

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

**AGENDA DATE:** August 31<sup>th</sup>, 2021  
**PUBLIC HEARING DATE:** September 28<sup>th</sup>, 2021

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Anne M. Guayante, (915) 212-1814

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance Amending various sections of Title 20 (Zoning), Chapters 20.04 (Administrative Provisions), 20.08 (Permissible Uses), and 20.10 (Supplemental Use Regulations) to update Code reference language, delete language regarding fee reductions for detailed site development plans pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, delete mixed use development plan requirement, delete language regarding fee reductions for special permits pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone. The penalty being as provided in Section 20.24 of the El Paso City Code.

The proposed amendments meet the intent of and are in accordance with *Plan El Paso*, the City's Comprehensive Plan.

**BACKGROUND / DISCUSSION:**

The proposed amendments to Title 20 replace references to former department and position names with their current counterparts, and make other, similar, clerical corrections affecting Chapters 20.04, 20.08, and 20.10 of the El Paso City Code. The City Plan Commission recommended 6-0 to approve the proposed amendments on September 17, 2020. As of August 19, 2021, Planning and Inspections has received no communication in support of or opposition to the request. See attached draft ordinance for additional information.

**PRIOR COUNCIL ACTION:**

Title 20 was most recently adopted, in its entirety, in 2007 via Ordinance 16653. It has been amended several times over the years to address specific provisions, but this will be the first comprehensive amendment since that time.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division  
Revised 04/09/2021

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

**DEPARTMENT HEAD:**

*Philip Tiwe*

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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

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

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING), CHAPTERS 20.04 (ADMINISTRATIVE PROVISIONS), 20.08 (PERMISSIBLE USES), AND 20.10 (SUPPLEMENTAL USE REGULATIONS) TO UPDATE CODE REFERENCE LANGUAGE, DELETE LANGUAGE REGARDING FEE REDUCTIONS FOR DETAILED SITE DEVELOPMENT PLAN PERTAINING TO PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE TAX INCREMENT FINANCING ZONE NO. 5 AND ANY NEIGHBORHOOD EMPOWERMENT ZONE, DELETE MIXED USE DEVELOPMENT PLAN REQUIREMENT, DELETE LANGUAGE REGARDING FEE REDUCTIONS FOR SPECIAL PERMITS PERTAINING TO PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE TAX INCREMENT FINANCING ZONE NO. 5 AND ANY NEIGHBORHOOD EMPOWERMENT ZONE, AND DELETE LANGUAGE REGARDING FEE REDUCTIONS FOR REZONING APPLICATIONS PERTAINING TO PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE TAX INCREMENT FINANCING ZONE NO. 5 AND ANY NEIGHBORHOOD EMPOWERMENT ZONE. THE PENALTY BEING AS PROVIDED IN SECTION 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 City should endeavor to keep said references accurate so as to maintain clarity in the City’s regulations,

**WHEREAS**, the City wishes to amend Title 20 to update code reference language, delete language regarding fee reductions for detailed site development plan pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, delete mixed use development plan requirement, delete language regarding fee reductions for special permits pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone.

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

**SECTION 1.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article I. – Administrative Bodies and Related Agencies Authority, Section 20.04.010 (Responsibility for administration of provisions), is amended in its entirety 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 & Inspections Department, the Zoning Board of Adjustments, the Fire Department, the Environmental Services Department, the Streets & Maintenance Department, and the Department of Public Health, in accordance with the provisions of this Code, including the provisions of this title.

**SECTION 2.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article III – Detailed Site Development Plan Approval Process, Section 20.04.160 (Content of application), is amended in its entirety to read as follows:

20.04.160 – Content of application.

Detailed site development plan applications shall be submitted in a digital form compatible with the city’s system. Paper submittals of application documents shall be assessed the established fee for conversion of paper documents to digital format. The fee for conversion of paper documents to digital format shall be in the amount established by City Council in the annual budget resolution, amendments to the budget resolution, or other appropriately adopted resolution or ordinance of the City Council. Applications shall at a minimum include the following:

- A. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a professional engineer (P.E.) or a registered land surveyor;
- B. The detailed site development plan showing the boundaries of the tract proposed for development; elevations or perspective of the building; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures and number of bedrooms in each unit; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; stormwater drainage; on-site parking spaces, to include loading and unloading berths; open spaces; landscape planted areas; size, design and location of exterior signs; screening walls; screening of on-site parking facilities;
- C. Stamp or seal and signature of a professional engineer or architect preparing plans;
- D. Proof of ownership (warranty deed, title commitment, etc.);
- E. Tax certificate;
- F. Fee as adopted by City Council.

**SECTION 3.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article IV. – Master Zoning Plan Approval Process, Section 20.04.200 (Master zoning plan), is amended in its entirety to read as follows:

20.04.200 – Master zoning plan.

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

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Title 20 Amendment

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A. Master Zoning Plan (MZP).

1. As part of any zoning application for a mixed use district, a Master Zoning Plan shall be required and shall accompany the application. The MZP shall provide sufficient details necessary about the proposed land uses and proposed development so that the El Paso City Council may determine their compatibility within the proposed district and the impact on the adjacent properties.

As part of the MZP, an application may propose and delineate subdistricts. A subdistrict is a geographic subcomponent of a larger mixed use district. Its purpose is to enable the incremental measurement and reconciliation of maximum dwelling units, density and other data required in the MZP to subsequent development. Where practical, a subdistrict's boundary should be consistent with natural geographic features, reflect man-made transitional barriers (such as roadways), or separate sharp changes in proposed land uses.

2. While the submittal requirements below reflect the use of subdistricts, their use is not required. Applications not using subdistricts shall be required to submit the same information but aggregated for the entire mixed use district. The MZP shall, at a minimum, include the proposed land uses and locations, as well as the information required below.
3. Submittal Requirements.
  - a. General Data Required for the Mixed Use District.
    - i. Legal description of area proposed to be developed or metes and bounds description of district;
    - ii. Total acreage as depicted on a survey certified by a registered land surveyor;
    - iii. Maximum proposed total number of dwelling units for all residential land uses combined;
    - iv. Maximum proposed total floor area for all nonresidential land uses combined, expressed in square feet.
  - b. General Data Required for Each Proposed Subdistrict.
    - i. Total acreage;
    - ii. Maximum proposed total number of dwelling units for all residential land uses combined;
    - iii. Maximum proposed floor area for all nonresidential land uses combined, expressed in square feet.
  - c. Property Development Regulations Required per Subdistrict by Land Use Type.
    - i. Proposed acreages for each proposed land use, including parks, open space, buffer zones, trails and school sites (as

- applicable);
  - ii. Minimum and maximum lot coverages;
  - iii. Minimum lot width;
  - iv. Minimum lot depth;
  - v. Minimum building setbacks:
    - a) Front,
    - b) Rear,
    - c) Cumulative front and rear,
    - d) Side-interior,
    - e) Side-street,
    - f) Cumulative side setbacks,
    - g) Garage;
  - vi. Maximum building height:
    - a) Primary structure(s),
    - b) Accessory structure(s);
  - vii. Maximum proposed density for each residential land use type expressed in dwelling units pre gross acre of developable land;
  - viii. Maximum proposed intensity for each nonresidential land use type expressed in floor area ratio (FAR).
- d. Development Plan Map Requirements.
- i. Overall development boundary, labeled with bearings and distances;
  - ii. General arrangement and acreages of existing and proposed land uses including open space;
  - iii. Proposed phasing boundaries;
  - iv. Layout and relationship of proposed development where adjacent to existing development;
  - v. General location and acreages for each proposed park, open space, buffer zone, trails and school site (as applicable), provided that any change in location may be approved administratively by the parks director.
4. A table or list depicting the proposed acreage for each land use type, park, open space, trail and school site (as applicable) shall accompany the MZP.
5. A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the

development relates to the city's comprehensive plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any subdistrict within the mixed-use district to determine the compatibility of such uses within the mixed use district.

6. A phasing schedule shall be submitted with the rezoning application that indicates the proposed phasing of the development, the approximate time frame in which construction and development is expected to begin and the duration of time required for completion of the development.
  7. The application for mixed use zoning, to include the MZP shall be reviewed by the City Plan Commission (CPC) for recommendation to City Council. The CPC may recommend any amendments or conditions to the MZP necessary to minimize incompatibilities between land uses within the development or between land uses and adjacent properties or with the stated purposes of zoning in this title.
  8. As part of the approval and adoption of a mixed use district, the City Council shall find that the development will promote compatible buildings and uses, and that such development will be appropriate in area, location and overall planning for the purpose intended, in accordance with the city's comprehensive plan and stated purposes of zoning in this title. The City Council, in approving any mixed use district, will also be approving the MZP establishing the required zoning standards within the district. Approval of a mixed use district by City Council designates the zoning for the property as stated in the ordinance approving such zoning and as depicted on the MZP. All development of the property, regardless of whether the property changes ownership, shall be in accordance with the Master Zoning Plan.
- B. Amendments to an Approved Master Zoning Plan. An applicant may request amendments to an approved MZP. These amendments shall be delineated as minor or major amendments according to the criteria set forth herein.
1. Major Amendments.
    - a. Any amendment meeting one or more of the criteria listed below or any other proposed change not considered a minor amendment as described below shall require resubmittal, review and approval of a new zoning application to amend the MZP by the CPC and City Council. Major amendments shall follow the same procedural and notice requirements required for the initial approval of the MZP, except that the mixed use zoning district designation shall not be revised unless requested by the applicant. If a change within a subdistrict constitutes a major amendment, as defined herein, requiring an amendment to the MZP, the CPC and City Council shall review the proposed change for compatibility within the subdistrict and the adjacent subdistricts.
      - i. Any change to the overall mixed use district boundary.

- ii. Any change to the approved mix of land use types within a designated subdistrict that increases the nonresidential intensity of development within that subdistrict by ten percent or more of the relevant characteristic(s) of development intensity, provided that the total projected nonresidential development intensity within the entire MZP shall not increase by ten percent of such characteristic(s). For purposes of this section, intensity may be measured by a single characteristic or by multiple characteristics as appropriate to the land use type, including, but not limited to, FAR, parking, and vehicular trips generated.
  - iii. Any change to the boundary of a land use within a subdistrict that results in the relocation of ten percent or more of the area of that land use.
  - iv. Any change to the boundary of a subdistrict that results in the relocation of ten percent or more of the area of the subdistrict.
  - v. An increase of ten percent or more of the originally approved number of projected dwelling units within a designated subdistrict, provided that the total projected dwelling units within the entire MZP shall not increase by ten percent.
  - vi. An increase of ten percent or more of the originally approved floor area for nonresidential uses within a designated subdistrict.
  - vii. Any reduction to the public or private open space components within a designated subdistrict.
  - viii. A twenty percent or greater increase in the height of structures by land use type within a designated subdistrict.
  - ix. A ten percent or greater reduction in the originally approved setbacks by land use type within a designated subdistrict.
  - x. A five percent or greater increase in lot coverage by structures by land use type within a designated subdistrict.
  - xi. Any changes within and/or between subdistricts that, when aggregated result in an increase to one or more of the aforementioned variances for the mixed use districts as a whole.
  - xii. Any change which would result in the juxtaposition of incompatible land uses.
- b. Approval of a major amendment may be granted upon a finding that:



- i. The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
  - ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
  - iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impact will be substantially mitigated.
- 2. Minor Amendments. An amendment will be deemed minor if it is a change to the timing or phasing of the proposed development or if it does not involve any one of the foregoing provisions of a major amendment. The minor amendment process is limited in nature and may not be used by the applicant to exceed the numeric variance permitted by subsection (B)(1) above.
  - a. Minor amendments shall be submitted in writing to the planning division and accompanied with three copies of the revised MZP. Minor amendments may be acted upon administratively by the planning official, only upon the finding that the amendment meets all of the following requirements:
    - i. The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
    - ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
    - iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
  - b. A decision of the planning official to deny a minor amendment shall be binding. Requests for minor amendments shall be acted upon within fifteen days of the receipt of the written request for amendments.
  - c. In no instance shall the planning official approve a minor amendment that results in a change in conditions imposed as part of the zoning ordinance approval, or any subdivision plan, site plan, contract condition or other condition applicable to the property.

d. Any change in location of parks and trails maybe approved administratively by the parks director.\

C. Reserved.

D. Incentives.

1. An applicant with an approved MZP may utilize the alternative subdivision design standards (Title 19, Section 19.26.050), so long as the development is in accordance with the MZP.

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

a. Processing for mixed use development plans: thirty days;

b. Processing for an MZP or other application that requires City Council approval: approximately sixty days (minimum) for final approval.

3. The city shall waive application fees for rezoning, mixed use development plans, and any major or minor amendment applications.

E. Applicability. While ownership of a project may subsequently be transferred, in whole or in part, a MZP shall continue to be implemented and maintained on the total acreage of the mixed use district.

**SECTION 4.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article V. – Special Permit Approval Process, Section 20.04.260 (Special permits generally), is amended in its entirety to read as follows:

20.04.260 – Special permits generally.

A. The City Council may by special permit after hearing and report by the City Plan Commission authorize the location of the uses subject to special permits identified in the district regulations.

B. In addition to the development standards identified in this title, City Council shall impose such additional conditions and safeguards including those related to architecture, site plan, landscape planting and screening as required to protect the public welfare and to conserve and protect property and property values in the immediate vicinity of the special permit.

C. Applications for special permits shall be filed with the executive secretary of the City Plan Commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received. A complete application shall be scheduled for action by the City Plan Commission, which shall have forty-five days in which to recommend approval, disapproval or approval with conditions or amendments.

D. Where disapproval is recommended the procedure shall be concluded unless the applicant within fifteen days of disapproval appeals the recommendation to City Council. In the event of such a request the executive secretary of the

City Plan Commission shall forward to the City Council a statement of the reasons for disapproval.

- E. Applications for special permits shall include a detailed site development plan that complies with Article III.
- F. Special permits are automatically terminated whenever conditions made a part of them are not complied with, and construction shall stop or occupancy be discontinued until the violation ceases.

**SECTION 5.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article V. – Special Permit Approval Process, Section 20.04.320 (Special permit approvals), is amended in its entirety to read as follows:

20.04.320 – Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the City Council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the Historic Landmark Commission.
- D. The City Council, after hearing and report by the City Plan Commission, may approve a special permit upon find that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
  - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standard applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
  - 2. The proposed development is in accordance with and in furtherance of the Comprehensive Plan, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
  - 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for

installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;

4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
  5. The design of the proposed development mitigates substantial environmental problems;
  6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
  7. The proposed development is compatible with adjacent structures and uses;
  8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the City Plan Commission waive one or more of the criteria based on its nonapplicability to the proposed development. The City Plan Commission, upon a recommendation of the planning official, shall make a determination on the nonapplicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to City council for final review and approval.

**SECTION 6.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VI. – Changes and Amendments, Section 20.04.370 (Application form), is amended in its entirety to read as follows:

20.04.370 – Application form.

- A. Application forms for proposals and requests shall be provided by the planning official and, when completed, shall be filed with the executive secretary of the City Plan Commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.
- B. Reserved.
- C. The fee required by this section and Section 20.04.410 of this chapter, and established by the City Council in accordance with Section 20.04.800 of this chapter, shall not be required for an application submitted by a property owner for the sole purpose of designating the property with a historic “H” overlay.

**SECTION 7.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VI. – Changes and Amendments Section 20.04.400 (Notice of public hearing before city plan commission), is amended in its entirety to read as follows:

20.04.400 – Notice of public hearing before City Plan Commission

- A. The planning official shall schedule a public hearing before the City Plan Commission not less than fifteen days and not more than forty-five days from receipt of complete proposal or application with payment of fee. Notice shall be sent by mail to owners of all property within three hundred feet of the property to be rezoned, not less than ten days nor more than thirty days in advance of the hearing. Notice shall include the time, place and purpose of such a hearing.
- B. Where the change does not amend the district map and is a general change in the text of the regulations, or the comprehensive plan, notice shall be posted as required by state law.

**SECTION 8.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VI. – Changes and Amendments, Section 20.04.430 (Recommendation by commission), is amended in its entirety to read as follows:

20.04.430 – Recommendation by commission.

A. A report on the Commission’s recommendation and merits of the proposal and requested change shall be forwarded for introduction to City Council within sixty days from the date of the Commission’s final consideration.

- 1. Extension. An applicant may request the city manager or designee to extend the sixty day introduction period requirement for an additional sixty days. The request must be in writing and must be submitted prior to expiration of the initial sixty day prescribed period. In the event the application is not forwarded to City Council by the end of the extended prescribed period, the application shall expire and a new application and fee shall be required in order to re-submit the application to the City Plan Commission.

B. The Commission may recommend approval, approval with modification, or disapproval.

C. The report of the Commission shall include the relation of the proposed change to the city’s comprehensive plan, and the effect upon the natural environment, and upon its surrounding neighborhood and the city as a whole.

D. In the event of recommendation for disapproval by the City Plan Commission, the procedure shall be concluded unless the applicant within fifteen days of the City Plan Commission recommendation appeals the recommendation to the City Council. In the event of such an appeal, the executive secretary shall forward the application and appeal to the City Council for introduction within thirty days of the request for appeal along with a statement giving the City Plan Commission’s reasons for recommending disapproval.

- 1. Extension. At the request of the applicant, the thirty day prescribed period to forward the appeal to City Council for introduction may be extended by the city manager or designee for an additional thirty days. The request shall be in writing and shall be submitted prior to

expiration of the initial thirty-day prescribed period. In the event the appeal is not forwarded to City Council for introduction by the end of the extended prescribed period, the procedure shall be concluded.

**SECTION 9.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article XIII. – Enforcement, Section 20.04.900 (Administrative and enforcement activities), is amended in its entirety 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 to interpret the provisions of this title.
- B. The director of the Planning & Inspections Department, 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 10.** That Title 20 (Zoning), Chapter 20.08 (Permissible Uses), Section 20.08.010 (Uses permitted by district), is amended in its entirety to read as follows:

20.08.010 – Uses permitted by district.

No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the zoning district in which it is located, according to the Table of Permissible Uses found in Appendix A, as adopted in its entirety, incorporated herein by reference, and in accordance with the provisions of this title.

**SECTION 11.** That Title 20 (Zoning), Chapter 20.08 (Permissible Uses), Section 20.08.020 (Interpretive provisions), is amended in its entirety to read as follows:

20.08.020 – Interpretive provisions.

- A. When used in connection with a particular use in the Table of Permissible Uses, the designations shall have the following connotations.
  - 1. Permitted Use. A “P” in a cell shall indicate that a use is allowed by right in the respective zoning district, and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.

2. Accessory Use. An “A” in a cell shall indicate that a use is allowed by right when it is incidental to a permitted use in the respective zoning district, and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
3. Special Permit Use. An “S” in a cell shall indicate that a use is only allowed by special permit with a detailed site development plan approval in the respective zoning district obtained from the City Council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
4. Restricted Use. A “D” in a cell shall indicate that a use is allowed in a special purpose district, excluding the R-F Ranch and Farm District, following detailed site development plan approval in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations in this title.
5. Mixed Use. A “Z” in a cell shall indicate that a use is allowed in a mixed use district (RMU, GMU, or IMU) as authorized by the City Council with specific use limitations and development standards, following approval of a master zoning plan in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
6. Special Exception Use. An “E” in a cell shall indicate that a use is only allowed by special exception in the respective zoning district obtained from the Zoning Board of Adjustment in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
7. Uses Not Allowed. An “X” in a cell shall indicate that a use is not allowed in the respective zoning district.
8. Supplemental Use Regulations. The reference to a supplemental standard in any cell shall mean that the use in a respective zoning district is subject to additional standards and requirements found in Chapter 20.10 (Supplemental Use Regulations) of this title. The specific section number of the standard shall be noted in the column titled “Supplemental Standards.” Provided, however, that any applicable performance or supplemental standard within Chapter 20.10

(Supplemental Use Regulations) of this title applying to a use shall be required whether or not references incorrectly or omitted from the Table of Permissible Uses.

- B. A use that may be interpreted to be permitted under more than one categorical or use description in the Table of Permissible Uses shall be required to satisfy the requirements of the most restrictive zoning district in which the use is allowed.
- C. A use particularly identified, whether or not the use may be interpreted to be permitted under more than one categorical or use description in the Table of Permissible Uses due to function or type, shall satisfy the requirements of the zoning district in which the use is particularly identified.

**SECTION 12.** That Title 20 (Zoning), Chapter 20.08 (Permissible Uses), Section 20.08.060 (Combination uses), is amended in its entirety to read as follows:

20.08.060 – Combination uses.

When a property comprises two or more principal uses that require different types of permits, then the permit authorizing the combination use shall be:

- A. A special permit if any of the principal uses combined is permitted only as a special permit use;
- B. A detailed site development plan approval if any of the principal uses combined is permitted only following a detailed site development plan approval; or
- C. A building permit in all other cases.

**SECTION 13.** That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.145 (Civic buildings, public spaces, and educational facilities), is amended in its to read as follows:

20.10.145 – Civic buildings, public spaces, and educational facilities.

Any civic building, public space, and/or educational facilities as defined n this Title shall conform to, in addition to all other applicable code provisions, the development standards set forth herein.

- A. For purposes of this ordinance, a civic building and/or public space shall be categorized and defined as one of the following, which shall be declared by the applicant on the application form for the detailed site development plan:

Neighborhood Facility. A civic building and/or public space designed for and which serves the residents of a neighborhood, which is defined for purposes of this section as an area of one-half square mile. Minimum standards for a Neighborhood Facility shall include:

Maximum Area:	Lot	Fifteen contiguous acres
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Location:		Allowed on collectors and residential streets
Front setback:	yard	Fifty feet maximum
Frontage out:	Build-	Sixty percent of the building façade (including the main entrance) must remain unobstructed.

Community Facility. A civic building and/or public space designed for and which serves the residents of several neighborhood areas, but within the same approximate geographic area, defined for purposes of this section as an area of one square mile.

Maximum Area:	Lot	Twenty-five contiguous acres
Location:		Allowed on minor arterials, collectors, and residential streets
Front setback:	yard	Eighty feet maximum
Frontage out:	Build-	Sixty percent of the building façade (including the main entrance) must remain unobstructed

Regional Facility. A civic building and/or public space designed for and which serves the residents of the entire city, nearby communities, and unincorporated areas.

Maximum Area:	Lot	Forty contiguous acres
Location:		Allowed in major and minor arterials
Front setback:		One hundred feet maximum
Frontage out:	Build-	Sixty percent the building façade (including the main entrance) must remain unobstructed

B. Minimum Standards for Educational Facilities: For the purpose of this ordinance, an educational facility is defined as a school serving pre-kindergarten through sixth grade (PK-6<sup>th</sup>).

Maximum Developed		
Lot Area:		Twenty-five acres
Front yard setback:		One hundred feet maximum
Frontage Build-Out:		Sixty percent of unobstructed building façade to include the main entrance

C. Additional Requirements: The application process for a civic building and/or public space will require a detailed site development plan illustrating

integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site development plan under this subsection is exempt from Sections 20.04.150 C.1. and 2. Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city on the detailed site development plan within thirty days of submission, the detailed site development plan, listed in subsection 2(a) through (j) below, may be granted by the city manager or designee. In the event that the city and the applicant cannot agree on the contents of a proposed detailed site development plan, the applicant can appeal to the City Plan Commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:

1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the civic building and/or public space. Examples of outreach and consultation include but are not limited to notice of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
2. A detailed site plan must depict the following:
  - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
  - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
  - c. In no instance shall parking be placed between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
  - d. The number of access points shall not exceed three along any B street and two along any A street.
  - e. The width of driveway apron shall not exceed twenty-eight feet.
  - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with

the surrounding area and/or districts.

- g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
- h. Landscaping shall conform to current city regulations.
- i. Civic buildings may be located adjacent to a public park.
- j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 20.10.140 C.2.c.
- k. Illustrate the quarter-mile pedestrian shed in which at a maximum, the following may be illustrated:
  - i. For neighborhood facility: Seventy-five percent of surrounding residential land uses should be included within this shed.
  - ii. For community facility: Fifty percent of surrounding residential land uses should be included within this shed.
  - iii. For regional facility: Twenty-five percents of surrounding residential land uses should be included within this shed.

3. An intergovernmental agreement for the shared use of facilities is encouraged.

D. Educational facilities: The application process for an educational facility will require a detailed site development plan illustrating the integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site development plan under this subsection is exempt from Sections 20.04.150 C.1. and 2. Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city on the detailed site development plan within thirty days of submission, the detailed site development plan is deemed approved. Exceptions to the requirements of a detailed site development plan, listed in subsection 2.(a) through (j) below, may be granted by the city manager. In the event that the city and the applicant cannot agree on the contents of a proposed detailed site development plan, the applicant can appeal to the City Plan Commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:

- 1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the civic building and/or

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public space. Examples of outreach and consultation include but are not limited to notice of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.

2. A detailed site development plan must depict the following:
  - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
  - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
  - c. In no instance shall parking be placed between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
  - d. The number of access points shall not exceed three along any B street and two along any A street.
  - e. The width of driveway apron shall not exceed twenty-eight feet.
  - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
  - g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
  - h. Landscaping shall conform to current city regulations. Exceptions to reduce requirements may be granted as per 18.46.90 of the El Paso City Code.
  - i. When possible, educational facilities may be located adjacent to a public park.
  - j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 10.20.145 D.2.c.
3. Schools are encouraged to enter into intergovernmental agreements for the shared use of school facilities.

**SECTION 14.** That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations),

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20-1007-2656 | 1041250

Title 20 Amendment

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Section 20.10.360 (Mixed-use development), is amended in its entirety to read as follows:

20.10.360 – Mixed-use development.

A. Special Development (S-D).

1. Design Requirements – Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with standards of the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the development permit and subdivision plat. Satisfactory provision for the maintenance of common open space shall be provided in accordance with the procedure in Chapter 20.04.
2. Design Requirements – Preservation of Environment. In all S-D development, the elements of natural environment including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features shall be considered in planning the design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
3. The provisions of Chapter 20.20 (Historic Designations) where applicable, shall continue to apply in addition to the provisions of this section.
4. Perimeter Treatment. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or proposed development, if known, by provision of compatible uses and structures, setbacks, masonry walls, landscaping or other treatment.
5. Height Regulations. No building shall exceed three stories or forty-five feet in height, except as follows:
  - a. As provided in Chapter 20.12;
  - b. Where the development would consist of twenty-five acres or more; or
  - c. Where, after City Plan Commission recommendation, City Council approves an exception to these height restrictions under the following conditions:
    - i. The authorized height is compatible with the uses, appearance and environment of adjacent areas,
    - ii. The applicant submits a traffic study describing traffic volumes and impact of proposed development on adjacent streets,
    - iii. The council finds that the proposed development

mitigates those traffic impacts and provides for an acceptable level of service,

- iv. The site is located on an arterial street (collector, minor or major) that is served by a regularly scheduled mass transit line, and
- v. Any other condition reasonably necessary to protect the health, safety and welfare of the general public.

6. Review Standards for Establishment of S-D District.

- a. The City Plan Commission and the City Council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The Commission and the City Council shall study the relationship between uses of high intensity permitted in the S-D district and uses of low intensity, existing or future, outside the proposed S-D district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by the section unless such uses create immediate land use conflicts along project boundary lines.
- b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development plan shall not be required.
- c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development plan shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the City Plan Commission and approved by the City Council in order to protect the public health, safety and welfare.

B. Union Plaza (U-P).

- 1. District Boundaries. The district created under this chapter is recognized as that part of the city within the following described boundaries: Blocks 7, 25, 31, 32, 45, 46, 51, 152, 160, 161, 169, 170 and 171 Campbell Addition also known as Mills Addition blocks 7, 25, 31, 32, 45, 46 and 51.
- 2. Development Standards.
  - a. For residential/commercial mixed-use developments, where residential and commercial uses are combined in a single building, residential uses may not occupy the ground floor. In other multifamily dwelling buildings, not including

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commercial uses, residential uses may occupy the ground floor.

- b. Lot and Site Area Standards.
    - i. Residential/commercial mixed use developments must have a lot area of at least five hundred fifty square feet per unit, excluding the area devoted to commercial uses. For buildings three or more stories in height, a minimum lot area of three hundred square feet per unit is required, excluding the area devoted to commercial uses. A minimum site area of nine thousand three hundred sixty square feet, having a minimum average width of seventy-five feet is required.
    - ii. Multifamily residential developments must have a lot area of at least five hundred square feet per unit.
    - iii. For all other uses, no minimum lot area is required.
  - c. Off-Street Parking. Off-street parking requirements of Chapter 20.14 shall not apply to properties in the district.
  - d. Drive-through facilities are prohibited in the district.
  - e. Outside Amplification. No person shall make, continue or cause to be made or continued any noise as prohibited in Chapter 9.40 of this Code.
3. Plans and Permits Required. Prior to the issuance of any building or related permits for any new construction or renovation of the exterior of existing building(s), drawings and applications shall be reviewed for approval by the planning official, to ensure that the proposed construction complies with the architectural and design guidelines described in this section. Application shall be reviewed within ten business days upon receipt of a complete application. The planning official may request assistance of other departments to review drawings and applications.
  4. Architectural and Design Guidelines. The purpose of these guidelines is to protect business investments in the district from unsightly construction that would ultimately diminish the appeal of the district. All applications for redevelopment of existing buildings or structures or new construction must comply with the Union Plaza Architectural and Design Guidelines. Copies of the Union Plaza Architectural and Design Guidelines are on file in the Planning & Inspections Department.
  5. Application requirements. In addition to those items required for the application for a building permit, the following information shall be submitted for approval prior to issuance of a building permit for new construction or exterior renovation of existing buildings in the district. Digital copies of the site plan and development plan are preferred unless

hard copies are specifically requested by the planning official. All maps, plans and drawing should be at a scale of not less than twenty feet to the inch unless a modification is authorized by the planning official.

- a. A detailed site plan including:
  - i. Legal description,
  - ii. Metes and bounds if portion of lot, block or if property is unplatted,
  - iii. Site dimensions,
  - iv. Adjacent public right-of-way, public transportation routes and pedestrian systems,
  - v. Utility lines to rights-of-way and easements through the site,
  - vi. Description of other site features including drainage, soils or other considerations that may affect the development of the site,
  - vii. Location of any special or custom street lighting to be approved by the city engineer, if proposed,
  - viii. Stamp or seal and signature of a registered professional engineer or architect preparing plans;
- b. A development plan including:
  - i. Site layout including sizes and location of proposed buildings, parking, open space and other facilities,
  - ii. Location, capacity and design of parking facilities to include ingress/egress, landscaping, signage and fencing,
  - iii. Stormwater drainage,
  - iv. Description of use of individual building(s), included in the project and maximum floor area devoted to each use,
  - v. Schematic location and design of open space on site, if proposed, including proposed landscaping if any,
  - vi. Sidewalks, to include any existing traffic signals and signage, light poles or other utility apparatus adjacent to the site,
  - vii. Schematic building elevations and sections, as required to describe the general design and themaximum heigh of the building including proposed colors and construction materials,
  - viii. Proposed water and sanitary sewer and utility improvements. The application shall include a permit approved by El Paso Water Utilities,



- ix. Location, sizes and types of proposed signs, lighting, fencing or walls, landscaping and trash receptacles,
- x. Design standards applicable to the project,
- xi. Site location map to scale, and
- xii. Location and size of loading and unloading berths, if proposed.

C. Planned Residential (PR-1 and PR-2).

1. Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the detailed site development plan and subdivision plat. Satisfactory provision shall be made for the maintenance of common open space in accordance with the procedure in Chapter 20.04.
2. Preservation of the Environment. In all P-R developments, the elements of natural environment, including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features, shall be considered in planning and design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
3. Perimeter Treatment.
  - a. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures; masonry walls; and landscaping or other treatment.
  - b. A minimum setback of ten feet plus two additional feet of separation for each story above two shall be maintained between any structure and the outside boundary line of the planned residential development.
4. Review Standards for Establishment of P-R District.
  - a. The City Plan Commission and the City Council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The Commission and the City Council shall study the relationship between uses of high intensity permitted in the P-R district and uses of low intensity, existing or future, outside the proposed P-R district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by this section unless such uses create immediate land use conflicts along project

boundary lines.

- b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development plan shall not be required.
- c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the City Plan Commission and approved by the City Council in order to protect the public health, safety and welfare.

D. Planned Commercial (P-C).

1. Ownership Control.

- a. The land in a P-C district shall be developed as a unified whole. All owners shall be included as joint applicants and all approvals shall bind all owners.
- b. A building or land shall be used only in accordance with an approved detailed site development plan conforming with Chapter 20.04 and only for the uses permitted in Chapter 20.08, provided that the district shall be planned and developed as a unit, subject to the additional requirements and provisions of this section.

2. General Procedures – Plans Required.

- a. Establishment of a P-C planned commercial district shall follow the procedures for changes and amendments of Chapter 20.04, including notice and hearings, recommendations by the City Plan Commission and action by the City Council. A detailed site development plan complying with the requirements of Chapter 20.04 shall be required.
- b. If the project is to be accomplished as a series of development units, a detailed site development plan of a proposed unit shall be submitted with a general concept plan and a schedule of phasing provided.
- c. The proposed development shall follow all applicable procedures, standards, and requirements of this chapter and other regulations governing the subdivision of land. Where a plat is required, no building permit shall be issued until a final plat of the proposed development, or part thereof, is approved by the City Plan Commission, filed and recorded.

3. Supplemental Height and Bulk Standards.
  - a. When a community or regional shopping center is a part of a planned development of one hundred fifty acres or more, or where there are unique features of topography, access, and location with respect to existing and future development to justify such action, the City Plan Commission may recommend and the City Council may approve height limits for community and regional shopping centers in excess of those specified in Chapter 20.12.
  - b. The floor area ratio for a neighborhood shopping center or area shall not exceed 0.30. A maximum floor area ratio may be specified for community and regional shopping centers or general commercial areas as a condition of development permit approval.
4. Compatibility with Nearby Properties. The development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, particularly in larger centers or where tall buildings are to be located in the vicinity of buildings of low height, and to this end may employ such design techniques as may be appropriate to a particular site, including location of building, orientation, spacing and setback of buildings, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and screening.
5. Access. The principal means of access shall be from arterial or collector streets. For a major shopping center, principal access shall be from at least one major arterial street. In no case shall the principal means of access be from a minor residential street. Access points shall be designed to minimize traffic hazard and congestion and shall be approved by the city engineer.
6. Internal Circulation. The design for internal circulation shall be appropriately related to access points and provide for safe and efficient movement of vehicles and pedestrians with special attention of reduction of crossing conflicts, improvement of visibility, convenience of pickup areas, traffic signs and speed controls.
7. Paved Areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.
8. Refuse. Refuse containers or refuse storage areas shall be hidden from general public view, either from within or outside the center, by means

of fences, walls, or landscape planting.

9. Findings Required of City Plan Commission. Before recommending approval of a P-C planned commercial district, the Plan Commission shall make specific findings as follows:

- a. That the location and design of the commercial areas are appropriate and are in compliance with the requirements and purpose of the P-C district, and specifically that there is adequate provision for traffic to and from the center, without undue congestion, on existing streets or on streets schedules to be completed by the time the center is to be opened;
- b. That a proposed construction timing schedule has been approved by the Commission and is recommended for adoption by the City Council;
- c. Specific conditions, if any, which should be imposed, including recommendations to insure construction of improvements.

10. Abandonment After Final Approval.

- a. In the event that the detailed site development plan is approved by the City Council and thereafter the applicant or his successor abandons said plan, or in the event the applicant or his successor fails to commence the development of a specific unit within four years after final approval has been granted, then such approval of the detailed site plan shall terminate and be deemed null and void unless such time period is extended by the City Council upon recommendation by the City Plan Commission upon written application by the applicant or his successor.
- b. Once terminated, a new detailed site development plan must be approved following the procedures of Chapter 20.04, including public hearing, prior to issuance of a building permit or permits for the project.

E. Planned Industrial (P-I).

1. Compatibility with Nearby Properties. The industrial development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and services.
2. Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open

storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or other abutting property by a solid masonry wall not less than six feet or more than eight feet in height. This screening must be located behind any required landscaping. Screening may be waived by the City Council where it is found the screening will not service the purpose of blocking the view from a street or from a more restrictive zoning district.

3. Parking. Adequate parking space shall be provided off the street for all employees and visitors to the building, if necessary, in excess of the minimum requirements of Chapter 20.14. No parking shall be permitted in the required front yard or within ten feet of the boundary of any residential district and no storage of materials, equipment, or products shall be permitted in any part of a required front yard.
4. Loading.
  - a. Off-street loading space for individual uses shall be provided in accord with the provisions of Chapter 20.14. Loading operations shall be conducted within a building or screened from general public view from a front street where possible, but may be conducted at the side or rear of buildings whether or not facing a street.
  - b. Where an industrial tract abuts railroad property containing a spur track on the rear or side property line, railroad loading docks or the building itself may extend to the property line for the purpose of receiving service from the railroad spur tracks.
5. Paved Areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.

F. Special Residential Revitalization (SRR).

1. This district is established in recognition that developments containing both residential and commercial uses can create an appealing and vital urban environment when carefully designed. Developments approved for this district shall be designed to eliminate potential use conflicts through creative design methods. The SRR district allows for mixing residential environments with workplaces and services. Development in the SRR district must accommodate transportation systems, surrounding environments and pedestrian movements.
2. District Boundaries. This district is created to maintain a compatible mix of residential and neighborhood commercial uses within the area

known as South El Paso. For purposes of this section, South El Paso is defined as the area south of Paisano Drive, and lying between Santa Fe Street and Cotton Street. No applications for SRR zoning may be requested outside of South El Paso.

3. Off-street parking requirements found in Chapter 20.14 shall not apply in this district; loading spaces, however, shall be required to comply.

G. Residential, General and Industrial Mixed Use Districts (RMU, GMU and IMU). Uses permitted in a mixed-use development are as approved by city council through a master zoning plan. A mixed-use development may be authorized to encourage use schemes such as but not limited to, residential, entertainment, medical, and employment centers. The following principles and requirements shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan.

1. General Design Principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.

a. Development Perspective.

- i. That the natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
- ii. That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
- iii. That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
- iv. That proposed development noncontiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
- v. That a mixture of housing types and densities be distributed throughout the mixed-use development.
- vi. That transportation corridors be planned and reserved in coordination with land use patterns.
- vii. That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
- viii. That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the

- automobile.
- ix. That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
- x. That neighborhoods be compact, pedestrian-friendly, and mixed use.
- xi. That ordinary activity of daily living occurs within walking distance of most dwellings.
- xii. That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.
- xiii. That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
- xiv. That appropriate building densities and land use be provided within walking distance of transit stops.
- xv. That civic, institutional and commercial activity be embedded, and not isolated, in the development.
- xvi. That a range of open space including parks, squares, and playgrounds be distributed within the development.
- xvii. That a development have sufficient size to accommodate the mixed-use concentration of uses.

b. Building Perspective.

- i. That buildings and landscaping contribute to the physical definition of streets as civic places.
- ii. That the design of streets and buildings reinforce safe environments.
- iii. That architecture and landscape design grow from local climate, topography, history and building practice.
- iv. That public gathering spaces be provided in locations that reinforce community identity.
- v. That the preservation and renewal of historic buildings be facilitated.
- vi. That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.

2. General Design Elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and mixed-use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.

- a. Neighborhoods limited in size and oriented toward pedestrian activity.

- b. A variety of housing types, jobs, shopping, services, and public facilities.
  - c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
  - d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
  - e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
  - f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit and automotive vehicles.
  - g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
  - h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
  - i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.
  - j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.
3. Architectural Objectives. As part of the review of the mixed-use development plan the architectural design shall achieve the following objectives:
- a. Architectural compatibility;
  - b. Human scale design;
  - c. Integration of uses;
  - d. Encouragement of pedestrian activity;
  - e. Buildings that relate to and are oriented toward the street and surrounding buildings;
  - f. Residential scale buildings in any mixed residential area;



- g. Buildings that contain special architectural features to signify entrances to the mixed-use development; and
  - h. Buildings that focus activity on a neighborhood open space, square or plaza.
4. Roadway Design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of this Code shall apply in all instances.
  5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall apply for purposes of calculating required spaces.

Community-parking facilities or shared parking shall be encouraged in lieu of traditional off-street parking design. This concept would permit the collocation of required parking for individual uses in order to promote pedestrian activity within the neighborhood. In instances where shared parking is proposed, a shared parking study shall be reviewed by the city along with any traffic engineering and planning data that are appropriate to the establishment of parking requirements for the uses proposed. A shared parking study shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed uses. The shared parking analysis shall be based on the mixture of uses and corresponding peak demand for all uses. The study shall document the source of data used to develop recommendations.

6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the City Council as part of the review of the master zoning plan.
7. Landscaping. Uses within a mixed-use development shall not be required to conform to the landscaping requirements of Title 18 (Building and Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and mixed-use development plan approval process.

**SECTION 15.** That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.370 (Mountain development), is amended in its entirety to read as follows:

20.10.370 – Mountain development.

- A. Purpose. The purpose of these regulations is to promote the following city objectives within mountain development areas:
1. To protect significant natural features of the mountain development area and preserve the city’s unique visual setting as part of the comprehensive plan;
  2. To provide an alternative approach to conventional flat land development by allowing transfer of residential densities through clustering of dwellings in order to preserve larger areas of open space;
  3. To minimize scarring and disturbances of the natural character of the mountain development area through control of grading and cut/fill operations as defined in the grading ordinance;
  4. To control water runoff and soil erosion;
  5. To provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within the mountain development area;
  6. To encourage sound engineering practices related to mountain development.
- B. Minimum District Area. The minimum area for a mountain development district where common or public open space is to be provided shall be one acre. Extensions to the original district, from a common boundary, may be considered in increments of less than one acre, provided, however, that all other requirements are observed.
- C. Ownership Control. Where required, the common open space shall be owned by an incorporated or unincorporated association to assure that it will be permanently maintained in its natural state. Open space may be made public if dedicated or transferred in trust to the city and the City Council accepts such dedication or transfer without affecting any other provision of this title.
- D. Density Permitted. The maximum dwelling units per gross acre shall be calculated based on the percentage average slope of the property as follows:

Percent Average Slope	Maximum per Gross Acre	Density
0 to 5	7.0	
5.1 to 10	6.0	
10.1 to 15	5.0	
15.1 to 20	4.0	
20.1 to 25	3.0	
25.1 to 30	2.5	
30.1 to 35	2.0	
35.1 to 40	1.5	
40.1 or more	1.0	

- E. Open Space Required. To retain the significant natural features of the mountain

development area, common, public or private open space, or a combination thereof, shall be provided as part of a proposed development. The minimum amount of open space to be provided shall be based on the percent average slope of the property as shown below. The required open space within a mountain development district shall be shown on the subdivision plat and detailed site plan.

Percent Average Slope	Open Required/Percent Total to Average Undisturbed	Gross Remain	Space of Acreage Percent Slope
0 to 5	20		
5.1 to 10	25		
10.1 to 15	30		
15.1 to 20	35		
20.1 to 25	40		
25.1 to 30	45		
30.1 to 35	50		
35.1 to 40	55		
40.1 or more	60		

F. Architectural Design Standards. Building and construction materials within a mountain development district shall meet the following architectural design standards:

1. Mirrored surfaces or any treatments that change ordinary glass into a mirrored surface shall be prohibited;
2. Bright untarnished copper or other metallic surfaces shall be treated to reduce reflections;
3. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast;
4. Development design and construction techniques shall blend scale, form and visual character into the natural landform, and shall minimize exposed scars;
5. Exterior lighting shall be low scale and directed downward, recessed, or shielded so that the light source is not visible from the adjacent developments;
6. Reflective building materials shall be prohibited;
7. No exterior paint colors shall be used which have a light-reflecting value (LRV) greater than forty percent. (The LRV of a paint is available from paint

manufacturers and it measures the amount of light reflected by a certain color.)

G. Property Development Standards. The following property development standards shall apply to all land, buildings and structures within a mountain development district:

1. Subdivision Plat. Buildings and structures in a mountain development district shall be erected only on land where a plat or replat approved by the City Plan Commission, has been filed of record, and indicates compliance with the provisions of this section. Each attached or detached single-family dwelling must be platted on an individual lot prior to issuance of occupancy permits;
2. 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 mountain development district, except where a development is for single-family detached dwellings meeting the minimum yard requirements of Chapter 20.12 (Density and Dimensional Regulations) and where common or public open space is provided to satisfy the open space requirements of this section. If a development is to be undertaken in a series of phases, a development schedule indicating the proposed phasing shall accompany the required detailed site plan;
3. Common or Public Open Space. Where required, the total amount and distribution of common or public open space shall be shown on the detailed site development plan and subdivision plat and shall be expressed as the percent of the site which will remain in its natural state. Satisfactory provisions for assuring continued retention of the common or public open space shall be provided;
4. Percent Slope. The percent slope of a proposed mountain development used to determine the common open space shall be shown on the required detailed site development plan and subdivision plat;
5. Perimeter Treatment. The perimeter treatment of the proposed mountain development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible land uses and structures. A minimum setback of ten feet of separation for each story or fraction thereof shall be maintained between any structure and the outside boundary of the proposed mountain development.

H. Private Streets. Where authorized by the City Plan Commission in approving a subdivision plat, streets may be privately owned.

I. Preservation of the Environment. In all mountain developments, existing vegetation, animal life, arroyos, floodprone areas, steep slopes, and other natural features shall be considered in the planning, design and layout of buildings, service areas and location of streets in the allocation of open spaces reserve the natural environment.

J. Right-of-Way and Pavement Widths. The right-of-way and pavement widths for internal ways, streets and alleys within and adjacent to the proposed mountain development shall be:

1. Determined from the standards contained in the city's current subdivision

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Title 20 Amendment

OAR

- regulations and any applicable ordinance governing streets;
- 2. In conformity with the estimated needs of the entire mountain development and the traffic to be generated thereby;
- 3. Adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs and the access for firefighting equipment vehicles while preventing undue scarring and grading.
- K. Off-street Parking and Loading. The minimum requirements for off-street parking and loading shall be satisfied as set forth in Chapter 20.14 (Off-Street Parking and Loading Regulations).
- L. Utilities and Public Services. Every mountain development shall be adequately served by essential utilities and public services such as water, sanitary sewer, storm drainage, police, fire and other similar services.
- M. Property Grading Standards. Grading in a mountain development shall be in accordance with Chapter 18.44 (Grading) of this Code.

**SECTION 16.** Except as herein amended, Title 20 of the El Paso City Code shall remain in full force and effect.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2021.

**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

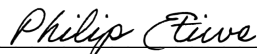
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etlwe, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_  
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Title 20 Amendment  
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## *City of El Paso – City Plan Commission Staff Report*

### **Title 20 (Zoning) Code Amendments**

Staff proposes to update Title 20 (Zoning) in a manner that assures consistency with the City's Zoning Ordinance, Comprehensive Plan, and Strategic Plan. The zoning ordinance was last adopted in 2007 and a comprehensive update is due.

These amendments are phase one of an incremental approach to a comprehensive list of Title 20 amendments. These amendments consist of simple text edits, update outdated references, and minor code clarifications.

#### **Attachments:**

- Proposed Redlines
- Draft Ordinance

## Chapter 20.04 - ADMINISTRATIVE PROVISIONS

### Sections:

#### Article I. - Administrative Bodies and Related Agencies Authority

##### 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 ~~city development~~ [Planning & Inspections](#) department, the zoning board of adjustments, the fire department, the ~~department of~~ environmental services [department](#), the ~~department of transportation~~ [Streets & Maintenance Department](#), and the department of public health, in accordance with the provisions of this Code, including the provisions of this title.

(Ord. 16817 § 1, 2008; Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 4, 10-26-2010; Ord. No. 17801, § 1, 6-5-2012, eff. 6-11-2012)

##### 20.04.160 - Content of application.

Detailed site [development](#) plan applications shall be submitted in a digital form compatible with the city's system. Paper submittals of application documents shall be assessed the established fee for conversion of paper documents to digital format. The fee for conversion of paper documents to digital format shall be in the amount established by city council in the annual budget resolution, amendments to the budget resolution, or other appropriately adopted resolution or ordinance of the city council. Applications shall at a minimum include the following:

- A. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a professional engineer (P.E.) or a registered land surveyor;
- B. The detailed site development plan showing the boundaries of the tract proposed for development; elevations or perspective of the building; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures and number of bedrooms in each unit; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; stormwater drainage; on-site parking spaces, to include loading and unloading berths; open spaces; landscape planted areas; size, design and location of exterior signs; screening walls; screening of on-site parking facilities;
- C. Stamp or seal and signature of a professional engineer or architect preparing plans;
- D. Proof of ownership (warranty deed, title commitment, etc.);
- E. Tax certificate;
- F. Fee as adopted by city council;

~~G. The fee required by this section and Section 20.04.410 of this Code, and established by the city council in accordance with Section 20.04.800 of this Code, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by one hundred percent for the period from the effective date of the ordinance codified in this chapter through August 31, 2008; reduced by eighty percent for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent for the period from September 1, 2009 through August 31, 2010; reduced by forty percent for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent for the period from September 1, 2011 through August 31, 2012.~~

(Ord. 16877 § 1, 2008; Ord. 16653 § 2 (part), 2007)

(Ord. No. [18817](#), § 1, 7-24-2018)

#### Article IV. - Master Zoning Plan Approval Process

##### 20.04.200 - Master zoning plan.

##### A. Master Zoning Plan (MZP).

1. As part of any zoning application for a mixed use district, a Master Zoning Plan shall be required and shall accompany the application. The MZP shall provide sufficient details necessary about the proposed land uses and proposed development so that the El Paso City Council may determine their compatibility within the proposed district and the impact on the adjacent properties.

As part of the MZP, an application may propose and delineate subdistricts. A subdistrict is a geographic subcomponent of a larger mixed use district. Its purpose is to enable the incremental measurement and reconciliation of maximum dwelling units, density and other data required in the MZP to subsequent development. Where practical, a subdistrict's boundary should be consistent with natural geographic features, reflect man-made transitional barriers (such as roadways), or separate sharp changes in proposed land uses.

2. While the submittal requirements below reflect the use of subdistricts, their use is not required. Applications not using subdistricts shall be required to submit the same information but aggregated for the entire mixed use district. The MZP shall, at a minimum, include the proposed land uses and locations, as well as the information required below.

3. Submittal Requirements.

- a. General Data Required for the Mixed Use District.

- i. [Legal description of area proposed to be developed or metes and bounds description of district;](#)
- ii. [Total acreage as depicted on a survey certified by a registered land surveyor;](#)
- iii. Maximum proposed total number of dwelling units for all residential land uses combined;
- iv. Maximum proposed total ~~Floor Area~~[floor area](#) for all nonresidential land uses combined, expressed in square feet.

- b. General Data Required for Each Proposed Subdistrict.

- i. Total acreage;
- ii. Maximum proposed total number of dwelling units for all residential land uses combined;
- iii. Maximum proposed floor area for all nonresidential land ~~use~~[uses](#) combined, expressed in square feet.

- c. Property Development Regulations Required per Subdistrict by Land Use Type.

- i. Proposed acreages for each proposed land use, including parks, open space, buffer zones, trails and school sites (as applicable);
- ii. Minimum and maximum lot coverages;



- iii. Minimum lot width;
  - iv. Minimum lot depth;
  - v. Minimum building setbacks:
    - (A) Front,
    - (B) Rear,
    - (C) Cumulative front and rear,
    - (D) Side-interior,
    - (E) Side-street,
    - (F) Cumulative side setbacks,
    - (G) Garage;
  - vi. Maximum building height:
    - (A) Primary structure(s),
    - (B) Accessory structure(s);
  - vii. Maximum proposed density for each residential land use type expressed in dwelling units per gross acre of developable land;
  - viii. Maximum proposed intensity for each nonresidential land use type expressed in floor area ratio (FAR).
- d. Development Plan Map Requirements.
- i. Overall development boundary, labeled with bearings and distances;
  - ii. General arrangement and acreages of existing and proposed land uses including open space;
  - iii. Proposed phasing boundaries;
  - iv. Layout and relationship of proposed development where adjacent to existing development;
  - v. General location and acreages for each proposed park, open space, buffer zone, trails and school site (as applicable), provided that any change in location may be approved administratively by the parks director.
4. A table or list depicting the proposed acreage for each land use type, park, open space, trail and school site (as applicable) shall accompany the MZP.
  5. A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the development relates to the city's comprehensive plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any subdistrict within the mixed-use district to determine the compatibility of such uses within the mixed use district.
  6. A phasing schedule shall be submitted with the rezoning application that indicates the proposed phasing of the development, the approximate time frame in which construction and development is expected to begin and the duration of time required for completion of the development.
  7. The application for mixed use zoning, to include the MZP shall be reviewed by the city plan commission (CPC) for recommendation to city council. The CPC may recommend any amendments or conditions to the MZP necessary to minimize incompatibilities between land

uses within the development or between land uses and adjacent properties or with the stated purposes of zoning in this title.

8. As part of the approval and adoption of a mixed use district, the city council shall find that the development will promote compatible buildings and uses, and that such development will be appropriate in area, location and overall planning for the purpose intended, in accordance with the city's comprehensive plan and stated purposes of zoning in this title. The city council, in approving any mixed use district, will also be approving the MZP establishing the required zoning standards within the district. Approval of a mixed use district by city council designates the zoning for the property as stated in the ordinance approving such zoning and as depicted on the MZP. All development of the property, regardless of whether the property changes ownership, shall be in accordance with the Master Zoning Plan.
- B. Amendments to an Approved Master Zoning Plan. An applicant may request amendments to an approved MZP. These amendments shall be delineated as minor or major amendments according to the criteria set forth herein.
1. Major Amendments.
    - a. Any amendment meeting one or more of the criteria listed below or any other proposed change not considered a minor amendment as described below shall require resubmittal, review and approval of a new zoning application to amend the MZP by the CPC and city council. Major amendments shall follow the same procedural and notice requirements required for the initial approval of the MZP, except that the mixed use zoning district designation shall not be revised unless requested by the applicant. If a change within a subdistrict constitutes a major amendment, as defined herein, requiring an amendment to the MZP, the CPC and city council shall review the proposed change for compatibility within the subdistrict and the adjacent subdistricts.
      - i. Any change to the overall mixed use district boundary.
      - ii. Any change to the approved mix of land use types within a designated subdistrict that increases the nonresidential intensity of development within that subdistrict by ten percent or more of the relevant characteristic(s) of development intensity, provided that the total projected nonresidential development intensity within the entire MZP shall not increase by ten percent of such characteristic(s). For purposes of this section, intensity may be measured by a single characteristic or by multiple characteristics as appropriate to the land use type, including, but not limited to, FAR, parking, and vehicular trips generated.
      - iii. Any change to the boundary of a land use within a subdistrict that results in the relocation of ten percent or more of the area of that land use.
      - iv. Any change to the boundary of a subdistrict that results in the relocation of ten percent or more of the area of the subdistrict.
      - v. An increase of ten percent or more of the originally approved number of projected dwelling units within a designated subdistrict, provided that the total projected dwelling units within the entire MZP shall not increase by ten percent.
      - vi. An increase of ten percent or more of the originally approved floor area for nonresidential uses within a designated subdistrict.
      - vii. Any reduction to the public or private open space components within a designated subdistrict.
      - viii. A twenty percent or greater increase in the height of structures by land use type within a designated subdistrict.
      - ix. A ten percent or greater reduction in the originally approved setbacks by land use type within a designated subdistrict.

- x. A five percent or greater increase in lot coverage by structures by land use type within a designated subdistrict.
  - xi. Any changes within and/or between subdistricts that, when aggregated result in an increase to one or more of the aforementioned variances for the mixed use district as a whole.
  - xii. Any change which would result in the juxtaposition of incompatible land uses.
- b. Approval of a major amendment may be granted upon a finding that:
- i. The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
  - ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
  - iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
2. Minor Amendments. An amendment will be deemed minor if it is a change to the timing or phasing of the proposed development or if it does not involve any one of the foregoing provisions of a major amendment. The minor amendment process is limited in nature and may not be used by the applicant to exceed the numeric variance permitted by subsection (B)(1) above.
- a. Minor amendments shall be submitted in writing to the planning division and accompanied with three copies of the revised MZP. Minor amendments may be acted upon administratively by the planning official, only upon the finding that the amendment meets all of the following requirements:
- i. The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
  - ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
  - iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
- b. A decision of the planning official to deny a minor amendment shall be binding. Requests for minor amendments shall be acted upon within fifteen days of receipt of the written request for amendment.
- c. In no instance shall the planning official approve a minor amendment that results in a change in conditions imposed as part of the zoning ordinance approval, or any subdivision plan, site plan, contract condition or other condition applicable to the property.
- d. Any change in location of parks and trails may be approved administratively by the parks director.

C. Mixed Use Development Plan. Reserved.

- ~~1. Upon approval or amended approval of a mixed use district and MZP, a mixed use development plan is required showing development in conformance with the MZP as well as compliance with the requirements of Title 19 prior to the issuance of building permits and development of the property.~~

- ~~2. A mixed use development plan, if not submitted with the MZP, may be administratively approved by the planning official, provided that the mixed use development plan is in accordance with the MZP approved by city council.~~
- ~~3. Contents. The mixed use development plan approval applications shall include:
  - ~~a. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a registered land surveyor;~~
  - ~~b. Eight copies of the mixed use development plan are required, showing the boundaries of the tract proposed for development; elevations or perspectives of the buildings; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; general stormwater drainage layout; general sanitary sewer layout; general water layout; on-site parking spaces, to include loading and unloading berths; open spaces; landscaped areas; size, and location of exterior signs; screening walls; screening of on-site parking facilities. For development tracts containing residential dwelling units, representative examples of typical elevations shall be provided;~~
  - ~~c. Proof of ownership, (warranty deed, title commitment, etc.);~~
  - ~~d. Tax certificate.~~~~
- ~~4. A mixed use development plan may be submitted for the entire mixed use district or in phases in accordance with the MZP.~~
- ~~5. Approval of mixed use development plan will authorize application for building permits, provided that all requirements of the El Paso City Code have been met.~~
- ~~6. For purposes of expediting the review process, a mixed use development plan may accompany the initial application for mixed use zoning and be processed concurrently with the MZP; provided, however, that no final action on the mixed use development plan shall occur prior to approval of the zoning request and the MZP by city council.~~

D. Incentives.

1. An applicant with an approved MZP may utilize the alternative subdivision design standards (Title 19, Section 19.26.050), so long as the development is in accordance with the MZP.
2. Applications under this section shall be processed with priority on a "fast-track" basis, defined as follows:
  - a. Processing for mixed use development plans: thirty days;
  - b. Processing for an MZP or other application that requires city council approval: approximately sixty days (minimum) for final approval.
3. The city shall waive application fees for rezoning, mixed use development plans, and any major or minor amendment applications.

- E. Applicability. While ownership of a project may subsequently be transferred, in whole or in part, a MZP shall continue to be implemented and maintained on the total acreage of the mixed use district.

(Ord. 16915 § 2, 2008: Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 8, 10-26-2010)

Article V. - Special Permit Approval Process

20.04.260 - Special permits generally.

- A. The city council may by special permit after hearing and report by the city plan commission authorize the location of the uses subject to special permits identified in the district regulations.
- B. In addition to the development standards identified in this title, city council shall impose such additional conditions and safeguards including those related to architecture, site plan, landscape planting and screening as required to protect the public welfare and to conserve and protect property and property values in the immediate vicinity of the special permit.
- C. Applications for special permits shall be filed with the executive secretary of the city plan commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received. A complete application shall be scheduled for action by the city plan commission, which shall have forty-five days in which to recommend approval, disapproval or approval with conditions or amendments.
- D. Where disapproval is recommended the procedure shall be concluded unless the applicant within fifteen days of disapproval appeals the recommendation to city council. In the event of such a request the executive secretary of the city plan commission shall forward to the city council a statement of the reasons for disapproval.
- E. Applications for special permits shall include a detailed site development plan that complies with Article III.
- F. Special permits are automatically terminated whenever conditions made a part of them are not complied with, and construction shall stop or occupancy be discontinued until the violation ceases.

~~G. The fee required by this section and Section 20.04.410 of this Code, and established by the city council in accordance with Section 20.04.800 of this Code, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by one hundred percent for the period from the effective date of the ordinance codified in this chapter through August 31, 2008; reduced by eighty percent for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent for the period from September 1, 2009 through August 31, 2010; reduced by forty percent for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent for the period from September 1, 2011 through August 31, 2012.~~

(Ord. 16877 § 2, 2008; Ord. 16653 § 2 (part), 2007)

#### 20.04.320 - Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
  - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning

district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;

2. The proposed development is in accordance with and in furtherance of the ~~plan for El Pase~~[Comprehensive Plan](#), any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
  3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;
  4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
  5. The design of the proposed development mitigates substantial environmental problems;
  6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
  7. The proposed development is compatible with adjacent structures and uses;
  8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its nonapplicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the nonapplicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 9, 10-26-2010)

#### 20.04.370 - Application form.

- A. Application forms for proposals and requests shall be provided by the planning official and, when completed, shall be filed with the executive secretary of the city plan commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.
- B. ~~The fee required by this section and Section 20.04.410 of this chapter, and established by the city council in accordance with Section 20.04.800 of this chapter, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by eighty percent for the period from the effective date of the ordinance codified in this chapter through August 31, 2009; reduced by sixty percent for the period from September 1, 2009 through August 31, 2010; reduced by forty percent for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent for the period from September 1, 2011 through August 31, 2012. Reserved.~~
- C. The fee required by this section and Section 20.04.410 of this chapter, and established by the city council in accordance with Section 20.04.800 of this chapter, shall not be required for an application

submitted by a property owner for the sole purpose of designating the property with a historic "H" overlay.

(Ord. 16877 § 3, 2008: Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 10, 10-26-2010)

20.04.400 - Notice of public hearing before city plan commission.

- A. The planning official shall schedule a public hearing before the city plan commission not less than fifteen days and not more than forty-five days from receipt of complete proposal or application with payment of fee. Notice shall be sent by mail to owners of all property within three hundred feet of the property to be rezoned, not less than ten days nor more than thirty days in advance of the hearing. Notice shall include the time, place and purpose of such hearing.
- B. Where the change does not amend the district map and is a general change in the text of the regulations, or the comprehensive plan, notice shall be posted as required by state law.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 11, 10-26-2010)

20.04.430 - Recommendation by commission.

- A. A report on the commission's recommendation and merits of the proposal and requested change shall be forwarded for introduction to city council within sixty days from the date of the commission's final consideration.
  - 1. Extension. An applicant may request the city manager or designee to extend the sixty day introduction period requirement for an additional sixty days. The request must be in writing and must be submitted prior to expiration of the initial sixty day prescribed period. In the event the application is not forwarded to city council by the end of the extended prescribed period, the application shall expire and a new application and fee shall be required in order to re-submit the application to the city plan commission.
- B. The commission may recommend approval, approval with modification, or disapproval.
- C. The report of the commission shall include the relation of the proposed change to the city's comprehensive plan, and the effect upon the natural environment, and upon ~~social and economic conditions and property values in the vicinity~~its surrounding neighborhood and ~~in~~ the city as a whole.
- D. In the event of recommendation for disapproval by the city plan commission, the procedure shall be concluded unless the applicant within fifteen days of the city plan commission recommendation appeals the recommendation to the city council. In the event of such an appeal, the executive secretary shall forward the application and appeal to the city council for introduction within thirty days of the request for appeal along with a statement giving the city plan commission's reasons for recommending disapproval.
  - 1. Extension. At the request of the applicant, the thirty day prescribed period to forward the appeal to city council for introduction may be extended by the City Manager or designee for an additional thirty days. The request shall be in writing and shall be submitted prior to expiration of the initial thirty-day prescribed period. In the event the appeal is not forwarded to city council for introduction by the end of the extended prescribed period, the procedure shall be concluded.



(Ord. 16653 § 2 (part), 2007)

(Ord. No. [18817](#), § 3, 7-24-2018)

#### Article XIII. - Enforcement

##### 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 director of the ~~city development~~[Planning & Inspections](#) department, 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.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 17, 10-26-2010; Ord. No. 17801, § 3, 6-5-2012, eff. 6-11-2012)

#### Chapter 20.08 - PERMISSIBLE USES

##### **Sections:**

##### 20.08.010 - Uses permitted by district.

No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the zoning district in which it is located, according to the Table of Permissible Uses found in Appendix A, ~~is as~~ adopted in its entirety, incorporated herein by reference, and in accordance with the provisions of this title.

(Ord. 16653 § 2 (part), 2007)

##### 20.08.020 - Interpretative provisions.

- A. When used in connection with a particular use in the Table of Permissible Uses, the designations shall have the following connotations.
  - 1. Permitted Use. A "P" in a cell shall indicate that a use is allowed by right in the respective zoning district, and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
  - 2. Accessory Use. An "A" in a cell shall indicate that a use is allowed by right when it is incidental to a permitted use in the respective zoning district, and shall be subject to the general



restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.

3. Special Permit Use. An "S" in a cell shall indicate that a use is only allowed by special permit with a detailed site [development](#) plan approval in the respective zoning district obtained from the city council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
  4. Restricted Use. A "D" in a cell shall indicate that a use is allowed in a special purpose district, excluding the R-F Ranch and Farm District, following detailed site [development](#) plan approval in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
  5. Mixed Use. A "Z" in a cell shall indicate that a use is allowed in a mixed use district (RMU, GMU, or IMU) as authorized by the city council with specific use limitations and development standards, following approval of a master zoning plan ~~and a detailed site plan~~ in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
  6. Special Exception Use. An "E" in a cell shall indicate that a use is only allowed by special exception in the respective zoning district obtained from the zoning board of adjustment in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
  7. Uses Not Allowed. An "X" in a cell shall indicate that a use is not allowed in the respective zoning district.
  8. Supplemental Use Regulations. The reference to a supplemental standard in any cell shall mean that the use in a respective zoning district is subject to additional standards and requirements found in Chapter 20.10 (Supplemental Use Regulations) of this title. The specific section number of the standard shall be noted in the column titled "Supplemental Standards." Provided, however, that any applicable performance or supplemental standard within Chapter 20.10 (Supplemental Use Regulations) of this title applying to a use shall be required whether or not referenced incorrectly or omitted from the Table of Permissible Uses.
- B. A use that may be interpreted to be permitted under more than one categorical or use description in the Table of Permissible Uses shall be required to satisfy the requirements of the most restrictive zoning district in which the use is allowed.
- C. A use particularly identified, whether or not the use may be interpreted to be permitted under more than one categorical or use description in the Table of Permissible Uses due to function or type, shall satisfy the requirements of the zoning district in which the use is particularly identified.

(Ord. 16653 § 2 (part), 2007)

#### 20.08.060 - Combination uses.

When a property comprises two or more principal uses that require different types of permits, then the permit authorizing the combination use shall be:

- A. A special permit if any of the principal uses combined is permitted only as a special permit use;

- B. A detailed site [development](#) plan approval if any of the principal uses combined is permitted only following a detailed site [development](#) plan approval; or
- C. A building permit in all other cases.

(Ord. 16653 § 2 (part), 2007)

Chapter 20.10 - SUPPLEMENTAL USE REGULATIONS

**Sections:**

20.10.145 - Civic buildings, public spaces, and educational facilities.

Any civic building, public space, and/or educational facilities as defined in this Title shall conform to, in addition to all other applicable code provisions, the development standards set forth herein.

- A. For purposes of this ordinance, a civic building and/or public space shall be categorized and defined as one of the following, which shall be declared by the applicant on the application form for the detailed site [development](#) plan:

Neighborhood Facility. A civic building and/or public space designed for and which serves the residents of a neighborhood, which is defined for purposes of this section as an area of one-half square mile. Minimum standards for a Neighborhood Facility shall include:

Maximum Lot Area:	Fifteen contiguous acres
Location:	Allowed on collectors and residential streets
Front yard setback:	Fifty feet maximum
Frontage Build-out:	Sixty percent of the building façade (including the main entrance) must remain unobstructed.

Community Facility. A civic building and/or public space designed for and which serves the residents of several neighborhood areas, but within the same approximate geographic area, defined for purposes of this section as an area of one square mile.

Maximum Lot Area:	Twenty-five contiguous acres
Location:	Allowed on minor arterials, collectors, and residential streets

Front yard setback:	Eighty feet maximum
Frontage Build-out:	Sixty percent of the building façade (including the main entrance) must remain unobstructed

Regional Facility. A civic building and/or public space designed for and which serves the residents of the entire city, nearby communities, and unincorporated areas.

Maximum Lot Area:	Forty contiguous acres
Location:	Allowed in major and minor arterials
Front setback:	One hundred feet maximum
Frontage Build-out:	Sixty percent the building façade (including the main entrance) must remain unobstructed

B. Minimum Standards for Educational Facilities: For the purpose of this ordinance, an educational facility is defined as a school serving pre-kindergarten through sixth grade (PK—6<sup>th</sup>).

Maximum Developed	
Lot Area:	Twenty-five acres
Front yard setback:	One hundred feet maximum
Frontage Build-Out:	Sixty percent of unobstructed building façade to include the main entrance

C. Additional Requirements: The application process for a civic building and/or public space will require a detailed site development plan illustrating integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site [development](#) plan under this subsection is exempt from Sections 20.04.150 C.1. and 2.

Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city ~~to-on~~ the detailed site development plan within thirty days of submission, the detailed site development plan is deemed approved. Exceptions to the requirements of a detailed site development plan, listed in subsection 2(a) through (j) below, may be granted by the city manager or designee. In the event that the city and the applicant cannot agree on the contents of a proposed detailed ed site development plan, the applicant can appeal to the city planing commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:

1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the civic building and/or public space. Examples of outreach and consultation include but are not limited to notice of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
2. A detailed site plan must depict the following:
  - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
  - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
  - c. In no instance shall parking be placed between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
  - d. The number of access points shall not exceed three along any B street and two along any A street.
  - e. The width of driveway apron shall not exceed twenty-eight feet.
  - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
  - g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
  - h. Landscaping shall conform to current city regulations.
  - i. Civic buildings may be located adjacent to a public park.
  - j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 20.10.145 C.2.c.
  - k. Illustrate the quarter-mile pedestrian shed in which at a maximum, the following may be illustrated:
    - i. For neighborhood facility: Seventy-five percent of surrounding residential land uses should be included within this shed.
    - ii. For community facility: Fifty percent of surrounding residential land uses should be included within this shed.
    - iii. For regional facility: Twenty-five percents of surrounding residential land uses should be included within this shed.
3. An intergovernmental agreement for the shared use of facilities is encouraged.

- D. Educational facilities: The application process for an educational facility will require a detailed site development plan illustrating integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site development plan under this subsection is exempt from Sections 20.04.150 C.1. and 2. Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city ~~to-on~~ the detailed site development plan within thirty days of submission, the detailed site development plan is deemed approved. Exceptions to the requirements of a detailed site development plan, listed in subsection 2. ~~(a)-~~ through ~~(j)-~~ below, may be granted by the city manager. In the event that the city and the applicant cannot agree on the contents of a proposed detailed site development plan, the applicant can appeal to the city ~~planning~~ commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:
1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the educational facilities. Examples of outreach and consultation include but are not limited to notices of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
  2. A detailed site development plan must depict the following:
    - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
    - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
    - c. In no instance shall parking be placed directly between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
    - d. The number of access points shall not exceed three along any B street and two along any A street.
    - e. The width of any driveway apron shall not exceed twenty-eight feet.
    - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
    - g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
    - h. Landscaping shall conform to current city regulations. Exceptions to reduce requirements may be granted as per 18.46.90 of the ~~city's municipal~~ El Paso City code.
    - i. When possible, educational facilities may be located adjacent to a public park.
    - j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 20.10.145 D.2.c.
  3. Schools are encouraged to enter into intergovernmental agreements for the shared use of school facilities.

(Ord. No. 18104, § 4, 12-17-2013)

## 20.10.360 - Mixed-use development.

### A. Special Development (S-D).

1. Design Requirements—Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with standards of the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the development permit and subdivision plat. Satisfactory provision for the maintenance of common open space shall be provided in accordance with the procedure in Chapter 20.04.
2. Design Requirements—Preservation of Environment. In all S-D development, the elements of natural environment including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features shall be considered in planning the design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
3. The provisions of Chapter 20.20 (Historic Designations) where applicable, shall continue to apply in addition to the provisions of this section.
4. Perimeter Treatment. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or proposed development, if known, by provision of compatible uses and structures, setbacks, masonry walls, landscaping or other treatment.
5. Height Regulations. No building shall exceed three stories or forty-five feet in height, except as follows:
  - a. As provided in Chapter 20.12;
  - b. Where the development would consist of twenty-five acres or more; or
  - c. Where, after city plan commission recommendation, city council approves an exception to these height regulations under the following conditions:
    - i. The authorized height is compatible with the uses, appearance and environment of adjacent areas,
    - ii. The applicant submits a traffic study describing traffic volumes and impact of proposed development on adjacent streets,
    - iii. The council finds that the proposed development mitigates those traffic impacts and provides for an acceptable level of service,
    - iv. The site is located on an arterial street (collect~~or~~ion, minor or major) that is served by a regularly scheduled mass transit line, and
    - v. Any other condition reasonably necessary to protect the health, safety and welfare of the general public.
6. Review Standards for Establishment of S-D District.
  - a. The city plan commission and the city council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The commission and the city council shall study the relationship between uses of high intensity permitted in the S-D district and uses of low intensity, existing or future, outside the proposed S-D district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by the section unless such uses create immediate land use conflicts along project boundary lines.

- b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development shall [plan](#) not be required.
- c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development [plan](#) shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the city plan commission and approved by the city council in order to protect the public health, safety and welfare.

B. Union Plaza (U-P).

1. District Boundaries. The district created under this chapter is recognized as that part of the city within the following described boundaries: Blocks 7, 25, 31, 32, 45, 46, 51, 152, 160, 161, 169, 170 and 171 Campbell Addition also known as Mills Addition blocks 7, 25, 31, 32, 45, 46 and 51.
2. Development Standards.
  - a. For residential/commercial mixed-use developments, where residential and commercial uses are combined in a single building, residential uses may not occupy the ground floor. In other multifamily dwelling buildings, not including commercial uses, residential uses may occupy the ground floor.
  - b. Lot and Site Area Standards.
    - i. Residential/commercial mixed use developments must have a lot area of at least five hundred fifty square feet per unit, excluding the area devoted to commercial uses. For buildings three or more stories in height, a minimum lot area of three hundred square feet per unit is required, excluding the area devoted to commercial uses. A minimum site area of nine thousand three hundred sixty square feet, having a minimum average width of seventy-five feet is required.
    - ii. Multifamily residential developments must have a lot area of at least five hundred square feet per unit.
    - iii. For all other uses, no minimum lot area is required.
  - c. Off-Street Parking. Off-street parking requirements of Chapter 20.14 shall not apply to properties in the district.
  - d. Drive-through facilities are prohibited in the district.
  - e. Outside Amplification. No person shall make, continue or cause to be made or continued any noise as prohibited in Chapter 9.40 of this Code.
3. Plans and Permits Required. Prior to the issuance of any building or related permits for any new construction or renovation of the exterior of existing building(s), drawings and applications shall be reviewed for approval by the planning official, to ensure that the proposed construction complies with the architectural and design guidelines described in this section. Applications shall be reviewed within ten business days upon receipt of a complete application. The planning official may request assistance of other departments to review drawings and applications.
4. Architectural and Design Guidelines. The purpose of these guidelines is to protect business investments in the district from unsightly construction that would ultimately diminish the appeal of the district. All applications for redevelopment of existing buildings or structures or new construction must comply with the Union Plaza Architectural and Design Guidelines. Copies of the Union Plaza Architectural and Design Guidelines are on file in the [city developmentPlanning & Inspections](#) department.
5. Application requirements. In addition to those items required for the application for a building permit, the following information shall be submitted for approval prior to issuance of a building



permit for new construction or exterior renovation of existing buildings in the district. ~~Eight~~ Digital copies of the site plan and development plan are ~~required-preferred~~ unless additional hard copies are ~~required-specifically requested~~ by the planning official. All maps, plans and drawings should be at a scale of not less than twenty feet to the inch unless a modification is authorized by the planning official.

a. A detailed site plan including:

- i. Legal description,
- ii. Metes and bounds if portion of lot, block or if property is unplatted,
- iii. Site dimensions,
- iv. Adjacent public right-of-way, public transportation routes and pedestrian systems,
- v. Utility lines to rights-of-way and easements through the site,
- vi. Description of other site features including drainage, soils or other considerations that may affect the development of the site,
- vii. Location of any special or custom street lighting to be approved by the city engineer, if proposed,
- viii. Stamp or seal and signature of a registered professional engineer or architect preparing plans;

b. A development plan including:

- i. Site layout including sizes and location of proposed buildings, parking, open space and other facilities,
- ii. Location, capacity and design of parking facilities to include ingress/egress, landscaping, signage and fencing,
- iii. Stormwater drainage,
- iv. Description of use of individual building(s), included in the project and maximum floor area devoted to each use,
- v. Schematic location and design of open space on site, if proposed, including proposed landscaping if any,
- vi. Sidewalks, to include any existing traffic signals and signage, light poles or other utility apparatus adjacent to the site,
- vii. Schematic building elevations and sections, as required to describe the general design and the maximum height of the building including proposed colors and construction materials,
- viii. Proposed water and sanitary sewer and utility improvements. The application shall include a permit approved by ~~the~~-El Paso water-~~utilities~~,
- ix. Location, sizes and types of proposed signs, lighting, fencing or walls, landscaping and trash receptacles,
- x. Design standards applicable to the project,
- xi. Site location map to scale, and
- xii. Location and size of loading and unloading berths, if proposed.

C. Planned Residential (PR-1 and PR-2).

1. Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation,



and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the detailed site [development](#) plan and subdivision plat. Satisfactory provision shall be made for the maintenance of common open space in accordance with the procedure in Chapter 20.04.

2. Preservation of the Environment. In all P-R developments, the elements of natural environment, including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features, shall be considered in planning and design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
  3. Perimeter Treatment.
    - a. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures; masonry walls; and landscaping or other treatment.
    - b. A minimum setback of ten feet plus two additional feet of separation for each story above two shall be maintained between any structure and the outside boundary line of the planned residential development.
  4. Review Standards for Establishment of P-R District.
    - a. The city plan commission and the city council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The commission and the city council shall study the relationship between uses of high intensity permitted in the P-R district and uses of low intensity, existing or future, outside the proposed P-R district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by this section unless such uses create immediate land use conflicts along project boundary lines.
    - b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development [plan](#) shall not be required.
    - c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development [plan](#) shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the city plan commission and approved by the city council in order to protect the public health, safety and welfare.
- D. Planned Commercial (P-C).
1. Ownership Control.
    - a. The land in a P-C district shall be developed as a unified whole. All owners shall be included as joint applicants and all approvals shall bind all owners.
    - b. A building or land shall be used only in accordance with an approved detailed site [development](#) plan conforming with Chapter 20.04 and only for the uses permitted in Chapter 20.08, provided that the district shall be planned and developed as a unit, subject to the additional requirements and provisions of this section.
  2. General Procedures—Plans Required.
    - a. Establishment of a P-C planned commercial district shall follow the procedures for changes and amendments of Chapter 20.04, including notice and hearings, recommendations by the city plan commission and action by the city council. A detailed site [development](#) plan complying with the requirements of Chapter 20.04 shall be required.

- b. If the project is to be accomplished as a series of development units, a detailed site development plan of a proposed unit shall be submitted with a general concept plan and a schedule of phasing provided.
    - c. The proposed development shall follow all applicable procedures, standards, and requirements of this chapter and other regulations governing the subdivision of land. Where a plat is required, no building permit shall be issued until a final plat of the proposed development, or part thereof, is approved by the city plan commission, filed and recorded.
3. Supplemental Height and Bulk Standards.
  - a. When a community or regional shopping center is a part of a planned development of one hundred fifty acres or more, or where there are unique features of topography, access, and location with respect to existing and future development to justify such action, the city plan commission may recommend and the city council may approve height limits for community and regional shopping centers in excess of those specified in Chapter 20.12.
  - b. The floor area ratio for a neighborhood shopping center or area shall not exceed 0.30. A maximum floor area ratio may be specified for community and regional shopping centers or general commercial areas as a condition of development permit approval.
4. Compatibility with Nearby Properties. The development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, particularly in larger centers or where tall buildings are to be located in the vicinity of buildings of low height, and to this end may employ such design techniques as may be appropriate to a particular site, including location of building, orientation, spacing and setback of buildings, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and screening.
5. Access. The principal means of access shall be from arterial or collector streets. For a major shopping center, principal access shall be from at least one major arterial street. In no case shall the principal means of access be from a minor residential street. Access points shall be designed to minimize traffic hazard and congestion and shall be approved by the city engineer.
6. Internal Circulation. The design for internal circulation shall be appropriately related to access points and provide for safe and efficient movement of vehicles and pedestrians with special attention to reduction of crossing conflicts, improvement of visibility, convenience of pickup areas, traffic signs and speed controls.
7. Paved Areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.
8. Refuse. Refuse containers or refuse storage areas shall be hidden from general public view, either from within or outside the center, by means of fences, walls, or landscape planting.
9. Findings Required of City Plan Commission. Before recommending approval of a P-C planned commercial district, the plan commission shall make specific findings as follows:
  - a. That the location and design of the commercial areas are appropriate and are in compliance with the requirements and purpose of the P-C district, and specifically that there is adequate provision for traffic to and from the center, without undue congestion, on existing streets or on streets scheduled to be completed by the time the center is to be opened;
  - b. That a proposed construction timing schedule has been approved by the commission and is recommended for adoption by the city council;
  - c. Specific conditions, if any, which should be imposed, including recommendations to insure construction of improvements.

10. Abandonment After Final Approval.

- a. In the event that the detailed site development plan is approved by the city council and thereafter the applicant or his successor abandons said plan, or in the event the applicant or his successor fails to commence the development of a specific unit within four years after final approval has been granted, then such approval of the detailed site plan shall terminate and be deemed null and void unless such time period is extended by the city council upon recommendation by the city plan commission upon written application by the applicant or his successor.
- b. Once terminated, a new detailed site development plan must be approved following the procedures of Chapter 20.04, including public hearing, prior to issuance of a building permit or permits for the project.

E. Planned Industrial (P-I).

1. Compatibility with Nearby Properties. The industrial development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and services.
2. Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or other abutting property by a solid masonry wall not less than six feet or more than eight feet in height. This screening must be located behind any required landscaping. Screening may be waived by the city council where it is found the screening will not serve the purpose of blocking the view from a street or from a more restrictive zoning district.
3. Parking. Adequate parking space shall be provided off the street for all employees and visitors to the building, if necessary, in excess of the minimum requirements of Chapter 20.14. No parking shall be permitted in the required front yard or within ten feet of the boundary of any residential district and no storage of materials, equipment, or products shall be permitted in any part of a required front yard.
4. Loading.
  - a. Off-street loading space for individual uses shall be provided in accord with the provisions of Chapter 20.14. Loading operations shall be conducted within a building or screened from general public view from a front street where possible, but may be conducted at the side or rear of buildings whether or not facing a street.
  - b. Where an industrial tract abuts railroad property containing a spur track on the rear or side property line, railroad loading docks or the building itself may extend to the property line for the purpose of receiving service from the railroad spur tracks.
5. Paved Areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.

F. Special Residential Revitalization (SRR).

1. This district is established in recognition that developments containing both residential and commercial uses can create an appealing and vital urban environment when carefully designed. Developments approved for this district shall be designed to eliminate potential use conflicts through creative design methods. The SRR district allows for mixing residential environments

with workplaces and services. Development in the SRR district must accommodate transportation systems, surrounding environments and pedestrian movements.

2. District Boundaries. This district is created to maintain a compatible mix of residential and neighborhood commercial uses within the area known as South El Paso. For purposes of this section, South El Paso is defined as the area south of Paisano Drive, and lying between Santa Fe Street and Cotton Street. No applications for SRR zoning may be requested outside of South El Paso.
  3. Off-street parking requirements found in Chapter 20.14 shall not apply in this district; loading spaces, however, shall be required to comply.
- G. Residential, General and Industrial Mixed Use Districts (RMU, GMU and IMU). Uses permitted in a mixed-use development are as approved by city council through a master zoning plan. A mixed-use development may be authorized to encourage use schemes such as but not limited to, residential, entertainment, medical, and employment centers. The following principles and requirements shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan.
1. General Design Principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.
    - a. Development Perspective.
      - i. That the natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
      - ii. That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
      - iii. That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
      - iv. That proposed development noncontiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
      - v. That a mixture of housing types and densities be distributed throughout the mixed-use development.
      - vi. That transportation corridors be planned and reserved in coordination with land use patterns.
      - vii. That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
      - viii. That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
      - ix. That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
      - x. That neighborhoods be compact, pedestrian-friendly, and mixed use.
      - xi. That ordinary activity of daily living occurs within walking distance of most dwellings.
      - xii. That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.

- xiii. That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
  - xiv. That appropriate building densities and land use be provided within walking distance of transit stops.
  - xv. That civic, institutional and commercial activity be embedded, and not isolated, in the development.
  - xvi. That a range of open space including parks, squares, and playgrounds be distributed within the development.
  - xvii. That a development have sufficient size to accommodate the mixed-use concentration of uses.
- b. Building Perspective.
- i. That buildings and landscaping contribute to the physical definition of streets as civic places.
  - ii. That the design of streets and buildings reinforce safe environments.
  - iii. That architecture and landscape design grow from local climate, topography, history and building practice.
  - iv. That public gathering spaces be provided in locations that reinforce community identity.
  - v. That the preservation and renewal of historic buildings be facilitated.
  - vi. That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.
2. General Design Elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and mixed-use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.
- a. Neighborhoods limited in size and oriented toward pedestrian activity.
  - b. A variety of housing types, jobs, shopping, services, and public facilities.
  - c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
  - d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
  - e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
  - f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit and automotive vehicles.
  - g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
  - h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
  - i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.

- j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.
3. Architectural Objectives. As part of the review of the mixed-use development plan the architectural design shall achieve the following objectives:
    - a. Architectural compatibility;
    - b. Human scale design;
    - c. Integration of uses;
    - d. Encouragement of pedestrian activity;
    - e. Buildings that relate to and are oriented toward the street and surrounding buildings;
    - f. Residential scale buildings in any mixed residential area;
    - g. Buildings that contain special architectural features to signify entrances to the mixed-use development; and
    - h. Buildings that focus activity on a neighborhood open space, square or plaza.
  4. Roadway Design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of this Code shall apply in all instances.
  5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall apply for purposes of calculating required spaces.

Community-parking facilities or shared parking shall be encouraged in lieu of traditional off-street parking design. This concept would permit the collocation of required parking for individual uses in order to promote pedestrian activity within the neighborhood. In instances where shared parking is proposed, a shared parking study shall be reviewed by the city along with any traffic engineering and planning data that are appropriate to the establishment of parking requirements for the uses proposed. A shared parking study shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed uses. The shared parking analysis shall be based on the mixture of uses and corresponding peak demand for all uses. The study shall document the source of data used to develop recommendations.

6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the city council as part of the review of the master zoning plan.
7. Landscaping. Uses within a mixed-use development shall not be required to conform to the landscaping requirements of Title 18 (Building and Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and mixed-use development plan approval process.

(Ord. 16915 § 4, 2008; Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 20, 10-26-2010; Ord. No. 17801, § 4, 6-5-2012, eff. 6-11-2012)

20.10.370 - Mountain development.

- A. Purpose. The purpose of these regulations is to promote the following city objectives within mountain development areas:
1. To protect significant natural features of the mountain development area and preserve the city's unique visual setting as part of the comprehensive plan;
  2. To provide an alternative approach to conventional flat land development by allowing transfer of residential densities through clustering of dwellings in order to preserve larger areas of open space;
  3. To minimize scarring and disturbances of the natural character of the mountain development area through control of grading and cut/fill operations as defined in the grading ordinance;
  4. To control water runoff and soil erosion;
  5. To provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within the mountain development area;
  6. To encourage sound engineering practices related to mountain development.
- B. Minimum District Area. The minimum area for a mountain development district where common or public open space is to be provided shall be one acre. Extensions to the original district, from a common boundary, may be considered in increments of less than one acre, provided, however, that all other requirements are observed.
- C. Ownership Control. Where required, the common open space shall be owned by an incorporated or unincorporated association to assure that it will be permanently maintained in its natural state. Open space may be made public if dedicated or transferred in trust to the city and the city council accepts such dedication or transfer without affecting any other provision of this title.
- D. Density Permitted. The maximum dwelling units per gross acre shall be calculated based on the percentage average slope of the property as follows:

Percent Average Slope	Maximum Density per Gross Acre
0 to 5	7.0
5.1 to 10	6.0
10.1 to 15	5.0
15.1 to 20	4.0
20.1 to 25	3.0
25.1 to 30	2.5
30.1 to 35	2.0
35.1 to 40	1.5

40.1 or more	1.0
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E. Open Space Required. To retain the significant natural features of the mountain development area, common, public or private open space, or a combination thereof, shall be provided as part of a proposed development. The minimum amount of open space to be provided shall be based on the percent average slope of the property as shown below. The required open space within a mountain development district shall be shown on the subdivision plat and detailed site plan.

Percent Average Slope	Open Space Required/Percent of Total Gross Acreage to Remain Percent Average Slope Undisturbed
0 to 5	20
5.1 to 10	25
10.1 to 15	30
15.1 to 20	35
20.1 to 25	40
25.1 to 30	45
30.1 to 35	50
35.1 to 40	55
40.1 or more	60

F. Architectural Design Standards. Building and construction materials within a mountain development district shall meet the following architectural design standards:

1. Mirrored surfaces or any treatments that change ordinary glass into a mirrored surface shall be prohibited;
2. Bright untarnished copper or other metallic surfaces shall be treated to reduce reflections;



3. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast;
  4. Development design and construction techniques shall blend scale, form and visual character into the natural landform, and shall minimize exposed scars;
  5. Exterior lighting shall be low scale and directed downward, recessed, or shielded so that the light source is not visible from the adjacent developments;
  6. Reflective building materials shall be prohibited;
  7. No exterior paint colors shall be used which have a light-reflecting value (LRV) greater than forty percent. (The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.)
- G. Property Development Standards. The following property development standards shall apply to all land, buildings and structures within a mountain development district:
1. Subdivision Plat. Buildings and structures in a mountain development district shall be erected only on land where a plat or replat approved by the city plan commission, has been filed of record, and indicates compliance with the provisions of this section. Each attached or detached single-family dwelling must be platted on an individual lot prior to issuance of occupancy permits;
  2. 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 mountain development district, except where a development is for single-family detached dwellings meeting the minimum yard requirements of Chapter 20.12 (Density and Dimensional Regulations) and where common or public open space is provided to satisfy the open space requirements of this section. If a development is to be undertaken in a series of phases, a development schedule indicating the proposed phasing shall accompany the required detailed site plan;
  3. Common or Public Open Space. Where required, the total amount and distribution of common or public open space shall be shown on the detailed site [development](#) plan and subdivision plat and shall be expressed as the percent of the site which will remain in its natural state. Satisfactory provisions for assuring continued retention of the common or public open space shall be provided;
  4. Percent Slope. The percent slope of a proposed mountain development used to determine the common open space shall be shown on the required detailed site [development](#) plan and subdivision plat;
  5. Perimeter Treatment. The perimeter treatment of the proposed mountain development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible land uses and structures. A minimum setback of ten feet of separation for each story or fraction thereof shall be maintained between any structure and the outside boundary of the proposed mountain development.
- H. Private Streets. Where authorized by the city plan commission in approving a subdivision plat, streets may be privately owned.
- I. Preservation of the Environment. In all mountain developments, existing vegetation, animal life, arroyos, floodprone areas, steep slopes, and other natural features shall be considered in the planning, design and layout of buildings, service areas and location of streets in the allocation of open spaces reserve the natural environment.
- J. Right-of-Way and Pavement Widths. The right-of-way and pavement widths for internal ways, streets and alleys within and adjacent to the proposed mountain development shall be:
1. Determined from the standards contained in the city's current subdivision regulations and any applicable ordinance governing streets;

2. In conformity with the estimated needs of the entire mountain development and the traffic to be generated thereby;
  3. Adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs and the access for firefighting equipment vehicles while preventing undue scarring and grading.
- K. Off-street Parking and Loading. The minimum requirements for off-street parking and loading shall be satisfied as set forth in Chapter 20.14 (Off-Street Parking and Loading Regulations).
- L. Utilities and Public Services. Every mountain development shall be adequately served by essential utilities and public services such as water, sanitary sewer, storm drainage, police, fire and other similar services.
- M. Property Grading Standards. Grading in a mountain development shall be in accordance with Chapter 18.44 (Grading) of this Code.

(Ord. 16905 § 1, 2008; Ord. 16653 § 2 (part), 2007)