

- B. Permanent Residential Structure requirements
1. At each recreational vehicle park, no more than one (1) existing residential structure may be retained or one (1) new residential structure constructed or installed for occupancy by the owner or operator of the park.
 2. An existing structure located on a recreational vehicle park may be converted to an administrative, office or community building for use by the guests of the park. A structure so converted shall meet all City code standards for public occupancy applicable to the proposed use.
- C. Internal Street and Parking requirements
1. Internal streets and/or driveways, all traffic control devices and street name signs within a recreational vehicle park shall be privately owned, built, and maintained. Internal streets and/or driveways shall be designed for safe and convenient access to all lots and to common facilities. If any portion of the recreational vehicle park is intended for overnight occupancy only, the internal streets and/or driveways should be arranged to accommodate drive-through lots.
 2. Internal streets shall be kept open and free of obstruction to allow emergency vehicles to have access to all areas of the recreational vehicle park.
 3. Internal streets and/or driveways shall be constructed and maintained to specifications established by City Code. They shall be kept free of cracks, holes, and other hazards. Internal streets shall be designed by a professional engineer in accordance with good engineering practices, and shall be approved by the fire chief before a construction permit is issued for the park.
 4. Internal streets and/or driveways must meet requirements of the City Code.
 5. Dead-end streets and/or driveway lengths shall comply with Fire Code requirements.
 6. Entrances and exits to a recreational vehicle park shall be designed for safe and convenient traffic movement from adjacent public streets onto internal streets or driveways. Entrances and exits from a recreational vehicle park shall not be through a residentially zoned district, nor require traffic movement to or from the park through a residentially zoned district.
 7. On all sections of an internal street where parking is prohibited under this section, the owner or operator of the recreational vehicle park shall erect and maintain traffic control signs and street markings prohibiting parking.

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8. Each internal street and/or driveway shall be provided with street lighting. Light standards shall have a height and spacing to ensure an average illumination level of not less than 0.2 foot candles.
- D. Recreational Vehicle Lot Requirements - Recreational vehicle park lots shall be occupied only by recreational vehicles.
- E. Utilities – Utilities shall be installed in compliance with all applicable code requirements.
- F. Service and Auxiliary Building Requirements - This section shall apply to all service buildings, recreation buildings, management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, commercial buildings supplying essential goods or services for park tenants, and other similar buildings in recreational vehicle parks.
 1. All service and auxiliary buildings shall be located to be convenient to the recreational vehicle lots they service and shall be kept clean.
 2. Each park shall contain one (1) or more service buildings providing separate sanitary facilities for men and women.
 3. No lot space shall be located farther than five hundred (500) feet from such a service building.
 4. The entrances to such buildings shall be clearly marked to show which gender the facilities serve.
 5. Fixtures shall be provided in accordance with the Plumbing Code.
 6. Each recreational vehicle park shall contain waste disposal stations for the sole purpose of removing and disposing of wastes from recreational vehicle holding tanks in a clean, efficient and convenient manner.
- G. Fire Code Safety Instruction requirements
 1. Each recreational vehicle park owner or operator shall ensure that its park staff is instructed in the use of park fire protection equipment and in their specific duties in the event of a fire.
 2. The Fire Chief may make printed safety instructions available to all recreational vehicle park owners or operators for distribution to their guests.
- H. Construction Plan requirements - A construction plan shall be submitted for review and approval by the Development Services Department prior to issuance of a building permit that identifies the following:

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1. The area and dimensions of the tract of land, identifying its location and boundaries,
2. The number, location, and size of all recreational vehicle lots,
3. The location, width, and specifications of driveways, roadways, and walkways,
4. The location and details of lighting, public telephones, and electrical and gas systems,
5. The location and specifications of water and sewer lines and sewer service riser pipes,
6. The location and specifications of all buildings constructed or to be constructed within the park,
7. Existing and proposed topography of the park,
8. The location of fire mains including the size of the main, fire hydrants, and fire extinguishment equipment, and available fire flow, and
9. Such other information as may be reasonably required by the departments reviewing the construction plan.

Section 20.10.520 Recycling Collection Facilities.

- A. Small Collection Facilities. Small collection facilities may be located in commercial, manufacturing and industrial zones provided they comply with the following standards:
 1. Shall be established as an accessory use to a permitted commercial, manufacturing or industrial use which is in compliance with the zoning, building and fire codes of the city;
 2. Shall be no larger than two thousand square feet and occupy no more than ten parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers. For mobile facilities the size of the trailer shall not exceed five hundred square feet;
 3. Shall be set at least ten feet from any property line and not obstruct pedestrian or vehicular circulation. However, this setback requirement may be modified by the zoning administrator following a report by the traffic engineer that a reduced setback will not obstruct visibility or create a traffic safety problem;

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4. Shall accept only glass, metals, plastic containers, papers, clothing items, and any other nonhazardous materials as may be acceptable with permission from the city-county health director. Used motor oil may be accepted with permission of the city-county health district;
5. Power-driven processing equipment shall be permitted, provided the equipment does not exceed the noise standards contained in Chapter 9.40 of this code;
6. Shall use containers that are constructed of durable material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected during collection hours;
7. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
8. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
9. Attended facilities located within fifty feet of a property line of an existing residential use or existing R, A, PR, SRR, RMU or PMD zoning district shall operate only during the hours between nine a.m. and seven p.m.;
10. Containers for the twenty-four-hour donation of materials shall be at least thirty feet from any property line abutting an existing residential use or an existing R, A, PR, SRR, RMU or PMD zoning district;
11. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
12. Small collection facilities may have identification signs with a maximum of forty percent per side, in addition to informational signs and shall be restricted to on-premise advertising;
13. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a primary use. However, one space will be provided for the attendant;
14. Mobile units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

15. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use;
 16. The owner/operator shall obtain a permit from the city/county health district; and
 17. Small collection facilities shall not be located in an area that obstructs the visibility of oncoming traffic exiting from adjacent driveways.
- B. Large Collection Facilities. Where permitted in a district, large collection facilities shall comply with the following standards:
1. Facility does not abut a bridge or overpass or the property lines of an existing residential use or an existing R, A, PR, SRR, RMU or PMD zoning district;
 2. Facility will be screened from the public right-of-way by operating in an enclosed building or:
 - a. Within an area enclosed by a screening fence having a minimum height of six feet; and
 - b. At least one hundred fifty feet from the property line of existing residential use or existing R, A, PR, SRR, RMU or PMD zoning district, and
 - c. Meets all applicable noise standards required by city code;
 3. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located, or the setbacks and landscaping imposed by the city at the time of rezoning or special permit approval;
 4. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition, or shall be baled or palletized. Oil storage must be in containers complying with state and federal regulations. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
 5. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
 6. Space will be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the traffic engineer determines that allowing overflow traffic above six vehicles is compatible with surrounding businesses and public safety;

7. One parking space will be provided for each commercial vehicle operated by the large recycling facility. Otherwise, parking requirements will be as provided for in chapter 20.14 of this code;
8. Noise levels shall be in conformance with Chapter 9.40 of this code;
9. If the proposed facility is located within five hundred feet of existing residential use or existing R, A, PR, SRR, RMU or PMD zoning district, it shall not be in operation between seven p.m. and seven a.m.;
10. Any containers provided for after-hours donation or recyclable materials will be at least fifty feet from any property line of an existing residential use or existing R, A, PR, SRR, RMU or PMD zoning district, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
11. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;
12. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed with the approval of the traffic engineer, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way;
13. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment may be approved at the discretion of the city-county health director if noise and other conditions are met; and
14. The owner/operator shall obtain a permit in compliance with all applicable regulations.

Section 20.10.530 Resident Watchmen Facilities.

Dwellings for resident watchmen or property caretakers employed on the premises are permitted accessory uses, not to exceed one dwelling per site.

Section 20.10.540 Residential Manufactured Home Subdivision.

The purpose of this district is to provide for needed, properly planned and well-designed manufactured home subdivisions in areas where public utilities are available

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and to establish basic standards for the character of the use and to mitigate any adverse effect on surrounding properties.

- A. In manufactured home subdivisions in the RMH district, the minimum dimension of lots and yards and the height of buildings shall be as shown in the accompanying table, and the following standards:
 - 1. No more than more one manufactured home shall be located on any one subdivisions lot;
 - 2. Skirting shall be required on all manufactured homes; and
 - 3. All manufactured homes shall be anchored to a permanent foundation.
 - 4. No manufactured home shall be placed for occupancy at any location without the owner or owners first having obtained a placement permit from the building official.

TABLE INSET:

Land area	4 acre minimum
Lot area	4,000 square feet minimum per unit
Lot depth	90 feet minimum
Lot width	40 feet minimum
Lot coverage	50 percent maximum
Front yard	20 feet minimum
Rear yard	5 feet minimum
Side -interior lot	5 feet minimum
Side abutting street	10 feet minimum
Height	35 feet maximum

- B. All areas not covered by structures or paved surfaces shall be landscaped and maintained by the owner;
- C. Prior to the sale of any lots in a manufactured home subdivision, a screening fence or wall forty-two inches in height shall be installed along all boundaries of the subdivision which abut a public right-of-way (lots fronting on a public right-of-way abutting the subdivision and driveways excepted) and a screening fence or wall no less than forty-two inches in height and no more than six feet in

height shall be installed along boundaries of the subdivision which abut property not included in the subdivision;

- D. Fire protection facilities shall be provided in accordance with requirements of the city fire department.
- E. At least one off-street parking space shall be provided on each manufactured home site.

Section 20.10.560 Restricted residential mixed-use development.

A. Purpose. The purpose of a restricted residential mixed-use development is to create a unique environment for a hub of activity and a focal point for a given area, reflecting the identity of the area by providing a variety of land uses that coexist in a multi-use residential setting. The mix of land uses are functionally connected to create a cohesive development which facilitates new development, but also provides for the retention and integration of existing residential types and intensities. The mixed-use area shall provide for a group of land uses that meet the daily needs of the area.

B. Designation.

1. An application for a residential mixed-use development may be initiated by a property owner or group of property owners of land within the area of request, by the city plan commission, or by the El Paso City Council.
2. The area of request shall be designated for mixed-use within the city's projected land use element of the adopted comprehensive plan, "The Plan for El Paso."
3. The area of request shall be wholly included in a city adopted specific study area plan for the area, which sets the written and graphic description of the concerns, objectives, guidelines, and design standards for guiding the development of the area.
4. The area of request shall be wholly designated as a neighborhood conservancy overlay as provided in Section 20.10.400 of this Title.
5. There shall be no minimum site requirement for a restricted residential mixed-use development, provided, however, that it is the intent of these regulations that an area of sufficient size be developed or redeveloped symbiotically with adjacent land. Extensions to a restricted residential mixed-use development from a common boundary may be considered and shall not require a minimum site area.

C. Use Regulations. In addition to the uses permitted by the underlying zoning district, buildings, structures, or premises may be used, erected, altered or

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enlarged for the following uses. A special permit granted by the city should specifically enumerate which of the following uses are permitted as part of the restricted residential mixed-use development.

1. Residential dwellings, including detached single-family, two-family, attached single-family and multi-family,
2. Business and professional offices, including doctor's offices, clinics and other medical practitioners,
3. Studio for professional work or teaching of any form of commercial or fine arts,
4. Bakery,
5. Drugstore,
6. Ice cream parlor,
7. Restaurant or cafe, excluding drive-in types,
8. Grocery or convenience store,
9. Variety store,
10. Barber or beauty shop,
11. Dry-cleaning shop or Laundromat,
12. Health or fitness studio,
13. Travel agency,
14. Specialty retail uses such as an antique store, art gallery, bookstore, florist, gift shop, or hobby store,
15. Community buildings and recreational facilities (publicly or privately owned),
16. Bed and breakfast establishment,
17. Boardinghouse (rooming or lodging house),
18. Commercial day care center or nursery,
19. Accessory uses customarily found in connection with any of the enumerated permitted uses.

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- D. Property Development Standards. Where permitted in a district, a restricted residential mixed-use development shall comply with the development standards of the underlying zoning district and as otherwise provided in this title, except as herein modified. These provisions shall apply to and be enforceable upon any new construction, reconstruction or renovation of buildings, structures, or premises made to accommodate uses permitted as part of a restricted residential mixed-use development.
1. Residential dwellings physically integrated with offices and commercial establishments within a site are permitted, and are deemed most in keeping with the objectives of this section for the development of a balanced community.
 2. All permanent storage and display operations shall be conducted within a completely enclosed building or structure.
 3. Off-street parking requirements contained in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall not be required of uses permitted in a restricted residential mixed-use development, provided, however, that where adequate area within a site is available to accommodate required off-street parking (whether wholly or partially) within a rear area of a site, such off-street parking may be provided.
 4. On-premises advertising for strictly non-residential uses within a restricted residential mixed-use development shall be restricted to wall or monument signs. One sign not exceeding thirty square feet in size shall be permitted per street frontage. The height of a monument sign shall not exceed six feet in height. Signs shall be pedestrian-oriented and shall not detract from the character of the area. On-premises advertising for a residential mixed-use development consisting of residential uses physically integrated with office and commercial uses, whether wholly or partially, shall be restricted in the same manner as described above except that the maximum sign area permitted per street frontage shall be twenty square feet.
 5. No building shall exceed the height limitations of the underlying zoning district, except where it can be demonstrated that the additional height will not have a detrimental effect on the surrounding land uses or the visual pattern of the area.
 6. Existing or proposed multi-story buildings that are intended for retail sales or variety stores shall be designed to allow for commercial usage on the ground floor level only, and a mix of residential types and intensities on the upper floors.
 7. Uses shall be innovatively designed by means of emphasizing pedestrian orientation.

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8. In addition to the landscape requirements contained in Title 18 (Buildings & Construction) of the El Paso City Code, any part of the total site area not required for buildings, structures, loading and vehicular access ways, parking and utility areas, pedestrian walks, and hard surfaced activity areas shall be landscaped.
 9. A minimum of one-fourth of the total site area shall be provided as open space to provide visual continuity within the area, and a variety of spaces in the streetscape. Of the open space area, no more than one-half of the area maybe used for non-permeable surfaces such as parking areas or driveways.
 10. The residential appearance of any portion of an existing residential building or structure within the site that is converted wholly or partially to a permitted mixed-use shall be maintained.
- E. Additional Requirements. In approving a restricted residential mixed-use development, the city plan commission may recommend and the City Council may impose additional reasonable requirements necessary to protect the public interest and welfare of the community. In the event that the design standards of the applicable study area plan are more restrictive or impose higher (or different) standards than the requirements of this title, the design standards of the applicable study area plan shall govern. Copies of adopted study area plans are on file in the Development Services Department.

Section 20.10.560 Restaurants, Drive-In.

Drive-in restaurants are not permitted in a C-1 or mixed use zoning district within two hundred feet of a residential use or an R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, PR-I, PR-II or PMD zoning district.

Section 20.10.570 Retail & Service Facilities.

Retail & service uses such as newsstands, cafeterias and retail stores are permitted inside an office building when primarily for the use of occupants thereof and occupants or other buildings in the development.

Section 20.10.580 Reverse Vending Machines.

- A. Reverse Vending Machine(s). Reverse vending machine(s) may be permitted in all commercial, manufacturing and industrial zones; provided, that they comply with the following standards:
 1. Shall be established as an accessory use to a permitted commercial, manufacturing or industrial use and is in compliance with the zoning, building and fire codes of the city;

2. Shall not occupy required parking spaces for the primary use;
3. Shall occupy no more than one hundred fifty square feet of floor space per installation, including any protective enclosure, and shall be no more than eleven feet in height;
4. Shall be constructed and maintained with durable material;
5. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone numbers of the operator or responsible person to call if the machine is inoperative;
6. Shall have a cumulative sign area not exceeding fifty square feet per machine, exclusive of operating instructions and shall be restricted to on-premise advertising;
7. Shall be maintained in a clean, litter-free condition on a daily basis;
8. Shall be illuminated to ensure comfortable and safe operation if the facility operates during nighttime hours;
9. The owner/operator shall obtain a permit from the city-county health district;
10. Reverse vending machines shall not be located in an area that obstructs the visibility of traffic entering or exiting adjacent driveways.

Section 20.10.590 Satellite Receiving Dishes & Antennas.

Satellite receiving dishes measuring more than one meter in diameter and other satellite receiving antennas shall comply with the following:

- A. In residential and apartment districts:
 1. The following setbacks shall be observed:
 - a. Four feet from interior lot lines,
 - b. If on a corner lot: the side street yard requirement for buildings in the district in which it is located,
 - c. If in the rear yard: five feet from the rear lot line,
 - d. If in the front yard: sixty feet from the front lot line,
 - e. If in side yard: sixty feet from the front lot line and the side yard requirement for buildings in the district in which it is located.
 2. The following standards shall be observed:

- a. Any such antennas plus other permitted accessory structures shall not occupy more than forty percent of the yard in which located.
 - b. When detached structurally from the main building the maximum overall height of any such antennas from ground level shall not exceed twenty-four feet.
 - c. When roof-mounted or attached to the main building, any such antennas shall conform to the height standard of the district in which located. The installation of any roof-mounted dish or antenna and those attached to the main building exceeding twenty-four feet in height shall be designed or checked and approved by a registered professional engineer or a registered professional architect.
- B. In commercial, manufacturing and industrial districts:
- 1. The following standards shall be observed:
 - a. The antenna may be located anywhere within the buildable area of the lot, with no part of the antenna projecting beyond such buildable area or onto the twenty foot visibility triangle.
 - b. When installed in conjunction with commercial or public radio and television broadcasting and microwave receiving facilities, a special permit shall be required except where the commercial or public radio and television broadcasting and microwave receiving facility is a permitted use by special permit or otherwise.
- C. All design, installation and construction of any such antennas shall comply with the building code of the city.
- D. No form of advertising or other identification is allowed on the dish or framework other than manufacturer's identification plates or stamps not exceeding one square foot in area.
- E. In historic districts, must additionally comply with Chapter 20.20 (Historic Preservation).

Section 20.10.600 Secondary Manufactured homes (Ranch-Farm District only).

Secondary manufactured home units are permitted in the Ranch and Farm zoning district on a site of at least one acre, provided the following conditions are met:

- A. A placement permit is obtained from the Building Permits & Inspection Division.
- B. Manufactured home meets requirements of National Manufactured Home Construction and Safety Standards,

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- C. All additions to the manufactured home shall be engineered and built to comply with currently applicable manufactured home construction standards,
- D. Manufactured home does not exceed a height of sixteen feet,
- E. Manufactured home shall have nonflammable skirting around its perimeter to screen its wheels and undercarriage from view,
- F. Fire protection facilities shall be provided as required by the fire department,
- G. A setback of twenty feet shall be maintained from any building or accessory structure,
- H. A setback of twenty-five feet shall be maintained from any property line,
- I. Such manufactured home shall be used only as a residence, and in no case shall be used for rental or commercial purposes, and
- J. A special permit granted pursuant to this section shall be for a period of two years. The city council may, upon application of the owner, approve a one-year extension of this time period, but in no case shall the total time period exceed a maximum of three years. The zoning board of adjustment shall not have jurisdiction to grant any variance or exception from the requirements of this subsection.

Section 20.10.610 Self Storage Warehousing.

In A-1, A-2 & A-3 (Apartment), A-M (Apartment-Manufactured home), A-O (Apartment/Office), A/3-O (Apartment/Office High Density), RMU (Residential Mixed Use), GMU (General Mixed Use), C-1 & C-2 (Commercial) Districts the following conditions apply:

- A. A minimum site area of two acres shall be required, unless adjacent to and abutting a minimum of four acres zoned C-1, C-2, C-3 or C-4, then the minimum site area shall be one acre with an average lot width of not less than two hundred feet and an average lot depth of not less than two hundred feet.
- B. Individual storage spaces shall not exceed 400 square feet in area and fourteen feet in height, except in the case of storage spaces for RVs and motor homes, which shall not exceed 20 feet in width and 60 feet in length.
- C. A six foot high solid masonry wall or rock wall shall be required along all property lines abutting residential or apartment uses or districts.

Section 20.10.620 Sexually Oriented Businesses.

- A. No person shall own, operate or conduct any business in an adult bookstore, adult motion picture theater or nude live entertainment club within one thousand feet of the following:
 - 1. A church;
 - 2. A public or private elementary or secondary school;
 - 3. A nursery school, kindergarten, child care center, day nursery or day care center;
 - 4. A university, college, vocational or business school;
 - 5. A boundary of any residential district;
 - 6. A public park adjacent to a residential district;
 - 7. The property line of a lot devoted to any residential use;
 - 8. Another adult bookstore, adult motion picture theater or nude live entertainment club.

- B. For the purposes of this section, the following definitions shall apply:
 - 1. Conduct Any Business. Any person who does any one or more of the following shall be deemed to be conducting business:
 - a. Operates a cash register, cash drawer or other depository on the adult business premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;
 - b. Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the adult business premises;
 - c. Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the adult business premises;
 - d. Acts as a door attendant to regulate the entry of customers or other persons into the business premises; and
 - e. Supervises or manages other persons in the performance of any of the foregoing activities on the business premises.

 - 2. "Entertainment" means any act or performance, such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors or customers. The term "entertainment" shall also mean bartenders, waiters, waitresses or other employees exposing "specified anatomical areas" or engaging in "specified sexual activities" in the presence of customers.

3. "Operator" means the manager or other natural person principally in charge of an adult business regulated in this section.
4. "Owner" or "owners" means the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors and persons holding ten percent of the outstanding shares if a corporation.
- C. For the purposes of this section, measurements shall be made in a straight line, from the nearest portion of the building or structure used as a part of the premises of a regulated use to the nearest property line of any uses listed in subsection A of this section.
- D. Any adult bookstore, adult motion picture theater or nude live entertainment club lawfully in existence on February 10, 1987, and not in compliance with the zoning provisions of the city code, shall be deemed a nonconforming use and shall comply with all of the provisions of the zoning code regulating such uses by February 10, 1988. In the case of any such uses being located within one thousand feet of each other, the use first established and continually operating shall be allowed to continue to operate at its location, provided such use complies with all other provisions of the zoning code.
- E. The subsequent establishment of any use set forth in subsection A of this section within one thousand feet of a previously existing use regulated by this section shall not render such use a nonconforming or unlawful use.
- F. The regulations in this zoning code of adult bookstores, adult motion picture theaters and nude live entertainment clubs are intended to be land use controls meant to regulate the harmful secondary effects of such uses only, and shall not be construed as being intended to limit access by adults to sexually oriented material, activity or expression, protected by the First Amendment of the United States Constitution.
- G. Signage. The owner or operator of an adult entertainment use may erect, construct and maintain signs allowed by and conforming with Chapter 20.18 of the city code.
- H. If any section, subsection, clause or any portion of the regulations in this zoning code regulating adult bookstores, adult motion picture theaters and nude live entertainment clubs is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code regulating such uses.

Section 20.10.630 Storage of Supplies (in connection with a permitted use).

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Storage of supplies, merchandise, equipment or goods normally carried in stock, used or produced in connection with a permitted use is allowed within a building, or shall be screened from any abutting public street or other abutting property by a solid masonry wall or chain link fence with slats not less than six feet in height.

Section 20.10.640 Swimming Pools and Spas.

- A. In any district where permitted as an accessory use, unenclosed swimming pools and spas may occupy a required rear or side yard, provided they are not located closer than five feet to a rear or side lot line. A walk space at least four feet wide shall be provided between pool walls and protective fences and building or other walls. A deck surrounding at least 65% or more of the swimming pool or spa shall be provided, however, in no case shall other structures restrict emergency access or create above deck structures that may be used as diving platforms or create other safety or sanitary hazards.
- B. Swimming pools and spas listed under permitted uses in any district shall comply with the yard and other standards of the district in which located.
- C. Every residential outdoor swimming pool and spa shall comply with the requirements of the Residential Code, Chapter 18.10.,
- D. Every public swimming pool and spa shall comply with the requirements of Chapter 9.48 of this code.

Section 20.10.650 Temporary Buildings or Structures (incidental to construction).

Temporary buildings, or structures, including mobile or relocatable home office or storage units, the uses of which are incidental to construction operations during development being conducted on the same tract or subdivision are permitted and shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of four years of (from) the time of erection of such temporary buildings, whichever is sooner.

Section 20.10.660 Temporary Buildings or Structures (incidental to sales or rental).

Temporary buildings or structures, including a mobile or relocatable office unit for use as sales or rental office for an approved real estate development or subdivision, located on the same tract as the real estate development or subdivision are permitted and shall be removed upon completion or abandonment of the project or upon the expiration of a period of four years, whichever is sooner.

Section 20.10.670 Temporary Sales Stands.

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Temporary sales standards for the sale of farm or ranch products produced on the premises, provided only one such stand may be used on each farm or ranch, and the stand shall contain not more than six hundred square feet of floor space and shall be located not less than thirty feet from the adjoining property and not less than forty feet from the roadway, and temporary off-street parking for at least five vehicles is provided, the parking area to meet the requirements of Chapter 20.14 of this code.

Section 20.10.680 Temporary Uses.

- A. Intent and Purpose. The intent of this section is to accommodate reasonable requests for interim or temporary uses when such activities are desirable for the community, or are temporarily required in the process of establishing a permitted use or constructing a public facility. Temporary uses allowed under this section shall be consistent with the health, safety and general welfare of persons residing and working in the community, shall be conducted so as not to cause any detrimental effects on surrounding properties and the community, and shall not violate any other ordinance or state and federal regulations.
- B. Permitted uses by issuance of a temporary commercial permit. The following temporary uses may be permitted if a temporary commercial permit is issued:
 - 1. A Christmas tree sales lot during the period of November 1st through December 31st, provided, however, that no permit is required when such sales are operated by an established commercial business on the site.
 - 2. A pumpkin sales lot during the period of October 1st through November 5th, provided, however, that no permit is required when such sales are operated by an established commercial business on the site.
 - 3. A haunted house operated in conjunction with the Halloween season, provided, however, that the operation shall be limited to duration of thirty-one days.
 - 4. A fair, circus, rodeo, festival, carnival or concert operated at a location other than a stadium, auditorium or other public assembly facility designed to accommodate such an event shall be limited to thirty days in any six-month period. The location shall be within an area zoned commercial.
 - 5. Farmers markets, provided, however, that such markets are located in developed areas zoned commercial or ranch and farm. Such sales are limited to a maximum of three consecutive days in a week for a maximum of twenty-six weeks in any twelve-month period.
 - 6. Sales from a mobile structure, provided, however, that such sales are conducted by the owner or lessee of the property on which it is conducted and only in conjunction with the principal use of the property. Such sales are temporary and are limited to two consecutive weeks in any six-month period.

7. Temporary mobile structures for special purposes such as a place of amusement, or for any religious, educational, charitable or recreational purpose, reviewing stands or any other public assemblage to be conducted only in conjunction with the principal use of the property. Such uses are limited to two consecutive weeks in any four-month period.
 8. Mobile structures for seasonal sales of food items, provided, however, that such structures do not exceed one hundred (100) square feet in area, are conducted in developed areas zoned commercial, are limited to the sale seasonal food items such as ice creams, consumable ice products, and prepared food products contained in sealed containers for off-premise consumption. Such uses are limited to six consecutive months and in compliance with Titles 9 and 18.
 9. Mobile structures for temporary sales of non-food items out of developed lots, provided, however, that such structures do not exceed two hundred (200) square feet in area, are conducted in areas zoned commercial, are limited to the sale of non-food items. Such uses are limited to two consecutive weeks in any six-month period.
- C. The following temporary uses may be permitted without issuance of a temporary commercial permit:
1. Temporary structures such as construction sheds, canopies, tents and fences used in construction work in conjunction with a building or grading permit. Such structure shall be allowed for a limited amount of time and shall be completely removed upon the completion of the work authorized by the building or grading permit.
 2. Temporary structures such as construction sheds, canopies, tents and fences used in construction work in conjunction with a public works or city, county, state or federal project. Such structure shall be allowed for a limited amount of time and shall be completely removed upon the completion of the construction work.
- D. Standards. Temporary use permits shall meet the following requirements:
1. Applicants for temporary use permits shall submit a site plan, including without limitation, the location of the mobile structure, setbacks from property lines, setbacks from adjacent structures and buildings, location of tie downs and guy wires, parking layout, driveways, calculations showing that the proposed temporary use will not reduce the minimum required parking requirement for all the uses located on the site, sign and fence locations if applicable, and electric meter locations or power sources if applicable.
 2. Applicants shall obtain the appropriate licenses and permits.

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3. Such uses shall not result in unsafe conditions.
4. Upon termination of the temporary use, the lot or parcel shall be returned substantially to its original condition. All litter, fences, borders, tie downs and guy wire materials, and other items associated with the temporary sale shall be removed within five days.
- E. Application. Application shall be made by the property owner, lessee or authorized agent to the Building Permits and Inspections Division on approved forms. The fee for the permit shall be as established by City Council.
- F. Prohibitions. No person shall sell merchandise or services from a motor vehicle, trailer, manufactured home, mobile structure or tent upon any property, including, without limitations, lots or portions thereof that are vacant or used for parking except as otherwise provided in this code.

Section 20.10.690 Tennis Clubs.

Where permitted in a district, tennis clubs shall comply with the following requirements:

- A. Dimensional Standards. At any tennis club developed pursuant to the provisions of this section, buildings hereafter erected or structurally altered shall have:
 1. A front yard on any street equal to that required in underlying zoning district. Such front yard shall not be used for the parking of vehicles,
 2. A rear yard equal to that required in underlying zoning district, or twenty-five feet in depth, whichever is greater
 3. Side yards equal to that required in underlying zoning district, or fifteen feet in depth, whichever is greater,
 4. A building height not in excess of two and one-half stories,
 5. An average lot width of not less than two hundred feet,
 6. A lot or site area of not less than two acres,
 7. Off-street parking as required in Chapter 20.14.
- B. Permitted accessory uses:
 1. Pro shop,

2. Handball courts,
3. Restaurant or bar or restaurant or combination thereof,
4. Locker room,
5. Sauna bath,
6. Swimming pool.

Section 20.10.695 Transfer of Development Rights.

A. Purpose

1. In order to provide regulatory incentives to permanently restrict urbanization of certain environmentally sensitive areas, a special permit for transfer of development rights (TDR) shall be permitted when approved by the El Paso City Council pursuant to the provisions of this section. In all cases, the transfer of development rights from sending to receiving parcels shall be at the voluntary request and a special permit application of the landowners of both parcels.
2. For purposes of this section, environmentally sensitive areas shall include areas designated as such by local, state or federal documentation. If governmental documentation cannot be produced with an environmentally sensitive designation that meets the following criteria, then the City Engineer and Director of Environmental Services may evaluate the property and determine if it meets one or more of the following characteristics. If the City Engineer and Director of Environmental Services determine it is not an environmentally sensitive area as defined herein a special permit application may not be processed.
 - a. Areas with significant natural features;
 - b. Areas which enhance the open space and aesthetic qualities of the land;
 - c. Areas that protect agricultural resources;
 - d. Areas necessary for the preservation of natural resources;
 - e. Areas containing habitats for threatened or endangered species;
 - f. Wetlands and wetland transition areas;
 - g. Aquifer recharge and discharge areas;
 - h. Archaeological sites;
 - i. Waters of the state, which includes arroyos; or
 - j. Other areas or features that have been designated for protection due to ecological integrity, balance or character.

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3. This section establishes procedures for transferring development rights from sending to receiving parcels, to allow for increased densities in the receiving parcels and reduced densities in the sending parcels.
 4. The TDR system is based on the theory of carrying capacity. In other words, a finite amount of development is permitted in the areas within the sending and receiving parcels. A transfer of development rights does not increase the cumulative density possible in the sending and receiving parcels .
 5. A special permit application for transfer of development rights shall be subject to the requirements of Chapter 20.04, Article V of this Title.
- B. Sending Parcels.
1. Property proposed as a sending parcel may be located in any zoning district within the El Paso city limits and shall meet all of the following criteria:
 - a. The property proposed as a sending parcel is within an area designated as environmentally sensitive as described in subsection A.2., and
 - b. One hundred percent (100%) of the development potential of the sending parcel shall be transferred. For purposes of this subsection, "development potential" means the density permitted by the underlying zoning district of the sending parcel, and
 - c. The property is physically and legally developable at the development potential of the underlying zoning district, as certified by a registered professional engineer, and
 - d. All of the property in the proposed sending parcel is protected through recording of a conservation easement or otherwise restricted from any future development, and
 - e. Documentation of compliance with the requirements for eligibility as a sending parcel shall be submitted with the application for a special permit requesting a transfer of development rights from the sending parcel and an increase in density in the receiving parcel.
- C. Receiving Parcels Designated.
1. No development rights shall be transferred to any parcel of land that is not located in a receiving district and so designated in the ordinance approving the special permit.
 2. A parcel of land which receives a special permit for development rights to allow increased density pursuant to this section shall be referred to as a "receiver parcel." Only property zoned S-D (Special Development), U-P (Union Plaza), PR-I (Planned Residential I), PR-II (Planned Residential II), RMU (Residential Mixed Use), and GMU (General Mixed Use) may be designated as receiving districts for purposes of transferring severable development rights.

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3. The development rights attach to the receiver parcel upon approval of the special permit and upon recordation of a conservation easement or other documentation restricting the development of the sending parcel, and shall not be subsequently transferred to another property.
- D. Special permit required.
1. No development rights shall be used on the receiving parcel until a special permit has been submitted by the property owners of both the sending and receiving parcel and approved as provided herein, and in accordance with the notice and hearing requirements of this Title.
 2. The special permit shall include a finding by the City Council that the transfer of development rights will promote the purposes of this section and Title.
 3. The effective date of the ordinance will be upon the recordation of a conservation easement or other documentation restricting any future development on the sending parcel and the City Council may impose additional conditions as necessary to protect the public health, safety and welfare.
- E. Evidence of Restriction Required for Development Approval.
1. A developer of a receiver parcel must submit, in conjunction with any development or building permit application, evidence that the sending parcel has been restricted from development in perpetuity.
 2. No plat for a subdivision in conjunction with which severable development rights are exercised shall be submitted for recording by the El Paso County Clerk, and no new building, or part thereof, or addition to or enlargement of an existing building, that is part of a development project in conjunction with which severable development rights are exercised shall be permitted, until documents have been recorded in the County Clerk Real Property Records transferring title from the owner of the severable development rights from the sending parcel to the receiving parcel.

Section 20.10.700 TV & Radio Broadcasting Antennae.

- A. In residential, apartment and commercial zoning districts:

Ground-mounted radio or television broadcasting antenna support structures with antennas and equipment storage facilities shall comply with the following standards:

1. The antenna support base shall be set back one foot for each one foot of height from abutting residential districts, measured from the antenna support base to the property line.

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2. The radio or television broadcasting antenna support structure shall conform with FCC and FAA height regulations within a residential zone.
3. The following must accompany a request for a special permit:
 - a. A nonionizing electromagnetic radiation (NIER) report, in a format acceptable to the FCC,
 - b. A structural engineering report for the antenna support,
 - c. A detailed site development plan showing the antenna, supporting structures and appurtenant equipment in relation to the existing surroundings,
 - d. Verification letters that an FCC application has been submitted and FAA approval has been obtained.
4. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the Building Official of a structural recertification report, prepared and sealed by a licensed professional engineer, and an updated NIER emissions report.
5. Increase in elevation of an existing antenna support structure shall be permitted, so long as the setback and maximum height limitations are complied with, after review and approval by the Building Official of updated structural and NIER emissions reports.
6. Existing nonconforming antenna support structures, unable to comply with current setback limitations shall be prohibited from any increase in elevation.
- B. In manufacturing and industrial zoning districts. Ground-mounted radio or television broadcasting antenna support structures, with appurtenant antennas and equipment storage facilities shall comply with the following standards:
 1. The antenna support base shall be set back from any residential district or residential use one foot for each one foot of height, measured from the antenna support base to the property line. The maximum height limits shall be set by the Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) license requirements.
 2. The following must accompany a request for a building permit:
 - a. A detailed plan showing the antenna, support structures, and appurtenant equipment in relation to the existing surroundings including fencing, off-street parking, and access from the antenna support to the nearest public access,
 - b. A nonionizing electromagnetic radiation (NIER) report, in a format acceptable to the FCC,
 - c. A structural engineering report for the antenna support,

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- d. Verification letters that an FCC application has been submitted and FAA approval has been obtained.
3. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the Building Official of a structural recertification report prepared and sealed by a licensed, professional engineer.
4. Increase in elevation of an existing antenna support structure shall be permitted, only when the setback limitations are complied with, after review and approval by the Building Official of updated structural and NIER emissions reports. Existing nonconforming antenna support structures, unable to comply with current setback limitations shall be prohibited from any increase in elevation.
5. The applicant shall provide a six-foot high fence or screening wall around the wall around the base of a self-supporting or guyed mast antenna support, and appurtenant equipment storage facilities, to provide for security. The gate providing access to the antenna support shall remain locked at all times, except when being used for access by maintenance personnel.
6. The access driveway and one off-street parking space, for use by maintenance vehicles, must be paved covered with an alternative all-weather material to provide for a dust-free driving surface as approved by the deputy director for engineering,

Section 20.10.710 TV & Radio Receiving Antennae.

A permitted accessory use in all districts, residential-type television or radio receiving antennae, roof mounted, shall not exceed twenty feet in height above the highest point of the roof.

Section 20.10.720 Unenclosed Parking Space Shelters.

Where specifically listed as a permitted accessory use in a district, unenclosed parking space shelters may be erected as shelters for motor vehicles in conformance with the following:

- A. The structure shall not encroach into the required front yard or side street yard.
- B. No part of the structure shall be closer than one foot from an adjacent property line within a required side yard or rear yard, except that when the property abuts an R-1, R-2, R-2A, R-3, R-3A, R-4 and R-5 zoned property or a single-family attached dwelling in any other zone existing at the time of erection of the parking space shelter, the structure shall not be closer than ten feet from the adjacent property line.

- C. The height, measured from the floor of the parking space to the ceiling or lowest clearance, shall not exceed ten feet, and provided that the overall height shall not exceed eleven feet.
- D. The structure shall cover only the affected parking space or spaces. It shall not encroach onto the parking lot access driveways and shall not exceed a depth of twenty feet over each parking space.
- E. All water runoff shall be controlled to drain into the property on which the structure is located.

Section 20.10.730 Utility Facilities.

Utility facilities shall comply with the following:

- A. **Minor Utility Facilities.** Minor utility facilities shall be exempt from all requirements of this Title and shall be a permitted use in any zoning district of the City.
- B. **Communication Utility Facilities and Water and Wastewater Utility Facilities.** Communication utility facilities and water and wastewater utility facilities shall be permitted uses in any zoning district of the city and shall be exempt from all requirements of this Title, except as follows:
 - 1. Facilities with less than or equal to three hundred (300) square feet of floor area:
 - a. No off-premise advertising shall be permitted.
 - b. A minimum setback of ten feet from any property line abutting a public or private street right-of-way shall be provided.
 - 2. Facilities with a floor area greater than three hundred (300) square feet:
 - a. No off-premise advertising shall be permitted.
 - b. The communication utility facility or water and wastewater utility facility shall be required to meet all requirements of the base zoning district.
- C. **Major Utility Facilities.** Major utility facilities shall be permitted by special permit in any zone, and shall be required to meet all requirements of the base zoning district.
- D. The requirements of this Section shall apply to a public utility or a privately owned and operated utility facility, as otherwise herein defined and regulated, and any other applicable standards contained within the El Paso City Code.

Section 20.10.740 Vehicles.

- A. Not more than one commercial vehicle shall be allowed as accessory to a dwelling. Such commercial vehicle shall not have a manufacturer's rated carrying capacity exceeding two tons, shall not exceed twenty-six feet in length, or seven feet eight inches in width or nine feet in height. Except for minor emergency repairs, maintenance and repair of such commercial vehicle on premises, such as would constitute the use of premises for an automotive repair garage, shall not be permitted.
- B. No person shall dismantle, repair or otherwise perform any work upon any vehicle, machine, motor, or other similar device, other than to effect minor emergency repairs to a motor vehicle, on any property in an apartment or residential zoning district unless such activity is incidental to a permitted or conditionally permitted use and is conducted within a building.
- C. No vehicle (except those upon which minor emergency repairs are being effected), machine, motor, appliance or other similar device from which any part has been removed, or which is inoperable for any reason, including junked or wrecked motor vehicles, shall be stored, maintained or kept on any property in an apartment or residential zoning district as an activity incidental to a permitted or a conditionally permitted use except within a building.

Section 20.10.750 Yard or Garage Sales.

Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than three times a calendar year on the same lot, and each time is not conducted for more than two days at a time.

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CHAPTER 20.12

DENSITY AND DIMENSIONAL STANDARDS

20.10.010	Purpose.
20.12.020	Table of Density and Dimensional Standards.
20.12.030	Supplemental height regulations.
20.12.040	Yards.
20.12.050	Supplemental density regulations.
20.12.060	Vision clearance at intersections.

20.12.010 Purpose.

This Chapter is adopted to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and open spaces, and the density of population.

20.12.020 Table of Density and Dimensional Standards.

The Table of Density and Dimensional Standards found in Appendix B, adopted in its entirety and incorporated herein by reference, sets forth the regulations for minimum zoning district areas, minimum lot sizes, densities and heights, required setbacks, and other general standards as applicable to specific zoning districts. Where calculation of cumulative yard setbacks is permitted, all the individual minimum yard requirements (front, rear and side) as well as the minimum cumulative requirements must be satisfied. The minimum yards, height limits and open spaces, including lot areas required by this Chapter, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area or lot dimension be reduced below the requirements of this ordinance, except as hereinafter provided. Additional Development Standards for specific uses and Special Purpose Districts are also found in Chapter 20.10 of this Title. In case of a conflict the more restrictive standard shall apply.

20.12.030 Supplemental Height Regulations.

Height regulations as set forth in the Table of Density and Dimensional Standards – Appendix B, may be modified as follows:

- A. No new building may be erected or existing building increased in height in such a manner as to shade a solar heating or power facility licensed in the following manner:
 - 1. Where any building installs a heating, cooling or power system using sunlight as a power source sufficient to supply ten percent or more of the building's total energy requirement, the owner of the building may apply to the Building

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Official for a license for the system which the Building Official shall issue once satisfied that the system does supply the above minimum energy requirements.

2. After issuance of the license, no building in adjacent areas may be erected to a height that will cast a shadow on the solar receiver components so licensed. In determining the permitted heights, the December 22nd arc and declination of the sun shall be used. Location of licensed solar power systems shall be shown on the zoning district maps.
- B. Public, semipublic or public service buildings, hospitals, institutions, or schools when permitted in a district, may be erected to a height not exceeding one hundred feet, and churches and temples may be erected to a height not exceeding seventy-five feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the zoning district in which the building is located.
- C. Church spires, belfries, monuments, tanks, water and fire towers, windmills, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, stacks, conveyors and flagpoles may exceed height limits if approved by the Building Official.

20.12.040 Yards.

- A. Yards Generally. More than one principal building may be located on a lot in the following instances, however, the provision of these exceptions shall not be construed to allow any building to be constructed outside the buildable area of the lot:
 1. Institutional buildings;
 2. Public or semipublic buildings;
 3. Multifamily dwellings or groups of single-family attached buildings;
 4. Commercial or industrial buildings;
 5. Homes for the elderly.
- B. Front yard regulations may be modified as follows:
 1. Where the frontage of a parcel of land is divided among districts with different front yards, the deepest front yard requirement shall apply to the entire frontage.
 2. Where forty percent or more of the lot frontage is occupied by two or more buildings, then the required front yard for a new structure is established in the

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following manner, except that a front yard in excess of district regulations shall not be required:

- a. Where the building farthestmost from the street provides a front yard not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
 - b. Where subsection (a) does not apply and a lot is within one hundred feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 - c. Where neither subsection (a) or (b) apply and the lot is within one hundred feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
 - d. The above calculations shall only apply to those buildings providing the required rear yard.
4. Gasoline and diesel or other fueling pump and pump islands may occupy required yards; provided, however, that they are not less than twelve feet from all lot lines. A freestanding canopy with support columns centered on the pump or pump island may encroach up to fifteen feet into the required front yard; provided, that it shall not extend closer than two feet to any lot line.
 5. On a dwelling or apartment site an unenclosed porch, carport or entranceway patio with a wall up to six feet high, each not more than one hundred fifty square feet in floor area may extend not more than ten feet into a required front yard. Chimney backs, bay windows, eaves and cornices may extend not more than thirty inches into the required front yard except that cornices and eaves of the main building may extend not more than four feet into the front yard.
 6. For apartment houses and other nonresidential structures only, a canopy or other sunshade over a walkway shall be permitted in the front yard or any yard abutting a street, even if wholly supported by attachment to the main structure, providing such canopy or sunshade is not otherwise enclosed. Columns or tiedown struts, if used, shall not be greater than three inches in diameter, and shall not be spaced closer than six feet apart on either side of the walkway. The canopy or sunshade may extend to within two feet of the property line.
- D. Right-of-Way Dedication Requirements. Whenever a new nonresidential building is erected or an existing residential building converted to a nonresidential use, no building or occupancy permit is to be issued until a determination is made by the traffic engineer as to the need for dedication of additional right-of-way in accordance with state law. If it is determined that additional right-of-way is needed, such shall be dedicated to public use prior to issuance of any building or occupancy permit.
 - E. Side and rear yard regulations may be modified as follows:

1. For residential buildings existing on or before August 1, 1979, carports may extend up to three feet into a required side yard, but only when screened by a masonry wall not less than five feet in height erected along the lot line. Carports that extend into the required side yard shall not be enclosed.
 2. Sills, eaves, belt courses, wing-walls at heights above six feet, window air conditioning units, chimney backs, bay windows, cornices and ornamental features may project a distance not to exceed twenty-four inches into a required side yard, and thirty inches into a required rear yard.
 3. Open fire escapes, fireproof outside stairways and balconies opening from fire towers, and the ordinary projections of chimneys and flues into a rear yard may project into a required yard for a distance of not more than three and one-half feet, when placed so as to not obstruct light and ventilation.
 4. Open, unenclosed porches that do not exceed one hundred eighty (180) square feet in area may extend twelve feet into a required rear yard.
 5. Terraces which do not extend above the ground level and that do not exceed one hundred fifty (150) square feet of floor area, with a wall up to six feet in height may project five feet into a required yard, provided these projections be located at least two feet from the adjacent lot line.
 6. Where an industrial tract abuts railroad property containing a spur track on the rear or side property line, a railroad loading dock, or the building itself, may extend to the property line for the purpose of receiving service from the railroad spur track.
 7. In the R-1, R-2 or R-2A districts where a residential property abuts a dedicated public right-of-way, other than a street right-of-way, owned by the city, the building may extend into the side yard to within five feet of the property line.
- F. Side street yard regulations may be modified as follows:
1. For residential buildings existing on or before August 1, 1979, carports may extend to five feet into a required side street yard. Carports that extend into the required side street yard shall not be enclosed.
 2. Sills, eaves, belt courses, wing-walls at heights above six feet, window air conditioning units, chimney backs, bay windows, cornices and ornamental features may project a distance not to exceed twenty-four inches into a required side street yard.
 3. Accessory structures may extend up to five feet into a required side street yard.

20.12.040 Supplemental Density Regulations.

Density regulations may be modified in the following instances:

- A. Lot area per unit requirements shall not apply to dormitories, fraternities, sororities, nursing homes or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.
- B. In any special use permit for a planned residential development, and in any instance where site plan approval is required in an RMH, PMD, SD, PR-I, PR-II or A-4 district for residential use, density regulations may be modified as follows:

The maximum number of permitted dwelling units as required in the district regulations may be increased:

- 1. By five percent if twenty-five percent or more of the site is used for common open space;
- 2. By five percent if one square foot or more of recreation area is provided for every five square feet of residential floor space; balconies, patios, atriums and clubrooms may be counted as recreation area;
- 3. By five percent if one-half or more of the required parking is enclosed;
- 4. By five percent if a panoramic view is provided for the living room of seventy-five percent or more of the dwelling units;
- 5. By five percent if ten percent or more of the energy use is to be from solar power;
- 6. By five percent if individual units are soundproofed in accordance with an impact noise rating (I.N.R.) of five or more as described in the publication "A Guide to Airborne, Impact, and Structure Borne Noise-Control in Multifamily Dwellings" by Berendt, Winzer, and Burroughs, US Department of Housing & Urban Development, US Printing Office 1967;
- 7. By five percent if the area devoted to landscape planting is in excess of thirty-five percent of the site area.

The increase in permitted density resulting from application of the provisions of this subsection shall be limited to a total of thirty-five percent.

- C. Where the total floor area of a building is limited by a floor area ratio, the maximum floor area may be increased by four square feet of additional floor area for each square foot of landscaped open space on the lot above the

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minimum required by Code. The maximum floor area may be increased by an additional one percent for each ten percent of the building's energy requirement that is provided by solar power.

20.12.060 Vision Clearance at Intersections.

On any corner lot, within that area of a triangle (twenty-foot triangle) formed by the intersecting property lines and a diagonal line joining the property lines at points twenty feet from their intersection, the following conditions shall apply in any front yard, rear yard or both yards:

- A. It is unlawful for any person to place, construct or reconstruct any building or structure, including a fence or wall, on a corner lot if the top of such building or structure is more than three feet above the level of the centerline of the nearest abutting street, and such building or structure is within the above twenty-foot triangle; provided, this subsection shall not apply to a retaining wall necessary for the support of the lot, nor to a wall of a building when the building legally extends into such triangle.
- B. It is unlawful for any person to locate motor vehicles or motor vehicle parking spaces on a corner lot if the top of any motor vehicle parked there is more than three feet above the level of the centerline of the nearest abutting street, and such motor vehicles or motor vehicle parking space is within the above twenty-foot triangle.
- C. Where special conditions exist, or where practical difficulties in the development and adequate use of land would result from the literal enforcement of the terms of this section, the Traffic Engineer is authorized to grant a modification of the requirements set forth in this section; provided, that any such modifications so granted shall be in harmony with the general intent of this section, and consistent with the public interest, safety and general welfare. Approval of such modifications shall be in writing and shall set forth the specific details, special circumstances and/or conditions of the approval.

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CHAPTER 20.14

OFF-STREET PARKING, LOADING AND STORAGE STANDARDS

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ARTICLE III LOADING STANDARDS

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- Section 20.14.190 Purpose**
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CHAPTER 20.14

OFF-STREET PARKING, LOADING AND STORAGE STANDARDS

ARTICLE I VEHICULAR PARKING

Section 20.14.010 Purpose.

The requirements in this Chapter are intended to provide reasonable standards for the provision of off-street parking of motor vehicles, not including bicycles, trucks with three axles or more, semi-trailer trucks and cabs, and the storage of vehicles for sale. These standards are designed to provide compliance with the El Paso Comprehensive Plan and to achieve the following objectives:

- A. Regulate off-street parking requirements according to the use of the facility.
- B. Expand tabular display of uses and parking needs.
- C. Clarify and simplify required parking calculations.
- D. Provide for shared parking (non-simultaneous) arrangements.

Section 20.14.020 Scope.

- A. Applicability. The off-street parking requirements of this Chapter shall be applicable to all uses, except as modified herein, including:
 - 1. New development, including new buildings or facilities;
 - 2. Addition to or enlargement of an existing building or facility;
 - 3. Change of use of an existing facility.
 - 4. Change of use and hours of operation of the property generating the parking need or the shared parking property of a shared parking arrangement.
- B. Location of Spaces. The location, design and number of required off-street parking spaces shall conform to the provisions of this Chapter. Except as authorized by administrative review in certain districts or as permitted under the shared parking provisions of this Chapter, off-street parking required by this Chapter shall be located on the same lot as the use generating the parking need. Parking spaces provided in excess of the required parking spaces shall also comply with the requirements of this Chapter.
- C. Responsibility for and Use of Spaces. The provision and maintenance of off-street parking shall be the responsibility of the owner of the use, building, structure and/or property on which the use generating the parking need is

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located. Required parking spaces shall be utilized only for the parking of motor vehicles, and shall not be utilized for another use or purpose for the duration of the use requiring such off-street parking. Required parking spaces shall not be utilized for repair, storage, dismantling or servicing of vehicles, equipment, materials or supplies. Required parking spaces shall not be rented or leased to persons other than those for whom the parking is intended. The number, design or function of required off-street parking spaces shall not be altered or reduced in a manner that violates the requirements of this Chapter.

- D. Use of Excess Spaces. Where the number of off-street parking spaces provided at a site exceeds the required number of off-street parking spaces in accordance with this Chapter, the excess parking spaces may be utilized for another permitted use or purpose in accordance with this code, including shared parking arrangements, or agreed to off street parking for another use.
- E. Failure to Maintain Required Number of Spaces. Failure to maintain the required number off-street parking spaces may, after written notice to the owner or operator, result in the revocation of the Certificate of Occupancy for the building or facility in addition to other penalties as described in Chapter 20.04.
- F. Storage of Other Types of Vehicles. The parking requirements in this Chapter are in addition to required space for storage of trucks, campers, recreation vehicles, or other similar vehicles used in connection with any use.

Section 20.14.030 Definitions.

The following definitions are specific to this Chapter and control if in conflict with other provisions of the El Paso City Code:

- A. Base Course/Sub Grade: A minimum 4" thick layer of chosen and compacted soil below the wearing surface layer of the parking area whether asphalt, concrete, screenings, gravel, or other approved material. The base course layer should be a course mixture with aggregate no larger than 3" in diameter unless otherwise designed by a Professional Engineer. A gravel/screening-leveling course may be used atop a rocky compacted and/or semi cemented conglomerate base course/sub grade.
- B. Desilting Area: Where on-site ponding is not provided, for the purposes of gravel/screening surfaces desilting areas are defined as depressions incorporated into the parking or landscaping upstream of any discharge onto public streets for the purpose of desilting and stilling runoff. Desilting basins shall have a minimum capacity of 0.05 cubic feet per square foot of gravel parking surface (5 CF of desilting per 100 SF parking) unless otherwise designed by a Professional Engineer and approved by the City Engineer.

Example: 1 parking space 9' x 20' = 180 SF x 0.05= 9 CF desilting basin

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Use: 2 FT x 3 FT x 1.5 FT deep or triangular swale
(Entire site may have other requirements).

- C. Gravel/Screenings: A coarse aggregate mixture of pebbles and/or rock fragments coarser than sand with fifty percent (50%) volume greater than or equal to 1/2".
- D. Hard Surface: For the purposes of gravel/screenings surfaces, hard surfaced areas are defined as any rigid durable surface such as concrete, asphalt, pavers, or composite surface which may include the incorporating of strip drains, drain fields, spacers between pavers, etc., for permeable qualities (porous, allowing in this case for water to pass through) and storm water harvesting.
- E. Motor Vehicle: For the purposes of this chapter, a motor vehicle is defined as a passenger vehicle or light truck with a carrying capacity rated at 1 ton or less intended for highway use;
- F. On-Site Ponding: On-site ponding is defined as privately maintained ponding areas or as storm drainage retained on-site as inherent in low lying areas such as but not limited to valley areas of the City. For the purposes of gravel/screening surfaces, for non-residential sites, the defined pond shall be designed for a 50 year storm, however the rest of the unoccupied area (excluding enclosed buildings) shall be designed to contain a 100 year storm, with no additional capacity for emergency, silt, or freeboard storage required, and fencing requirements if any are to be determined by a Professional Engineer based on the conditions and design of the ponding area.
- G. Utility Facility: Equipment, mains, lines, and required infrastructure and appurtenances for the transmission of power, fuel, water, sanitary sewer, or communication not including office and administrative building uses.

Section 20.14.040 Design and Construction.

Required parking spaces shall conform to the following:

- A. **Minimum Dimensions and Arrangement.** Except for compact vehicle spaces, all spaces shall have minimum dimensions of nine (9) feet in width, eighteen (18) feet in length, and six feet 8 inches (6'-8") of unobstructed height, exclusive of access or maneuvering area, ramps, and other appurtenances, except parking spaces reserved for the use of persons with disabilities shall comply with the Building Code, Chapter 18.08. Parking spaces arranged in tandem and including not more than two spaces in a row shall be permitted for single or two-family detached or single or two-family attached dwelling units. No portion of an off-street parking space shall encroach onto a public right-of-way.
- B. **Compact Vehicle Spaces Permitted.** Where the number of required off-street parking spaces for permitted uses and accessory uses, if any, exceeds thirty spaces (30), no more than twenty percent (20%) of the required spaces may be reserved for compact vehicle parking. Compact vehicle parking spaces shall be a minimum of eight feet (8'-0") in width, sixteen feet (16'-0") in length and six feet 8 inches (6'-8") of unobstructed height for each space and shall be designated for the exclusive use by compact cars only. Spaces reserved for compact vehicles shall be so indicated by appropriate signage with a minimum of six-inch (6") high letters provided by the owner or operator. The owner and operator shall be responsible for preventing the unauthorized use of compact vehicle parking spaces by vehicles other than compact vehicles that extend beyond the dimension of the space thereby creating a safety hazard.
- C. **Angle Parking Dimensions.** Minimum aisle widths and space depths shall be per Table, Section 20.14.040.F and shall be based upon the degree of the angle of the parking. (Space length is the length of the parking space measured parallel with the parking space. Space depth is the projected depth of the parking space measured perpendicular to the aisle providing access to that space.)
- D. **Access to Lots.** Access to off-street parking spaces shall be provided by aisles or driveways complying with Title 19 (Subdivisions), Title 13 (Streets, Sidewalks and Public Places), and this Chapter. An aisle is the traveled path providing vehicular access to two or more parking spaces. Access shall be subject to approval by the Development Services Director and shall be arranged to minimize turning movements onto and from the public right-of-way. Aisles and driveways providing access to off-street parking spaces shall connect to a dedicated public or private street or easement. Property zoned R, A, or RMU may not be used for access to a parking area on a separate site for a use that is not permitted in the R, A or RMU zone.
- E. **Acceptable Surfaces.** Surfacing of required off-street parking spaces shall be with asphalt paving, brick, brick pavers, concrete, concrete pavers or other comparable dust-free surfacing subject to the approval of the Development

Services Director. Gravel screening that complies with provisions of Section 20.14.080 shall be acceptable surfaces for required parking spaces. Surfaces shall be maintained in good condition, free of weeds, dust, trash and debris.

F. Table

PARKING SPACE DIMENSIONS
[REGULAR SIZE AUTOS & LIGHT TRUCKS]

<u>ANGLE</u>	<u>STALL DEPTH</u>	<u> AISLE WIDTH</u>	<u> INTERLOCK REDUCTION</u>	<u> OVERHANG</u>
45 degrees	19' - 1"	13' - 0"	2' - 4"	2' - 1"
60 degrees	19' - 6"	16' - 0"	1' - 8"	2' - 7"
75 degrees	19' - 9"	20' - 0"	1'	2' - 11"
90 degrees	18' - 0"	24' - 0"	0' - 0"	3' - 0"

PARKING SPACE DIMENSIONS
[COMPACT SIZE VEHICLES]

<u>ANGLE</u>	<u>STALL DEPTH</u>	<u> AISLE WIDTH</u>	<u> INTERLOCK REDUCTION</u>	<u> OVERHANG</u>
45 degrees	15' - 3"	11' - 6"	2' - 0"	1' - 5"
60 degrees	16' - 4"	13' - 4"	1' - 5"	1' - 9"
75 degrees	16' - 6"	16' - 0"	.9'	1' - 11"
90 degrees	16' - 0"	20' - 0"	0' - 0"	2' - 0"

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- G. Storm Water Drainage. Drainage of storm water from required off-street parking spaces and parking lots shall conform to good engineering practices and shall be subject to the approval of the Development Services Director.
- H. Lighting. Required off-street parking spaces or parking lots used during hours of darkness shall be provided with adequate lighting. Lighting shall comply with Title 18.
- I. Signage. Signs complying with the requirements of Chapter 20.18 (Sign Regulations) may be provided at a parking lot describing the ownership of the lot, its permitted use(s) and the charges or rates for the use of the parking lot, ingress and egress drives, etc.
- J. Barriers to encroachment. Barriers shall be provided to prevent a motor vehicle using a parking space or parking lot from encroaching upon the public right-of-way, including sidewalks. Barriers shall be a minimum of six (6) inches in height, of sufficient length, and located to prevent any portion of the motor vehicle from encroaching. Barriers shall be of an approved design, anchored properly, and fabricated of concrete, asphalt or other approved material.

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- K. Landscaping and Screening. Parking areas shall be screened in accordance with the requirements of Chapter 20.16 (Screening and Fencing Regulations). Parking areas shall be landscaped in accordance with the requirements of the City Code.

Section 20.14.050. Required Parking.

- A. Parking Requirements. Table, Section 20.14.050.C establishes the minimum number of motor vehicle parking spaces and bicycle parking spaces required for the uses indicated. The Development Services Director or designee shall be authorized to interpret and establish parking requirements for uses not shown in Table, Section 20.14.050.C.
- B. Method of Computation. Calculations to compute the minimum number of required parking spaces shall be based upon the following formulae:
 - 1. Where the calculation of the required parking results in fractions of spaces, the number of spaces shall be rounded to the next highest whole number for fractions of 0.5 or greater.
 - 2. For a building or facility with more than one use, the parking requirement shall be determined by the sum of the number of parking spaces required for each individual use computed separately. A shared parking arrangement may be approved for a mixed use building, shopping center, or facility where the uses have different hours of operation or parking usage, in which case the parking requirement shall be based upon the calculation for the individual use or group of simultaneous uses that result in the largest number of off-street parking spaces required.
 - 3. For a site with both permitted uses and accessory uses, the parking requirement shall be determined by the sum of the number of parking spaces required for each individual use, permitted or accessory, computed separately. A shared parking arrangement may be approved for a site where the permitted uses have different hours of operation or parking usage from those of the accessory uses, in which case the parking requirement shall be based upon the calculation for the individual permitted use or group of simultaneous permitted uses that results in the largest number of off-street parking spaces required.
 - 4. The additional parking requirements for an addition to or enlargement of an existing building or facility shall be calculated on the basis of the addition or enlargement and shall be added to the parking requirement for the existing building or facility prior to the expansion. In the event the existing parking provided for the existing building or facility is non-conforming with the requirements of this Chapter, refer to Chapter 20.22 (Non-Conforming Situations).

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5. For a change of use(s) of an existing building or facility, or a portion thereof, the parking requirements shall be calculated on the basis of the sum of the current code required parking as applied to the changed use(s), plus the prior code requirements applied to the unchanged portion(s) of the existing building or facility; or on the basis of the current code for the entire building or facility, whichever is less.
 6. Where the parking calculation is determined by the Gross Floor Area (GFA) of the building or facility, the GFA shall be measured to the exterior of the walls for every occupied floor. GFA of a building or facility shall not include areas used solely for off-street parking of motor vehicles or bicycles and associated driveways, and shall not include areas reserved for off-street loading berths.
 7. Where the parking calculation is determined by the number of seats or the number of occupants of a building or facility, the occupant load shall be per Title 18, Building and Construction, Chapter 18.08.
 8. The GFA of a restaurant, nightclub, bar or cocktail lounge with an outdoor seating area shall also include the gross floor area of such outdoor seating area.
 9. The GFA of a shopping center or other similar uses shall be based upon the entire shopping center, including the gross floor area of covered atrium and mall areas. The GFA of a shopping center shall not include the open well areas of the upper levels of a multi-story atrium or mall.
 10. Up to five percent (5%) of the total required vehicular parking spaces may be substituted with motorcycle parking spaces at the rate of one vehicular parking space for each three-motorcycle parking spaces provided. Motorcycle parking spaces shall be a minimum of 75 inches X 30 inches each exclusive of access aisles.
- C. Table of Parking Requirements. The parking standards and requirements are established in the Parking Table, located in Appendix C, adopted in its entirety and incorporated herein by reference, and unless otherwise provided for here in all parking shall the Parking Table.

Section 20.14.060 Shared Parking.

- A. Submission of Request. Whenever a shared parking arrangement is proposed to comply with the requirements of this Chapter, the shared parking arrangement shall be subject to the prior approval of the Development Services Director and shall not require a Special Permit for off-site, off-street parking. To obtain approval of a shared parking arrangement, the owner or operator of the property on which the parking need is generated shall submit an application containing the following information to the Development Services Director. The fee for processing the application shall be as set by City Council resolution

1. The number of required parking spaces, in accordance with this Chapter, for the use(s) at the property generating the parking need, the number of parking spaces provided, and the hours of operation of the uses(s).
2. The number of required parking spaces, in accordance with this Chapter, for the use(s) at the shared parking property, the number of parking spaces provided, and the hours of operation of the uses(s).
3. Proof of ownership for both properties (copy of a warranty deed or other document demonstrating legal title) and a signed and notarized copy of an agreement between the owner of the property generating the parking need and the owner of the shared parking property providing permission for the shared parking arrangement. Such agreement shall contain a provision requiring written notice to the Development Services Director before modifying or terminating the shared parking arrangement. Such agreement shall be filed of record once approval of the shared parking has been granted.
4. A scaled drawing showing the location of the property generating the parking need, the location of the shared parking property and the pedestrian travel distance measured in feet along straight lines between the two properties.
5. A drawing showing the location and wording of the signage to be utilized to direct patrons and employees to the shared parking property.
- B. Conditions for Approval. A shared parking arrangement shall be approved only when the arrangement meets all of the following conditions:
 1. The parking arrangement complies with this Chapter; and
 2. The owner or operator demonstrates that the parking requirements can be met by the shared parking arrangement; and
 3. The owner or operator demonstrates that the use(s) of the property generating the parking need and the use(s) of the shared parking property are non-simultaneous or that the proposed shared parking spaces are in excess of the parking required for the use(s) of the shared parking property, or a combination of each option; and
 4. The shared parking property is within 300 feet of the property generating the parking need and the access is provided between the two properties; and
 5. The parking area is compatible with the general development of the neighborhood and does not adversely affect the use of adjacent properties; and
 6. The required information has been satisfactorily submitted.

- C. Modification of Arrangement. A modification of a shared parking arrangement shall be subject to the same standards for review and approval by the Development Services Director as the original arrangement, and may be subject to an additional fee.
- D. Termination of Arrangement. The termination of a shared parking arrangement agreement may, after written notice to the owner or operator, result in the revocation of the Certificate of Occupancy for the building or facility of the property generating the parking need, in addition to other penalties as described in this Title.
- E. Sharing with City Owned Property. A shared parking arrangement in which the City is the owner of the shared parking property shall be permitted provided the owner complies with all of the requirements of this Section, and additionally obtains a lease from the City for such use of City property.

Section 20.14.070 Parking Reductions.

The amount of off-street parking required for a specific use may be reduced below the minimum required in Section 20.14.210, if a special permit is approved by City Council, as provided in this Section:

- A. Existing Development. Up to a one hundred percent reduction for a use involving an existing structure(s) located within an older neighborhood of the city that is proposed through the rehabilitation, alteration or expansion of the existing structure(s). The applicant shall satisfactorily demonstrate compliance with all of the following conditions:
 - 1. That the structure(s) is located in an older neighborhood of the city that has been legally subdivided and developed for at least thirty years; and
 - 2. That the structure(s) does not extend into an area within the property which was previously used to accommodate off-street parking; and
 - 3. That the off-street parking required for the proposed use of the structure(s) cannot be reasonably accommodated on the property due to the building coverage, whether due to the existing structure or due to a proposed expansion of the existing structure; and
 - 4. That no vacant areas exist within three hundred feet (300') of the property where the proposed use is to be located that can be reasonably developed to accommodate the off-street parking requirements.
- B. New Development in Redevelopment Areas. Up to a one hundred percent (100%) reduction for a use involving the new construction of a structure(s) that is proposed as a redevelopment project located within a redevelopment area or

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transit oriented development corridor of the city. The applicant shall satisfactorily demonstrate compliance with all of the following conditions:

1. That the structure(s) is located within one of the following redevelopment areas: the Downtown area (defined as the area between the Union Depot, Paisano Drive, St. Vrain Street, Olive Street, St. Vrain Street, the southern boundary of the Southern Pacific RR Reservation, Campbell Street and Interstate 10), the South El Paso area (defined as the area south of Paisano Drive, and lying between Santa Fe Street and Cotton Street), and any other redevelopment area or transit oriented development corridor as may be recommended by the City Plan Commission and approved by the City Council; and
 2. That the proposed building coverage on the lot is necessary for the proposed use, both in design and function necessitating the reduction; and
 3. That no vacant areas exist within three hundred feet of the property where the proposed use is to be located that can be reasonably developed to accommodate the off-street parking requirements.
- C. Parking Reduction Application Procedures. An applicant requesting consideration of a parking reduction shall comply with all of the following:
1. A special permit application for an off-street parking reduction shall not be construed as an automatic approval by the city and shall require the review and approval of the City Council as set forth herein; and
 2. The applicant shall submit adequate documentation to ensure compliance with the provisions of this section. City Council shall make the final determination following a recommendation of the City Plan Commission and may impose conditions and safeguards necessary to protect the public welfare and to conserve and protect property.
 3. A completed special permit application for an off-street parking reduction shall be submitted to the Development Services Department, and shall be accompanied with all of the following:
 - a. One copy of a completed application signed by the property owner(s); and
 - b. Eight copies of a detailed site plan of the subject property and all properties within three hundred feet adjoining the subject property, drawn to scale and showing the following:
 - i. Legal description, and
 - ii. Property lines with dimensions, and
 - iii. Location and arrangement of existing and proposed structures, and

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- iv. Location and arrangement of existing and proposed off-street parking areas, and
 - v. Location and arrangement of existing and proposed on-street parking areas within a three hundred (300') radius from the perimeter of the lot of the facility requesting the reduction, and
 - vi. Calculation of the number of required off-street parking spaces for the existing and proposed use(s) of the property, and
 - vii. Off-street loading and unloading berths, where applicable, and
 - viii. Off-street parking spaces and driveways not subject to reduction, if applicable, and
 - ix. Streets abutting the property, including the location and dimensions of sidewalks, and
 - x. Areas within the property where landscaping is provided, if any; and
 - c. One copy of a parking reduction impact study or of the letter from the City Engineer waiving the parking reduction impact study; and
 - d. One copy of a letter from the Director of Sun Metro indicating that the main entrance to the property is within one thousand feet of a mass transit system route; and
 - e. One copy of a proof of ownership document; and
 - f. One copy of a current tax certificate sealed and having the signature of the city tax assessor/collector, for each parcel of property described in the application for an off-street parking reduction.
4. An off-street parking reduction granted pursuant to this section shall be particular to the use for which it was granted. A change in use that results in a change of parking requirements or hours of operation shall automatically terminate the off-street parking reduction.
5. Structure(s) for which an off-street parking reduction has been granted shall be in accordance with all other applicable codes.
6. An application for an off-street parking reduction shall demonstrate that all of the following circumstances apply:
 - a. That a reduction in the off-street parking requirement will not result in the unreasonable parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets, as demonstrated by findings of a parking reduction impact study where required by the City Engineer. A parking reduction impact study, where required, shall be prepared in accordance with the standards required by the City Engineer; and
 - b. That a reduction in the off-street parking requirement will not create a safety hazard or other condition inconsistent with the objectives of this title;

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- c. That the property where the proposed use is to be located has sidewalks and the main entrance is within one thousand feet (1,000') of a mass transit system route, as determined by the Director of Sun Metro;
- d. That off-street parking not subject to a reduction shall comply with all other city ordinances governing off-street parking, including accessibility for the disabled.

Section 20.14.080 Gravel/Screening Surface Parking.

A. Allowed Uses

1. Office, Educational or Institutional (less than or equal to 5,000 SF building):

- a. Gravel/screenings surfaced parking areas may be incorporated for the required parking reserved for use by employees and staff of in-store retail or Professional offices, for parking in excess of the required parking, and for required parking where on-site ponding (see Section 20.14.080.C.4) or permanent desilting basins are provided. In no case shall gravel/screening parking exceed 50% of the total required parking.
- b. The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the Development Services Director; and signage shall be installed indicating "Parking For Employees, Staff, and/or Overflow Parking Only".

2. Office, Educational or Institutional (greater than 5,000 SF building):

- a. Gravel or screenings surfaced parking may be incorporated for parking in excess of the required parking only.
- b. The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the Development Services Director; and signage shall be installed indicating "Overflow Parking Only".
- c. All access drives to required parking shall be hard surfaced.

3. Commercial/Manufacturing/Warehousing/Storage/Construction Yards/ High Traffic Uses:

- a. Gravel/screenings surfaces may be incorporated for parking in excess of the required parking, for employee parking, for the storage users of truck trailers, storage containers, equipment, supplies, materials, motor vehicles or recreational vehicles which are part of the business function of the facility or site; including transport drop-offs and stock-in-trade.
- b. All required parking for visitors, customers, employees, or patrons shall be hard surfaced.
- c. The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surfaces or other method

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as approved by the Development Services Director; and signage shall be installed indicating "Overflow Parking Only" or as appropriate.

- d. All access drives to required parking shall be hard surfaced.
- e. All Loading Docks and all other loading areas shall be hard surfaced.

4. Recreation, Amusement, and Entertainment:

- a. For outdoor facilities, gravel/screenings surfaces may be incorporated for required parking in accordance with the attached table (Section 20.14.080.C). For indoor facilities, gravel surface parking areas may be incorporated for parking in excess of the required parking, and for required parking where on-site ponding or permanent desilting basins are provided.
- b. Gravel/screenings surfaces may be incorporated for parking in excess of the required parking and for the storage of truck trailers, storage containers, equipment, supplies, materials, recreational vehicles that are part of the function of the facility.
- c. The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surface or other method as approved by the Development Services Director.
- d. All access drives to required hard surfaced parking shall be hard surfaced.

5. Temporary Uses

- a. Gravel/screenings surfaces may be incorporated for all required parking subject to review, approval, and conditions by the Development Services Director.
- b. Temporary uses with no parking requirements (i.e. construction areas, etc.) are exempt from parking surface requirements.
- c. The perimeter of any gravel or screenings parking and drive areas shall be delineated by edging, curbing, or abutting hard surface or other method as approved by the Development Services Director.

6. Utility, Miscellaneous and Governmental Facilities

- a. Gravel/screenings surfaces may be incorporated for required and/or excess parking subject to review, approval, and conditions by the Development Services Director
- b. Temporary uses with no parking requirements (construction areas, etc) are exempt from parking surface requirements.
- c. Any gravel or screenings parking areas shall be delineated by edging, curbing, or abutting hard surface or other method as approved by the Development Services Director.

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7. Agricultural and related uses. Gravel/screenings surfaces may be incorporated for all required parking including truck trailers, storage containers, equipment, supplies, materials, recreational vehicles which is part of the business function of the facility as well as personal vehicles of the living quarters on the premises, and for parking in excess of the required parking.
 8. Residential
 - a. Gravel/screenings surfaces may be incorporated for:
 - (1) Required parking located at a distance no less than 20 feet from the front property line
 - (2) For required parking where on-site ponding (see Section 20.14.080.C.4) or permanent desilting basins are provided for the surface area of the gravel/screening parking area, and
 - (3) For all parking in excess of the required parking within side and rear yards.
 - b. The perimeter of any gravel or screenings parking areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the Development Services Director.
- B. Non-Allowed Uses and Restrictions
1. Gravel/screenings surfaces shall not be incorporated for either required or excess parking for motor vehicle sales except as allowed in other sections of this ordinance, for repair or dismantling uses, for storage of used drive train components other than tires, wheels or drive shafts, or for fueling or lubricating bays.
 2. Gravel/screenings surfaces shall not be incorporated for either required or excess parking for hospital or medical treatment uses with buildings greater than or equal to five thousand square feet (5000 SF).
 3. Gravel/screenings surfaces may be not be incorporated for either required or excess parking in excess of ninety-nine (99) spaces.
 4. No authorizations herein shall supersede state or federal requirements, restrictions, rules, or regulations.
 5. No parking is allowed on top of landscaping or areas not specifically designated for parking.

6. Parking surfaces with more than five parking spaces shall be paved or uniformly covered with gravel. This provision shall not apply to temporary parking lots defined as lots used for less than one month, after which access is prohibited. Such temporary lots shall be required to apply water or suitable oil or chemical.

C. General Requirements for All Allowed Uses:

1. All driveway aprons from public streets to any gravel/screenings surfaced areas shall be concrete, asphalt (where applicable), or composite thereof. Driveway apron shall extend a minimum of twenty feet (20') from the property line.
2. Where possible, gravel/ screenings surfaced parking areas shall be graded at slopes from zero percent (0%) to two percent (2%). Gravel surfaced parking areas exceeding two percent (2%) slope shall provide for appropriate gradation to be designed by a Professional Engineer. All gravel/screening shall be a minimum thickness on top of the base course/sub grade as defined in D.2. Alternatively, as otherwise allowed or required by base course/sub grade conditions and as evaluated by a Professional Engineer and geotechnical engineering evaluation. In all cases, unless otherwise approved by the Development Services Director, surface drainage of that parking should be directed either to an on-site ponding area or to a permanent desilting/stilling area (planter, landscaping etc) prior to any discharge to a public street.
3. Site drainage should be directed away from gravel/screenings surfaced parking areas.
4. On-site ponding shall be provided for the surface area of any gravel/screening parking area if ponding for both the pre-existing undeveloped and the difference (if any) to the developed storm water runoff from that site has not been previously provided for that site whether on-site or off-site.
5. All TAS parking shall be hard surfaced and comply with TAS requirements; gravel/screenings surfaces may be incorporated for driveways and areas not utilized for accessible routes;
6. The perimeter of all gravel/screening parking and drives shall be delineated by edging, curbing, abutting hard surface or other method as approved by the Director of Development Services.
7. The property owner shall maintain all gravel/screening surfaced parking and drive areas, on-site ponding, and/or desilting basins in clean and good condition.

ARTICLE II BICYCLE PARKING

Section 20.14.090 Bicycle Parking Required.

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Bicycle parking facilities shall be provided for new buildings or facilities, additions to or enlargements of existing buildings, or for changes in the use of buildings or facilities that result in the need for additional auto parking facilities in accordance with the parking requirements in Article I of this Chapter and where required in Table, Section 20.14.050.C. The Development Services Director is authorized to approve modifications to these standards when the applicant successfully demonstrates that the proposed alternative layout, location, design or type of racking meets the intent of these standards.

Section 20.14.100 Number of Bicycle Spaces.

The number of required bicycle parking spaces shall be calculated as shown in Table, Section 20.14.050.C of this Chapter. Where the calculation of the required bicycle parking results in fractions of spaces, the number of spaces shall be rounded to the next highest whole number for fractions of 0.5 or greater.

Section 20.14.110 Standards.

- A. Individual bicycle parking spaces shall be a minimum of seventy-five inches long by twenty-four wide (75" X 24") for each space. Where double-sided multi-racks are utilized resulting in overlapping of bicycle parking spaces, the minimum bicycle parking space for two (2) bicycles shall be one hundred inches long by thirty-six inches wide (100" X 36").
- B. Bicycle parking racks shall be located in areas visible from public ROW and, shall be provided with adequate lighting if intended for use after dark. Lighting shall comply with Title 18.. A minimum of fifty percent (50%) of the required number of bicycle parking spaces shall be located within 50 feet of a public entrance to the building requiring bicycle parking spaces.
- C. Bicycle parking racks shall support the bikes in a stable, upright position, without damage to wheels, frame or other components.
- D. Bicycle parking racks shall support the frame of the bicycle and at least one wheel. Racks shall allow the frame and one wheel to be locked to the rack, regardless of whether the front wheel is removed or not. Racks shall be securely anchored. Racks shall accommodate a wide variety of sizes and types of bicycles, including those with water bottles or without kick stands.
- E. Bicycle parking racks shall be permanently mounted/installed within private property on solid surfaces. Racks placed adjacent to sidewalks shall not encroach upon required pedestrian access ways, accessible routes or accessible passing space areas.

- F. Access shall be provided to each required bicycle parking space. Aisles shall have a width of at least three feet (3') to the front, rear or side of the bicycle parking spaces.
- G. Racks shall be placed a minimum of twenty-four inches (24") away from walls and other elements that may create an obstacle to accessing the bike parking spaces.

Section 20.14.120 Bicycle Parking on City Right-of-Way.

Where the required bicycle parking spaces cannot be properly located upon the lot generating the need for bicycle parking, the owner or applicant of the property generating the need for bicycle parking may apply for Shared parking per 20.14.060 or a Special Privilege from the City for permission to locate the bicycle parking on City Right-of-Way.

Section 20.14.130 Substitution of Bicycle Parking.

New and existing building and facilities may substitute up to ten percent (10%) of the required vehicular spaces for additional bike parking. Substitutions shall be made based on one (1) vehicular parking space for at least six (6) bicycle parking spaces. Substitutions shall be subject to the requirements of Section 20.14.100 and shall be in addition to the number of bicycle parking spaces required by this Chapter.

Section 20.14.140 Shared Bicycle Parking.

Whenever a shared bicycle parking arrangement is proposed to comply with the requirements of this Chapter, the shared bicycle parking arrangement shall be subject to the prior approval of the Development Services Director. To obtain approval of a shared bicycle parking arrangement, the owner or operator of the property on which the parking need is generated shall comply with the requirements of Section 20.14.060.

ARTICLE III LOADING STANDARDS

Section 20.14.150 Loading Berths/Spaces Required.

Loading berths and loading spaces for truck trailers shall be provided for new buildings or facilities, additions to or enlargements of existing buildings, or for changes in the use of buildings or facilities that result in the need for additional loading berths or spaces where required in Section 20.14.050.

Section 20.14.160 Truck Trailer Parking.

The owner or operator of a building or facility shall be responsible for providing adequate parking and maneuvering areas for truck trailers as required for the proper operation of the use(s) present in the building or facility, in addition to the spaces

required under Section 20.14.150. Such parking and maneuvering areas shall be designed in accordance with sound engineering practices. Areas designated for the parking of truck trailers are not required to be marked or striped.

Section 20.14.170 Standards.

- A. Location of Spaces. The location, design and number of required off-street parking spaces shall conform to the provisions of this Chapter. Off-street truck trailer loading or parking required by this Chapter shall be located on the same parcel as the use generating the loading or parking need. Parking spaces provided in excess of the required parking spaces shall also comply with the requirements of this Chapter, except Section 20.14.170.A.
- B. Responsibility for and Use of Spaces. The provision and maintenance of off-street truck trailer loading and parking shall be the responsibility of the owner of the use, building, structure and/or property on which the use generating the loading or parking need is located. Required loading or parking spaces shall be utilized only for the loading, unloading or parking of truck trailers, as appropriate, and shall not be utilized for another use or purpose for the duration of the use requiring such off-street loading or parking. The number, design or function of required off-street loading or parking spaces shall not be altered or reduced in a manner that violates the requirements of this Chapter.
- C. Failure to Maintain Required Number of Spaces. Failure to maintain the required number off-street truck trailer loading or parking spaces, may, after written notice to the owner or operator, result in the revocation of the Certificate of Occupancy for the building or facility in addition to other penalties as described in Section 20.04.

Section 20.14.180 Design and Construction.

- A. Minimum Dimensions and Arrangement
 - 1. Required off-street truck trailer loading spaces shall comply with the following minimum dimensional requirements: for truck trailer and cab combinations equal to or less than sixty feet (60'-0") in length, truck trailer parking spaces and berths shall be a minimum of twelve feet (12'-0") wide by sixty feet (60'-0") long with a minimum of fifty feet (50'-0") maneuvering area (Total area = 12'-0" x 110'-0"); for truck trailer and cab combinations greater than sixty feet (60'-0") in length, truck trailer parking spaces and berths shall be a minimum of 12 feet (12'-0") wide by seventy five (75'-0") long with a minimum of fifty feet (50'-0") maneuvering area (Total area = 12'-0" x 125'-0").
 - 2. Layouts utilizing shared maneuvering area between two or more rows of truck trailer loading spaces shall be acceptable. Alternate maneuvering area sizes may be accepted by the Building Official where an appropriate layout providing adequate truck trailer maneuvering can be demonstrated. Loading berths,

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loading spaces and the maneuvering areas to enter and exit from each berth or space shall have a minimum of fourteen feet (14'-0") unobstructed height. No portion of an off-street truck trailer loading or parking space shall encroach onto a public right-of-way.

- B. Reductions. No reductions shall be permitted to the number of truck trailer loading and parking spaces and facilities required in Section 20.14.050.
- C. Access to Lots. Access to off-street truck trailer loading and parking spaces shall be provided by aisles or driveways complying with Title 19 (Subdivisions), Title 13 (Streets, Sidewalks and Public Places), and this Chapter. An aisle is the traveled path providing vehicular access to two or more parking spaces. Access shall be subject to approval by the Development Services Director and shall be arranged to minimize turning movements onto and from the public right-of-way. Aisles and driveways providing access to off-street parking spaces shall connect to a dedicated public or private street or easement. Property zoned R, A, or RMU shall not be used for access to a parking area on a separate site for a use that is not permitted in the R, A or RMU zone. The maneuvering of truck trailers into and out of loading, parking and associated maneuvering areas shall not encroach upon public right-of-way or restrict, reduce, or obstruct traffic flow by vehicles or pedestrians.

ARTICLE IV. STORAGE STANDARDS

Section 20.14.190 Purpose.

The requirements of this Article are intended to provide reasonable standards for the keeping of outdoor, off-street, on-site storage.

Section 20.14.200 Applicability.

- A. This Article shall apply to the outdoor storage of motor vehicles and wheeled portable units, including, but not limited to: automobiles, non-commercial trucks, light trucks, storage containers, bicycles, motorcycles, semi-trailer trucks and cabs, recreational vehicles, motor-homes, trailers, boats, buses, mobile homes, industrial housing units, etc. These requirements shall also apply to the outdoor storage of materials, products, junk, equipment or merchandise, regardless of screening from view from a public right-of-way or alley.
- B. Exceptions:
 - 1. Incidental outdoor storage of materials related to construction sites with a valid building permit.
 - 2. Outdoor storage of live plants on lots of not less than one (1) acre.