

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: December 22, 2015
Public Hearing: January 12, 2016

CONTACT PERSON/PHONE: Larry F. Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Chapter 20.16 (Screening and Fencing), Section 20.16.020 (Mandatory Walls) Subsections A, B and H to amend the screening and fencing requirements. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

On December 17, 2015 the CPC recommended approval of the amendment on a 6-0 vote.

PRIOR COUNCIL ACTION:

No prior City Council action

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval recommendation 6-0 vote

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspections Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

MEMORANDUM

DATE: December 14, 2015

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Arturo Rubio, Lead Planner, Planning and Inspections

SUBJECT: Title 20 (Zoning) Amendment

On December 17, 2015 the CPC recommended approval of the amendment on a 6-0 vote.

No communication in support or opposition has been received.

Attachments: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), CHAPTER 20.16 (SCREENING AND FENCING), SECTION 20.16.020 (MANDATORY WALLS) SUBSECTIONS A, B AND H TO AMEND THE SCREENING AND FENCING REQUIREMENTS. 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, screening and fencing is intended to provide a physical and visual barrier between incongruent land uses; and,

WHEREAS, it is necessary to define masonry wall in order to provide clarification for mandatory screening and fencing; and,

WHEREAS, the existing screening and fencing provisions require modification to allow for certain waivers of the mandatory wall requirement; and

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety, and welfare 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, be amended as follows:

Add the following definition:

20.02.559 Masonry Wall

“Masonry wall” means a vertical barrier intended to provide visual screening and privacy constructed primarily of any combination of durable rock, brick or concrete. For purposes of this Title, a masonry wall may include decorative elements of wrought-iron.

SECTION 2. That Title 20 Zoning, Chapter 20.16 Screening and Fencing, Section 20.16.020 Mandatory walls, be amended as follows:

Delete the following sections in their entirety:

A.8. Within mixed-use districts, between residential uses and nonresidential uses or pursuant to the approved master zoning plan.

ORDINANCE NO. _____

B.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.

SECTION 3. That Title 20 Zoning, Chapter 20.16 Screening and Fencing, Section 20.16.020 Mandatory walls, Subsection H., be amended to read as follows:

H. Exceptions.

1. *Topographic Conditions.* Upon receipt of a written application from the property owner, the zoning administrator, when topographic conditions negate the visual screening effect of the wall, may approve a revised location or may waive the mandatory wall requirement or for a mandatory wall within the same property to achieve an equal or improved use of the screen.
2. *Nonresidential Uses Adjacent to Open Space.* Upon receipt of a written application from the property owner, the zoning administrator, when the property is adjacent to nonresidential uses or common recreational areas, such as golf courses, parks or other areas designated as open space under the provisions of this title, may approve a revised location or may waive the mandatory wall requirement.
3. *Uses Adjacent to Property Zoned NOS.* A mandatory wall along the property line of a natural open space zoning district and abutting properties cannot be waived unless the Zoning Administrator makes a determination that the deviation is in harmony with the general intent of this section and consistent with the public interest, safety and general welfare. Such determinations shall be in writing and shall be maintained by the Zoning Administrator.
4. *Where Streets Separate Zoning Districts.* No mandatory wall shall be required where a street is the boundary line between districts except that this does not apply to properties used for outside storage.
5. *Alternative Designs.* In instances whereby a masonry wall is mandatory in accordance with Sections 20.16.020 A and B, the City Plan Commission may consider and make a recommendation to City Council for an alternative screening and fencing design.
6. *Fee.* An applicant will pay the established fee for processing requests to amend the mandatory wall requirement.

SECTION 3. Except as expressly herein amended, Title 20 Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2016.

CITY OF EL PASO

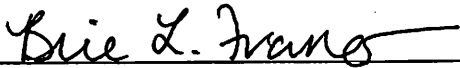
Oscar Leeser, Mayor

ORDINANCE NO. _____

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Brie L. Franco
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning & Inspections Department

ORDINANCE NO. _____



Title 20 Zoning Code Amendment

- **General Provisions and Definitions and Mandatory Walls (Draft Ordinance Prepared)**
- **The CPC recommended unanimous approval 6-0**
- **There was no communication from the public in support or opposition to the proposed amendment.**

Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide Business Friendly Permitting and Inspection Processes

3.2 Improve the Visual Impression of the Community



Chapter 20.02 (General Provisions and Definitions)

Add the following definition:

20.02.559 Masonry Wall

“Masonry wall” means a vertical barrier intended to provide visual screening and privacy constructed primarily of any combination of durable rock, brick or concrete. For purposes of this Title, a masonry wall may include decorative elements of wrought-iron.



Chapter 20.16.020. (Mandatory Walls)

Delete the following sections in their entirety:

- ~~• A.8. Within mixed-use districts, between residential uses and nonresidential uses or pursuant to the approved master zoning plan.~~**
- ~~• B.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.~~**



Chapter 20.16.020.H (Exceptions)

Topographic Conditions and Nonresidential Uses Adjacent to Open Space (Reformat Existing Text)

- *Topographic Conditions.*
- *Nonresidential Uses Adjacent to Open Space.*
- *Alternative Designs.* In instances whereby a masonry wall is mandatory in accordance with Sections 20.16.020 A and B, the City Plan Commission may consider and make recommendation to City Council for an alternative screening and fencing design.