letters, numerals, trademarks, pictures, designs, or objects which attract attention to a business, product, commodity or service.

20.02.966 Sign, temporary active motion inflatable.
"Sign, temporary active motion inflatable" means a temporary type of inflatable sign utilizing wind baffles and fabric combined with vortex of air created by a mechanical air system to allow the inflatable to dance and move, and which does not contain any words, numerals, trademarks, pictures, designs, or objects.

20.02.968 Sign, temporary banner.
"Sign, temporary banner" means a temporary sign composed of lightweight fabric or similar material that is secured and maintained in a safe condition at all times without rips, tears or other holes. National, state or municipal flags or other official flags of any institution or business shall not be considered banners.

20.02.970 Sign, temporary construction.
"Sign, temporary construction" means a temporary sign located on a construction site and advertising the owner, occupant, contractor, architect, engineer, financial institution, real estate company or similar entities involved with the construction at that site.

20.02.972 Sign, temporary inflatable.
"Sign, temporary inflatable" means a temporary gas-filled balloon, greater than two cubic feet in volume, used in a temporary manner to promote grand openings, reopening, new management sales events, civic events or other such promotions. Inflatable games used for entertainment purposes shall not be subject to the sign regulations of this title unless any portion of the inflatable game contains words, letters, numerals, trademarks, pictures, designs, or objects that attract attention to a business, product, commodity or service.

20.02.974 Sign, temporary portable.
"Sign, temporary portable" means a temporary sign intended to be displayed for a limited period of time that is not permanently affixed to a building or structure on a site or is not mounted on a permanent foundation.

20.02.976 Sign, temporary real estate.
"Sign, temporary real estate" means a temporary sign placed upon a premises advertising that property for sale, rent or lease. The sign may display the identification of a real estate agent or broker or of the owner of the property.

20.02.978 Sign, temporary real estate banner.
"Sign, temporary real estate banner" means a temporary sign composed of lightweight fabric or similar material that is secured and maintained in a safe condition at all times without rips, tears or other holes and that is placed upon a premises advertising that property for sale, rent or lease. The sign may display the identification of a real estate agency, broker or owner of the property.

CITY CLERK DEPT.
07MAY 10 AM 8:47

20.02.980 Sign, temporary seasonal display.
"Sign, temporary seasonal display" means a temporary display constructed of banner or sign materials that are mounted on light standards, containing no advertising message and displaying a design, graphic or other pictorial appropriate to the season.

20.02.982 Sign, temporary special event.
"Sign, temporary special event" means a temporary sign advertising a properly authorized special event and located at the site of the event.

20.02.984 Sign, temporary subdivision.
"Sign, temporary subdivision" means a real estate sign identifying a subdivision where the sign is located.

20.02.986 Sign, wall.
"Sign, wall" means a sign permanently affixed to any wall or vertical portion of a building not extending beyond the elevation of the building.

20.02.988 Single-family attached dwelling (atrium, patio, townhouse, condominium).
See Atrium house, Patio house, Townhouse, Condominium.

20.02.990 Single-family detached dwelling.
"Single-family detached dwelling" means a dwelling unit for one family that is not attached to any other dwelling unit.

20.02.992 Site development plan, detailed (DSD).
"Site development plan, detailed (DSD)" means a site plan showing the boundaries of the tract proposed for development; location and arrangement, size, use and architectural design of all structures; utility rights-of-way and easements; storm water drainage; vehicular and pedestrian way; on-site parking areas; open spaces; landscape planted areas; size and design of exterior signs.

20.02.994 Site plan, generalized.
"Site plan, generalized" means a site plan showing general features or concept of a development.

20.02.996 Skateboarding facility (indoor).
"Skateboarding facility (indoor)" means an enclosed facility used for skateboarding purposes.

20.02.998 Skateboarding facility (outdoor).
"Skateboarding facility (outdoor)" means an outdoor facility designed for skateboarding purposes.

20.02.1000 Slope.

CITY CLERK DEPT.
07MAY 10 AM 8:47

"Slope" means the degree of rise or descent of a parcel of land in relation to a horizontal plane.

20.02.1002 Slope, percent average.
"Slope, percent average" means the percent average slope calculated for property within the planned mountain development district, and within the boundaries of a subdivision plat, which is determined using the following equation:
S = .0023 IL/A
S = Percent average slope
I = Contour interval in feet
L = Contour length in feet
A = Parcel area in acres

20.02.1004 Social, fraternal club.
See Lodge.

20.02.1006 Solar conversion system.
"Solar conversion system" means a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

20.02.1008 Solar energy.
"Solar energy" means radiant energy, either direct, diffused, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy.

20.02.1010 Solar energy collector.
"Solar energy collector" means a device, structure, or part of a device or structure that is used primarily to transform solar energy into thermal, chemical, or electrical energy. It includes any space or structural component specifically designed to retain heat derived from solar energy, any mechanism that converts wind energy into electrical energy, and any photosynthetic process specially maintained to produce photosynthetic products.

20.02.1012 Solar energy conversion system.
"Solar energy conversion system" means a complete design or assembly consisting of a solar energy collector, an energy storage facility when used, and components for the distribution of transformed energy to the extent that they cannot be used jointly with a conventional energy system. Passive solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural or recreational.

20.02.1014 Specialty shop.
"Specialty shop" means retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry

CITY CLERK DEPT.
07MAY 10 AM 8:47

stores, bookstores, shoe stores, stationery stores, antique stores, and similar establishments.

20.02.1016 Special exception.
"Special exception" means a use listed as such in the ordinance codified herein and which may be permitted in a specified district, under certain conditions, to be determined in each case by the terms of the ordinance codified herein and by the Zoning Board of Adjustment after public hearing in accordance with the procedures specified by Title 2 of the El Paso City Code and applicable state law.

20.02.1018 Special permit use.
"Special permit use" means a use, listed in Chapter 20.08 (Permissible Uses) of this Title, which may be permitted in a specified district under certain conditions, to be determined in each case by the terms of the ordinance codified herein and by the City Council of the City of El Paso after public hearing and report by the City Plan Commission in accordance with the procedures specified in Chapter 20.04 (Administrative Provisions) of this Title.

20.02.1020 Specified anatomical areas.
"Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the areola.

20.02.1022 Specified sexual activities.
"Specified sexual activities" means:

A. Human genitals in a state of actual or simulated sexual stimulation or arousal;
B. Acts of human masturbation, sexual intercourse or sodomy;
C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
D. "Sexual intercourse," "sexual contact" or "deviate sexual intercourse" as defined in Section 21.01, Texas Penal Code.

20.02.1024 Sports arena (multipurpose).
"Sports arena (multipurpose)" means a facility, which is completely enclosed within a building or structure, for indoor exhibitions, conventions, or spectator events.

20.02.1026 Stable (including breeding).
"Stable (including breeding)" means a structure and/or land use where horses are kept for sale or hire to the public.

20.02.1028 Stacking.
"Stacking" means the placing of one sign above another at the same location.

20.02.1030 Stadium.
"Stadium" means a facility for outdoor exhibitions and spectator events.

CITY CLERK DEPT.
07MAY 10 AM 8:47

20.02.1032 Storm water retention pond (public/private).
"Storm water retention pond (public/private)" means a pond, pool, or basin used for the permanent storage of water runoff.

20.02.1034 Story.
"Story" means that portion of a building included between the surface of a floor and the surface of the floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

20.02.1036 Story, half.
"Story, half" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior sides are not more than two feet above the floor of such story.

20.02.1038 Street centerline.
"Street centerline" means the midline of the width of the street.

20.02.1040 Street line.
"Street line" means the line between a lot, tract or parcel of land and a contiguous street.

20.02.1042 Street, private.
"Street, private" means a privately owned accessway within an approved planned development for which the private owners assume full responsibility for maintenance and control and which has not been dedicated to the use of the public.

20.02.1044 Street, public.
"Street, public" means an accessway dedicated to the use of the public which has been accepted for maintenance and control by the city, county or state.

20.02.1046 Structural alteration.
"Structural alteration" means any change or modification in construction.

20.02.1048 Structure.
"Structure" means that which is built or constructed, an edifice or building of any kind, or other artificially built or constructed work.

20.02.1050 Studio, dance.
"Studio, dance" means a facility for instruction in dance.

20.02.1052 Studio, music.
"Studio, music" means a facility for instruction in music.

20.02.1054 Studio, photography.
"Studio, photography" means a business where photographs are taken and developed for retail sale to the public.

CITY CLERK DEPT.
07 MAY 10 AM 8:47

20.02.1056 Subdivision ordinance.
"Subdivision ordinance" means the subdivision ordinance of the City of El Paso, Texas.

20.02.1058 Substantial conformity.
A plan shall be determined to be in "substantial conformity" with an approved plan if it does not significantly alter the arrangement of land use, and does not increase the density or relocate major circulation elements or decrease the landscaped area or open space or materially alter the plan or concept for the planned development.

20.02.1060 Supermarket.
"Supermarket" means a store offering for sale foodstuffs and some household supplies whose gross floor area is greater than 12,000 but less than or equal to 40,000 square feet.

20.02.1062 Superstore.
"Superstore" means a store offering for sale foodstuffs and some household supplies whose gross floor area is greater than 40,000 but less than or equal to 250,000 square feet. A superstore may also include a bank, deli, fast food outlet, eye care facility, minor automotive repair facility and/ or other appropriate retail uses all located within the same building structure.

20.02.1064 Swimming pool (commercial).
"Swimming pool (commercial)" means any portable or permanent structure containing a body of water twenty-four inches or more in depth and containing one hundred fifty cubic feet (one thousand one hundred twenty-two gallons) or more of water and intended for recreational purposes and open to the public upon payment of a fee.

20.02.1066 Swimming pool (non-commercial).
"Swimming pool (non-commercial)" means any portable or permanent structure containing a body of water twenty-four inches or more in depth and containing one hundred fifty cubic feet (one thousand one hundred twenty-two gallons) or more of water and intended for recreational purposes and for the exclusive use of the residents of a residential use and their private guests.

20.02.1068 Synagogue.
See Church.

20.02.1070 Tattoo parlor.
"Tattoo parlor" means a business where the primary activity is tattooing and/or body piercing but does not include establishments performing only ear piercing.

20.02.1072 Telemarketing agency.
"Telemarketing agency" means a facility where telephone sales, order collection, mail order or catalog sales, or mailing list preparation is conducted.

CITY CLERK DEPT.
07 MAY 10 AM 8:47

20.02.1074 Temple.
See Church.

20.02.1076 Temporary events on public rights-of-way.
"Temporary events on public-rights-of-way" means any bazaar, block party, sidewalk sale, show, exhibition, local special event, festival, celebration or any similar occurrence to last twenty-four hours or less that will be conducted on a street within an area not exceeding one city block or one intersection. At least two-thirds of the area shall be residentially zoned and said event shall be sponsored solely by the owners, residents or tenants in the area, or their organization.

20.02.1078 Temporary use.
"Temporary use" means a use permitted for a fixed time period with the intent to discontinue such use upon the expiration of the time period. Such uses do not involve the construction or alteration of any permanent structure.

20.02.1080 Tennis club.
"Tennis club" means a commercial or noncommercial establishment that provides facilities for playing tennis on a membership basis only. "Membership basis" means that the establishment sells memberships making its facilities available to members and their guests for periods of not less than one month at a time, and that such facilities are not open to use by the general public.

20.02.1082 Tennis club, indoor (with/without restaurant and bar).
"Tennis club, indoor (with/without restaurant and bar)" means a commercial or noncommercial establishment that provides facilities for playing tennis indoors.

20.02.1084 Tennis club, outdoor (with/without restaurant and bar).
"Tennis club, outdoor (with/without restaurant and bar)" means a commercial or noncommercial establishment that provides facilities for playing tennis outdoors.

20.02.1086 Tents (special events).
"Tents (special events)" means any temporary structure composed wholly or partly of canvas or similar materials to be used as a place of amusement or for any religious, educational, charitable or recreational purpose, or any other public assemblages.

20.02.1088 Testing laboratory.
"Testing laboratory" means a facility where administrative, engineering, scientific research, design, or experimentation is conducted.

20.02.1090 Theater, performing.
"Theater, performing" means a structure used for dramatic, operatic, or other live performance.

20.02.1092 Townhouse.

CITY CLERK DEPT.
07MAY 10 AM 8:47

"Townhouse" means a single-family dwelling designed to be sold as a unit, but forming one of a group or series of three or more attached single-family dwellings separated from one another by common property lines.

20.02.1094 Tractor.
"Tractor" means a motor vehicle designed and used primarily for drawing other vehicles, equipment or implements of husbandry, and not so constructed as to carry any load thereon other than part of the weight of the load being drawn.

20.02.1096 Traffic Division.
"Traffic Division" means the Traffic Division of the City of El Paso Engineering Department.

20.02.1098 Traffic Engineer.
"Traffic Engineer" means the City Engineer, or his designee.

20.02.1100 Trailer, 18-wheeler (sales, display, and repair).
See Heavy truck (sales storage, repair and rental).

20.02.1102 Tramway.
"Tramway" means a carrier that travels on an overhead cable.

20.02.1104 Transfer station.
"Transfer station" means a fixed facility used for transferring solid waste from collection vehicles to long-haul vehicles. It is not a storage facility where individual residents can dispose of their waste.

20.02.1106 Transportation equipment manufacturing.
"Transportation equipment manufacturing" means facilities engaged in producing equipment for transporting people and goods such as, but not limited to, automobiles, light trucks, heavy duty trucks, truck trailers, buses, motor homes, travel trailers, boats, railroad rolling stock and aircraft.

20.02.1108 Transportation terminal, Type A.
"Transportation terminal, Type A" means a type of passenger terminal where passengers are loaded and unloaded from or onto a motor-carrier. A Type A transportation terminal is a facility having a total land area of no more than four thousand square feet and any building proposed within the land area is no larger than two thousand square feet in gross floor area.

20.02.1110 Transportation terminal, Type B.
"Transportation terminal, Type B." means a type of passenger terminal at which passengers are loaded and unloaded from or onto a motor-carrier. A Type B transportation terminal is a facility having a total land area greater than four thousand square feet or where a building proposed within the land area exceeds a gross floor area of two thousand square feet.

CITY CLERK DEPT.
07MAY 10 AM 8:48

20.02.1112 Travel trailer.
"Travel trailer" means a portable vehicular structure built on a chassis, designed as a temporary dwelling for travel, recreational and vacation use.

20.02.1114 Travel trailer park.
See Recreation vehicle park.

20.02.1116 Tree, Parking Lot
"Tree, Parking Lot" means a deciduous or evergreen tree, which is capable of obtaining a minimum canopy, spread of twenty feet (20.0") at maturity. Branching structure shall be maintained at a minimum height of seven feet (7') above the sidewalk area ground, three feet from the trunk; which is installed and located in a parking lot.

20.02.1118 Tree, Project
"Tree, Project" means a deciduous or evergreen tree having a minimum of 2" cal. 10' in height, which is capable of obtaining a minimum canopy spread of twenty feet (20.0') at maturity that is required based on calculations determined by the provisions of this chapter. Branching structure shall be maintained at a minimum height of seven feet (7') above the sidewalk area ground, three feet from the trunk. Such trees shall be healthy and vigorous at time of planting.

20.02.1120 Triplex.
"Triplex (three-family dwelling)" means a building designed or occupied as three dwelling units.

20.02.1122 Truck stop.
"Truck stop" means a facility that provides services to the trucking industry, including, but not limited to, dispensing of fuel, repair shops, automated washes, restaurants or motels.

20.02.1124 Unit.
See Dwelling unit.

20.02.1126 University, college.
"University, college" means an institution of higher learning accredited by the state of Texas and offering a course of studies leading to a degree.

20.02.1128 Unnecessary hardship.
"Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

20.02.1130 Utility storage yard.

CITY CLERK DEPT.
07 MAY 10 AM 8:48

"Utility storage yard" means any storage yard for public utility equipment, materials or vehicles.

20.02.1132 Vehicle.
"Vehicle" means every device in, upon or by which any person or property is, or may be, transported upon a roadway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

20.02.1134 Vending machines (inside a building).
"Vending machines (inside a building)" means any unattended self-service device that, upon insertion of a coin, coins, or token, or by similar means, dispenses anything of value, including but not limited to food, beverage, tobacco and sundries.

20.02.1136 Vendor, flea market.
"Vendor, flea market" means any person who rents, leases or occupies any room, stall, stand or space in any building, structure, enclosure or any other property used as a flea market from which merchandise or food is exhibited and offered for sale.

20.02.1138 Veterinary treatment center (large animals).
"Veterinary treatment center (large animals)" means a facility where farm animals, to include but not limited to, horses, cattle, sheep, goats and pigs, are given medical or surgical treatment and are cared for during the time of such treatment.

20.02.1140 Veterinary treatment center (small animals).
"Veterinary treatment center (small animals)" means a facility where small animals such as domesticated dogs and cats and common household pets are given medical or surgical treatment and are cared for during the time of such treatment.

20.02.1142 Wall, screening.
"Wall, screening" means any structure or device forming a physical barrier which is constructed so that the vertical surface is solid, thus preventing the passage of light, air and vision. The material of which a wall is constructed may be masonry, brick, concrete, metal, wood or other similar materials. Measurement of height shall be from the high ground.

20.02.1144 Warehouse club.
"Warehouse club" means a store with 50,000 square feet or more of gross floor area that offers foodstuffs and household supplies for sale.

20.02.1146 Warehouses, self-storage.
See Self storage warehouse.

20.02.1148 Watchman.
"Watchman" means one who is employed to protect a facility or property.

20.02.1150 Water and wastewater utility facility.

CITY CLERK DEPT.
07MAY 10 AM 8:48

See "Public utility facility"

20.02.1152 Window, bay.
"Window, bay" means a window or set of windows extending out from a wall of a building and forming an alcove within; the overall width of such alcove not to exceed one-half of the width of the wall from which it protrudes. The bay window may rise from the ground level or from some point above ground level.

20.02.1154 Wind-driven electrical generator.
"Wind-driven electrical generator" means a machine by which mechanical energy supplied by the wind is converted to electric energy.

20.02.1156 Wind-driven electrical pump.
See Wind-driven pump

20.02.1158 Wind-driven pump.
"Wind-driven pump" means a wind operated device that raises or transfers water from one place to another.

20.02.1160 Yard.
"Yard" means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward to the sky, except for permitted projections from the ground such as landscaping, fencing or walls.

20.02.1162 Yard, required front.
"Yard, required front" means that part of a lot between the front lot line and the required front setback line, and extended to both side lot lines.

20.02.1164 Yard, required rear.
"Yard, required rear" means that part of a lot between the rear lot line and the required rear yard setback line, and extended to both side lot lines.

20.02.1166 Yard, required side.
"Yard, required side" means that part of a lot that is between the side property line and the required side yard setback line and is not a rear yard.

20.02.1168 Yard, side street.
"Yard, side street" means a side yard whose property line abuts a street.

20.02.1170 Youth organization (with/without living facility).
"Youth organization (with/without living facility) means an organization for five or more children under 18 years of age, operated by a person, partnership, corporation, association, state or city for recreational or educational purposes, that may also conduct resident camps and/or day camps.

20.02.1172 Zero lot line.
"Zero lot line" means a property line on which a structure is constructed upon, resulting in no yard on that side.

20.02.1174 Zoning administrator.
"Zoning administrator" means the city employee who plans, directs and coordinates the application of the zoning ordinance and related duties as required under the direction of the Development Services Director.

CITY CLERK DEPT.
07MAY 10 AM 8:48

CITY CLERK DEPT.
07 MAY 10 AM 8:48

CHAPTER 20.04

ADMINISTRATIVE PROVISIONS

ARTICLE I. ADMINISTRATIVE BODIES AND RELATED AGENCIES AUTHORITY

20.04.010 Responsibility for administration of provisions.
20.04.020 Principal.
20.04.030 City Council.
20.04.040 City Plan Commission.
20.04.050 Zoning Board of Adjustment.
20.04.060 Planning Division, Development Services Department.
20.04.070 Building Permits and Inspections Division, Development Services Department.
20.04.080 Engineering Department.
20.04.090 Fire Department.
20.04.100 City-County Health Department.

ARTICLE II. PLANNING DOCUMENTS

20.04.120 General authority.
20.04.130 Effect of comprehensive plan.

ARTICLE III. DETAILED SITE DEVELOPMENT PLAN APPROVAL PROCESS

20.04.140 When required.
20.04.150 Procedure.
20.04.160 Content of application.
20.04.170 Modification of detailed site development plan.

ARTICLE IV. MASTER ZONING PLAN APPROVAL PROCESS

20.04 200 Master Zoning Plan

ARTICLE V. SPECIAL PERMIT APPROVAL PROCESS

20.04.260 Special permits generally.
20.04.270 Special permits for planned residential developments.
20.04.280 Special permits for planned residential developments-Maximum density.
20.04.290 Special permits for planned residential developments-Public uses.

CITY CLERK DEPT.
07 MAY 10 AM 8:48

20.04.300 Special permits for planned residential developments-Commercial and industrial uses.
20.04.310 Compliance with special permits.
20.04.320 Special permits and development permit approvals.

ARTICLE VI. CHANGES AND AMENDMENTS

20.04.340 City Council authority.
20.04.350 Public proposals.
20.04.360 Private requests.
20.04.370 Application form.
20.04.380 Application requirements.
20.04.390 Referral to City Plan Commission.
20.04.400 Notice of public hearing before City Plan Commission.
20.04.410 Fees.
20.04.420 Withdrawal of application.
20.04.430 Recommendation by commission.
20.04.440 Additional information from applicant.
20.04.450 Council action.
20.04.460 Protest procedure.
20.04.470 Resubmission of application.
20.04.480 Dismissal for want of prosecution.

ARTICLE VII. PUBLIC HEARINGS

20.04.500 Generally.
20.04.510 Scheduling.
20.04.520 Notice.
20.04.530 Conduct.

ARTICLE VIII. PRIVATE STREETS, COMMON OPEN SPACE AND OTHER SIMILAR SITUATIONS

20.04.550 Maintenance.
20.04.560 Private streets.
20.04.570 Right-of-way and pavement widths.

ARTICLE IX. PERMITS AND LICENSES

20.04.600 Building permit required.
20.04.610 Building permit application.
20.04.620 Manufactured home or trailer placement.
20.04.630 Historic landmark alterations-Certificate of appropriateness required.
20.04.640 Temporary permits.
20.04.650 Storage of explosives.

CITY CLERK DEPT.
07MAY 10 AM 8:48

20.04.660 Signs in public rights-of-way.

ARTICLE X. CERTIFICATE OF OCCUPANCY AND COMPLIANCE

20.04.700 Generally.

ARTICLE XI. AGREEMENTS AND BONDS

20.04.750 Authority to require.

ARTICLE XII. OTHER APPLICATIONS AND FEES

20.04.800 Adoption and Display.
20.04.810 Zoning verification requests.
20.04.820 Home occupation permits.
20.04.830 Request for increased height of screening wall.
20.04.840 Request to waive or amend mandatory wall requirement.
20.04.850 Classification of use.

ARTICLE XIII. ENFORCEMENT

20.04.900 Administrator's duty.

ARTICLE I. ADMINISTRATIVE BODIES AND RELATED AGENCIES AUTHORITY

20.04.010 Responsibility for administration of provisions.

Responsibility for the administration of the provisions of this title shall be vested in the City Council, the City Plan Commission, the Development Services Department, the Zoning Board of Adjustments, the Engineering Department, the Fire Department, and the City-County Health Department, in accordance with the provisions of this code, including the provisions of this title.

20.04.020 Principals.

Sections 20.04.030 through 20.04.100 identify the principal authorities relative to this title of the bodies and agencies identified in this Chapter.

20.04.030 City Council.

Pursuant to this code, the City Council, in addition to the powers and duties identified in this section, shall have final authority, following recommendation by the City Plan Commission, to approve or disapprove the comprehensive plan, planning area plans, neighborhood plans and designation of historic landmarks. The City Council shall also

have authority to approve or disapprove changes, amendments development permits and special permits under this title, and to decide upon appeals from actions of the historic landmark commission.

CITY CLERK DEPT.
07MAY 10 AM 8:48

20.04.040 City Plan Commission.

Pursuant to this code, the City Plan Commission, in addition to the powers and duties identified herein, shall have authority to make recommendations to the City Council on the comprehensive plan, planning area plans, neighborhood plans, historic landmark designations and on changes and amendments, development permits and special permits under this title.

20.04.050 Zoning Board of Adjustment.

In accordance with Chapter 2.16, the Zoning Board of Adjustment has authority to hear and finally decide appeals and applications for variances and special exceptions. Appeals from the Zoning Board of Adjustment lie directly to the district court.

20.04.060 Planning Division, Development Services Department.

A. Pursuant to this code, the Planning Division of the Development Services Department serves as an administrative and staff agency responsible to the mayor and City Council, to the City Plan Commission and to the Zoning Board of Adjustment. The Planning Division has authority for processing proposals to change the text and map of this title and for processing master zoning plan applications, site plan approval applications, applications for special permits and Zoning Board of Adjustment applications.

B. All applications for zoning change or amendment, approval of a master zoning plan or detailed site plan, or for special permit shall be first filed with the executive secretary of the City Plan Commission, who shall have responsibility for coordination of the staff review process.

20.04.070 Building Permits and Inspections Division, Development Services Department.

A. Pursuant to this code, the Development Services Department serves as an administrative and staff agency responsible for the provision of services and the performance of duties as set forth under this title.

B. The Development Services Department and all Divisions established under that department have authority under this title for all aspects of development applications or permit applications, except traffic and transportation engineering aspects.

CITY CLERK DEPT.
07MAY 10 AM 8:48

C. All applications for building permits, placement permits, temporary permits, licenses, certificates of occupancy and compliance and certificates of appropriateness shall be filed with the building official or with such other official as designated by the director of the Development Services Department.

D. Applications for building permits, placement permits, temporary permits, licenses and certificates of occupancy and compliance shall require approval of the building official or other official as designated by the director of the Development Services Department prior to issuance.

E. Applications for certificates of appropriateness shall require approval of the historic landmark commission prior to issuance.

20.04.080 Engineering Department.

Pursuant to this code, engineering department has authority, under the city council, for all traffic and transportation aspects of development applications or permit applications.

20.04.090 Fire Department.

Pursuant to this code, the fire department has authority, under the city council, for all aspects of fire protection.

20.04.100 City-County Health Department.

Pursuant to this code, the city-county health department has authority, under the city council, for all animal regulations and public health aspects of this title.

ARTICLE II. PLANNING DOCUMENTS

20.04.120 General authority.

Pursuant to this code, and as herein stated, the City Plan Commission shall have the authority to formulate and recommend, and the City Council shall have the authority to approve a comprehensive plan, including a plan for land use, thoroughfares and other appropriate elements of a plan and providing furthermore that the City Plan Commission shall have the authority to recommend and the City Council shall have authority to approve, detailed plans for planning areas as a guide for public and private land development in the City.

20.04.130 Effect of comprehensive plan.

The regulations in this title shall be in accordance with the comprehensive plan for the City and plans for planning areas and shall be implemented in accordance with the comprehensive plan for the City and the plans for planning areas.

CITY CLERK DEPT.
07MAY 10 AM 8:48

ARTICLE III. DETAILED SITE DEVELOPMENT PLAN APPROVAL PROCESS

20.04.140 When required.

A detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects other than those located in special purpose districts or as otherwise required herein.

20.04.150 Procedure.

A. The application for site approval shall be prepared in accordance with the specifications outlined in Section 20.04.160.

B. The application shall be reviewed by the Planning Division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.

C. The Planning Division shall make its recommendations to the City Plan Commission within thirty days after a complete application is submitted.

D. The City Plan Commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.

E. Pursuant to this code, the City Plan Commission, in addition to the powers and duties identified in this subsection, shall have final authority on approval of detailed site development plans, unless a zoning condition or contract provision requires City Council approval.

1. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces, landscape planted areas, and size and design of exterior signs.

2. In no instance shall the City Plan Commission have authority to vary the yard standards applicable to the district.

3. The City Plan Commission shall approve the plan if it complies with all applicable code provisions.

CITY CLERK DEPT.
07 MAY 10 AM 8:48

F. In the event of approval, applicant shall sign an agreement to develop the area in accordance with the approved detailed site development plan.

G. The approved detailed site development plan and agreement shall be filed with the zoning administrator and the executive secretary to the City Plan Commission.

H. Building permits may be issued in conformance with the approved detailed site development plan.

I. Detailed site development plan approval shall expire if construction is not started within four years from the date of approval.

20.04.160 Content of application.

Detailed site plan approval applications shall include:

A. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a professional engineer (P.E.) or a registered land surveyor;

B. Eight copies of the detailed site development plan are required, showing the boundaries of the tract proposed for development; elevations or perspective of the building; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures and number of bedrooms in each unit; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; stormwater drainage; on-site parking spaces, to include loading and unloading berths; open spaces; landscape planted areas; size, design and location of exterior signs; screening walls; screening of on-site parking facilities;

C. Stamp or seal and signature of a professional engineer or architect preparing plans.

D. Proof of ownership, (warranty deed, title commitment, etc.)

E. Tax certificate

F. Fee as adopted by City Council

20.04.170 Modification of detailed site development plan.

A. Minor modifications to an approved detailed site development plan may be requested in writing by the property owner and approved in writing by the zoning administrator if any of the following apply:

CITY CLERK DEPT.
07MAY 10 AM 8:48

1. The minor modifications are in substantial conformity (see definition of "substantial conformity") to the approved detailed site development; or

2. The minor modifications represent an improvement in the approved site plan, or

3. The minor modification is required by a governmental entity.

B. Changes other than minor modifications shall require new hearings and new approvals in the same manner as for review of the original site development plan.

ARTICLE IV. MASTER ZONING PLAN APPROVAL PROCESS

For any use authorized in a Mixed Use District (RMU, GMU and IMU), a master zoning plan shall be required pursuant to the requirements of this section.

A. Master Zoning Plan (MZP)

1. As part of any zoning application for a mixed use district, a Master Zoning Plan shall be required and shall accompany the application. The MZP shall provide sufficient details necessary about the proposed land use and proposed structures so that the El Paso City Council may determine their compatibility within the proposed district and the impact on the adjacent properties. The master zoning plan shall, at a minimum, indicate the proposed land uses and location thereof, proposed density, lot coverage, minimum dimensions of lots and yard setbacks, building height, buffers, and any other information necessary to demonstrate the overall cohesiveness of the proposed land use scheme as described in Section 20.10.360 of this Title.

3. A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses in accordance with each proposed phase of development, and include a general statement how the development relates to the City's Comprehensive Plan. A detailed description shall be required of each proposed land use, to include the type of business or activity to be operated within any proposed structure to determine the compatibility of such business or activity within the mixed use district.

4. Additionally, a phasing schedule shall be submitted with the rezoning application that indicates the proposed phasing of the development, the approximate time frame in which construction and development is expected to begin and the duration of time required for completion of the development. Every phase shall contain two or more of the land uses proposed for the mixed use district.

CITY CLERK DEPT.
07MAY 10 AM 8:48

5. The application for mixed use zoning, to include the MZP shall be reviewed by the City Plan Commission (CPC) for recommendation to City Council. The CPC may recommend any amendments or conditions to the MZP necessary to minimize incompatibilities between the mix of land uses within the development or with adjacent properties and the stated purposes of zoning in this Title.

6. As part of the approval and adoption of a mixed use district, the City Council shall find that the development will promote compatible buildings and uses, and that such development will be appropriate in area, location and overall planning for the purpose intended, in accordance with the City's Comprehensive Plan and stated purposes of zoning in this Title. The City Council, in approving any mixed use district, will also be approving the master zoning plan establishing the required zoning standards within the district. Approval of a mixed used district by Council designates the zoning for the property as stated in the ordinance approving such zoning and as depicted on the Master Zoning Plan. All development of the property, regardless of whether the property changes ownership, shall be in accordance with the Master Zoning Plan.

B. Amendments to an approved Master Zoning Plan

An applicant may request amendments to an approved MZP. These amendments shall be delineated as minor or major amendments according to the criteria set forth herein.

1. Major Amendments. Any amendment meeting one or more of the criteria listed below or any other proposed change not herein enumerated shall be considered major and shall require resubmittal, review and approval of a new application to amend the MZP by the CPC and CC. Major amendments shall follow the same procedural and notice requirements required for the initial approval of the master zoning plan, except that the mixed use zoning district designation shall not be revised unless requested by the applicant.

a. Any change to the overall mixed use district boundary
b. Any change to the approved mix of land uses
c. A significant change to the location, size, or approximate boundary of one or more of the proposed uses. A change is deemed to be significant if it represents a 10% or greater increase to the proposed area for any proposed land use.
d. An increase of 10% or more of the approved number of projected dwelling units
e. Any proposed change which substantively alters one or more land use components of the approved mixed use district.
f. Any alteration or reduction to the public or private open space component within the MZP.
g. A substantial and material reduction in the originally approved separations between land uses and buildings
h. A 5% or greater increase in the height of structures
i. A 10% or greater reduction in the originally approved setbacks

CITY CLERK DEPT.
07MAY 10 AM 8:48

j. A 5% or greater increase in ground coverage by structures

2. Minor Amendments. An amendment will be deemed minor if it is a change to the timing or phasing of the proposed development or if it does not involve any one of the foregoing provisions of a major amendment. The minor modification process is limited in nature and may not be used by the applicant to exceed the numeric variance permitted by subsection B.1. above.

a. Minor amendments shall be submitted in writing to the Development Services Department and accompanied with 3 copies of the revised master zoning plan. Minor amendments may be acted upon administratively by the Deputy Director of Planning, only upon the finding that the modification meets all of the following requirements:

1. The requested modification is in general conformity with the stated purposes of this Section and the purposes of the specific zoning district to which the property is subject to;
2. The requested modification meets all other applicable zoning, building, drainage, water quality, safety code requirements, and any other applicable law or regulation;
3. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and,
4. The requested modification is necessary to compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general.

b. A decision of the Deputy Director of Planning to deny a minor amendment shall be binding. Requests for minor amendments shall be acted upon within fifteen (15) days of receipt of the written request for amendment.

c. In no instance shall the Deputy Director approve a minor modification that results in:

1. A change in permitted uses or mix of uses; or
2. A change in conditions imposed as part of the zoning ordinance approval, or any subdivision plan, site plan, contract condition or other condition applicable to the property.

C. Detailed site development plan.

1. Upon adoption of a mixed use district and master zoning plan, submission and approval of a detailed site development plan pursuant to Article III is required prior to the issuance of building permits and development of the property.
2. A detailed site development plan may be submitted for the entire mixed use district or in phases in accordance with the master zoning plan.

CITY CLERK DEPT.
07MAY 10 AM 8:48

3. Approval of a detailed site development plan will authorize application for building permits.
4. For purposes of expediting the review process, a detailed site development plan may accompany the initial application for mixed use zoning and be processed concurrently with the master zoning plan; provided, however, that no final action on the detailed site plan by the CPC shall occur prior to approval of the zoning request and the MZP by City Council.

D. Applicability. While ownership of a project may subsequently be transferred, in whole or in part, a MZP shall continue to be implemented and maintained on the total acreage of the mixed use district.

ARTICLE V. SPECIAL PERMIT APPROVAL PROCESS

20.04.260 Special permits generally.

A. The City Council may by special permit after hearing and report by the City Plan Commission authorize the location of the uses subject to special permits identified in the district regulations.

B. In addition to the development standards identified in this Title, City Council shall impose such additional conditions and safeguards including those related to architecture, site plan, landscape planting and screening as required to protect the public welfare and to conserve and protect property and property values in the immediate vicinity of the special permit.

C. Applications for special permits shall be filed with the executive secretary of the City Plan Commission. The application shall be reviewed by the Planning Division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received. A complete application shall be scheduled for action by the City Plan Commission, which shall have forty-five days in which to recommend approval, disapproval or approval with conditions or amendments.

D. Where disapproval is recommended the procedure shall be concluded unless the applicant within fifteen days of disapproval appeals the recommendation to City Council. In the event of such a request the executive secretary of the City Plan Commission shall forward to the City Council a statement of the reasons for disapproval.

E. Applications for special permits shall include a detailed site development plan that complies with Article III.

F. Special permits are automatically terminated whenever conditions made a part of them are not complied with, and construction shall stop or occupancy be discontinued until the violation ceases.

CITY CLERK DEPT.
07MAY 10 AM 8:48

20.04.270 Special permits for planned residential developments.

A. A planned residential development shall occupy at least the minimum site area established in the district regulations. City Council may approve a special permit for a planned residential development with general lot sizes and setbacks below the minimum of the underlying zoning district when Section 20.04.320(D) requirements have been met. The proposed development shall additionally meet the following requirements necessary to protect the public health, safety and general welfare of the community.

B. Where permitted in a district, and in order to foster the attractiveness of a residential development and its surrounding neighborhoods, a planned residential development may be established based on the following criteria:

1. Evaluation Criteria.

a. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings. For purposes of this subsection, harmoniously shall not be deemed to require that the same architecture or same type of building materials be uniformly used.

b. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, relationship of vehicular and pedestrian traffic, and the arrangement of parking areas that are safe and convenient.

2. General Requirements.

a. Private streets and gates shall be permitted within a planned residential development and shall conform to the design standards enumerated in Title 19 (Subdivisions) of the El Paso City Code.

b. The minimum site area for a planned residential development shall be one acre, within which only residential uses of the base-zoning district shall be permitted. Extensions to a planned residential development from a common boundary shall be permitted in increments of less than one acre.

c. The minimum area requirement of the base-zoning district may be reduced by no more than twenty-five percent for lots within a planned residential development; provided, however, that the maximum density permitted by the base-zoning district shall apply in all cases except as otherwise approved by any applicable special permit granted pursuant to Section 20.12.040.B

d. The setback requirements of the base-zoning district shall not apply to a planned residential development, except as follows:

1. The distance between buildings shall be a minimum of ten feet except as otherwise permitted in this title;

CITY CLERK DEPT.
07MAY 10 AM 8:48

2. The length of the driveway shall not be less than twenty feet as measured from the face of the garage or carport to the dwelling side of the sidewalk, or to the property line where there is no sidewalk.

e. The perimeter of the planned residential development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures.

f. No building shall exceed the height requirements of the base-zoning district.

g. Consideration in the site plan review and evaluation process shall include the following:

(1) The nature and character of the development and adequacy of the buffer between proposed improvements on the site and adjacent property;

(2) The adequacy of utilities, access, drainage and other necessary supporting facilities that have been or will be provided;

(3) The adequacy of the design, location and arrangement of driveways and parking spaces so as to provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

h. A planned residential development shall be an architecturally integrated subdivision, whether unified by similar use and density, design, building materials, or open space and streetscape elements.

20.04.280 Special permits for planned residential developments - Maximum dwelling units.

The maximum number of dwelling units that may be permitted shall be obtained by dividing the site area by the minimum lot area required in the underlying district per dwelling unit. The minimum lot area is used only as a factor for calculating density and is not intended to require minimum lot size standards. This number may be increased by application of the density incentives found in Chapter 20.12 of this Title.

20.04.290 Special permits for planned residential developments - Public uses.

Lands reserved for parks, recreation and permanent open space may be included in the site area for the purpose of density calculations as may one-half of any area dedicated for public school purposes. Other permitted nonresidential uses may be incorporated in the plan, but may not be a part of the site area for the purpose of density calculations.

20.04.300 Special permits for planned residential developments - Commercial and industrial uses.

A. Where a planned residential development includes more than one hundred acres, a maximum five percent of the total site area may be used for those commercial uses that would serve the planned development.

CITY CLERK DEPT.
07MAY 10 AM 8:48

B. Where a planned residential development includes more than one thousand acres, a maximum five percent of the total site area may be used for commercial purposes and a maximum of ten percent of the total area may be used for industrial purposes.

C. Where commercial or industrial uses are incorporated in the planned residential development, Council approval shall include appropriate amendments to the zoning map and may require that construction of commercial and industrial uses not be started until twenty-five percent of all of the residential units are occupied.

20.04.310 Compliance with special permits.

Special permits shall be valid only when all conditions of the permit are complied with. Failure to comply with all conditions under which a special permit has been issued shall constitute an offense which shall be punishable as provided in Chapter 20.24 of this Title. Failure to comply with all conditions under which a special permit has been issued shall also constitute grounds for suspension of building and occupancy permits upon written notice from the building official.

20.04.320 Special permit approvals.

A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the City Council.

B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.

C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.

D. The City Council, after hearing and report by the City Plan Commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:

1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development

CITY CLERK DEPT.
07 MAY 10 AM 8:48

is proposed; complies with any special approvals required in connection with such development or area;

2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the City regarding the development area, or any approved concept plan;

3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;

4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;

5. The design of the proposed development mitigates substantial environmental problems;

6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;

7. The proposed development is compatible with adjacent structures and uses;

8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

E. The applicant may request that the City Plan Commission waive one or more of the criteria based on its nonapplicability to the proposed development. The City Plan Commission, upon a recommendation of the deputy director of planning or his designee, shall make a determination on the nonapplicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to City Council for final review and approval.

ARTICLE VI. CHANGES AND AMENDMENTS

20.04.340 City Council authority.

The City Council on its own motion or on request may amend, supplement or change by ordinance, the boundaries of the districts or the regulations herein established.

20.04.350 Public proposals.

CITY CLERK DEPT.
07MAY 10 AM 8:48

Public proposals for amendment of the zoning regulations may be made by the City Plan Commission, Board of Adjustment or any other public agency or official.

20.04.360 Private requests.

Private requests for amendments to the zoning map may be made by an owner of property. A contract to purchase real estate shall not enable a person to request an amendment.

20.04.370 Application form.

Application forms for proposals and requests shall be provided by the Deputy Director and, when completed, shall be filed with the executive secretary of the City Plan Commission. The application shall be reviewed by the Planning Division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.

20.04.380 Application requirements.

The application shall at a minimum contain the following:

A. A site plan drawn to scale in black and white, and not less than eight and one-half inches by eleven inches and not more than twenty-four inches by thirty-six inches, showing the boundaries of the property proposed for rezoning, names of streets immediately adjacent to the property proposed for rezoning, the north point, the legal description of the property proposed for rezoning and the amount of land included. When over eight and one-half inches by eleven inches the drawing shall be on paper suitability for reproduction.

B. One copy of the zoning map, outlining in red the area proposed for change of zoning.

C. Where land proposed for rezoning is vacant or unused land, a generalized site plan showing the general features or concept of development.

D. Where land proposed for rezoning is occupied by a building(s), or use(s), a detailed site development plan shall be required in accordance with Section 20.04.160(B).

E. The lettering shall be so placed on the plans so as to be read from the bottom or from the right-hand side of the sheet, and the north point shall be directed away from the reader.

F. Proof of notice of proposed application to any recognized neighborhood association required to receive notice pursuant to Chapter 2.102 of this code.

CITY CLERK DEPT.
07MAY 10 AM 8:48

20.04.390 Referral to City Plan Commission.

A. All proposals and requests for changes and amendments shall be referred to the City Plan Commission for report and recommendation. Upon receipt of a proposal or request for change and amendment, the executive secretary shall notify the property owner or the applicant of whether or not the proposal or application is complete and whether or not it conforms with the comprehensive plan.

B. Failure to complete an application in satisfactory form within three months shall result in dismissal of such application.

20.04.400 Notice of public hearing before City Plan Commission.

A. The Deputy Director of Planning shall schedule a public hearing before the City Plan Commission not less than fifteen days and not more than forty-five days from receipt of proposal or application with payment of fee. Notice shall be sent by mail to owners of all property within three hundred feet of the property to be rezoned, not less than ten days nor more than thirty days in advance of the hearing. Notice shall include the time, place and purpose of such hearing

B. Where the change does not amend the district map and is a general change in the text of the regulations, or the comprehensive plan, notice shall be posted as required by state law.

20.04.410 Fees.

Applications for public hearing shall be accompanied by a filing fee to defray the costs of publication, the giving of notices, and the general expenses in connection with processing of the application.

20.04.420 Withdrawal of application.

Once notices for a public hearing have been sent and/or posted, the hearing shall be held unless the applicant withdraws his application in which event no request for the same or similar change shall be accepted for one year at which time a new application including payment of new fees may be filed. No fees are to be refunded in the event of a withdrawal.

20.04.430 Recommendation by commission.

A. The City Plan Commission shall, within sixty days of the public hearing, submit a written report to the City Council on the merits of the proposal or requested change.

CITY CLERK DEPT.
07MAY 10 AM 8:48

B. The commission may recommend approval, approval with modification, or disapproval.

C. The report of the commission shall include the relation of the proposed change to the City's comprehensive plan, the effect upon the natural environment, and upon social and economic conditions and property values in the vicinity and in the City as a whole.

D. In the event of recommendation for disapproval by the City Plan Commission the procedure shall be concluded unless the applicant within fifteen days appeals the recommendation to the City Council. In the event of such an appeal the executive secretary shall forward to the City Council within thirty days of the request for review, a statement giving the City Plan Commission's reasons for recommending disapproval.

20.04.440 Additional information from applicant.

Where the commission recommends a modification of the request, transmission of the report of the commission to the City Council shall not take place until accompanied by a letter from the applicant indicating his acceptance of, or refusal to accept, the modifications recommended by the commission.

20.04.450 Council action.

A. The City Council after public hearing notice as required by state law may enact the change or amendment with or without modification and may follow the recommendations of the City Plan Commission by majority vote.

B. A majority vote of all members of the City Council is required to overrule a recommendation of the City Plan Commission that an application for amendment of the ordinance be denied. Any decisions by the City Council shall set forth the reasons for their action.

20.04.460 Protest procedure

In case of a protest, the procedure outlined in and the law set out in Section 211.006(d) of the Texas Local Government Code, 2006 Edition and as amended, shall be applicable.

20.04.470 Resubmission of application.

No application for change of zoning for a given property may be resubmitted within twelve months from date of action by the commission or Council, whichever is later, unless the commission finds that a substantial change in conditions has occurred.

20.04.480 Dismissal for want of prosecution.

CITY CLERK DEPT.
07MAY 10 AM 8:48

A. If an applicant fails to appear or be represented at the time his case is scheduled for hearing before the commission or the Council, as the case may, in the discretion of the body holding the hearing, be postponed to a definite date, or may be heard without the applicant's presence or representation. If the applicant fails to appear or be represented at the postponed hearing his case may be automatically dismissed for want of prosecution. Before the date of the postponed hearing the applicant may ask for an extension of time, and the body before which the postponed hearing is to be held, may, if convinced that the delay requested is unavoidable and not due to the applicant's fault, extend the date of the postponed hearing by not more than sixty days.

B. After a case is dismissed for want of prosecution the applicant cannot again apply for rezoning of the same property or any part thereof without filing a new application. All the procedures (including fees, notices and hearings) will apply as in the case of an original application; and the new application cannot be filed in less than twelve months from the date of dismissal, unless the commission finds that a substantial change in conditions has occurred since that date.

ARTICLE VII. PUBLIC HEARINGS

20.04.500 Generally.

All public hearings required by this chapter shall be conducted in accordance with the requirements of this article.

20.04.510 Scheduling.

All applications requiring a public hearing before the City Plan Commission or Zoning Board of Adjustment shall be scheduled on a first-come, first-served basis, unless otherwise authorized by the chairman of the commission or majority vote of the board, as applicable.

20.04.520 Notice.

Where a public hearing is required by this chapter, notice shall be given in the manner specified below:

A. Content of Notice. Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. Required on site posting of notice shall be as specified in subsection (B)(2)(c) of this section.

B. Provision of Notice. Notice will be given as per Chapter 2.102 of the El Paso City Code and additionally in the following manner:

CITY CLERK DEPT.
07 MAY 10 AM 8:49

1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;

2. On applications for special permits, amendments to zoning conditions, and amendments to the district map, additional notice shall be given as follows:

a. Notice of hearing before the City Plan Commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within three hundred feet of the lot line of the subject property.

b. Notice of hearing before the City Council shall be given as follows:

(1) On first reading—by publication in a newspaper of general circulation in the City not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

(2) The published notice shall contain the name of the property owner(s) and legal description of the property as well as the address assigned to the property; if no address has been assigned, the notice shall contain the name and block number of the street(s), if any, abutting the property.

c. On site posting of notice by an applicant is required for parcels of one acre or more. Such on site posting of notice shall comply with the following:

(1) Location. On site posting of notice shall be at locations at the proposed site that face and are clearly visible and legible from each right of way abutting the property subject to signage requirements listed herein. One sign per right-of-way shall be required. However, application areas separated by a right-of-way shall require posting on each side of the right-of-way and otherwise comply with location requirements herein. Required signage shall be made of plywood, metal material, or other material as approved by the Deputy Director of Planning. Such signage shall be properly anchored to one of the following: to the ground with at least two posts, a building, a fence, or a wall. The top of the text portion of such signage shall be a minimum of five feet above ground. Approval of proposed sign location(s) by the zoning administrator shall be deemed conclusive as to location requirements.

(2) Duration of Posting. Posting shall be continuous, as defined below, until final City Council action and shall commence at least fifteen days prior to the date of the first public hearing at the City Plan Commission, at which time, the applicant shall provide a digital or printed picture to the Planning Division showing that all required signage has been properly placed on the property. Failure to provide such picture proving compliance with signage requirements shall result in postponement of the application until such time as an acceptable picture is received. The applicant shall promptly replace any sign required by

CITY CLERK DEPT.
07MAY 10 AM 8:49

this section, which becomes lost, stolen, or vandalized, within five business days following the date of receipt of actual knowledge of same by any employee of the Planning Division. For purposes of this subsection, an applicant also has actual knowledge that a sign is lost, stolen, or vandalized three days following the date of mailing of a letter addressed and properly mailed to the applicant at the address provided on the application or one day following the date of successful transmission of a facsimile report to a telephone number provided on the application. Any sign required by this provision shall be removed no later than ten days after final action on the application. Posting is continuous so long as lost, stolen, or vandalized signage is replaced within five business days following the date of receipt of actual knowledge. Posting is deemed continuous when lost, stolen, or vandalized signage has been replaced two times.

(3) Size and Content. A sign area with a minimum width of three feet and a minimum height of two feet shall be required. The sign shall provide a caption stating ["Location of Proposed Rezoning (or other type of application). Public Hearings are scheduled. Please call (telephone number to be provided by the Deputy Director of Planning or that person's designee)"]. The caption shall be in black two-inch bolded block lettering and appear on a white background.

(4) Zoning Validity. Any otherwise properly enacted zoning regulation shall not be invalidated by failure to comply with subsection (B)(2)(c) of this section.

3. On applications for amendments to the text of this chapter, notice of hearing before the City Plan Commission shall be posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

Notice of hearing before the City Council shall be as follows:

On first reading—by publication in a newspaper of general circulation in the City not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act);

4. On appeals or applications to the Zoning Board of Adjustment, notice of time, place and purpose of hearing before the board shall be given by letter or postcard not less than ten days prior to the date of hearing to the owners of real property, as indicated by the most recently approved municipal tax roll within two hundred feet of the area to be considered.

20.04.530 Conduct.

Conduct of the hearing shall be in accordance with this code and the bylaws and regulations of the appropriate hearing body.

CITY CLERK DEPT.
07MAY 10 AM 8:49

ARTICLE VIII. PRIVATE STREETS, COMMON OPEN SPACE AND OTHER SIMILAR PROPERTIES

20.04.550 Maintenance.

A. Where private streets, common open space or other similar types of property are included as part of a planned development, the applicant shall submit documentation, subject to plan commission approval, for assuring continued retention and perpetual maintenance of common open space and perpetual maintenance and repair of private streets by restrictive covenants, deed restrictions or other methods.

B. The documentation shall be submitted with the appropriate subdivision plat to the executive secretary of the city plan commission, who shall coordinate the review with the appropriate city agencies and other agencies, advise the applicant of findings, and submit, with the overall application to the city plan commission for their review and approval.

C. The approved documents, embodying restrictive covenants, deed restrictions, or other methods of giving such assurance shall be filed for record as a part of the approved subdivision plat or approved development permit.

20.04.560 Private streets.

Where authorized by the commission in approving a subdivision plat, streets may be permitted to remain in private ownership provided they meet standards contained in the subdivision ordinance for design and construction of streets, taking into consideration the needs of the project and adjacent uses, and are approved by the Director of Development Services.

20.04.570 Right-of-way and pavement widths.

The right-of-way and pavement widths for internal ways, streets and alleys serving the development shall be determined from standards contained in the subdivision ordinance and in conformity with the estimated needs of the full development proposed and the traffic to be generated thereby, and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police vehicles.

ARTICLE IX. PERMITS AND LICENSES

20.04.600 Building permits.

A. All applications for a building permit shall require conformity with all relevant provisions of the El Paso City Code.

CITY CLERK DEPT.
07MAY 10 AM 8:49

B. The City Engineer or the building official may require construction or reconstruction of sidewalks, curbs and gutters or street surfacing prior to issuance of a building permit or as a part of the issuance of the permit.

C. No building permit lawfully issued prior to the effective date of the ordinance codified herein, or of any amendment hereto, and which permit is in full force and effect at said date, shall be invalidated by the passage of the ordinance codified herein, or any such amendment, but shall remain a valid permit, subject only to its own terms and provisions and ordinances, rules and regulations pertaining thereto, and in effect at the time of the issuance of such permit; provided, that all such permits shall expire on the effective date of the ordinance codified herein, unless actual construction shall have heretofore begun and continued pursuant to the terms of the permit.

D. Whenever application for a building permit or certificate of occupancy is made for a use other than those specifically named as permitted uses, but being of a similar type of operation as those named, the zoning administrator shall have the authority, pursuant to Section 20.04.555, to make a determination as to whether or not the proposed use shall be permitted in the district.

20.04.610 Building permit application.

A. All applications for building permits shall comply with provisions of Section 18.02.103.3 of the Building Code.

B. The drawings shall contain suitable notations indicating the proposed use of all land and buildings, including the number of families or dwelling units or rental units proposed.

C. A record of the original copy of such applications and plans shall be kept in the offices of the building official and a duplicate copy shall be kept at the building at all times during construction. In a particular case, the building official may waive the requirement for plans when such plan is clearly unnecessary to a decision or the record on the case.

20.04.620 Manufactured home or trailer placement.

Permits for placement of manufactured homes or trailers shall comply with Section 18.02.103.4 of the Building Code.

20.04.630 Historic landmark alterations - Certificate of appropriateness required.

No alterations or changes shall be made to any designated historic landmark without the owner or owners first having obtained a certificate of appropriateness; nor shall any designated historic landmark be removed or demolished without a certificate of removal or demolition.

CITY CLERK DEPT.
07MAY 10 AM 8:49

20.04.640 Temporary permits.

A temporary permit shall be required for temporary signs, construction operating facilities and machinery, for real estate offices that are accessory to a land development project, for accessory and nonaccessory tents and temporary structures, amusement facilities and for any other temporary use.

20.04.650 Storage of explosives.

A temporary special permit shall be required for storage of explosives.

20.04.660 Signs in public rights-of-way.

Except as permitted in this Title, a special privilege license shall be required for all signs located in public rights-of-way.

ARTICLE X. CERTIFICATE OF OCCUPANCY AND COMPLIANCE

20.04.700 Generally.

A. No vacant land shall be occupied or used, other than as authorized by a temporary permit, except for agricultural uses associated with the conduct of a farm, until a certificate of occupancy shall have been issued by the building official.

B. Certificates of occupancy and compliance shall be issued pursuant to provisions of Section 18.02.103.9 of the Building Code. A record of all certificates shall be kept on file in the office of the building official.

C. A certificate of occupancy may be issued for a part of a proposed building or development or section thereof completed in accord with the terms of the El Paso City Code even though the entire building or development or section thereof has not been completed.

D. A certificate of occupancy shall be required for all nonconforming uses or structures in accordance with provisions in Section 20.22.070 of this Title.

1. In cases where the City officially notifies an owner or owners that a nonconforming condition exists, an application shall be required to be filed within twelve months of the date on which the official notice was received. Notification of a nonconforming use or structure shall be made by the zoning administrator or a duly appointed representative. Failure to apply for a certificate of occupancy within such twelve-month period shall terminate the right to operate such nonconforming use or structure. The requirement for submittal of affidavits and plans as previously described shall also apply.

CITY CLERK DEPT.
07MAY 10 AM 8:49

2. Upon issuance of a certificate of occupancy for a nonconforming use or structure, the use or structure shall be deemed as legal nonconforming.

E. The building official may issue a temporary and contingent certificate of occupancy and compliance for a period not to exceed six months where, because of the unusual nature of the use, a trial period of operation is in his opinion the most appropriate way to determine actual compliance with the terms of the ordinance codified herein.

ARTICLE XI. AGREEMENTS AND BONDS

20.04.750 Authority to require.

When provisions of the ordinance codified herein require an agreement to construct certain improvements in order to obtain a building permit, the City Council may require a bond in a form acceptable to the City attorney and in an amount approved by the building official enabling the City to construct the improvement or complete the construction in the event the project or part of the project is abandoned by an applicant.

ARTICLE XII. FEES

20.04.800 Adoption and Display.

A. Fees required under this title shall be as adopted from time to time by the City Council. Such fees shall be to defray the costs of review by appropriate City departments of such requests and applications, and for other administration and processing costs.

B. Copies of all fees adopted by City Council under this title shall be displayed at the offices of the zoning administrator, the executive secretary of the Zoning Board of Adjustment, and the executive secretary of the City Plan Commission.

20.04.810 Zoning verification requests.

A. The fees for processing of zoning verification requests shall be as adopted by City Council

B. The applicant for a zoning verification shall submit a written request to the zoning administrator giving an accurate legal description of the property, an address of the property, if known, and the proposed use of the property. The applicant shall pay the required fee to the City cashier at the time of submission of such request. Such fees shall be to defray the costs of administrating and processing such requests.

20.04.820 Home occupation license.

CITY CLERK DEPT.
07MAY 10 AM 8:49

A. The City Council shall adopt a fee for processing applications for home occupation licenses and annual renewals.

B. The applicant for a home occupation license shall, at the time of submission of the application, pay the required fee to the City cashier through the office of the building official. A penalty for late submittal of the home occupation license renewal shall result in a late fee of twenty percent of the renewal fee to be paid in addition to the renewal fee as provided in this section.

20.04.830 Request for increased height of screening wall.

A. Pursuant to Chapter 20.16, the City Council shall adopt a processing fee for requests to erect screening walls above six feet in height, and no greater than eight feet in height, on private property abutting any City property, including public accessways and drainage channels.

B. The applicant shall submit to the zoning administrator a written request for approval of such a screening wall. The request shall specify the address and legal description of the affected property, and shall be accompanied with three copies of an accurately drawn site plan showing the location of the proposed wall. The fee shall be paid to the City cashier through the office of the zoning administrator when such request is submitted.

20.04.840 Request to waive or amend mandatory wall requirement.

A. Pursuant to Chapter 20.16, the City Council shall adopt a processing fee for requests to waive or amend the requirement for a mandatory six-foot high masonry wall when topographic conditions or common recreational areas negate the visual screening effect of the wall.

B. The applicant shall submit to the zoning administrator a written request that the requirement be waived or amended stating the reasons for such request. The request shall specify the address and legal description of the affected property, and shall be accompanied with three copies of an accurately drawn site plan showing the location of the request. The fee shall be paid to the City cashier through the office of the zoning administrator when such request is submitted.

20.04.850 Classification of use.

A. Prior to applying for a building permit or certificate of occupancy, the applicant may request a classification of use from the zoning administrator. The request shall be submitted in writing and shall accurately describe the intended use including, but not limited to, identifying all structures, facilities and equipment needed to carry out the activities of the intended use. The zoning administrator may request additional information from the applicant to appropriately classify the use. (See Section 20.08.040 for classification of new or unlisted uses.)

B. The request for classification of a use shall be accompanied by a processing fee as adopted by City Council and shall be paid to the City cashier at the time of submission of such request. Such fees shall be to defray the costs of researching, processing and maintaining records of such requests.

ARTICLE XIII. ENFORCEMENT

20.04.900 Administrator's duty.

It shall be the duty of the administrator and such deputies as are appointed to interpret the provisions of Title 20 and to refuse to approve the issuance of any permit for any building, or for the enlargement or structural alterations of any building, or for the use of any premises which would violate any of the provisions of Title 20. It shall also be the duty of all officers and employees of the City to assist the administrator by reporting any seeming violation in new construction, reconstruction or land use.

CITY CLERK DEPT.
07MAY 10 AM 8:49

CITY CLERK DEPT.
07 MAY 10 AM 8:49

CHAPTER 20.06

ZONING DISTRICTS AND MAP

20.06.010 Districts established and enumerated.
20.06.020 Purpose of districts.
20.06.030 Official zoning map.
20.06.040 District boundaries.
20.06.050 Amendment to official zoning map.
20.06.060 Omitted land.
20.06.070 Annexed properties.
20.06.080 Compliance with district standards.

Section 20.06.010 Districts established and enumerated.

In order to classify, regulate and restrict the location of businesses, trades, industries, residences and other land uses in accordance with the objectives of *The Plan for El Paso*; to regulate and restrict the location of buildings erected, reconstructed, altered or enlarged for specified uses; to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged; to regulate and limit the intensity of the use of lot areas; to protect and preserve places and areas of historical and cultural importance and significance; to regulate and determine the area of yards and other open spaces; and to regulate and limit the density of population, all property within the Corporate Limits is hereby divided into zoning districts that are grouped in classes for convenience of reference as follows:

A. Residential Districts.

<u>Light Density Residential Districts</u>

"R-1, R-2, R-2A, R-3 and R-3A"	Residential Districts
"R-4, R-5"	Residential Districts
"RMH"	Residential Mobile Home District

<u>Medium Density Residential Districts</u>

"A-1"	Apartment District
"A-2"	Apartment District
"A-3"	Apartment District
"A-O"	Apartment/Office District

<u>High Density Residential Districts</u>

"A-4"	Planned Apartment District
"A-3/O"	Apartment/Office High Density District
"A-M"	Apartment/Mobile Home Park District

B. Commercial Districts.

CITY CLERK DEPT.
07 MAY 10 AM 8:49

Neighborhood Commercial Districts

"C-OP"	Office Park District
"C-1"	Commercial District

Community Commercial Districts

"C-2"	Commercial District
"C-3"	Commercial District

Regional Commercial Districts

"C-4"	Commercial District
"C-5"	Central Business District

C. Industrial and Manufacturing Districts.

Light Industrial Districts

Q"	Quarry District
"M-1"	Light Manufacturing District

Heavy Industrial Districts

"M-2"	Heavy Manufacturing District
"M-3"	Unrestricted Manufacturing District

D. Special Purpose Districts.

"R-F"	Ranch & Farm District
"PMD	Planned Mountain Development District
"S-D"	Special Development District
"U-P"	Union Plaza District
"P-R I"	Planned Residential District I
"P-R II"	Planned Residential District II
"P-C"	Planned Commercial District
"P-I"	Planned Industrial District
"SRR"	Special Residential Revitalization District
"R-MU"	Residential Mixed Use District
"G-MU"	General Mixed Use District
"I-MU"	Industrial Mixed Use District

Section 20.06.020 Purpose of districts.

A. Residential Districts.

1. Light Residential Districts. The purpose of these districts is to promote and preserve residential development within the City to create basic neighborhood units. It is intended that the district regulations maintain a low density of

CITY CLERK DEPT.
07MAY 10 AM 8:49

dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

2. Medium Residential Districts. The purpose of these districts is to promote and preserve residential development within the City associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

3. High Residential Districts. The purpose of these districts is to promote and preserve a diversity of residential dwelling types at the highest densities within the City and to provide for the integration of compatible business and professional office uses to complement the areas. It is intended that the district regulations allow for concentrations of population through the use of multi-story facilities. The regulations of the districts will permit site diversification for high-density residential development in which adequate public facilities are available for present and future needs.

B. Commercial Districts.

1. Neighborhood Commercial Districts. The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

2. Community Commercial Districts. The purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the City. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

3. Regional Commercial Districts. The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire City. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the

CITY CLERK DEPT.
07MAY 10 AM 8:49

districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

C. Industrial Districts.

1. Light Industrial Districts. The purpose of these districts is to provide locations for light-intensity industries involving manufacturing, assembling, distribution and warehousing. It is intended that the districts will serve the entire City and will permit supporting commercial uses. The regulations of the districts are intended to preserve a light industrial nature particularly with regard to noise, smoke, odors, dust, vibrations and other noxious conditions.

2. Heavy Industrial Districts. The purpose of these districts is to provide for the most intensive of industrial uses which may be characteristic of nuisance or hazardous conditions. It is intended that the districts will serve the entire City. The regulations of the districts will require reasonable standards for the protection and preservation of the compatibility of such uses and adjacent areas.

D. Special Purpose Districts.

1. "R-F" Ranch-Farm District. The purpose of this district is to provide for primarily fallow or agricultural areas within the City and to protect and conserve these areas within and adjacent to urban development. It is intended that this district afford areas where semi-rural (very-low density) residential and agricultural uses can be maintained without impairment from higher density residential, commercial or industrial development. The regulations of this district are designed to protect, stabilize and enhance the development of agricultural resources and to prohibit those activities that would adversely affect the urban-rural characteristics of this district.

2. "PMD" Planned Mountain Development District. The purpose of this district is to preserve and protect the significant natural features of the mountain development and hillside area within the City. It is intended that the regulations of the district provide design alternatives which help to minimize disturbances to the natural character of the area and which enhance the open space and aesthetic qualities of the land. The regulations of this district are designed to protect, stabilize and enhance the development of these environmentally sensitive lands and to preserve them from the encroachment of more intensive forms of development.

3. "S-D" Special Development District. The purpose of this district is to provide an opportunity for mixed-use projects, integrated in design, in certain older

CITY CLERK DEPT.
07MAY 10 AM 8:49

residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

4. "U-P" Union Plaza District. The purposes of the Union Plaza District are: (1) to create a unique mixed-use environment with the provision of standards and guidelines designed to encourage the preservation of existing building architecture; (2) to ensure that reconstruction of existing buildings or new construction projects is consistent with the architectural and design guidelines adopted for the Union Plaza District; and (3) to encourage a variety of commercial and residential uses that coexist in a mixed-use area.

5. "P-R I" Planned Residential District I. The purpose of this district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at lower residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; and to offer an opportunity for design flexibility and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

6. "P-R II" Planned Residential District II. The purpose of this district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

7. "P-C" Planned Commercial District. The purpose of this district is to provide for attractive and efficient retail shopping and personal service facilities of integrated design in appropriate locations to serve residential neighborhoods. It is intended that the district shall be laid out and developed as a unit according to an approved plan so that the purpose of the district may be accomplished. The

CITY CLERK DEPT.
07MAY 10 AM 8:49

district is adaptable to shopping centers of various sizes, as well as development of general business properties where the use of shared parking and access, together with careful site planning, will produce a stronger commercial area.

8. "P-I" Planned Industrial District. The purpose of this district is to establish an industrial environment for certain types of manufacturing, business or industrial uses which are compatible with any adjacent land use by performance, appearance, and general operating characteristics. The regulations of the district are designed so that all operations and activities, specifically including but not limited to, the storage of materials of all kinds are conducted within a building or appropriately screened.

9. "SRR" Special Residential Revitalization District. The special residential revitalization district (SRR) is established in recognition that developments containing both residential and commercial uses can create an appealing and vital urban environment when carefully designed. Developments approved for this district shall be designed to eliminate potential use conflicts through creative design methods. The SRR district allows for mixing residential environments with workplaces and services. Development in the SRR district must accommodate transportation systems, surrounding environments and pedestrian movements.

10. "R-MU" Mixed Use Residential District. The purpose of this district is to accommodate, encourage and promote innovatively designed developments involving neighborhood-serving residential and commercial land uses, which together form an attractive and harmonious unit of the City. The regulations of this district are intended to allow for developments that are intended by their size and nature of operation to provide service to a neighborhood. It is intended that the district regulations permit uses that are compatible with the residential areas that the uses serve, and allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

11. "G-MU" General Mixed Use District. The purpose of this district is to accommodate, encourage and promote innovatively designed developments involving the combining and mixing of uses allowed in various zoning districts with appropriate regulations, which together form an attractive and harmonious unit of the City. The regulations of this district are intended to allow for large-scale developments that are able to function as individual neighborhoods, as small-scale developments requiring flexibility because of unique design characteristics, or as transitional areas between dissimilar land uses. It is intended that the district regulations permit flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

12. "I-MU" Mixed Use Industrial District. The purpose of this district is to accommodate, encourage and promote innovatively designed developments involving diverse commercial and industrial land uses, which together form an

CITY CLERK DEPT.
07MAY 10 AM 8:49

attractive and harmonious unit of the City. The regulations of this district are intended to allow for developments with good access and high visibility that are designed to create compatibility between diverse uses and adjacent zoning districts. It is intended that the district regulations permit uses serving the entire community, and allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

Section 20.06.030 Official zoning map.

A. The boundaries of the zoning districts herein established are shown on a set of maps known and designated as the "Official Zoning Map Series, City of El Paso, Texas". These maps shall be kept and maintained on a geographical information system ("GIS") or other digital cartography system by the Planning Division of Development Services Department. It shall be the duty of the Deputy Director of Planning to keep the Official Zoning Map Series up to date, clearly indicating all changes as soon as practicable after said changes occur. These maps shall be available to the public for inspection. Copies of superseded prints of the Official Zoning Map Series shall be kept for historical reference.

B. The boundaries of the districts are as shown on the original "Official Zoning Map Series, City of El Paso, Texas", dated June 5, 2007, and which are adopted and made a part of this ordinance by reference as if the districts, notations and information shown thereon were fully contained and described within this Title; and any amendments made thereto after the effective date of these regulations. Copies of any ordinances, plans or other documents effecting amendments to the Official Zoning Map shall also be maintained by the Planning Division and shall be available to the public for inspection.

Section 20.06.040 District boundaries.

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the Official Zoning Map Series, the following rules shall apply:

A. A letter and/or number combination shown on the Official Zoning Map Series shall indicate that the regulations pertaining to the zoning district of that letter and/or number combination extend throughout the whole area within those zoning district boundary lines, except as otherwise provided by this Section.

B. Zoning district boundaries approximately following (adjacent to or within) an alley, canal, lateral, drainage right-of-way, railroad right-of-way, railroad easement or street right-of-way, shall be construed to follow the centerline of the alley, canal, lateral, drainage right-of-way, railroad right-of-way, railroad easement or street right-of-way, and shall be so designated on the Official Zoning Map Series.

CITY CLERK DEPT.
07MAY 10 AM 8:49

C. Zoning district boundaries approximately following (adjacent to) a platted lot line, tract line, survey line, or other jurisdictional boundary line, shall be construed to follow the platted lot line, tract line, survey line, or other jurisdictional boundary line, and shall be so designated on the Official Zoning Map Series.

D. Where the actual location of an alley, canal, lateral, drainage right-of-way, railroad right-of-way, railroad easement, street right-of-way, platted lot line, tract line, survey line, or other jurisdictional boundary line varies slightly from its location as shown on the Official Zoning Map Series, the actual location of the alley, canal, lateral, drainage right-of-way, railroad right-of-way, railroad easement, street right-of-way, platted lot line, tract line, survey line, or other jurisdictional boundary line shall control.

E. Zoning district boundaries dividing a platted lot or tract shall be construed as being located as shown on the Official Zoning Map Series, and distances shall be determined by the scale of the map.

F. Where a property has been or may hereafter be divided into platted blocks and lots, the zoning district boundaries approximately following (adjacent to) a platted lot line shall be construed to follow the platted lot line and shall be so designated on the Official Zoning Map Series.

Section 20.06.050 Amendment to official zoning map.

Amendments to the Official Zoning Map Series shall be accomplished using the procedures that apply to map amendments in this Title, as set forth in Chapter 20.04 (Administrative Provisions).

Section 20.06.060 Omitted land.

If, because of error or omission in the Official Zoning Map Series, any property in the Corporate Limits is not shown as being in a zoning district, or if for any other reason the zoning cannot be properly determined on any property in the Corporate Limits by the Zoning Administrator, such property shall be classified as R-F (Ranch and Farm) zoning district until changed by amendment pursuant to Chapter 20.04 (Administrative Provisions) of this Title.

Section 20.06.070 Annexed properties.

A. Any property hereafter annexed to the corporate limits shall be zoned in accordance with state law and this Title. The City Council and City Plan Commission may jointly consider, recommend and act, designating the zoning classification for the proposed annexed parcels proposal, at the same time of the public hearings required for annexation; provided, that all procedures required for amendments pursuant to Chapter 20.04 (Administrative Provisions) of this

CITY CLERK DEPT.
07MAY 10 AM 8:49

Title and state law are complied with. If the property is annexed into the corporate limits without City Council action designating a zoning classification for the property, the property shall be automatically zoned as R-F (Ranch and Farm) zoning district, and the zoning map revised accordingly, until changed by amendment pursuant to Chapter 20.04 (Administrative Provisions) of this Title.

B. The establishment of any nonconforming situations for any development or use of land existing on any parcel on or before initiation of annexation proceedings by the City shall be subject to the requirements of Chapter 20.22 (Nonconforming Situations) of this Title.

Section 20.06.080 Compliance with district standards and use regulations.

All property within the Corporate Limits shall be located within one of the zoning districts described herein, and shall meet and conform to all requirements of those districts and shall meet any applicable performance standards (supplemental use regulations) set forth in this Title. These performance standards shall apply whether or not a reference to such standards is identified in the Table of Permissible Uses under Chapter 20.08 (Permissible Uses) of this Title. Except where indicated otherwise, the uses permitted in each zoning district shall be limited to those specifically enumerated. Unless the contrary is clear from the context of the lists or other regulations of this Title, uses not specifically listed are prohibited.

CITY CLERK DEPT.
07 MAY 10 AM 8:49

CHAPTER 20.08

PERMISSIBLE USES

20.08.010 Uses permitted by district.
20.08.020 Interpretative provisions.
20.08.030 Permissible uses.
20.08.040 Classification of new or unlisted uses.
20.08.050 Change in use.
20.08.060 Combination uses.

Section 20.08.010 Uses permitted by district.

No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the zoning district in which it is located, according to the Table of Permissible Uses found in Appendix A, is adopted in its entirety, incorporated herein by reference, and in accordance with the provisions of this Title.

Section 20.08.020 Interpretative provisions.

A. When used in connection with a particular use in the Table of Permissible Uses, the designations shall have the following connotations.

1. Permitted use. A "P" in a cell shall indicate that a use is allowed by right in the respective zoning district, and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this Title.

2. Accessory use. An "A" in a cell shall indicate that a use is allowed by right when it is incidental to a permitted use in the respective zoning district, and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this Title.

3. Special permit use. An "S" in a cell shall indicate that a use is only allowed by special permit with a detailed site plan approval in the respective zoning district obtained from the City Council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this Title.

4. Restricted use. A "D" in a cell shall indicate that a use is allowed in a special purpose district, excluding the R-F Ranch & Farm District, following detailed site plan approval in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance

standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this Title.

CITY CLERK DEPT.
07MAY 10 AM 8:49

5. Mixed Use. A "Z" in a cell shall indicate that a use is allowed in a Mixed Use District (RMU, GMU or IMU) as authorized by the City Council with specific use limitations and development standards, following approval of a Master Zoning Plan and a detailed site plan in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this Title.

6. Special exception use. An "E" in a cell shall indicate that a use is only allowed by special exception in the respective zoning district obtained from the Zoning Board of Adjustment in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this Title.

7. Uses not allowed. An "X" in a cell shall indicate that a use is not allowed in the respective zoning district.

8. Supplemental Use Regulations. The reference to a supplemental standard in any cell shall mean that the use in a respective zoning district is subject to additional standards and requirements found in Chapter 20.10 (Supplemental Use Regulations) of this Title. The specific section number of the standard shall be noted in the column titled "Supplemental Standards." Provided, however, that any applicable performance or supplemental standard within Chapter 20.10 (Supplemental Use Regulations) of this Title applying to a use shall be required whether or not referenced incorrectly or omitted from the Table of Permissible Uses.

B. A use that may be interpreted to be permitted under more than one (1) categorical or use description in the Table of Permissible Uses shall be required to satisfy the requirements of the most restrictive zoning district in which the use is allowed.

C. A use particularly identified, whether or not the use may be interpreted to be permitted under more than one (1) categorical or use description in the Table of Permissible Uses due to function or type, shall satisfy the requirements of the zoning district in which the use is particularly identified.

Section 20.08.030 Permissible uses.

A. The zoning districts described in this Chapter group together those uses that are reasonably compatible with one another according to their normal characteristics of operation in order to achieve the following:

CITY CLERK DEPT.
07MAY 10 AM 8:49

1. To permit, in connection with these uses, those customary and necessary accessory activities that are incidental to the principal use.

2. To permit certain other uses that may be established in some situations and subject to specific conditions so that such special uses will also be compatible with the uses allowed.

3. To promote orderly, timely, economical growth and to recognize current land use conditions.

4. To provide sufficient space in appropriate locations for development to meet the present and future growth needs of the City, with allowance for diversity of sites.

5. To protect use areas, as far as possible, against heavy and unnecessary through traffic.

6. To protect use areas against pollution, environmental hazards and other objectionable influences.

7. To protect use areas against congestion, as far as possible, by managing the density of population in and around them.

8. To provide for privacy and access of light and air, as far as possible, through controls over the spacing and height of buildings and other structures.

9. To promote the most appropriate use of land to achieve stability of development, to protect the character of the districts, to conserve the value of land and buildings, and to protect the tax base.

10. To promote the most efficient use of public facilities and services.

11. To protect against fire and explosions and other safety hazards.

12. To provide for fire and other emergency access.

13. To accommodate use activities and operations whose external physical effects are restricted to the area of the zoning district, and in no manner affect in a detrimental way any of the surrounding zoning districts.

B. The Table of Permissible Uses shall be used in conjunction with the terms and definitions as set forth in Chapter 20.02 (General Provisions and Definitions) of this Title. The uses are assigned different categorical descriptions in the table for illustrative purposes only, as shown below.

1.0 Agricultural & related operations

CITY CLERK DEPT.
07MAY 10 AM 8:49

2.0	Commercial, storage & processing
3.0	Educational, institutional & social uses
4.0	Office & research services
5.0	Manufacturing, processing & assembling
6.0	Medical & related uses
7.0	Mining & quarrying operations
8.0	Motor vehicle sale & service operations
9.0	Parking & loading
10.0	Personal services
11.0	Recreation, amusement & entertainment
12.0	Repair services
13.0	Residential
14.0	Sales, retail & wholesale
15.0	Signs
16.0	Temporary uses
17.0	Towers & related structures
18.0	Transportation related uses
19.0	Utility & miscellaneous governmental uses
20.0	Overlay Designations

C. Table of Permissible Uses. Appendix A.

Section 20.08.040 Classification of new or unlisted uses.

It is recognized that new types of land use will develop and forms of land use not listed in any respective zoning district within the Table of Permissible Uses (Subsection 20.08.030) may seek to locate and operate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

A. The Zoning Administrator shall upon a written request for interpretation of any interested party and pursuant to the procedures set forth in Chapter 20.04 (Administrative Review Procedures), make a determination within which zoning district the new or unlisted use should be allowed. Any request for an interpretation shall be accompanied by a fee in the amount paid for a zoning determination, and shall include a written statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

B. The Zoning Administrator shall review the request determine if the new or unlisted use is sufficiently similar to a use already allowed within the Table of Permissible Uses and shall determine within which zoning district the new or unlisted use should be allowed. A new or unlisted use shall be classified with other similar listed uses and shall be permitted in the same zoning district(s). The nature of the new or unlisted use and its compatibility with the uses

CITY CLERK DEPT.
07MAY 10 AM 8:50

permitted in the various zoning districts shall be considered with many factors in determining the zoning district or districts within which such new or unlisted use shall be permitted.

C. If the Zoning Administrator determines that the new or unlisted use is not similar to any use allowed within the Table of Permissible Uses, or the requestor does not agree with the determination of the Zoning Administrator, then the initial request and the Zoning Administrator's determination shall be forwarded to the City Plan Commission requesting an interpretation as to the zoning classification into which such use should be placed.

D. The City Plan Commission shall consider the nature and described performance of the proposed use and compatibility with the uses permitted in the various districts and after public hearing determine the zoning district or districts within which such use should be permitted.

E. The City Plan Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council may approve the recommendation of the City Plan Commission or make such determination concerning the classification of such use as is determined appropriate after giving consideration to the facts and recommendations; and shall direct that an ordinance be drafted to amend the Zoning Code in order to allow such use.

Section 20.08.050 Change in use.

A change in use occurs whenever the essential character or nature of the activity conducted on a property, or portion thereof, substantially changes from one principal use category to another, requiring that new permits be obtained pursuant to Chapter 20.04 (Administrative Provision) of this Title. For purposes of this Section, substantial change occurs when the relative proportion of space devoted to the principal use changes to such an extent that the parking requirement for the use is altered or when the type of individual principal use or combination of uses changes. A change in the status of the property from unoccupied to occupied or vice versa, or a change in ownership or business name, shall not be regarded as a change in use.

Section 20.08.060 Combination uses.

When a property comprises two or more principal uses that require different types of permits, then the permit authorizing the combination use shall be:

1. a special permit if any of the principal uses combined is permitted only as a special permit use; or

2. a detailed site plan approval if any of the principal uses combined is permitted only following a detailed site plan approval; or

3. a building permit in all other cases.