

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction 08-25-09; Public Hearing 09-15-09
Regular Agenda Ordinance

CONTACT PERSON/PHONE: Fred Lopez, (915) 541-4322

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.16 (Screening and Fencing), Section 20.16.030 (Permitted Walls) of the El Paso City Code to allow for an additional four feet of fencing on a screening wall or fence not to exceed a total of twelve feet in height. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**

BACKGROUND / DISCUSSION:

See attached ordinance.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: _____

Mathew McElroy, Deputy Director of Planning

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.16 (SCREENING AND FENCING), SECTION 20.16.030 (PERMITTED WALLS) OF THE EL PASO CITY CODE TO ALLOW FOR AN ADDITIONAL FOUR FEET OF FENCING ON A SCREENING WALL OR FENCE NOT TO EXCEED A TOTAL OF TWELVE FEET IN HEIGHT. 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, on June 5, 2007, the City Council adopted a new zoning ordinance; and,

WHEREAS, City Council has determined that an increase in the maximum height of the screening wall is appropriate in manufacturing or industrial districts in order to screen storage areas,

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

SECTION 1. That Title 20 Zoning, Chapter 20.16 Screening and Fencing, Section 20.16.030, Permitted Walls, subparagraph B of the El Paso City Code is amended as follows:

Section 20.16.030 Permitted Walls

B. In commercial, manufacturing and industrial districts.

1. Where storage is a permitted accessory use with screening, and where not otherwise prohibited, a screening wall or fence not in excess of eight feet high may be erected along or behind any lot line; provided, that the following conditions are met:

- a. Where any access driveway is located, the height of such wall or fence shall not exceed forty-two inches in height within ten feet of the street lot line;
- b. The wall or fence shall not exceed forty-two inches in height for visual clearance at other locations as determined by the traffic engineer; and,
- c. No screening wall or fence shall be more than thirty-six inches high within twenty feet of a street intersection as specified in Section 20.16.060 of this chapter.

2. Upon written application from the property owner, the zoning administrator may approve an additional four feet of fencing to the above eight foot screening wall or fence provided that the following conditions are met

- a. The fence does not exceed twelve feet in height;
- b. The property is located in a manufacturing or industrial zoning district;
- c. The fence is only utilized as screening for outside storage where fifty percent or more of the property is used for outside storage;
- d. Any screening wall or fence greater than forty-two inches in height along any street frontage shall be located ten feet behind the street lot line;

e. Where a wall is located ten feet behind the street lot line, the property owner shall provide landscaping within the ten feet, between the wall and the street lot line, based on the requirements of Title 18; and,

f. The request is reviewed and approved by the traffic engineer for visual clearance at driveways and intersections.

g. Upon site plan review, the zoning administrator may require additional landscaping as part of the approval. If the zoning administrator denies the request, the property owner may appeal the decision to the City Council.

SECTION 2. Except as herein amended Title 20 (Zoning) Chapter 20.16 Screening and Fencing, of the El Paso City Code shall remain in full force and effect.

PASSED and APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director
Development Services Department