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S E R V I C E   S O L U T I O N S   S U C C E S S



**TO:** The Honorable Mayor and City Council  
Open Space Advisory Board Members (OSAB)

**COPY TO:** Joyce A. Wilson, City Manager  
Ed Archuleta, President/CEO, El Paso Water Utilities  
Debbie Hamlyn, Deputy City Manager, Quality of Life Services  
Nick Costanzo, El Paso Water Utilities  
Nanette Smejkal, Director, Parks & Recreation  
Kathy Dodson, Director, Economic Development  
Mathew McElroy, Deputy Director, DSD-Planning

**FROM:** Patricia D. Adauto, Deputy City Manager, Development & *PA Adauto*  
Infrastructure Services

**SUBJECT:** OSAB Recommendation to Rezone Properties NOS

**Date:** June 14, 2010

This memorandum is to provide additional information and highlight staff concerns with the action of the OSAB at their meeting held on May 24, 2010 to recommend City-initiated rezoning of City-owned parcels to Natural Open Space (NOS) zoning. The recommendation is specific to the following properties:

Rio Bosque Wetlands Park  
Thunder Canyon  
Keystone Heritage Park

Basin "G"  
Feather Lake I & II  
Palisades Canyon

The NOS zoning classification was approved by City Council on March 16, 2010. It was specifically drafted to complement the *Green Infrastructure Plan* and its recommendation that arroyos and areas that were to remain in their natural state be preserved through the creation of an "open space zoning category." The regulations were to protect these properties from development that would be inappropriate or detrimental to the environmental and ecological characteristics of the area. The DSD-Planning Division was tasked with developing the NOS and worked closely with the Parks & Recreation Board, and later the OSAB in the development of the regulations. Due to significant amendment by the OSAB, the NOS draft was modified to incorporate standards that had not been contemplated in the early drafts. Staff changes had been recommended, however the ordinance adopted was as submitted by the OSAB.

Given the current direction of the OSAB to look at rezoning of parcels not originally contemplated when the NOS was written, Code inconsistencies are now more obvious and need addressing. For example, these include the following:

OFFICE OF THE CITY MANAGER – DEVELOPMENT & INFRASTRUCTURE  
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*Working Together, Building for the Future*

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John F. Cook

City Council

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Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
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*District 4*  
Carl L. Robinson

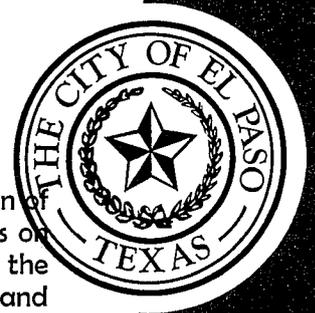
*District 5*  
Rachel Quintana

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City Manager  
Joyce A. Wilson



1. Municipal Code Section 20.02.651, Natural Open Space Zoning, prohibits the inclusion of land that: has been dedicated as a park; has significant development or structures on the site; or where the natural resources or habitat are no longer available. Most of the recommended parcels for rezoning are properties that do not fit these requirements and would be ineligible. At least two of the parcels were obtained and dedicated as parks. Several have significant development and structures on the parcels that are not allowed in the zone. Of the four EPWU-PSB held parcels, three are man-made stormwater facilities that have been graded and require perpetual maintenance and improvement. Interestingly, stormwater infrastructure is not an allowable use in the zone. Keep in mind that NOS zoning was intended primarily for arroyos and other floodplain areas that were to remain undisturbed and maintained within their natural state.
2. Certain provisions within the NOS zone are contradictory and need refinement. For example, Municipal Code Section 20.02.651 allows only passive recreation use within an NOS area and Section 20.06.020.D prohibits developed recreational areas such as picnic facilities. However, Section 20.10.385 permits picnic benches and shelters. This sample inconsistency is carried throughout the zone in other requirements.
3. The NOS regulations will impact existing park master plans and management agreements should any parks be included in the rezoning. For example, an envisioned research building at the Rio Bosque Park would not be allowed under NOS zoning. Additionally, the design requirements prohibit screening walls and fencing in NOS areas. The fencing at the Rio Bosque Park, as well as at the Keystone Heritage Park, would not be permitted.
4. Although portions of City parks may remain undeveloped and used for passive recreation areas, the underlying designation of a park remains parkland and not natural open space as intended for NOS areas. Many of these park areas are (and should be) immediately adjacent to residential developments, and the requirements for perimeter setbacks abutting an NOS zone cannot likely be achieved as currently written.
5. In the case of the area of Thunder Canyon, a Conservation Easement is in place that is more stringent than NOS, but does authorize the continued operation and maintenance of a sewer utility infrastructure managed by the EPWU-PSB. The man-made structures within many of the identified parcels may require construction inconsistent with the goals of the NOS zone; grading, clearing silt, and installation of utility facilities, access roads, and other. Only limited development is permitted within an NOS, and many of the existing buildings and infrastructure within the parcels would not be allowed. This and other concerns of the EPWU-PSB will be addressed by separate memorandum.

Due to these and many other concerns with the existing NOS zone and the direction and recommendations of the OSAB, City staff is requesting clarification and policy direction from the City Council in order that we may be better able to assist the OSAB in formulating recommendations and delivering implementation of these. The items as posted for the City Council agenda of June 22, 2010 will allow for a more comprehensive discussion of the issues and for clear policy direction to be given staff and the OSAB. Should you have any questions, please let me know.

Mayor  
John F. Cook

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City Manager  
Joyce A. Wilson



EDMUND G. ARCHULETA, P.E.

**TO:** Joyce Wilson, City Manager  
**FROM:** Ed Archuleta, President/CEO  
El Paso Water Utilities Public Service Board  
**SUBJECT:** Rezoning of Properties to Natural Open Space (NOS)  
**DATE:** June 9, 2010

A handwritten signature in black ink, appearing to read "Ed Archuleta", is written over the "FROM:" line of the memo.

As you are aware the Open Space Advisory Board (OSAB) has requested the placement of an item on the City Council agenda for June 22, 2010 that recommends the rezoning of various properties to Natural Open Space Zoning (NOS). The properties proposed to be rezoned include the following which are under the jurisdiction of the PSB/EPWU.

- The Palisades Property
- Feather Lake I
- Feather Lake II
- Basin G

I firmly believe that the request by the OSAB is premature and that it needs further analysis and vetting by the City and PSB staff before the City Council taking action on such an important issue. The following items need to be considered before this matter is allowed to move forward.

1. Need to determine what if any impact such rezoning would have on properties that are primarily being used for stormwater purposes.
2. The Palisades Property is already deed restricted to be used for only open space and stormwater purposes and therefore may not need further protection. In addition the PSB/EPWU is in the process of selecting an engineer to look at possible stormwater improvements for Palisades and we don't know yet what impact that would have on the property. There are also some access easement issues that may need to be addressed.
3. Basin G is a manmade stormwater structure whose main function is to handle stormwater and EPWU built in a "wetlands" component into the project.
4. Feather Lakes I and II are also manmade stormwater structures and currently being developed whose main function is handling of stormwater. Both Basin G and the Feather Lake areas do not fall within the scope of the NOS Ordinance.
5. The costs involved in preparing surveys for the rezoning applications may be a budget issue for the PSB/EPWU.

6. Consider delaying any rezoning of properties to NOS until the update of the City's Comprehensive Plan is completed so that a thorough analysis is done of all the areas that should be classified NOS.
7. Recommendations on any NOS rezoning need to be vetted by the City's Planning Department, and PSB staff. The requests also need to be reviewed and approved by the PSB Board before the City Council takes action on such a request.
8. An analysis needs to be completed to determine what impact the NOS will have on adjacent properties. Some properties may be partly or wholly surrounded by existing development.
9. PSB staff may need to have a title search done on the properties proposed for rezoning to determine if there are any restrictions that may impact such rezoning.

The Palisades Area is the most likely candidate for an NOS designation but we respectfully request additional time to adequately address specific drainage design and improvements that are being considered for the property. Also, the Board has expressed a desire to dedicate the property as a park which may preclude it from consideration for NOS designation given the definition of NOS in the adopted ordinance.

We are prepared to work closely with City staff regarding this important matter, thank you for your consideration.

Cc: Nick Costanzo, Vice-President/EPWU  
Pat Adatao, Deputy City Manager  
Jim Shelton, EPWU  
Rudy Valdez, EPWU

**RECEIVED**

APR 16 2010

CITY OF EL PASO  
DEVELOPMENT SERVICES  
DEPARTMENT

ORDINANCE NO. 017306

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS); CHAPTER 20.06 (ZONING DISTRICTS AND MAPS), SECTION 20.06.010 (DISTRICTS ESTABLISHED AND ENUMERATED) AND 20.06.020 (PURPOSE OF DISTRICTS) AND CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), 20.16. (SCREENING AND FENCING) AND APPENDIX A (TABLE OF PERMISSIBLE USES) AND APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS) OF THE EL PASO CITY CODE, TO ADD A DEFINITION FOR NATURAL OPEN SPACE, ESTABLISH A NATURAL OPEN SPACE DISTRICT; ESTABLISH STANDARDS FOR SUPPLEMENTAL USES IN OPEN SPACE DISTRICTS; TO ESTABLISH PERMISSIBLE USE AND DENSITY AND DIMENSIONAL STANDARDS IN OPEN SPACE DISTRICTS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, the Green Infrastructure Plan for the City of El Paso, Texas recommends that a Natural Open Space zoning district be implemented for the City of El Paso; and

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

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

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

WHEREAS, the regulations established by this Ordinance are part of a comprehensive regulatory scheme designed to protect the culture, heritage, ecology and aesthetics of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**SECTION 1.** That Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), of the El Paso City Code is amended to add the following definitions:

20.02.651. "Natural Open Space" means any area that has not been developed or that currently has no significant structures on it. Natural Open Space may be under public or private ownership but shall not include land that has been dedicated as a park or areas containing structures other than the structures identified in Section 20.10.385 C(1) of the El Paso City Code. Natural Open Space may only allow passive recreation which shall mean and include activities such as hiking, photography, or nature studies and if specifically designated, bicycling, climbing, and horseback riding. Passive recreation does not include motorized activity except for

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maintenance, emergency services, or legal access agreements. Natural Open Space may include properties designated in the Green Infrastructure Plan for El Paso and additions to the plan when approved by City Council and shall have some combination of natural scenic beauty, natural resources that are deemed worthy of preservation, or have a cultural or historic significance to the area or region.

20.02.1151. "Wildlife Sanctuary" means as an area of land, water, and the air space above which is managed to protect wildlife species, their habitat, and the ecosystem(s) these wildlife species depend upon. For the purpose of this ordinance, the term "Wildlife Sanctuary" is synonymous with "Wildlife Refuge", "Wildlife Preserve", and "Nature Preserve". This designation shall only apply to property that is zoned Natural Open Space.

**SECTION 2.** That Title 20 (Zoning), Chapter 20.06(Zoning Districts and Maps), Section 20.06.010 (Districts Established and Enumerated), Subsection D (Special Purpose Districts) of the El Paso City Code is amended to add the following District as follows:

**20.06.010 D. Districts Established and Enumerated**

"NOS" Natural Open Space District

**SECTION 3.** That Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), Section 20.06.020 (Purpose of Districts), Subsection D (Special Purpose Districts) of the El Paso City Code is amended to add the following:

**20.06.020 D. Special Purpose Districts**

13. "NOS" Natural Open Space District.

A. The purpose of this district is to preserve and protect natural features of the mountain, hillside, arroyo, and desert flatland areas within the City and to promote conservation and restoration of these areas within and adjacent to urban and suburban development whether upon application of a private owner or for public land.

B. The regulations of this district are designed to protect ecologically sensitive lands and to prohibit those activities that would adversely affect the environmental characteristics of the district. This district is also intended to preserve land that, if disturbed, may be susceptible to flooding and soil erosion due to steep slopes and runoff. Property located within this district shall remain undeveloped, except as allowed under the provisions of this section. Developed recreational areas, such as playground equipment, picnic facilities, and other types of recreational structures not specifically identified in this section are prohibited within the natural open space zoning district.

C. This District shall apply to land where the property owner initiates a rezoning to NOS or land owned by the city, where the city initiates a rezoning to NOS.

**SECTION 4.** That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code is amended as follows:

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1. Section 20.10.060 (Alcoholic Beverages), subparagraph A4 is amended to add the following:

j. NOS natural open space district.

2. Section 20.10.220 (Farming) is amended as follows:

### 20.10.220 Farming

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

3. Section 20.10.240 (Freight and passenger terminals), Paragraph B (Screening) and Paragraph C (Perimeter Treatment) is amended as follows:

### 20.16.240 Freight and passenger terminals

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

C. Perimeter Treatment. A minimum perimeter setback shall be provided along the property lines abutting an existing residential use or an existing R, A, PR, SRR, PMD or NOS zoning district, and adjacent to any right-of-way or easement which separates the property from a residential use or an R, A, PR, SRR, PMD or NOS zoning district, to minimize potential negative impacts created by any activity within the site as follows:

Use	Setback (in feet)
Passenger station	100
Transportation terminal type A or B	100
Railyard, auxiliary rail facilities	100
Railroad repair shop	100
Diesel maintenance facility	100
Intermodal facility	100
Airport	1500
Helipad	500
Airpad	150

Helistop	150
Motor-carrier terminal	050
Other uses	050

4. Section 20.10.250 (General warehousing), Paragraph A (Screening) and Paragraph B (Perimeter Treatment) is amended as follows:

**20.10.250 General warehousing.**

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

B. Perimeter Treatment. A minimum perimeter setback of fifty feet shall be provided along the property lines abutting an existing residential use or an existing R, A, PR, SRR, PMD or NOS zoning district, and adjacent to any right-of-way or easement which separates the property from a residential use or an R, A, PR, SRR, PMD or NOS zoning district, to minimize potential negative impacts created by activity within the site.

5. Section 20.10.385 (Natural Open Space) be added as follows:

**20.10.385 Natural Open Space.**

A. Purpose. The purpose of these regulations is to promote the following city objectives within mountain, hillside, arroyo, bosque, and desert flatland areas:

1. To protect and promote ecologically sensitive areas in conformance with the goals and policies of the comprehensive plan and open space plan;
2. To minimize scarring and disturbance of the natural environment, plant and animal habitat and visual character of the mountain, hillside, arroyo, bosque, and desert flatland areas through prohibition of development;
3. To control water runoff and soil erosion;
4. To preserve land that, if disturbed, may be susceptible to flooding and soil erosion due to steep slopes and runoff;
5. To provide a safe means of ingress and egress for non-motorized traffic to and within the mountain, hillside, arroyo, bosque, and desert flatland areas;
6. To create a separate holding district that may be used as a buffer from military land and uses.

B. Ownership. The area comprising any natural open space district may be made public if dedicated or transferred to the city and the City Council accepts such dedication or transfer.

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

1. Permitted Uses. Hike and bike trails, equestrian trail nodes, picnic benches and shelters, scenic lookouts, viewing shelters, shade structures, ground maintenance structures, and restrooms are permitted uses in this district, subject to minimal disturbance of the natural open space.

2. Screening Walls. No screening wall or fence shall be placed to impede normal flow of water or restrict visibility.

3. Parking. Off-street parking requirements of Chapter 20.14 shall not apply to properties in this district. Parking shall be provided in accordance with the approved detailed site development plan

4. Site Plan. A detailed site development plan complying with all of the requirements of Chapter 20.04 (Administrative Review Procedures) shall be required for all property within a natural open space district.

5. Signs. Community service signs may be approved by the Deputy Director of Development Services - Planning, in conformance with 20.18.490 after review by the Parks and Recreation Director and Open Space Advisory Board. The total number of signs on the property may exceed two per street frontage and four per premise upon approval of the Deputy Director of Development Services - Planning and upon review by the Parks and Recreation Director and Open Space Advisory Board.

6. Wildlife Sanctuary. The City Council may designate a property as a Wildlife Sanctuary as part of the approval of a NOS rezoning application.

7. Perimeter Treatments. A minimum perimeter setback of 25 feet shall be provided along the property lines for any use abutting an existing NOS zoning district to minimize potential negative impacts created by activity within the site.

8. Landscape Treatments. A minimum landscape buffer of 10 feet shall be provided along the property lines of any commercial, manufacturing, or industrial uses abutting an existing NOS zoning district with a designation of a Wildlife Sanctuary in order to minimize potential negative impacts created by activity within the site. The landscape buffer shall include high profile native trees with a minimum of 2" caliper placed at every 15 feet on center. The tree species shall be selected by Deputy Director of Development Services - Planning based upon consultation with the Parks and Recreation Director, Open Space Advisory Board and the Wildlife Sanctuary's managing entity. The landscape buffer shall be in addition to the landscape requirements of Title 18 and be installed prior to the issuance of any certificates of occupancy.

#### D. Incentives.

1. Applications under this section shall be processed with priority on a fast-track basis, defined as follows:

- a. Processing for detailed site development plan review: approximately thirty days;
- b. Processing for a natural open space rezoning application or any other application that requires city council approval: approximately sixty days (minimum) for final approval.

2. The city shall waive application fees for rezoning, detailed site development plans, or amendments to a detailed site development plan.

6. Section 20.10.455 (Personal wireless service facilities) is amended to add the following paragraph:

**Section 20.10.455 Personal wireless service facilities**

H. PWSF located in the NOS zoning district is prohibited.

7. Section 20.10.490 (Processing facilities), Paragraph A (Light processing facilities), subparagraph 2b and subparagraph 11 be amended as follows:

**Section 20.10.490 Processing facilities**

2b. Located at least one hundred fifty feet from the property lines of an existing residential use or existing R, A, PR, SRR, RMU, PMD or NOS zoning district;

11. Any containers provided for after-hours donation of recyclable materials will be at least fifty feet from any property line of an existing residential use or existing R, A, PR, SRR, RMU, PMD or NOS 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;

8. Section 20.10.490 (Processing facilities), Paragraph B (Heavy/Light Processing Facilities), subparagraph 1 be amended as follows:

**Section 20.10.490 Processing facilities**

1. Facility does not abut a bridge or overpass and shall be located at least one hundred fifty feet from the property lines of an existing residential use or existing R, A, PR, SRR, PMD or NOS zoning district;

9. Section 20.10.520 (Recycling collection facilities), Paragraph A (Small Collection Facilities), subparagraph 9 and 10 be amended as follows:

**Section 20.10.520 Recycling collection facilities**

9. Attended facilities located within fifty feet of a property line of an existing residential use or existing R, A, PR, SRR, RMU, PMD or NOS 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, PMD or NOS zoning district;

10. Section 20.10.520 (Recycling collection facilities), Paragraph B (Large Collection Facilities), subparagraph 1, 2, 9 and 10 be amended as follows:

**Section 20.10.520 Recycling collection facilities**

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, PMD or NOS 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,
  - 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;

9. If the proposed facility is located within five hundred feet of existing residential use or existing R, A, PR, SRR, RMU, PMD or NOS 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, PMD or NOS 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. Section 20.10.560 (Restaurants, drive-in) be amended as follows:

#### **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, PMD or NOS zoning district.

**SECTION 5.** That Section 20.16(Screening and Fencing), Subsection 20.16.020 (Mandatory Walls) of the El Paso City Code be amended as follows:

#### **20.16.020 Mandatory walls.**

A. Where both properties are vacant, a six-foot high masonry wall (measurement of height is from the high ground) shall be erected by the owner of whichever property first builds upon it:

1. Between all R (including Ranch-Farm and NOS) and A districts;
2. Between all R (including Ranch-Farm and NOS) and C districts;
3. Between all R (including Ranch-Farm and NOS) and manufacturing or industrial districts;
4. Between all A and C districts;
5. Between all A and manufacturing or industrial districts by the owner of whichever property that first builds upon it or uses it for outside storage;
6. Between all R (including Ranch-Farm and NOS) or A districts and all special purpose districts as part of the approved site plan for the special purpose district;
7. In R districts (including Ranch-Farm and NOS), between residential uses and those nonresidential uses permitted in R districts by the owner of the property having the nonresidential use when he builds upon it;
8. Within mixed-use districts, between residential uses and nonresidential uses or pursuant to the approved master zoning plan.

B. In existing developments, a six-foot high masonry wall (measurement of height is from the high ground) shall be erected:

1. Between all R (including Ranch-Farm and NOS) and A districts by the owner of the A property when he builds upon it;
2. Between all R (including Ranch-Farm and NOS) and C districts by the owner of the C property when he builds upon it;
3. Between all R (including Ranch-Farm) and manufacturing or industrial districts by the owner of the M or I property when he builds upon it;
4. Between all A and C districts by the owner of the C property when he builds upon it;
5. Between all A and manufacturing or industrial districts by the owner of whichever property first builds upon it or uses it for outside storage;
6. Between all R (including Ranch-Farm and NOS) or A districts and all special purpose districts as part of the approved site plan for the special purpose district;
7. In R districts (including Ranch-Farm and NOS), between residential uses and those nonresidential uses permitted in R districts by the owner of the property having the nonresidential use;
8. Within mixed-use districts, between residential uses and nonresidential uses by the owner of the property having the nonresidential use or pursuant to the approved master zoning plan.

G. Where both properties are vacant or in existing developments, an eight-foot high masonry wall (measurement of height is from the high ground) shall be erected between all NOS zoning districts with a designation of a Wildlife Sanctuary and any other zoning districts. The eight-foot masonry shall be built by the owner of the property of the non-NOS zoning district when he/she builds upon it;

H. Exception. Upon receipt of a written application from the property owner, the zoning administrator may approve a revised location for a mandatory wall within the same property to achieve an equal or improved use of the screen; or may waive the requirement when topographic conditions negate the visual screening effect of the wall; or where the property is adjacent to nonresidential uses or common recreational areas, such as golf courses, parks or other areas designated as open area under the provisions of this title. Any requests to amend the requirement for a mandatory wall on the property line of a natural open space zoning district shall be reviewed by the Parks and Recreation Director and Open Space Advisory Board prior to approval by the zoning administrator, except that a mandatory wall along the property line of a natural open space zoning district and nonresidential uses cannot be waived. No masonry wall shall be required where a street is the boundary line between the districts except that this does not apply to properties used for outside storage. A fee for processing requests to amend the requirement for a mandatory wall shall be adopted by resolution of city council.

**SECTION 6.** That Appendix A (Table of Permissible Uses) of the El Paso City Code be amended as follows:

#### **Appendix A, Table of Permissible Uses**

Add NOS to Table of Permissible Uses:  
"P" Open space (common, public, or private)  
"S" Minor Utility Facility

**SECTION 7.** That Appendix B (Table of Density and Dimensional Standards) of the El Paso City Code be amended as follows:

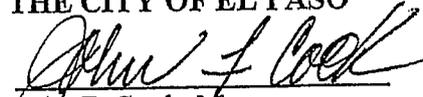
**Appendix B, Table of Density and Dimensional Standards**

Add NOS to Table of Density and Dimensional Standards:  
Minimum District Area: 1 acre; extensions to the original district from a common boundary may be considered in increments of 1 acre or less.  
Permitted Use (as established in Chapter 20.08): See permitted uses in Section 20.10.385  
Minimum Lot Area (square feet): 43,560  
Minimum Average Lot Width (in feet): N/A  
Minimum Lot Depth (in feet): N/A  
Other Standards: See Development Standards in Section 20.10.385  
Minimum Front Yard (in feet): 10  
Minimum Rear Yard (in feet): 10  
Minimum Cumulative Front & Rear Yard Total Front: N/A  
Minimum Side Yard (in feet): 10  
Minimum Side Street Yard (in feet): 10  
Minimum Cumulative Side & Side Street Yard Total: N/A  
Other Standards: See development standards in Section 20.10.385  
Maximum Height Limitation (in feet): 35

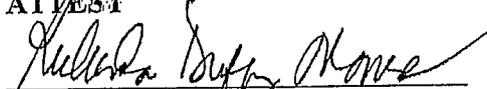
**SECTION 8.** Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this 6<sup>th</sup> day of April, 2010.

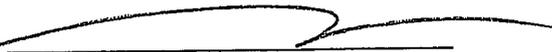
THE CITY OF EL PASO

  
John F. Cook, Mayor

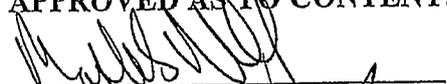
ATTEST

  
Richarda Duffy Monsen, City Clerk

APPROVED AS TO FORM:

  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Mathew McElroy, Deputy Director  
Development Services Department

CITY CLERK DEPT.  
10 APR - 8 PM 3:27