

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: Oct. 5, 2010  
Public Hearing: Oct. 26, 2010

**CONTACT PERSON/PHONE:** Kimberly Forsyth, (915) 541-4668

**DISTRICT(S) AFFECTED:** City-wide

**SUBJECT:**

An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 20 (Zoning) to amend various sections thereunder pertaining to the duties that had been assigned to the Development Services Department and to staff; the penalty being as provided in Section 20.24.020 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

The ordinance will amend the authorities and titles of various City officials in accordance with departmental reorganization of the Development Services Department. No substantive changes are being made to the code in this ordinance—only the changes necessary to achieve reorganization.

**PRIOR COUNCIL ACTION:**

Adoption of the City's FY 2011 budget and reorganization on August 24, 2010.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – pending  
City Plan Commission (CPC) – pending

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning and Economic Development



**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE CITY CODE TO REFLECT DEPARTMENTAL REORGANIZATION BY AMENDING TITLE 20 (ZONING) TO AMEND VARIOUS SECTIONS THEREUNDER PERTAINING TO THE DUTIES THAT HAD BEEN ASSIGNED TO THE DEVELOPMENT SERVICES DEPARTMENT AND TO STAFF; THE PENALTY BEING AS PROVIDED IN SECTION 20.24.020 OF THE EL PASO CITY CODE.**

**WHEREAS**, the Planning Division has been moved to the Planning and Economic Development Department and the Building Permits and Inspections Division has been moved to the Engineering and Construction Management Department; and

**WHEREAS**, various provisions in the City Code need to be amended to reflect the changes.

**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), section 20.02.034 (Administrator), of the El Paso City Code, is deleted and the section shall be marked as “reserved.”

Section 2. That Title 20 (Zoning), Chapter 20.02 (General provisions and definitions), section 20.02.298 (Director), of the El Paso City Code, is deleted and the section shall be marked as “reserved.”

Section 3. That Title 20 (Zoning), Chapter 20.02 (General provisions and definitions), section 20.02.1174 (Zoning administrator), of the El Paso City Code, is amended to read as follows:

**20.02.1174 Zoning administrator.**

“Zoning administrator” means the city employee who plans, directs and coordinates the application of the zoning ordinance and related duties as required under the direction of the planning official.

Section 4. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.010 (Responsibility for administration of provisions), of the El Paso City Code, is amended to read as follows:

**20.04.010 Responsibility for administration of provisions.**

Responsibility for the administration of the provisions of this title shall be vested in the city council, the city plan commission, the planning and economic development department, the zoning board of adjustments, the engineering and construction management department, the fire department, the department of environmental services, the department of transportation, and the department of public health, in accordance with the provisions of this code, including the provisions of this title.

Section 5. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.060 (Planning division), of the El Paso City Code, is amended to revise the section title and read as follows:

**20.04.060 Planning division.**

A. Pursuant to this code, the planning division, as provided for by ordinance of the city, serves as an administrative and staff agency responsible to the mayor and city council, to the city plan commission and to the zoning board of adjustment. The planning division and the planning official have authority for processing proposals to change the text and map of this title and for processing master zoning plan applications, site plan approval applications, applications for special permits and zoning board of adjustment applications.

B. All applications for zoning change or amendment, approval of a master zoning plan or detailed site plan, or for special permit shall be first filed with the executive secretary of the city plan commission, who shall have responsibility for coordination of the staff review process to include, if applicable, submission to the Open Space Advisory Board.

Section 6. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.070 (Building official), of the El Paso City Code, is amended to revise the section title and to read as follows:

**20.04.070 Building official**

A. Pursuant to this code, the building official and other designees of the city manager serve as the administrative staff responsible for the provision of services and the performance of duties as set forth under this title.

B. The building official and any other permit official designated by the city manager have authority under this title for all aspects of development applications or permit applications, except traffic and transportation engineering aspects.

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

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

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

Section 7. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.080 (Engineering department), of the El Paso City Code, is amended to revise the section title and to read as follows:

**20.04.080 Department of Transportation.**

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

Section 8. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.200 (Master zoning plan), of the El Paso City Code, is amended to change the phrase “development services department” to “planning division”; to change the phrase “deputy director of planning” to “planning official”; and to change the phrase “deputy director” to “planning official”, as used within this section.

Section 9. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.320 (Special permit approvals), of the El Paso City Code, is amended to change the phrase “deputy director of planning or his designee” to “planning official” as used within this section.

Section 10. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.370 (Application form), of the El Paso City Code, is amended to change the phrase “deputy director” to “planning official” as used within this section.

Section 11. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.400 (Notice of public hearing before city plan commission), of the El Paso City Code, is amended to change the phrase “deputy director of planning” to “planning official” as used within this section.

Section 12. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.520 (Notice), of the El Paso City Code, is amended to change the phrase “deputy director of planning” to “planning official”; and to change the phrase “Deputy Director of Planning or that person’s designee” to “planning official”, as used within this section.

Section 13. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.560 (Private streets), of the El Paso City Code, is amended to read as follows:

**20.04.560 Private streets.**

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

Section 14. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.610 (Building permit application), of the El Paso City Code, is amended to read as follows:

**20.04.610 Building permit application.**

- A. All applications for building permits shall comply with provisions of Title 18 of this code.
- B. The drawings shall contain suitable notations indicating the proposed use of all land and buildings, including the number of families or dwelling units or rental units proposed.
- C. A record of the original copy of such applications and plans shall be kept as provided in Title 18 of this code. In a particular case, the building official may waive the requirement for plans when such plan is clearly unnecessary to a decision or the record on the case.

Section 15. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.700, subsection B (Generally), of the El Paso City Code, is amended to read as follows:

**20.04.700, Subsection B, Generally.**

- B. Certificates of occupancy and compliance shall be issued pursuant to provisions of Title 18 of this code. The building official shall keep a record of all certificates.

Section 16. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.820 (Home occupation license), of the El Paso City Code, is amended to read as follows:

**20.04.820 Home occupation license.**

- A. The city council shall adopt a fee for processing applications for home occupation licenses and annual renewals.
- B. The applicant for a home occupation license shall, at the time of submission of the application, pay the required fee to the city cashier. A penalty for late submittal of the home occupation license renewal shall result in a late fee of twenty percent of the renewal fee to be paid in addition to the renewal fee as provided in this section.

Section 17. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), section 20.04.900 (Administrative and Enforcement Activities), of the El Paso City Code, is amended to revise the section title and to read as follows:

**20.04.900 Administrative and Enforcement Activities.**

- A. It shall be the duty of the planning official and such other employees as are appointed by the city manager designee to interpret the provisions of this title.
- B. The city engineer, the building official, employees of the code enforcement division, and other enforcing officers as defined or designated by the city manager, constitute authorized city officials and are authorized to enforce the provisions of this title, issue citations for violations of this title, and take all other actions authorized by this Code relating to the matters regulated under this title.
- C. The employees designated in this section are authorized to make inspections of any property necessary to enforce the provisions of this title, as further provided in this Code.

Section 18. That Title 20 (Zoning), Chapter 20.06 (Zoning districts and map), section 20.06.030, Subsection A, (Official zoning map), of the El Paso City Code, is amended to change the phrase “planning division of the development services department” to “planning division”; and to change the phrase “deputy director of planning” to “planning official” as used within this section.

Section 19. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.270, subsection D (Home occupation uses) of the El Paso City Code, is amended to read as follows:

**20.10.270, Subsection D Home occupation uses**

- D. Application for a home occupation license shall be made pursuant to the requirements of Title 5 (Business taxes, licenses and regulations) of this code.

Section 20. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.360, subsections B 3, 4 and 5 (Mixed-use development), of the El Paso City Code, is amended to change the phrase “development services department” to “planning and economic development department”; and to change the phrase “deputy director or his designee” to “planning official” as used within this section.

Section 21. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), Sections 20.10.365 (Mobile service units); 20.10.600 (Secondary manufactured homes (ranch-farm district only)); and 20.10.680 (Temporary uses), of the El Paso City Code, are amended to change the phrase “development services department” to “permit official”, as used within these sections.

Section 22. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), Section 20.10.385 (Natural open space), of the El Paso City Code, is amended to change the phrase “deputy director of development services - planning” to “planning official”, as used within this section.

Section 23. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.400, subsections D, E and F (Neighborhood Conservancy Overlay), of the El Paso City Code, is amended to read as follows:

#### **20.10.400, Subsections D, E and F, Neighborhood Conservancy Overlay**

D. Study Area Plan Formulation and Adoption. Prior to application for an NCO, the city shall have adopted a specific study area plan, as required by "The Plan for El Paso," for property within a neighborhood wholly or partially to be designated for mixed-use. The study area plan shall, at a minimum, include a written and graphic description of the concerns, policy objectives, guidelines and design standards for regulating the development of the area. The planning and economic development department shall, upon authorization and prioritization by the El Paso city council, assist area residents and other interested parties to prepare a study area plan, and when completed shall be on file in the department. Any NCO designation approved by the city shall incorporate the study area plan by express reference.

E. City Review Committee.

1. A city review committee (CRC) shall be created to oversee the functions within each area designated an NCO. The CRC shall have the power and authority to review and authorize the release of building permits for any new construction, reconstruction or renovation of the exterior of existing buildings or structures within a designated NCO. The building official shall forward all applicable building permit applications to the CRC.

2. Members of the CRC shall consist of the planning official, the building official and the historic preservation officer (or their respective designees). The planning official

shall act as secretary of the committee. For quorum purposes, presence of all members of the CRC shall be required to convene a meeting and vote on any permit. Meetings shall be scheduled, with notice duly posted according to the Texas Open Meetings Law, by the secretary as necessary to review and act on permit applications. Written notice of any permit application received and pending action before the CRC shall be given, as a minimum, to any area neighborhood associations and to the immediate abutting property owners within the NCO area. The notice shall state the date and time of the scheduled meeting before the CRC.

3. The secretary shall make and maintain a detailed record of all proceedings and procedures of the CRC, setting forth the reasons for each decision, the vote of each member participating therein, and any failure of a member to vote. Action taken at a CRC meeting shall require the affirmative vote of a majority of the members present at the meeting. The CRC shall, in every case, reach a decision without unreasonable delay.

4. All decisions of the CRC shall be reasonable under the circumstances and shall not be arbitrary or capricious. If the CRC has not disapproved an application for a building permit within twenty days after it has been properly submitted then such application shall be deemed to have been approved without further action of the CRC. All decisions shall be in writing and shall be served on the applicant by the United States mail, postage prepaid, return receipt requested, and shall be deemed given when deposited in the United States mail.

F. Contents of Application, Scope of Review, Waivers.

1. Prior to the issuance of any building permits for any new construction, reconstruction or renovation of the exterior of existing buildings on property (or any portion thereof) with an NCO designation, drawings and applications shall be reviewed by the CRC to determine if the proposed new construction, reconstruction or renovation complies with the design standards of the specific study area plan.

2. The CRC shall establish and publish a detailed list of the documents and information that must be submitted by an applicant together with the application for a building permit, copies of which shall be maintained as directed by the city manager or designee. All applications for building permits on property with an NCO designation shall comply with the required design standards for the applicable study area plan. Approval of a permit shall indicate that the proposed construction complies with the requirements of this section and the design standards of the specific study area plan. The CRC may request assistance of other city departments to review drawings and applications. In the event that the design standards of the applicable study area plan are more restrictive or impose higher (or different) standards than the requirements of this title, the design standards of the applicable study area plan shall govern.

Section 24. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.430, subsection B (Outdoor flea markets), of the El Paso City Code, is amended to read as follows:

**20.10.430, Subsection B, Outdoor flea markets.**

B. Operator License. An operator license or the operation of an outdoor flea market shall be required and be subject to the requirements of Title 5 (Business taxes, licenses and regulations), of this code. Application for a license shall be made pursuant to the requirements of Title 5.

Section 25. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.455, subsections B, C, D 3 e iii, E 3 e iii, and H (Personal wireless service facilities), of the El Paso City Code, are amended to read as follows:

**20.10.455, Subsections B, C, D 3 e iii, E 3 e iii, and H, Personal wireless service facilities.**

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

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

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

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

If the use of the PWSF has not been restored within an eighteen-month period from the time the PWSF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the PWSF must be removed and the PWSF site restored to its original or better condition, at the property owner's expense.

For any PWSF in existence but not listed as operable on the certification form as of the date of the passage of the ordinance codified in this chapter, the owner shall have

eighteen months from the date of certification in which the PWSF must be made operable. If the PWSF is not operable within eighteen months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be removed by the person who constructed the facility, by the person who operated the facility or by the property owner within six months after the aforementioned time period expires. The PWSF site must be restored to its original or better condition, at the property owner's expense.

D 3 e iii The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.

E 3 e iii The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.

H. Construction Plan Requirements. A construction plan shall be submitted for review and approval by the building official prior to issuance of a building permit that identifies the following:

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 26. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.500, subsections B 3, E 7, and F (Quarries), of the El Paso City Code, of the El Paso City Code, are amended to read as follows:

**20.10.500, subsections B 3, E 7 and F, Quarries.**

- B. 3 Eight copies of a site plan drawn to a scale of not less than one hundred feet to the inch, unless a modification as to scale is authorized by the planning official. This site plan shall show the following:
- a. The boundaries of the proposed district;

- b. The location, arrangement and use of all existing structures or properties, utility rights-of-way and easements, local and arterial streets, schools, parks and other such features for the proposed district;
- c. Existing contours at not more than twenty-foot intervals where the natural slope is greater than five percent, and not more than two-foot intervals where the natural slope is less than five percent;
- d. Proposed use(s);
- e. Areas of excavation;
- f. Proposed contours to which the district is to be excavated.

E. 7. The city council may adopt by resolution a schedule of fees for inspection by city departments and staff called for by this chapter.

Section 27. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), Section 20.10.510, subsection H, (Recreational vehicle parks), of the El Paso City Code, is amended to read as follows:

**20.10.510, subsection H, Recreational vehicle parks.**

Construction Plan Requirements. A construction plan shall be submitted for review and approval by the building official prior to issuance of a building permit that identifies the following:

- 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 as required by the building official in the review of the construction plan.

Section 28. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.550, subsection E (Restricted residential mixed-use development), of the El Paso City Code, is amended to read as follows:

**20.10.550, Subsection E, Restricted residential mixed-use development.**

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 office of the planning official.

Section 29. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.700 (TV and radio broadcasting antennae), of the El Paso City Code, is amended to change the phrase “deputy director for engineering” to “city engineer” as used within this section.

Section 30. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.600, subsection A (Secondary manufactured homes (ranch-farm district only)), of the El Paso City Code, is amended to read as follows:

**20.10.600, Subsection A, 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 official;

Section 31. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.680 (Temporary uses), of the El Paso City Code, is amended to read as follows:

**20.10.680 Temporary uses.**

Application. Application shall be made by the property owner, lessee or authorized agent to the planning official on approved forms. The fee for the permit shall be as established by city council.

Section 32. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.040, subsections D, E and G, (Design and construction), of the El Paso City Code, are amended to read as follows:

**20.14.040, Subsections D, E and G, Design and construction**

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 city engineer 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 city engineer. Gravel screening may be an acceptable surface for required parking spaces provided that it complies with provisions of Section 20.14.080 and Appendix C. Surfaces shall be maintained in good condition, free of weeds, dust, trash and debris.

G. Stormwater Drainage. Drainage of stormwater from required off-street parking spaces and parking lots shall conform to good engineering practices and shall be subject to the approval of the city engineer.

Section 33. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.050, subsection A, (Required parking), of the El Paso City Code, is amended to read as follows:

**20.14.050, subsection A, Required parking.**

A. Parking Requirements. Table, subsection C of this section establishes the minimum number of motor vehicle parking spaces and bicycle parking spaces required for the uses indicated. The zoning administrator shall be authorized to interpret and establish parking requirements for uses not shown in table, subsection C.

Section 34. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.060 (Shared parking), of the El Paso City Code, is amended to change the phrase “development services director” to “planning official” as used within this section.

Section 35. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.070 (Parking reductions), of the El Paso City Code, is amended to change the phrases “development services department” to “planning official” and “city traffic engineer” to “traffic engineer” as used within this section.

Section 36. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.080 (Gravel/screening surface parking), of the El Paso

City Code, is amended to change the phrases “development services director” to “city engineer”, and “director of development services” to “city engineer” as used within this section.

Section 37. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.090 (Bicycle parking required), of the El Paso City Code, is amended to change the phrase “development services director” to “planning official” as used within this section.

Section 38. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.140 (Shared bicycle parking), of the El Paso City Code, is amended to change the phrase “development services director” to “planning official” as used within this section.

Section 39. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.180 (Design and construction), of the El Paso City Code, is amended to change the phrase “development services director” to “city engineer” as used within this section.

Section 40. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), section 20.14.210, subsection D (Standards), of the El Paso City Code, is amended to read as follows:

**20.14.210, Subsection D. Standards.**

**D. Outdoor Storage Standards.**

1. Outdoor storage areas for materials, products, junk, merchandise, equipment that is not a motor vehicle offered for sale and not another wheeled unit offered for sale, shall comply with the following requirements:
  - a. Ingress and egress aprons shall comply with Title 19;
  - b. Storage spaces or areas, drives and aisles shall be constructed of a minimum of six inches of sub-grade material uniformly compacted to a minimum of ninety percent of maximum density in accordance with ASTM D-1557 and a minimum of two inches of gravel/screenings;
  - c. The gravel/screenings shall be maintained by the owner or operator to the satisfaction of the city engineer, including re-grading or restoration as needed due to traffic use, or storm related degradation.
2. Such outdoor storage areas are not required to be landscaped.
3. Such outdoor storage areas shall be required to be screened from view from adjacent properties and public streets by screening walls or fences in accordance with Chapter 20.16 or other provisions of Title 20.

4. Outdoor storage of materials, products, merchandise, etc., that is offered for sale at a licensed flea market shall comply with the surfacing requirements of Section 20.14.030(E).

Section 41. That Title 20 (Zoning), Chapter 20.16 (Screening and fencing), section 20.16.020, subsection C (Mandatory walls), of the El Paso City Code, is amended to change the phrase “director of development services” to “city engineer” as used within this section.

Section 42. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.040, (Definitions), of the El Paso City Code, is amended to delete the definition of “Director.”

Section 43. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.040, (Definitions), of the El Paso City Code, is amended to add the following definition, to be placed within the section in proper alphabetical order:

“Planning official” shall be as defined in Section 1.04.030 of this code.

Section 44. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.040, (Definitions), of the El Paso City Code, is amended to add the following definition, to be placed within the section in proper alphabetical order:

“Planning division” means the planning division of the Planning and Economic Development Department.

Section 45. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.100, subsection C (Sign permit), of the El Paso City Code, is amended to change the phrase “director” to “planning official” as used within this section.

Section 46. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.110 (Application procedure), of the El Paso City Code, is amended to change the phrases, “director” to “planning official”, “director’s” to “planning official’s”, “Director of Development Services” to “planning official”, and “Planning Division of Development Services” to “planning division” as used within this section.

Section 47. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.200 (Zoning districts), of the El Paso City Code, is amended to change the phrase “development services department” to “planning division” with as used within this section.

Section 48. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.210, (Time for construction), of the El Paso City Code, is amended to change the phrase “director” to “planning official” as used within this section.

Section 49. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.320 (Registration of existing billboards), of the El Paso City Code, is amended to change the phrases “Development Services Department” and “development services department” to “planning division” with as used within this section.

Section 50. That Title 20 (Zoning), Chapter 20.20 (Historic landmark preservation), section 20.20.020, subsection A 2, (Definitions), of the El Paso City Code, is amended to change the phrase “his/her” to “his”, as used in this section.

Section 51. That Title 20 (Zoning), Chapter 20.20 (Historic landmark preservation), section 20.20.120, subsection C (Historic landmark demolition or removal), of the El Paso City Code, is amended to read as follows:

**20.20.120 Historic landmark demolition or removal.**

C. If no action has been taken by the HLC within ninety days of original receipt by the HLC of the application, it shall be deemed approved as submitted and a certificate of demolition or a certificate of removal shall be issued by the HLC and the HPO shall so advise the applicant.

Section 52. That Title 20 (Zoning), Chapter 20.22 (Nonconforming situations), section 20.22.060, subsection A (Newly annexed areas), of the El Paso City Code, is amended to change the phrase “development services department” to “building official” as used within this section.

Section 53. That Title 20 (Zoning), Chapter 20.22 (Nonconforming situations), section 20.22.070, subsection A (Registration and certificate of occupancy required), of the El Paso City Code, is amended to change the phrase “development services department” to “building official” as used within this section.

Section 54. That Title 20 (Zoning), Appendix C Minimum Parking Requirements, Note 2: For Specific Requirements Based on Use/Zone Criteria for Section 20.14.080, of the El Paso City Code, to change the phrase “Director of Development Services” to “planning official” as used within the Appendix.

Section 55. Except as herein amended, Title 20 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2010.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Kathryn B. Dodson, Ph.D., Director  
Planning and Economic Development  
Department