

EL PASO MISSION TRAIL HISTORICAL AREA ZONING REGULATIONS

ZONING REGULATIONS
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ARTICLE I. GENERAL PROVISIONS

Section 001: Short title.

This Order shall be know and may be cited as the “El Paso Mission Trail Historical Area Zoning Regulations”, hereinafter referred to as “regulations”.

Section 002: Authority.

A. This order is adopted pursuant to Chapter 231, Texas Local Government Code, Subchapter I, Zoning and Other Regulation in El Paso Mission Trail Historical Area by the El Paso County Commissioners Court, hereinafter referred to as Commissioners Court.

B. Whenever any provision of these regulations refer to or cite a Section of Chapter 231. Texas Local Government Code, Subchapter I, and that Section is later amended or superseded, the Regulation shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section of the State Law.

Section 003: Jurisdiction.

A. These regulations shall be effective throughout the area of land in El Paso County, known as the El Paso Mission Trail Historical Area, described in Section 231.172, Texas Local Government Code, and as shown by the same description and a land-use map in the El Paso Mission Trail Historical Area Comprehensive Plan*. Such planning jurisdiction may be modified from time to time by the State Legislature.

B. In addition to other locations required by law, a copy of a map showing the County’s planning jurisdiction shall be available for public inspection in the Office of County Road and Bridges.

*The El Paso Mission Trail Historical Area, described in Section 231.172, Texas Local Government Code, and as show by the same description and a land-use map in the El Paso Mission Trail Historical Area Comprehensive Plan, only covers the area within the unincorporated city of San Elizario within the County of El Paso. These zoning regulations do not cover the historical area surrounding the Ysleta Mission which falls within the jurisdiction of the Zoning Ordinance of the City of El Paso. Nor do these regulations cover the historical area surrounding the Socorro Mission. The area surrounding the Socorro Mission that is within the City limits of Socorro is covered by

the Zoning Ordinance for the City of Socorro.

Section 004: Effective date.

These regulations were originally adopted and became effective on **December 7, 1995.**

Section 005: Purpose.

- A. These regulations were adopted to promote the following purposes:
1. to provide for the orderly growth and development of the El Paso Mission Trail Historical Area;
 2. to promote tourism and use of parks and recreational areas;
 3. to preserve the areas of historical, cultural, or architectural importance or significance for the residents of this County and this state and other states and nations;
 4. to promote economic development that is compatible with the above-stated purposes;
 5. to lessen congestion in the streets and roads;
 6. to secure safety from fire, panic and other dangers;
 7. to promote health and the general welfare;
 8. to promote adequate light and air;
 9. to prevent the overcrowding of the land;
 10. to avoid undue concentration of population;
 11. to facilitate the adequate provision of transportation, water, sewers, parks, and other public requirements; or
 12. to assist in developing the area into parks, playgrounds, recreation areas, and educational areas and in preserving areas of historical, cultural, or architectural importance or significance for the residents of this state and other states and nations.

Section 006: Relationship to comprehensive plan.

A. It is the intention of the Commissioners Court that these regulations implement the planning policies adopted by the Court for the El Paso Mission Trail Historical Area, as reflected in the Comprehensive Plan, **adopted by El Paso County Commissioners Court on December 7, 1995**, and as it may in the future be modified or amended. Commissioners Court reaffirms its commitment that these regulations and any amendment to them be in conformity with the adopted plan: the Court hereby expresses its intent that neither this order nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan or any planning document.

Section 007: Fees.

A. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, home occupations, special-use permits, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be the same as those set by the City of Socorro for its Historic District surrounding the Socorro Mission.

B. Fees established in accordance with Subsection A shall be paid upon submission of a signed application or notice of appeal.

Section 008: Severability.

It is hereby declared to be the intention of the Commissioners Court that the Sections, paragraphs, sentences, clauses, and phrases contained in these regulations are severable, and if any such Section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any Court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining Sections, paragraphs, sentences, clauses, or phrases of these regulations since the same would have been enacted without the incorporation into these regulations of such unconstitutional or invalid Section, paragraph, sentence, clause or phrase.

ARTICLE II. DEFINITIONS

Section 021: Definitions of basic terms.

- (1) *Accessory Use.* (See Section 083)
- (2) *Adult Entertainment Business.* An establishment such as a sex parlor, nude studio, modeling studio, love parlor, adult book store, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.
- (3) *Antenna.* Equipment designed to transmit or receive electronic signals.
- (4) *Bed and Breakfast.* A building, or other that a hotel, motel, or boarding house, where for compensation eight or fewer rooms are offered as temporary lodging and only breakfast is offered to the registered guest(s).
- (5) *Boarding House.* A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.
- (6) *Board of Adjustment.* The body charged with hearing and deciding appeals from orders, requirements, decisions or determinations made by the zoning administrator.
- (7) *Building.* A structure designed to be used as place of occupancy, storage or shelter.
- (8) *Building, Accessory.* A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.
- (9) *Building, Principal.* The primary building on a lot or a building that houses a principal use.
- (10) *Child Care Home.* A residence which at any time provides care for no more than a total of twelve children under fourteen years of age, of which the resident's own children shall also be counted in the total number allowed.
- (11) *Combination Use.* A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Section 082, (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall

within the same principal use classification, this shall *not* constitute a combination use.)

- (12) *Commissioners Court.* The governing body of the County of El Paso.
- (13) *Convenience Store.* A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few item (in contrast to a “supermarket”). It is designed to attract and depends upon a large volume of stop-and-go traffic.
- (14) *The Core.* The portion of the El Paso Mission Trail Historical Area within 1,000 feet of the San Elizario Mission.
- (15) *Day Care Center.* A commercial facility which provides care, training, education, treatment or supervision for children under fourteen years of age, and for less than 24 hours a day.
- (16) *Development.* That which is to be done pursuant to a zoning permit, special-use permit, or sign permit.
- (17) *Drinking Water.* All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings.
- (18) *Driveway.* That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (19) *Duplex.* See *Residence, Duplex.*
- (20) *Dwelling Unit.* An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- (21) *El Paso Mission Trail Historical Area.* That area of land in El Paso County described in Section 231.172 Texas Local Government Code and as show by the same description in the land-use map in the El Paso Mission Trail Historical Area comprehensive plan.**
- (22) *Expenditure.* A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in positions.

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surrounding the Socorro Mission that is within the City limits of Socorro is covered by the Zoning Ordinance for the City of Socorro.

- (23) *Family.* One or more persons living together as a single housekeeping unit.
- (24) *Gross Floor Area.* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- (25) *Halfway House.* A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit.
- (26) *Historical Commission.* A body appointed by Commissioners Court which has jurisdiction over buildings and districts within the El Paso Mission Trail Historical Area.
- (27) *Home Occupation.* A commercial activity that: (i) is conducted by a person on the same lot where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 094), but that can be conducted without any significantly adverse impact on the surrounding neighborhood.
- (28) *Kennel.* A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale.
- (29) *Loading and Unloading Area.* That portion of the vehicle accommodation area used to accept shipments of goods, products, or inventory.
- (30) *Lot.* A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. The permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this Regulation.
- (31) *Mobile Home.* A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the [state building code applicable to site built homes], (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be

transported to the home site on its own chassis, (iii) exceeds 40 feet in length and eight feet in width, and (iv) is designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system.

- (32) *Mobile Home Park.* A residential use in which more than one mobile home is located on a single lot.
- (33) *Nonconforming Lot.* A lot existing at the effective date of this chapter that does not meet the minimum area requirement of the district in which the lot is located.
- (34) *Nonconforming Lot.* A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)
- (35) *Non-Public Water System.* Any water system supplying water for domestic purposes which is not a public water system.
- (36) *Nursing Care Institution.* An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.
- (37) *Parking Space, Off-street.* A portion of the vehicle accommodation area set aside for the parking of one vehicle.
- (38) *Public Water System.* A system for the provision to the public of piped water for human consumption, which includes all uses described under the definition for drinking water. Such a system must have a potential for at least fifteen (15) service connections or serve at least twenty five (25) individuals at least sixty days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system: and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than fifteen (15) connections or less than twenty-five (25) individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are fifteen (15) or greater or if the total number of individuals served by the combined systems total twenty five (25) or more at least sixty (60) days out of the year.
- (39) *Residence, Duplex.* A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

- (40) *Residence, Multi-Family.* A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch)
- (41) *San Elizario Historical Landmark Commission.* The body charged with hearing and deciding requests for certificates of appropriateness and certificates of demolition.
- (42) *Sewerage Facilities.* The devices and systems which transport domestic wastewater, from residential property, treat the wastewater, and dispose of the treated water in accordance with minimum state standards.
- (43) *Sign.* Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition; and (ii) is designed to attract the attention of such persons or to communicate information to them.
- (44) *Sign, Freestanding.* A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign.” Is also a freestanding sign.
- (45) *Sign, Nonconforming.* A sign that, on the effective date of this chapter, does not conform to one or more of the regulations set forth in this chapter, particularly Article XI, Signs.
- (46) *Sign, Off-Premises.* A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
- (47) *Sign Permit.* A permit issued by the zoning administrator, or other designated official that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.
- (48) *Sign, Temporary.* A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed or a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
- (49) *Special-Use Permit.* A permit issued by the Commissioners Court after recommendation from the San Elizario Historical Landmark Commission that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Commissioners Court.
- (50) *Street.* A public street or a street with respect to which an offer of dedication has been made.
- (51) *Structure.* Anything constructed or erected.

- (52) *Tower.* Any structure whose principal function is to support an antenna.
- (53) *Traffic Generation, High Volume.* Uses that have a projected volume of traffic that equals or exceeds 800 trips per day.
- (54) *Traffic Generation, Low Volume.* Uses that have a projected volume of traffic that is less than 800 trips per day.
- (55) *Transitional Housing.* A residence where no more than six disable persons, regardless of their legal relationship to one another, and two supervisory personnel may reside at the same time. The residence must provide food, shelter, personal guidance, care, habilitation or training services and supervision to the disabled residents. For purposes of this Sections a disable person is a person who has a physical or mental impairment, or both, that substantially limits one or more major life activities, such as caring for oneself., performing manual tasks, walking, seeing, hearing, speaking, learning, breathing or working.
- (56) *Use.* The activity or function that actually takes place or is intended to take place on a lot.
- (57) *Use, Principal.* A use listed in the Table of Permissible Uses, Section 082.
- (58) *Variance.* A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.
- (59) *Vehicle Accommodation Area.* That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading.
- (60) *Wholesale Sales.* On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- (61) *Zoning Administrator.* The official charged with the duty of administering and interpreting these zoning regulations.
- (62) *Zoning Permit.* A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of these regulations.

Section 022: Lots divided by district lines.

A. Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

B. Whenever a single lot greater than two acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

ARTICLE III. ADMINISTRATIVE MECHANISMS

Section 031: Appointment of County Zoning and Planning Commission

- A. All members the Commission shall be appointed by the Commissioners Court, and all members shall reside within the County of El Paso.
- B. Members of the Commission shall be appointed for two year terms, but members may continue to serve until their successors have be appointed.
- C. Members may be appointed to two (2) successive terms without limitation.
- D. If a member moves outside of El Paso County, that shall constitute a resignation from the Commission, effective upon the date a replacement is appointed by Commissioners Court.

Section 032. Meeting schedule of Commission.

- A. The Commission shall, at its first meeting, establish a regular meeting schedule and shall meet no less often than one time per month, provided, however, that in order to take action expeditiously on requests to be presented to the Commission, the Zoning Administrator may call special meetings.
- B. The Commission shall elect a chairman from its members, for a term determined by the Commission. An acting chairman may be selected at other meetings as needed for a particular issue or a particular meeting.
- C. Minutes shall be kept of all Commission proceedings, and shall be available for public inspection in the Office of County Judge.
- D. All Commission meetings shall be conducted in accordance with the Texas Open Meetings Law, Section 154 of these regulations, and other applicable state and federal laws.
- E. Notice of any action presented to the Commission for recommendation shall be accordance with Section 154 and shall be posted in accordance with the Texas Open Meetings Law.

Section033: Quorum and voting.

- A. A quorum for the Commission shall consist of a majority of the Commission membership. A quorum is necessary for the Commission to take official action.

B. All actions of the Commission shall be taken by majority vote, a quorum being present.

C. A roll call vote shall be taken upon the request of any member.

Section 034: Powers and duties.

A. The Commission may:

- (i) Make studies and recommend to the Commissioners Court, goals, and objectives relating to the growth, development, and redevelopment of the El Paso Mission Trail Historical Area.
- (ii) Develop and recommend policies, Regulations, administrative procedures, and other means for carrying out plans to a coordinated and efficient manner.
- (iii) Make recommendations to Commissioners Court concerning proposed zoning map changes.
- (iv) Recommend to the Commissioners Court boundaries for the original zoning districts and appropriate regulations for each district.
- (v) Perform other duties as assigned by Commissioners Court.

B. The commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of these regulations.

Section 035: Appointment of Board of Adjustment.

A. The Commissioners Court shall appoint a board of adjustment, hereinafter referred to as the Board to make special exceptions to the zoning regulations as further provided for in Articles III and V.

B. The Board shall consist of five members, appointed by the County Judge and approved by Commissioners Court. Their terms shall be for two years, except that two initial members shall be appointed for a one-year term. A member may be removed by the appointing authority for cause on a written charge, after a public hearing. Any vacancy on the Board shall be filled for the unexpired term in the manner described above for appointment of members.

Section 036: Meetings of Board.

The Board shall meet at the call of the chairman and at other times, as determined by the Board. The chairman or acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board must be open to the public.

Section 037: Quorum and voting.

- A. All cases before the Board shall be heard by at least four members.
- B. The concurring vote of four members of the Board is necessary to:
 - (i) reverse and order, requirement, decision, or determination of an administrative official;
 - (ii) decide in favor of an applicant on a matter on which the Board is required to pass under a zoning regulation; or
 - (iii) authorize a variation in a zoning regulation.
- C. The Board shall select from its members a chairman and shall adopt rules in accordance with orders of the Commissioners Court adopted under subchapter 23 1.178. Local Government Code.

Section 038: Powers and duties.

- A. The Board shall have the powers granted by, and be controlled by, subchapter 231,178. et. Seq., Local Government Code.
- B. The Board is empowered to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of these zoning regulations.
- C. In exercising these powers the Board may, in conformity with the state law and these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- D. Where, as part of its power to issue permits, the Board enforces conditions, the permits are valid only when all conditions are met.

Section 039: Administration.

- A. All applications to the Board will be in writing on forms prescribed by the Zoning Administrator or his designated official and shall be accompanied by a fee as established by Article I, Section 007, above to help defray the cost of publication, the giving of notice, and general expense in connection with the appeal. Before acceptance, all applications submitted shall be complete in all details.

B. Duration. Any authorization by the Board shall not be valid unless a zoning permit, or other required data is issued within one year after the date of Board authorization, unless otherwise directed by the Board at that time.

C. Extension of the time may be requested from the Board during the one-year period. The request for an extension shall be acted upon by the Board at the regular meeting, but no notice and hearing shall be required. If a Board authorization expires, a new appeal accompanied by a new fee is required.

D. Appeals for special exceptions may be granted, denied or granted with conditions by the Board.

E. Reapplication. The Board will not consider an appeal or application that is the same or very similar to one that has been denied, for a period of one year.

F. Revocation. The Board shall have authority to revoke a variance or special exception if it finds development and/or operation is not in accordance with the conditions under, which a variance or special exception was permitted.

ARTICLE IV. PERMITS

Section 041: Permits required.

The use made of property may not be changed, cleared, graded or excavated, and buildings or other structures may not be constructed, erected, moved or altered except in accordance with and pursuant to one of the following permits. Applications for these permits shall be accompanied by a permit fee to defray the general expenses in connection therewith, and shall be established by order of the Commissioners Court (Section 007).

Section 042: Zoning permits.

A. A zoning permit shall be issued by the Zoning Administrator upon a review that the proposed development will satisfy all of the requirements of these Regulations. A zoning permit application shall contain all of the information that is necessary for the Zoning Administrator to decide whether or not the development, if completed as propose, will comply with all of the requirements of these Regulations. Plans submitted by a property owner and used to make this determination shall be finally approved and incorporated into the zoning permit issued. All development shall occur strictly in accordance with such approved plans and zoning permit.

B. A zoning permit shall be issued in the name of a legal authority, shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by these regulations. For purposes of this Section, applications for zoning permits will accepted from owner or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under these Regulations. The zoning administrator or his designated official may require that evidence be submitted to show an applicant's legal authority.

C. The Zoning Administrator shall not issue a zoning permit, after reviewing the application, if he finds that the proposed development is not within the jurisdiction according to the Table of Permissible Uses: that the application is incomplete; or that the proposed development will not comply with one or more requirements of these Regulations.

D. No zoning permit shall be issued on property requiring a special use permit until such special use permit has been granted by the Commissioners Court. Prior to issuance of a zoning permit, applicants for property having a historic designation shall first be forwarded for review and approval before he San Elizario Historical Landmark Commission.

Section 043: Special use permits.

The Commissioners Court may by special use permit, after hearing and report by the Commission, authorize the location of the uses subject to special use permits identified in the Table of Permissible Uses. In addition to the development standards identified in these Regulations, the Commissioners Court may impose such additional conditions and safeguards as required go protect the public welfare and to conserve and protect property and property values in the vicinity of the special use permit.

Applications for special use permits shall be filed with the Zoning Administrator and shall be processed as a map amendment following the hearing and notice procedures identified in Article XV (Amendments) of these Regulations.

Special use permits shall be valid only when all conditions of the permit are complied with. Failure to comply with all conditions under which a special use permit has been granted shall constitute an offense which shall be punishable as provided in Article XVI (Penalties) of these Regulations.

Section 044: Sign permits.

Except as otherwise provided in Article XI (Signs), no sign may be constructed, erected moved, enlarged, illuminated or altered without first having obtained a sign permit issued by the Zoning Administrator. Sign permit applications shall be governed by the same provisions of these Regulations applicable to zoning permits. If plans submitted for a zoning permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of these Regulations, then issuance of the requested zoning permit shall constitute approval of the proposed sign or signs.

ARTICLE V. APPEALS, VARIANCES, INTERPRETATIONS

Section 051: Appeals.

A. An appeal from any final order or decision of an administrative official may be taken to the Board by:

- (i) a person aggrieved by the decision: or
- (ii) any officer, department, Board, or bureau of the County or of a municipality affected by the decision.

B. The appellant must file with the Board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty days of the final order or decision of an administrative official. On receiving the notice, the official from whom the appeal is taken shall immediately transmit the Board all the papers constituting the record of the action that is appealed.

C. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a Court of record on application, after notice to the official, if due cause is shown.

D. The Board shall set the appeal hearing within a reasonable time and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within a reasonable time.

E. The meeting and records of the Board shall be maintained in accordance with all applicable provisions of Texas state law. Notice shall be posted as required by the Texas Open Meeting Act, and all interested persons shall have an opportunity to present evidence and arguments. Minutes shall be kept of each meeting in the zoning administrator's office or such other place as Commissioners Court shall direct.

Section 052: Variances.

A. The Board is empowered to authorize, upon appeal in specific cases and subject to appropriate conditions or safeguards, such variance from the terms of this chapter as will not be contrary to the public interest; where, owing to special conditions, inherent in the property itself, a literal enforcement of the provisions of these regulations will result in unnecessary hardship to an extent preventing any reasonable use of the property whatsoever, and so that the spirit of these regulations shall be observed and substantial justice done.

B. The above power of the Board to grant variances shall not be interpreted to allow it to modify an off-street parking requirement by more than fifteen percent or to permit any use not allowed in the district; in which the property is located.

Section 053: Interpretations.

A. The Commissioners Court may, by appropriate order, designate a zoning administrator who shall have the duty of administering and interpreting these regulations. In the absence of an order from Commissioners Court designating someone as zoning administrator, the zoning administrator for the City of Socorro shall be the zoning administrator. The zoning administrator shall interpret these regulations and the zoning map, rule on questions of classification of uses, and issue permits, solely on the basis of the provisions of these regulations. Any decision of the zoning administrator is considered final and may be appealed only to the Board pursuant to Subsection 231.178 of the Texas Local Government Code and Article III of these Regulations.

B. The Board is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Zoning Administrator, acting in their capacity as zoning administrator, they shall be handled as provided in Section A above.

C. An application for a map interpretation shall be submitted to the Board by filing a copy of the application with the Zoning Administrator.

D. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (i) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines,
- (ii) Boundaries indicated as approximately following lot lines, survey lines, shall be construed as following such lines,
- (iii) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map.
- (iv) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Section 054: Special exceptions.

RESERVED

ARTICLE VI. NONCONFORMIG SITUATIONS.

Section 061: Non-conformities generally.

Within the zoning districts established by these Regulations, or amendments that may later be adopted, there exist lots, structures, uses of land or structures, and characteristics of use later be adopted, there exist lots, structures, uses of land or structures, and characteristics of use which were lawful before these Regulations were passed, but which would be prohibited, regulated, or restricted under the terms of these Regulations or future amendment. It is the intent of these Regulations to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of these Regulations that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures of uses prohibited elsewhere in the same zoning district. It is not the intent of these Regulations to authorize, and these Regulations shall not construed to authorize, uses which constitute public or private nuisances or are otherwise prohibited by law or these zoning regulations.

Section 062: Nonconforming lots.

When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth applicable to the intended use, except that the lot is smaller than the required minimums set forth in these Regulations, then the lot may be used as proposed just as if it were conforming. This Section applies only to underdeveloped lots where no permanent structures have been erected.

Section 063: Nonconforming projects.

Any structure or development that is incomplete at the time of adoption of these Regulations, and which would be inconsistent with any regulations applicable to the district in which it is located, bay be completed as proposed or planned. For purposes of this Section, the nonconforming project shall at least ten percent completed in terms of the total expected cost of the project on the effective date of these Regulations to enable the completion of the project. Any construction drawings based upon detailed surveying, architectural or engineering work or other plans for the project shall be provided to the Zoning Administrator for inspection and authorization for completion of the project to take place.

Section 064: Nonconforming uses.

Nonconforming uses that are otherwise lawful on the effective date of these Regulations may be continued, provided, however, that a nonconforming use shall not be changed unless changed to a nonconforming use. A nonconforming use which shall

cease for a continuous period of more than one hundred twenty days shall be deemed permanently abandoned and may not be continued except as provided in this Article.

Section 065: Extension or enlargement of nonconforming situations.

No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures is unlawful.

Section 066: Repair, maintenance and reconstruction of nonconforming situations.

A. Minor repairs and routine maintenance of property where nonconforming situation exist and permitted and encouraged. Major renovation of the structure may be done in accordance with a zoning permit issued pursuant to this Section.

B. If structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five percent of the appraised valuation for property tax purposes of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this Section.

ARTICLE VII. ZONING DISTRICTS AND ZONING MAP

Section 071: Zoning districts established.

A. The following agricultural district is hereby established: A1. This district is designed and intended to allow primarily agricultural or other open uses, and low density residential uses conducive to a rural atmosphere. Some types of mobile homes are allowed to be used for single-family residential purposes in this district.

B. The following residential districts are hereby established: R1 and R2. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

1. The R1 district is designed to accommodate single and two-family residential development (other than mobile homes) at medium and high densities.
2. The R2 district is designed to accommodate higher residential density developments (such as apartments), office uses and neighborhood, commercial activities, particularly those that are pedestrian or visitor oriented. This district is created to serve the needs of a residential and community neighborhood, by primarily providing retail shopping and personal service uses.

C. The following commercial district is hereby established: C1. The C1 district is designed to accommodate the widest range of commercial activities that draw business primarily painting, cleaning or assembling of goods, merchandise or equipment.

D. The following manufacturing district is hereby established: M1. This district is created primarily to accommodate enterprises engaged in manufacturing, processing, repairing, painting, cleaning or assembling of goods, merchandise or equipment.

Section 072: Official zoning map.

A. There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the El Paso Mission Trail Historical Area. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the office of County Roads and Bridges.

B. The Official Zoning Map dated December 7, 1995, is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Subsection D.

C. Should the Official Zoning Map be lost, destroyed, or damaged, the County Engineer may have a new map drawn on acetate or other durable material from which prints can be made. No further Commissioners Court action shall be required so long as no district boundaries are changed in this process.

Section 073: Amendments to official zoning map.

A. Amendments to the Official Zoning Map shall be accomplished using the procedures that apply to map amendments in these Regulations, as set forth in Article XV, (Amendments).

B. The Zoning Administrator shall update the Official Zoning Map as soon as possible after map amendments to it are adopted by Commissioners Court of the County. Upon entering any such amendment on the map, the County Engineer shall change the date of the map to indicate its latest revision. New prints of the updated map may then issue.

C. No unauthorized person may alter or modify the Official Zoning Map.

D. The Zoning Administrator shall keep copies of superseded prints of the zoning map for historical reference.

ARTICLE VII. PERMISSIBLE USES

Section 081: Interpretative provisions.

When used in connection with a particular use in the Table of Permissible Uses (Section 082), the letter “Z” means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator. The letter “S” means a special use permit must be granted by the Commissioners Court before a zoning permit may be issued by the County Engineer. No letter designation means that the use is not permissible in the indicated zone.

The presumption established by this article is that all legitimate uses of land are permissible within at least one zoning district in the County’s jurisdiction. Therefore, because the list of permissible uses set forth in Section 082 cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses. For the purposes of these Regulations, unless the contrary is clear from the context of the table or other regulations of these Regulations, uses not specifically listed are prohibited.

The assignment of uses to different categorical descriptions in the table is done for illustrative purposes only.

Section 082: Table of permissible uses.

		Zones				
		<u>AI</u>	<u>RI</u>	<u>R2</u>	<u>CI</u>	<u>MI</u>
1.00	Residential					
1.1	Single-family residences	Z	Z	Z	-	-
1.2	Two-family residences	-	Z	Z	-	-
1.3	Multi-family residences	-	S	Z	Z	-
1.4	Intermediate care homes for the elderly	S	S	S	Z	-
1.5	Child Care homes	Z	Z	Z	-	-
1.6	Halfway houses	-	S	S	Z	-
1.7	Rooming houses, boarding houses	-	S	Z	Z	-
1.8	Hotels, motels	-	-	S	Z	Z

		Zones				
		<u>AI</u>	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>M1</u>
1.9	Home occupations	Z	Z	Z	Z	-
1.10	Bed and Breakfast	S	S	Z	Z	-
1.11	Transitional Housing	Z	Z	Z	Z	-
2.00	Sales and Rental of goods, Merchandise and equipment					
2.1	Convenience store	-	S	Z	Z	-
2.2	Retail sales (low volume traffic generation)	-	S	Z	Z	-
2.3	Retail sales (high volume traffic generation)	-	-	S	Z	-
2.4	Wholesale sales (low volume traffic generation)	-	-	S	Z	-
2.5	Wholesale sales (high volume traffic generation)	-	-	-	Z	Z
3.0	Office, clerical, research and services (not related to goods or merchandise)					
3.1	Operations serving customers or Clients on premises	-	S	Z	Z	-
3.2	Operations designed for employee	-	S	Z	Z	-
3.3	Banks	-	-	S	Z	-

		Zones				
		<u>Al</u>	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>M1</u>
4.0	Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment					
4.1	Businesses with walk-in trade	-	-	-	-	Z
4.2	Businesses not done with walk-in trade	-	-	-	S	Z
5.0	Educational, cultural, religious, Philanthropic, social					
5.1	Kindergarten, elementary, junior high and high schools	Z	Z	Z	Z	-
5.2	Trade or vocational schools	-	-	S	Z	-
5.3	Colleges, universities	-	-	S	Z	-
5.4	Churches, synagogues, temples	S	S	Z	Z	-
5.5	Libraries, museums, art galleries and similar uses	-	S	Z	Z	-
5.6	Social, union halls, community buildings, and similar uses	-	S	S	Z	-
5.7	Day care centers	S	S	Z	Z	-
6.0	Recreation, amusement, entertainment					
6.1	Movie theaters	-	-	S	Z	-
6.2	Bowling alleys, billiard and pool halls, indoor athletic and exercise facilities and other similar uses	-	-	S	Z	Z

		Zones				
		<u>AI</u>	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>M1</u>
6.3	Coliseums, stadiums and other similar facilities	-	-	-	S	Z
6.4	Privately owned recreational facilities (such as golf courses, country clubs, swimming pools)	S	S	Z	Z	-
6.5	Publicly owned recreational facilities	Z	Z	Z	Z	-
6.6	Drive-in theaters	-	-	-	S	Z
6.7	Amusements park	-	-	S	Z	-
7.0	Institutional residences or care or confinement facilities					
7.1	Hospitals, clinics and other similar treatment facilities	S	S	S	Z	Z
7.2	Nursing care institutions	S	S	S	Z	Z
7.3	Sanitarium or other institutions	-	-	-	Z	Z
7.4	Penal an correctional facilities	-	-	-	-	Z
8.0	Restaurants, bars, night clubs					
8.1	Restaurants	-	S	Z	Z	-
8.2	Bars (where no food served)	-	-	-	Z	-
8.3	Adult entertainment businesses	-	-	-	Z	-

		Zones				
		<u>AI</u>	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>M1</u>
9.0	Motor vehicle-related sales And service operations					
9.1	Motor vehicle sales or rental	-	-	-	Z	-
9.2	Sales with installation of motor vehicle parts or accessories	-	-	-	Z	Z
9.3	Motor vehicle repair and maintenance	-	-	-	S	Z
9.4	Motor vehicle painting and bodywork	-	-	-	-	Z
9.5	Gas sales	-	S	Z	Z	-
9.6	Carwash	-	-	S	Z	-
10.00	Storage and parking					
10.1	Automobile parking garage or parking lot	-	-	S	Z	Z
10.2	Storage of goods not related to sale or use of goods on same lot where they are stored	-	-	-	Z	Z
11.00	Animal Services					
11.1	Veterinary clinic or hospital	S	Z	Z	Z	-
11.2	Kennel	S	Z	Z	Z	-

		Zones				
		<u>AI</u>	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>M1</u>
12.0	Emergency services					
12.1	Police stations	Z	Z	Z	Z	Z
12.2	Fire stations	Z	Z	Z	Z	Z
12.3	Ambulance service	Z	Z	Z	Z	Z
13.0	Agricultural, mining, quarrying operations					
13.1	Agricultural operations (farming), Including on-site sales of products	Z	S	-	-	-
13.2	Mining or quarrying operations, including on-site sales of products	-	-	-	S	Z
13.3	Reclamation landfill	-	-	-	-	Z
13.4	Pasturage and raising of large or small animals, including sales	Z	S	-	-	-
14.0	Public or governmental facilities					
14.1	Post office	S	S	Z	Z	-
14.2	Airport	-	-	-	-	Z
14.3	Sanitary landfill, water treatment plant and other similar facilities	S	S	S	Z	Z
14.4	Heliport	S	S	S	Z	Z

		Zones				
		<u>Al</u>	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>M1</u>
15.00	Dry cleaner, Laundromat	-	S	Z	Z	-
16.00	Open air markets and horticulture sales					
16.1	Farm and craft markets, flea Markets, produce markets	S	S	S	Z	-
16.2	Horticultural sales	Z	S	S	Z	-
17.00	Funeral homes, cemeteries, and crematorium					
17.1	Funeral homes	-	-	S	Z	-
17.2	Cemetery	S	S	S	Z	-
17.3	Crematorium	S	S	S	Z	-
18.00	Transportation terminals					
18.1	Bus station	-	-	-	S	Z
18.2	Taxi station	-	-	S	Z	Z

Section 083: Accessory uses.

Accessory uses shall be permitted in conjunction with permitted uses when the accessory use is regarded as incidental or insubstantial in of itself or in relation to the principal use, or if it is commonly associated with the principal use and integrally related to it.

Section 084: Permissible uses not requiring permits.

Public utility services shall be permitted uses in all zoning districts. Notwithstanding any other provisions of these Regulations, no zoning or special use permits are necessary for the following uses:

- A. Streets.
- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures.
- C. Wells, pumping stations, boosters, reservoirs, water storage tanks, lift stations, regulators, communications changes, substations, telephone booths, services, meters, gauges, drains, pipelines, conduits, together with the buildings, vaults or other structures appurtenant thereto located on sites sized and shaped to accommodate such uses.
- D. Railroad right-of-way and all appurtenant uses authorized by state or federal law.

Section 085: Change in use.

A change in use of property occurs whenever the change involves one principal use to another, requiring that new permits be obtained. A change in the status of the property from unoccupied to occupied or vice versa, or a change in ownership or business name, shall not be regarded as a change in use.

Section 086: Combination uses.

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

- A. A special use permit if any of the principal uses combined requires a special use permit;
- B. A zoning permit in all other cases.

ARTICLE IX. SUPPLEMENTARY DISTRICT REGULATIONS

Section 091: General restrictions.

A. No use permissible in any zoning district may generate noise, smoke, odors, vibration, air pollution, electrical disturbances or other such interferences that tend to have an annoying or disruptive effect upon land uses located adjacent to the space occupied by the particular use. All applicable county, state or federal regulations which impact these types of uses shall be observed.

B. Every building hereafter erected or moved shall be on a lot adjacent to and with vehicular access to a street, and all structures shall be located on lots as provide safe and convenient vehicular access.

C. Parking and storage of vehicles or trailer of any kind or type without current license plates or in inoperable condition shall not be parked or stored on any residentially zoned property other that incompletely enclosed buildings.

D. No recreational vehicle shall be parked or stored on any residentially zoned property except in a carport, enclosed building or behind the nearest portion of the residence to a street provided that it is not located within a required setback. No such recreational vehicle shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot.

E. A mobile home, scrap material salvage yard, junkyard or wrecking yard, or motor vehicle related sales and service operations which lawfully existed on the date of adoption of these Regulations may continue to occupy the same location provided that the screening provisions of Article XIII (Screening) are met.

F. No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered unless in conformity with the regulations set forth in these Regulations.

Section 092: Adult entertainment businesses.

A. In order to minimize the adverse effects that the operation of an adult entertainment business may have on a neighborhood or an area in which it is located, no person shall own, operate or conduct any adult entertainment business within one thousand feet of the following:

1. A church;
2. A public or private elementary or secondary school;

3. A nursery school, kindergarten, child care center, day nursery or day care center;
 4. A university, college, vocational or business school;
 5. A boundary of any residential district;
 6. A public park adjacent to a residential district;
 7. The property line of a lot devoted to any residential use;
 8. Another adult bookstore, adult motion picture theater or nude live Entertainment club;
- B. For the purposes of this Order, the following definitions shall apply;
1. “Conduct of any Business”. Any person who does any one or more of the following shall be deemed to be conducting business:
 - a. Operates a cash register, cash drawer or other depository on the sexually-oriented business premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;
 - b. Displays to or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the sexually oriented business premises;
 - c. Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the sexually oriented business premises;
 - d. Acts as a door attendant to regulate the entry of customers or other persons into the business premises; and
 - e. Supervises or manages other persons in the performance of the foregoing activities on the business premises.
 2. “Entertainment” means any act or performance, such as a play, skit, reading, revenue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors or customers. The term “entertainment” shall also mean bartenders, waiters, waitresses or other employees exposing “specified anatomical areas” or engaging in “specified sexual activities” in the presence of customers.

3. “Operator” means the manager or other natural person principally in charge of a sexually oriented business regulated by this Order.
4. “Owner” or “owners” means the proprietor of a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors and persons holding ten percent of the outstanding shares if a corporation.
5. “Specified anatomical areas” means less than completely and opaquely covered human genitals, public region, buttock and female breast below a point immediately above the areola.
6. “Specified sexual activities” means:
 - a. Human genitals in a state of actual or simulates sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
 - d. “Sexual intercourse,” “sexual contact” or “deviated sexual intercourse” as defined in Section 21.01, Texas Penal Code.

C. For the purposes of this section, measurements shall be made in a straight line, from the nearest portion of the building or structure used as a part of the premises of a sexually oriented business to the nearest property line of any uses listed in Subsection A of this Order.

Section 094: Home occupations.

A. Application for a home occupation shall be made to the Zoning Administrator and shall be accompanied by the appropriate application fee. No later than fifteen business days following the filing of the application, the Zoning Administrator shall notify the applicant whether the home occupation is approved or denied. If all requirements are met, the application shall be approved. Reasons for denial shall be stated in the notification. Once issued by the Zoning Administrator the home occupation permit shall be valid for three year, and subsequent annual renewals shall be required to continue the home occupation. Home occupation renewals shall also be made to the Zoning Administrator.

B. Home occupations shall be limited to residential uses permitted in a zoning district and which meet the following requirements:

1. No more than fifty percent of the total floor area of the residence may be used in the conduct of the home occupation;
2. There shall be no change in the outside appearance of the residence or premises due to the conduct of the home occupation, and there shall be no open storage of business related equipment or supplies;
3. No more than normal household traffic will be generated;
4. It shall not require regular use of commercial vehicles for delivery;
5. Only one person not a member of the resident household may be employed in connection with the home occupation;
6. There shall be no display sign indicating from the exterior of the residence that any portion of the home is being used for any purpose other as a dwelling, except that a wall nameplate measuring no more that two square feet shall be permitted to be mounted on the residence;
7. Only items made on a custom basis on the premises or items incidental to a home occupation shall be sold at retail on the premises.

Section 095: Mobile homes.

- A. Mobile homes shall not be permitted within the Historic District.

Section 096: Animal control.

The keeping of small or large animals, as permitted by these Regulations, shall be in strict conformance with the regulations of the El Paso City-County Health District. The following are supplemental regulations and are established for health and safety purposes.

1. No animals shall be kept closer than twenty-five feet from an adjoining lot;
2. Keeping of such animals shall not permitted in the required front or side setbacks on a lot;
3. All animals shall be provided with adequate enclosures, to contain them within the boundaries of the owner's property;

4. No animal dwelling shall be kept closer than one hundred feet to a water well;
5. All areas where animals are kept and maintained shall be maintained in a clean, orderly and sanitary condition at all times.

ARTICLE X. DENSITY REGULATIONS

Section 101: Minimum lot size.

A. All lots existing at the time of the passage of these regulations must comply with the minimum lot size requirements set forth in the El Paso County Subdivision Regulations and the El Paso Sewage Facility Order.

B. Except as otherwise provided in these Regulations, all lots with approved public water systems and approved organized off-site waste water facilities in the following zoning districts shall have at least the amount of square footage indicated in the following table:

<u>Zone</u>	<u>Minimum Square Feet</u>
A1	20,000 square feet
R1	10,000 square feet
R2	6,000 square feet*
C1	5,000 square feet*
M1	No minimum

*If used for residential purposes, otherwise no minimum.

C. Where permitted in a district, a lot proposed for multi-family residential purposes shall have the number of square feet indicated in the following table for each dwelling unit:

<u>Zone</u>	<u>Minimum Square Feet</u>
A1	2,400 square feet
R1	1,750 square feet
R2	1,000 square feet
C1	750 square feet

D. The minimum lot size for lots with approved public water systems but no approved organized off-site waste water facilities shall be no less one half (1/2) acre in area.

E. The minimum lot size for lots utilizing non-public water systems and on-site sewage disposal systems, shall be no less than ten (10) acres in area.

Section 102: Minimum lot widths.

No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- (i) Could be used for purposes that are permissible in that zoning district, and
- (ii) Could satisfy any applicable setback requirements for that district.

Section 103: Building setback requirements.

No portion of any building or structure may be located on any lot closer to any lot line than is authorized in the table set forth in this Section, except as otherwise provided in these Regulations. Setback distance shall be measured from the property line to a point on the lot that is directly below the nearest extension of any part of the building or structure that is substantially a part of the building or structure itself and not a mere appendage to it.

Minimum in Feet				
Zone	Front Yard	Back Yard	Side Yard	Rear
A1	50	20	25	
R	25	5	25	
C1	20	10	25	

These building setback requirements shall apply to all lots except those within the core. Building setbacks within the core shall be determined on a case by case basis to assure conformity with adjacent properties and to preserve the historic character of the core. Moreover, any building which has a side yard setback which is shorter than 25 feet shall have fire walls.

Section 104: Accessory building setback requirements.

A. Accessory buildings not over one story or twelve feet in height maybe located in a required rear year. Condensing units for central air conditioning systems shall be no closer than five feet to the lot line.

B. Any accessory building closer than five feet to main building shall be considered as part of the main building and shall be provided with the side and rear yard required for a main building.

C. The gross floor area of an accessory building shall not exceed the most restrictive of the following, except that four hundred square feet shall be permitted under any conditions:

1. Fifty percent of the gross floor area of the main building; or
2. Forty percent of the rear yard.

Section 105: Building height limitations.

A. The height of a building or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

B. Subject to the remaining provisions of this Section, building height limitations in the various zoning districts shall be as follows:

Zone	Height Limitation (in feet)
A1	35
R1	35
R2	35
C1	60*
M1	35*

*For non-residential uses, buildings may exceed the height limitation where an additional setback of one foot is provided from all lot lines for each one foot of height in excess of the allowable height.

C. The following features are exempt from the district height limitations set forth in Subsection B:

1. Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage,
2. Flagpoles and similar devices,
3. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices,
4. Towers, antennas and related structures,

5. Other like-features as determined by the Zoning Administrator, or other designated official.

ARTICLE XI. SIGNS

Section 111: General Standards.

- A. Any sign shall pertain only to a business, industry, or pursuit lawfully conducted on or within the premises on which such sign is erected or maintained;
- B. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; no sign of any kind shall be attached to a standpipe or fire escape;
- C. No sign shall be erected at the intersection of any streets in a manner which obstructs free and clear vision; or at any location where by reason of position, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which make use of the words “STOP,” “LOOK,” “DANGER,” or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic;
- D. It is unlawful for any person to display on any sign or other advertising structure any obscene, indecent, or immoral matter;
- E. Except for electrically activated gas tubing, sign illumination shall be either indirect with the source of light concealed from direct view or shall be through translucent light diffusing materials. There shall be no exposed electrical conduits;
- F. No sign shall flash, blink, vary in intensity, revolve, or otherwise appear to be in motion;
- G. No sign shall have movable parts except that those signs or marquees having design and construction features for changing of legend or inscription may be approved;
- H. No sign shall be erected or maintained on or over public property; except for wall signs projecting over a from property line where the building wall is less than one (1) foot from the property line; providing such sign shall not impede or endanger pedestrian or vehicular traffic;
- I. No sign shall be placed or constructed unless a zoning and sign permit shall have been issued.
- J. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, lot, or structure upon which such sign may be found unless the sign is of historical significance;

K. Whenever a sign is removed from a building or structure, the building or structure shall be cleaned, painted, or otherwise altered and all sign supports, brackets, mounts, utilities, or other connecting devices or the supports, brackets, mounts, utilities, or other connecting devices. Upon failure to comply with the provisions of this Section, the city zoning administrator's office is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the premises;

L. Any directional or informational sign or historic marker shall not exceed four (4) square feet;

M. Portable signs are prohibited in public right-of-ways on account of their danger to public safety. Such signs placed in public ways hinder traffic and interfere with driver concentration.

N. For building and wall-mounted signs, the sign bracing shall be below parapet walls or screened;

O. The area of a canopy sign shall be counted as part of the total allowable sign area:

P. The sign support structure for free-standing signs shall not exceed 50 percent of the allowable sign surface area for one sign;

Q. All sign bracing for roof signs shall be behind or below the parapet walls or screened and a roof sign shall not extend above the height limit established for the zoning district in which the sign is located;

R. Wall-mounted signs shall not project more than one (1) foot from the wall on which it is displayed and shall not exceed 20 percent of the area of the wall on which it is displayed and shall not exceed thirty (30) square feet in sign area, even if the district permits a larger total sign area;

S. One sign for temporary advertising during the active stages of construction or development of a building or structure is permitted and such sign shall not exceed (16) square feet in the core area and (32) square feet outside the core area;

T. Off-premise signs are not permitted in any district.

Section 112: Sign Permits.

Applications for permits for new signs shall contain:

A. The signature of the applicant;

B. The name and address of the sign owner and sign erector;

C. Three scaled lines drawings showing the design and dimensions of the sign and standard sign structure;

D. Three scaled lined drawings of the site plan or building façade indicating the proposed location of the sign, and all other existing signs maintained on the premises and regulated by this ordinance;

For single tenant buildings there may be a maximum of one sign for each street frontage per structure or site. For multi-tenant buildings, one sign is allowed for each storefront tenant.

Section 113: Signs in A1, R1, R2 Districts.

In all A1, R1 and R2 districts, no sign intended to be read from off the premises shall be permitted except there may be:

A. Not more than two (2) identification signs, with a combined sign area not exceeding twenty (20) square feet;

B. No such sign shall exceed ten (10) feet in height;

C. Any such sign shall be parallel to the front line adjoining public property and such signs erected on corner lots may be oriented parallel to either front lot line at election of the owner.

Section 114: Signs in C1, M1 Districts.

In C1 and M1 districts, no sign intended to be read from off the premises shall be permitted except there may be;

A. For one business establishment on the premises, not more than three (3) signs, any one of which shall not exceed eighty (80) square feet and all three (3) of which shall not exceed one hundred fifty (150) square feet;

B. For two business establishments on the premises, not more than four (4) signs total, any one of which shall not exceed eighty (80) square feet in area and all of which for any one business establishment shall not exceed eighty (80) square feet;

C. For three or more business establishments on the premises, one (1) sign with one (1) square foot of surface area for each one lineal foot of lot frontage on a street, for the purpose of general identification of the entire premises, in any event not to exceed one hundred fifty (150) square feet. In addition, one sign with one (1) square foot of surface area for each one lineal foot of building frontage not to exceed eighty (80) square feet per business establishment;

D. No permitted sign shall exceed twenty-five (25) feet in height.

Section 115: Maintenance of signs.

Every sign, including those specifically exempt from this code in respect to permits and non-conforming signs, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts. The Zoning Administrator shall have the authority to order the painting, repair, alteration or removal of any sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

Section 116: Nonconforming signs.

A. Signs which are nonconforming.

1. Signs which were erected prior to the adoption of these Regulations which do not conform to its provisions are deemed to be nonconforming. Nonconforming signs are exempt from the requirements of this Article except that they must comply with the provisions of this Section.
2. This Section recognizes that the eventual elimination as expeditiously and fairly as possible of non conforming signs is as much a subject of health, safety and welfare, as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this Section that any elimination of nonconforming signs shall be effected in a manner that will avoid any unreasonable invasion of established property rights.

B. Relocation, Reconstruction or Removal of Nonconforming Signs. The Commissioners Court may require the relocation, reconstruction or removal, the owner of the sign was located. The Zoning Administrator shall contact two sign companies in the area for written appraisals of the value of the sign and Commissioners Court shall then pay the higher appraised value to the owner of the sign or the owner of the real property on which the sign is located.

C. General Provisions.

1. Subject to the provisions set forth in this Article, nonconforming signs may be continued and maintained after the effective date of these Regulations, provided that no nonconforming sign shall be:
 - a. Changed to or replaced with another sign, including changing the sign face. Also provided, that this restriction shall not apply to a change made by the original or subsequent owners to the face of an existing sign that is structurally safe;

- b. Structurally altered in order to extend its useful life;
 - c. Expanded;
 - d. Reestablished after damage or destruction of more than sixty percent of its value at the time of such damage or destruction;
 - e. Modified or relocated in any way that would increase the degree of nonconformity of such sign.
2. This provision shall not prevent repairing or restoring any part of a sign structure to a safe condition or performing normal maintenance operations on a sign or sign structure.

D. Any sign which is erected without a permit after the adoption of these Regulations shall be deemed illegal and subject to removal. Signs are also subject to removal if they are prohibited or not properly maintained.

ARTICLE XII. PARKING

Section 121: Number of spaces required.

A. All developments in all zoning districts shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. Uses in the Table of Parking Requirements found in Subsection B, are indicated by a numerical reference keyed to the Table of Permissible Uses, Section 082. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

The Zoning Administrator is authorized to determine the parking requirements using this table as a guide for uses not specifically identified.

B. Table of Parking Requirements;

<u>Use</u>	<u>Parking Space Requirement</u>
1.00 Residential	
1.1 Single-family residences	2 per residence
1.2 Two-family residences	2 per dwelling unit
1.3 Mobile homes	2 per mobile home lot
1.4 Multi-family residences	1 per dwelling unit for 1 bedroom residences; 2 per dwelling unit for 2 or more bedroom residences
1.5 Intermediate care homes for	2 per home, plus 1 per 3 patients the elderly beds
1.6 Child care homes	2 per home, plus 1 per six children or portion thereof
1.7 Halfway houses	3 per home, plus 1 per tow sleeping rooms
1.8 Rooming houses, boarding houses	2 per home, plus 1 per two sleeping rooms

<u>Use</u>	<u>Parking Space Requirement</u>
1.9 Hotels, motels	5 per location, plus 1 per sleeping room or suite; separate calculation required for floor area used for restaurants, shops or offices
1.10 Home occupations	2 per residence, plus 1 where hire outside employee
1.11 Bed and Breakfast	2 per residence, plus 1 per Two sleeping rooms
1.12 Transitional Housing	2 per residence
1.13 Mobile home park	1 per mobile home space.
2.00 Sales and Rental of goods Merchandise and equipment	
2.1 Convenience store	1 per 200 square feet of gross floor area, 5 spaces minimum
2.2 Retail sales (low volume traffic generation)	1 per 200 square feet of gross floor area, 5 minimum
2.3 Retail sales (high volume traffic generation)	6 per 1000 square feet of gross floor area, 15 minimum
2.4 Wholesale sales (low volume traffic generation)	1 per 200 square feet of gross floor area, 5 spaces minimum
2.5 Wholesale sales (high volume traffic generation)	6 per 1000 square feet of gross floor area, 15 spaces minimum
3.00 Office, clerical, research and services (not related to goods or merchandise)	
3.1 Operations serving customers or clients on premises	1 per 200 square feet of gross floor area. 3 spaces minimum
3.2 Operations designed for employee traffic principally	1 per 400 square feet of gross floor area, 3 spaces minimum

<u>Use</u>	<u>Parking Space Requirement</u>
3.3 Banks	1 per 200 square feet of gross floor area, 5 spaces minimum
4.00 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment	
4.1 Businesses with walk-in trade	1 per 300 square feet of gross floor area, plus 1 per four employees
4.2 Businesses not done with walk-in Trade	1 per two employees, 10 spaces minimum
5.0 Educational, cultural, religious, philanthropic, social	
5.1 Kindergarten, elementary, junior high and high schools	2 per classroom: 5 per classroom in high schools
5.2 Trade or vocational schools	1 per four
5.3 Colleges, universities	1 per four years, or 1 for each four students, whichever is greater
5.4 Churches, synagogues, temples	1 per 125 square feet of gross floor area, 10 spaces minimum
5.5 Libraries, museums, art galleries and similar uses	10 plus 1 per 300 square feet of gross floor area in excess of 1000 square feet of gross floor area.
5.6 Social, union halls, community Buildings and similar uses	1 per 200 square feet of gross floor area
5.7 Day care centers	2 per classroom, 6 spaces minimum

<u>Use</u>	<u>Parking Space Requirement</u>
6.0 Recreation, amusement, entertainment	
6.1 Movie theatres	1 per 100 square feet of gross floor
6.2 Bowling alleys, billiard and pool halls, indoor athletic and exercise facilities and other similar uses.	1 per 150 square feet of gross floor area, plus 1 per tow employees
6.3 Coliseums, stadiums and other similar facilities	1 per 100 square feet of gross floor area
6.4 Privately owned recreational facilities (such as golf courses, country club, swimming pools)	1 per 150 square feet of gross floor area
6.5 Publicly owned recreational facilities	1 per 100 square feet of gross floor area
6.6 Drive-in theaters	1 per 100 square feet of gross floor area
6.7 Amusement park	1 per 100 square feet of gross floor area
7.0 Institutional residences or care or confinement facilities	
7.1 Hospitals, clinics and other or confinement facilities	1 per 100 square feet of gross floor area
7.2 Nursing care institutions	1 per three patient beds, 6 spaces minimum
7.3 Sanitarium or other institutions	1 per three patient beds
7.4 Penal and correctional facilities	1 per two employees

<u>Use</u>	<u>Parking Space Requirement</u>
8.00 Restaurants, bars, night clubs	
8.1 Restaurants	1 per 100 square feet of gross floor area
8.2 Bars (where no food served)	1 per 100 square feet of gross floor area
8.3 Adult entertainment businesses	1 per 100 square feet of gross floor area
9.0 Motor vehicle-related sales and service operations	
9.1 Motor vehicle sales or rental; Mobile home sales	1 per 200 square feet of gross floor area, 10 spaces minimum
9.2 Sales with installation of motor vehicle parts or accessories	1 per 200 feet of gross floor area floor area, 10 spaces minimum
9.3 Motor vehicle repair and Maintenance	3 per service bay
9.4 Motor vehicle painting and body work	3 per service bay
9.5 Automobile service station	1 per 200 square feet of gross floor area, plus 3 per service bay
9.6 Car wash	1 per two employees, plus 2 per stall
10.00 Storage and parking	
10.1 Automobile parking garage or parking lot	Not applicable
10.2 Storage of goods not related to sale or use of goods on same lot where they are stored	1 per storage space; 5 spaces minimum
11.00 Scrap material salvage yards, junkyards, wrecking yards	
	1 per 200 square feet of gross floor area

<u>Use</u>	<u>Parking Space Requirement</u>
12.00 Animal Services	
12.1 Veterinary clinic or hospital	1 per 400 square feet of gross floor area, 4 spaces minimum
12.2 Kennel	1 per 400 square feet of gross floor area, 4 spaces minimum
13.00 Emergency Services	
13.1 Police stations	1 per 200 square feet of gross floor area
13.2 Fire stations	1 per 200 square feet of gross floor area
13.3 Ambulance service	1 per 200 square feet of gross floor area
14.00 Agricultural, mining, quarrying operations	
14.1 Agricultural operations (farming), including on-site sales of products	5 spaces minimum where on-site of products is conducted
14.2 Mining or quarrying operations, including on-site sales of products	1 per two employees, plus 5 spaces where on-site sales of products is conducted
14.3 Reclamation landfill	1 per two employees
14.4 Pasturage and raising of large or small animals, including sales	5 spaces minimum for on-site sales
15.00 Public or governmental facilities	
15.1 Post office	1 per 400 square feet of gross floor area; 3 spaces minimum
15.2 Airport	1 per 100 square feet of gross floor area

<u>Use</u>	<u>Parking Space Requirement</u>
15.3 Sanitary landfill, water treatment plant and other similar facilities	1 per two employee
15.4 Heliport	1 per 300 square feet of gross floor area.
16.00 Dry cleaner, Laundromat	1 per 200 square feet of gross Floor area; 5 space minimum
17.00 Towers and related structures	
17.1 Towers, antennas, dishes and other similar structures, 50 feet tall or less	Not applicable
17.2 Towers, antennas, dishes and other similar structures, more than 50 feet tall	Not applicable
18.00 Open air markets and horticulture sales	
18.1 Farm and craft markets, flea markets, produce markets	1 per 200 square feet of gross floor area; 5 spaces minimum
18.2 Horticultural sales (nursery, greenhouse)	1 per 200 square feet of gross floor area
19.00 Funeral homes, cemeteries, and crematorium	
19.1 Funeral homes	1 per 50 square feet of gross floor area; 15 spaces minimum
19.2 Cemetery	1 per 200 square feet of gross floor area
19.3 Crematorium	1 per 200 square feet of gross floor area

<u>Use</u>	<u>Parking Space Requirement</u>
20.00 Transportation terminals	
20.1 Bus station	1 per 200 square feet of gross floor area
20.2 Taxi station	1 per 200 square feet of gross floor area
21.00 Historic landmark designation	Not applicable

Section 122: Parking space dimensions.

A. Each parking space shall contain a rectangular area at least nine feet wide by twenty feet long. Lines demarcating parking spaces may be drawn at various angles in relation to cur s or aisles, so long as the parking space so created contains the area required by this Section.

B. Where the number of off-street parking spaces required for any use is ten or more, up to twenty percent of the requir3ed parking spaces may be reduced to not less than eight feet in width by sixteen feet in length. If such spaces are provided, they shall be designated as reserved for small or compact cars only.

Section 123: General design requirements.

A. Access to all off-street parking facilities shall be arranged to minimize turning movements on the street.

B. Surfacing of all off-street parking facilities shall be with concrete, asphalted concrete, asphalt oil or any other comparable dust-free surfacing as approved by the Zoning Administrator, or other designated official.

C. Landscaping planting shall be required as part of the design of the off-street parking facility. No more than three parallel or approximately parallel rows of parking shall be allowed without separation by a landscaped area.

D. Directions to and movements along driveways providing access to parking spaces shall be indicated by painting on the parking lot surface or by directional signs.

E. Lighting of parking lots shall be provided wherever the lots are to be used during hours of darkness.

F. Parking lots shall be designed so that vehicles do not extend beyond the perimeter of the property onto adjacent properties or onto the street.

G. The off-street parking facilities for all uses shall be located on the same premises as the structure served.

Section 124: Joint use of required parking spaces.

One parking area may contain required off-street parking spaces for several different uses, except that the required space assigned to one use may not be credited to any other use. To the extent that developments wish to make joint use of the same parking spaces when the hours of operation for each development is different, the same spaces may be credited to both uses upon review and approval by the Zoning Administrator, or other designated official.

Section 125: Special provisions.

Notwithstanding other provisions of these Regulations, whenever (i) there existed a lot with one more structures on it constructed before the effective date of these Regulations, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of this Article cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the owner need only comply with the requirements of this Article to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) no adjacent properties are reasonably available for use as parking space.

Section 126: Loading and unloading areas.

A. Whenever the normal operation of a permitted use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided.

B. The loading and unloading area must be of sufficient size to accommodate the number and types of vehicles that are likely to use this area, and given the nature of the development.

C. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the street, and complete the loading and unloading operations without obstructing or interfering with any off-street parking space or street.

D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking.

Section 127: Handicapped parking.

On the number of off-street parking spaces to be provided for a permitted use as required in Section 121, one of every fifteen required off-street parking spaces or portion thereof shall be designated spaces for the handicapped. Each handicapped parking space shall contain a rectangular area at least thirteen feet wide by twenty feet long, and shall be appropriately identified with painting on the lot surface and signage.

ARTICLE XII. SCREENING

Section 131: Fencing.

A. Nonconforming Uses. Existing non-conforming uses of the following types shall, within 180 days after passage of these regulations, be screened on all four sides from view by fencing, landscaping, or a combination thereof:

- Junkyards
- Wrecking Yards
- Mobile Home Lots or Parks
- Used Automobile Sales Lots
- Automobile or Truck Repair
- Open Storage (any material)
- Landfills

B. Construction, Fencing shall be constructed of opaque, solid materials at least six (6) feet high, of one of the following materials: Brick, adobe, slump block, wood, rock, stuccoed concrete or stuccoed concrete block. Un-stuccoed concrete, un-stuccoed concrete block, though solid shall not be permitted. Open materials such as chain link, metal wire, picket fencing, slate-rail fencing or similar materials shall not be permitted.

Section 132: Landscaping.

Landscaping is required on all streets and parkways within the El Paso Mission Trail Historic Area, provided the plants are native or easily adaptable to this region, and do not create a safety hazard for pedestrians or vehicular traffic.

Satellite dishes must be screened from view by landscaping or structural walls.

ARTICLE XIV. HISTORIC PRESERVATION

Section 141: Declaration of policy.

The Commissioners Court finds and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education, safety and general welfare of the people. The purposes of this chapter are:

- A. To protect, enhance and perpetuate historic landmarks which represent or reflect distinctive and important elements of the county's region's, state's or nation's architectural, archaeological, cultural, social, economic, ethic, and political history and to develop appropriate settings for such places;
- B. To safeguard the county's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations;
- C. To stabilize and improve property values in such locations;
- D. To foster civic pride in the beauty and accomplishments of the past;
- E. To protect and enhance the county's attractions to tourists and visitors and provided incidental support and stimulus to business and industry;
- F. To strengthen the economy of the county;
- G. To promote the use of historic landmarks for the culture, prosperity, education and general welfare of the people of the county and visitors to the county;
- H. To prevent the uprooting of architectural products of distinct periods, which may occur without regard to the feasibility of preserving and continuing the use of such landmarks, and without consideration of the irreplaceable loss to the people of the county of the cultural, historic and aesthetic values represented by such landmarks.

Section 142: Historic landmarks or districts — Designation.

A. The Commissioners Court may designate buildings, structures, sites, districts, in the El Paso Mission Trail Historic Area as historic landmarks or districts and define, amend and delineate the boundaries thereof. Such designation shall be addition to any other designation established under the zoning regulations for the El Paso Mission Trail Historic Area. The zoning map shall reflect the designation of a historic landmark by the letter "H" as a suffix to any other use designation established in this chapter.

In making such designations as set forth in this Section, the Commissioners Court shall consider, but shall not be limited to, one or more of the following criteria:

1. Character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state or the United States.
2. Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entry on the National Register of Historic Places.
3. Embodiment of distinguishing characteristics of an architectural type or specimen.
4. Identification as the work of an architect or master builder whose individual work has influenced the development of the city.
5. Embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.
6. Relationship to other distinctive buildings, sites, or areas which are eligible for preservation according to a plan based on architectural, historic or cultural motif.
7. Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.
8. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
9. Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state, or the United States.
10. Location as the site of a significant historic event.
11. Identification with a person or persons who significantly contributed to the culture and development of the county, region, state, or the United States.
12. A building or structure that because of its location has become of value to the neighborhood, community area, or the county.
13. Value as an aspect of community sentiment of public pride.

Section 143: San Elizario Historical Landmark Commission — Creation.

A. There is created a Commission to be known as the San Elizario Historical Landmark Commission, hereinafter called the Historical Commission, consisting of five members appointed by the County Judge and Commissioners Court. The members of the Historical Commission shall serve without compensation and the membership shall include the following:

1. At least one architect registered and licensed to practice in Texas.
2. Other members of the Historical Commission shall be appointed from such other individuals and organizations as the Commissioners Court may, in its discretion, select, provided that no one business, economic, or professional interest shall constitute a majority to the Commission.

B. All Historical Commission members, regardless of background, shall have a demonstrated interest, competence, or knowledge in historic preservation within the County of El Paso.

C. Each member of the Historical Commission shall be appointed for a term of three years. The members shall elect as officers from the voting membership a chairman and a vice-chairman and shall likewise fill any vacancy in either of such offices. Any vacancy shall be filled by appointment by the County Judge for the remainder of the unexpired term.

D. Any appointed member of the Historical Commission who fails to attend three consecutive regular or called meetings of the Commission or fails to attend at least eight percent of all such regular or called meetings during any six-month period shall lose membership, unless such failure to attend was the result of circumstances beyond the member's control. Verification of attendance shall be based exclusively on the minutes of each meeting. The vacancy shall be filed by the Judge and Commissioners Court pursuant to this Section.

E. The County Judge and Commissioners Court are encouraged to draw on the knowledge, experience, and expertise of any persons in the community by appointing Advisory Boards and members to the Historical Commission. Membership may include, but shall not be limited to, representatives from the following fields:

Law
Architecture
Urban Design and Planning
Consumer Advocacy, representing residents
and/or business owners
Local preservationists or groups Prehistory or History

F. The Historical Commission shall meet at least once a month at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Law. Additionally, meetings may be called upon request of the chairman, or upon written request of three members.

Upon the filing of an application for a zoning permit in an historic district, or for a building designated as an historic landmark, the Historical Commission shall take action thereon within sixty consecutive days. If the Historical Commission fails to act on an application within sixty days, such application shall be deemed to have been recommended for approval and certificate showing the filing date and the failure to take action on the application within sixty days shall be issued. The applicant may withdraw the application before the sixty-day period expires and may resubmit it at a later time if additional time is required for the preparation of information or for research required by the Historical Commission.

A majority of the voting members shall constitute a quorum. Action at a meeting shall require the affirmative vote of a majority of the voting members present at the meeting.

G. The County Judge shall designate a representative to act as secretary of the Historical Commission who shall attend and keep the minutes of all meetings.

Section 144: Archaeological Site Review

Archaeological sites shall be treated as any other historic resource and shall also be reviewed by the Historical Commission.

A. Any project affecting designated archaeological sites shall be reviewed by the Historical Commission prior to its commencement. Any agency undertaking a public project, shall have a preliminary study made by a qualified archeologist to determine the effect that any such project may have on the site.

Information from the study shall be provided to the State Historic Preservation Officer for review and comment in accordance with 36 CFR 800 and 36 CFR 60. The State Historic Preservation Office shall make a determination of effect (36 CFR 800.5), and recommend treatment that is in conformance with the Secretary of Interior's Guidelines: Archeology and Historic Preservation.

B. If an archeological site is discovered during the course of construction, the property owner(s) shall notify the Historical Commissions to seek assistance on consulting with a qualified archaeologist. The archaeologist, the Historical Commission and the State Historic Preservation Officer shall evaluate on-site the significance of the findings.

C. Projects shall proceed when it has been determined that no adverse effect will occur or that the adverse effect has been mitigated.

D. Projects shall be halted temporarily when it has been determined that the site will be adversely affected or that a site has been evaluated as being significant. In these cases, the project shall be referred to the Historic Commission at a called meeting or at the Historic Commission's next regular meeting in order to consider alternatives and/or recommend a course of action.

Certificate of approval required.

A. No person or entity shall construct, reconstruct, alter, change remove or demolish any of the following unless a certificate of approval or a certificate of demolition has been approved by the Historical Commission:

1. Any permanent feature on a property listed as a Texas Antiquities Landmark or on the National Register of Historic Places.
2. Any building, object, site, landscape architectural feature, or group of such designated with the H-Overlay or designated as a significant historic landmark as defined by these regulations and designated by Commissioners Court.

B. The Historical Commission shall grant or deny certificates of appropriateness or certificates of demolition based on one of the following sets of criteria:

1. When Commissioners Court has adopted architectural and design guidelines for the El Paso Mission Trail Historical Area, those guidelines shall control.
2. When no guidelines have been adopted, then the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall apply. (36 CFR 68; U.S. Department of the Interior, National Park Service, preservation Assistance Division, U.S. Government Printing Office Document Number: 1983 0-416-688, Washington, D.C. Revised 1983).

C. Procedure

1. Proposed exterior changes and alterations shall be submitted in writing directly to the Historical Commission for a certificate of approval which must be granted before such work can be undertaken. Applicant shall submit a copy of all proposed alterations and changes, specifically describing what is proposed. Any applicant must appear at a regular or special meeting of the Historical Commission before submitting an application and may consult with such members during the review of the application.

2. The Historical Commission, upon ten days written notice to the applicant, shall hold a hearing on the application. Upon review of the application, if the Historical Commission finds the proposed work of a nature which will not adversely affect any significant architectural or historical feature of a designated historic property and is appropriate and consistent with the spirit and purposes of this Section, if action is required by the Commission then a copy of the Certificate of Appropriateness will be forwarded to that body also.
3. If the Historical Commission finds that the proposed work will adversely affect or destroy any significant architectural or historical feature of the designated historic property, or is inappropriate or inconsistent with the spirit and purposes of this Section, it shall notify the applicant within ten days of receipt of such application that the application has been disapproved and shall include in such notification the changes necessary for approval of the application.
4. If no action has been taken by the Historical Commission within sixty days of the receipt of the application, a certificate of appropriateness shall be deemed issued.
5. No change shall be made in the application for issuance of a certificate of appropriateness without re-submittal to the Historical Commission and approval thereof in the same manner as provided in this Section.
6. After a decision is reached by the Historical Commission denying an application for a certificate of approval, a re-submittal of application will not be accepted for additional hearing for the same property within a twelve-month period from the date of final decision unless supporting evidence indicates there has been a substantial change in conditions, or that all changes in the application, as recommended by the Historical Commission, have been made.

D. Ordinary repair or maintenance which does not involve changes in architectural and historical values, style or material is exempt from the provision of this Section.

Section 145: Demolition or removal.

A. An application for demolition or removal of a designated historic property shall be submitted to the Historical Commission. The Historical Commission shall hold a public hearing on the application within thirty days after the applicant is initially filed.

The applicant shall be given ten days written notice of the hearing. The Historical Commission shall consider the historic value, the state of repair of the building, the reasonableness of the cost of restoration, or repair, the existing and potential usefulness, including economic usefulness, of the building, the purposes behind preserving the structure as a historic property, the character of the neighborhood, and any other factors it finds appropriate.

If the Historical Commission determines that the interest of preserving historical values will not be adversely affected by such demolition or removal or that the interest of preserving historical values can best be served by the removal of the structure to another specified location, it shall issue a certificate of demolition or a certificate of removal to the Zoning Administrator who shall so advise the applicant within five days there from.

If a certificate of appropriateness is denied by the Historical Commission, an applicant may appeal pursuant to Section 147, below

B. If no action has been taken by the Historical Commission within sixty days of original receipt by the application, a certificate of demolition or certificate of removal shall be deemed issued by the Historical Commission.

C. After a decision is reached by the Historical Commission denying an application for a certificate of demolition or a certificate of removal, a re-submittal of application for such certificate will not be accepted for additional hearing within a twelve-month period from the date of final decision, except upon written request of the applicant indicating that there has been a change in conditions sufficient to warrant an earlier rehearing.

D. Demolition by neglect:

1. No owner or person with an interest in real property designated as a significant historic landmark shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature or interior feature on a designated historic interior, which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole, or the life and character of the individual property itself.

Examples of such deterioration include:

- (a) Deterioration of roofs or other horizontal members.
- (b) Deterioration of chimneys.
- (c) Deterioration or crumbling of stucco or mortar.

- (d) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
 - (e) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
2. Upon notification to the Commission of such a state of disrepair, the Commission shall notify the owner in writing, informing them of the complaint and specifics of the alleged deterioration, requesting that the owner appear before the Commission for a fuller and more accurate determination of the existence of detrimental deterioration.
 3. If, after a hearing before the Commission, the Commission determines that the deterioration has produced a detrimental effect as described in paragraph A above, the owner, tenant, or anyone with an interest in the property, shall be given a reasonable time and opportunity to cure the deterioration by restoration or other appropriate actions. The owner of individual who will be restoring the property must comply with all requirements of requesting a Certificate of Appropriateness from the Commission. This may be requested at the time of the hearing in B. Property owners may appeal to the Commission or City Council under _____.

Section 146: Notice.

Any notice required to be given under this Section shall be by certified mail, return receipt, to the addressee at his last known mailing address. Notice shall be provided in accordance with requirement of Section 154 B.

Section 147: Appeal to Commissioners Court.

A. Any applicant aggrieved by a ruling of the Historical Commission under the provisions of this Section may, within 15 days after the ruling of the Historical Commission, appeal to the Commissioners Court by filing a notice of appeal with the County Clerk. A public hearing shall be held within at least sixty days of the filing of a notice of appeal with the county clerk, the Commissioners Court may, by a simple majority vote, uphold or overturn the ruling of the Historical Commission.

B. Any applicant or the owner of any property located within the Mission Trail Historic District or within three hundred feet of any historic property who is aggrieved by a ruling of the Historical Commission concerning that property may, within sixty days after the ruling of the Historical Commission, appeal to the Commissioners Court by filing written notice of such appeal with the county clerk. Following a public hearing to be held within sixty days of the filing of such notice of appeal, the

Commissioners Court may, by a simple majority vote, uphold or overturn any ruling of the Historical Commission made pursuant to this Section.

ARTICLE XV. AMENDMENTS

Section 151: Amendments generally.

The Commissioners Court on its own motion or on request may amend, supplement or change by order of the Commissioners Court, the boundaries of the districts or the regulations herein established. Amendments to the text of these Regulations or to the zoning map may be made in accordance with the provisions of this article. The term map amendment shall refer to an amendment that addresses the zoning district classification of any parcel of land, or any portion thereof. Applications for text or map amendments shall be accompanied by a filing fee to defray the general expenses in connection therewith, and shall be established by order of the Commissioners Court.

Section 152: Initiation of amendments.

A. Text amendments.

1. Whenever a request to amend these Regulations is initiated by the Commissioners Court, the Commission, or county administration, the County attorney in consultation with the Zoning Administrator shall draft an appropriate order and present that Regulation to the Commissioners Court.
2. Any other person may also petition the Commissioners Court to amend these Regulations. The petition shall be filed with the Zoning Administrator and shall include, among the information deemed relevant by the Zoning Administrator:

The name, address, and telephone number of the applicant;

A description of the proposed change in the text and a summary of the specific objectives to be attained; and

A description of the land, if any, to be affected by the proposed change in the text.

Upon receipt of the petition, the Zoning Administrator shall either: treat the proposed amendment as one initiated by the County administration and proceed in accordance with Subsection 1 if he considers the proposed amendment to have significant merit and would benefit the general public; or forward the petition to the Commissioner Court for a determination of whether an order should be drafted.

B. Map amendments. All requests for amendments to the Official Zoning Map shall be filed with the Zoning Administrator. Proposals shall be made in writing and shall contain at least the following information:

The name, address, and phone number of the applicant;

If the applicant is not the owner of the property in question, the name, address and phone number of the owner, and the legal relationship of the applicant to the owner that entitles the applicant to make application;

The date of the application;

Identification of the property for which a map amendment is requested by street address and legal description;

The zoning district within which the property lies, and identification of the particular zoning requested;

A statement of the nature of the development proposed under which the proposed map amendment is requested;

The number of square feet in the property where the development is to take place; and

The gross floor area of all existing or proposed buildings located on the property where the development is to take place.

Every application for a map amendment shall be accompanied with a location map which identifies the boundaries of the property proposed for a map amendment, and a detailed site plan of the proposed development. The site plan shall show the elevations or perspective of the proposed building(s); the height of all structures; the number of dwelling units in residential structures; the yards and setbacks; proposed driveways and parking; landscaping, walls and screening; storm water drainage; signage; and such other detailed information which is deemed necessary for review of this application. Five copies of this site plan are required.

Section 153: Commission consideration of proposed amendments.

All amendments to the text of these Regulations and to the zoning map shall be referred to the Commission for its report and recommendation.

The Zoning Administrator shall schedule a public hearing before the Commission, pursuant to Section 154. The Commission shall submit a written report to the Commissioners Court on the merits of the proposed text or map amendment. The Commission may recommend approval, approval with conditions, or disapproval. The report of the Commission shall include the relation of the proposed change to the

County's comprehensive plan. In the event of recommendation for disapproval by the Commission, the procedure shall be concluded unless the applicant within fifteen days of the Commission action requests a review by the Commissioners Court. Upon receipt of such a request, the Zoning Administrator shall forward the request for amendment to the Commissioners Court within fifteen days of the request for review, and shall submit a report giving the Commission's reasons for recommending disapproval.

If an applicant fails to appear or be represented at the time the case is scheduled for hearing before the Commission, in the discretion of the Commission the hearing may be postponed or may be heard without the applicant's presence or representation. If the case is postponed, the applicant shall be notified by certified mail that his appearance is required at the date of the postponed hearing. Failure to appear or be represented at the postponed hearing shall result in automatic dismissal of his case for want of prosecution.

No application for a map amendment for a given property may be resubmitted within twelve months from the date of public hearing before the Commission, or Commissioners Court, whichever is later.

Section 154: Hearing required: notice.

A. No order of the Commissioners Court that amends any of the provisions of these Regulations or the Official Zoning Map may be adopted until a public hearing of the Commission has been held on such amendment. Conduct of the hearing shall be in accordance with these Regulations and the bylaws of the Commission.

B. With respect to map amendments, the Zoning Administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning district is changed by the proposed amendment, as well as all the owners of properties any portion of which is within two-hundred feet of the property rezoned by the proposed map amendment. Required notices shall include the date, time and place of the hearing, a description of the subject matter of the hearing, the body holding the hearing, the property whose zoning district would be affected by the amendment, and the nature and character of the proposed amendment.

Section 155: Commissioners Court action on amendments.

A. The Commissioners Court, after report and recommendation of the Commission and after public hearing notice as outlined in Subsection's B and C, may vote on the proposed text or map amendment, may refer it to the Commission for further study, may vote to deny the request, or may take any other action consistent with its rules of procedure. In deciding whether to adopt a proposed amendment, the central issue before the County Commissioners Court is whether the proposed amendment advances the public health, safety, or welfare. The Commissioners Court shall consider the impact of the proposed amendment on the public at large, and shall consider the relation of the proposed change to the County's Comprehensive Plan, The

Commissioners Court may enact the amendment with or without modification and may follow the recommendations of the Commission by majority vote. A majority vote of all members of the Commissioners Court is required to overrule a recommendation of the Commission that an application for amendment be denied. Any decisions by the Commissioners Court shall set forth the reasons for their action.

B. On applications for text or map amendments, the Zoning Administrator shall publish notice of the hearing before the Commissioners Court fifteen days before the date of the scheduled hearing in a newspaper of general circulation in the county. The published notice shall contain the name of the property owner(s) and legal description of the property as well as the address assigned to the property, and the requested change.

C. On applications for map amendments, the Zoning Administrator shall mail written notice to the record owners for tax purposes of all properties whose zoning district is changed by the proposed map amendment, as well as all the owners of properties any portion of which is within two-hundred feet of the property rezoned by the map amendment. Required notice shall include the date, time and place of the hearing, a description of the subject matter of the hearing, the body holding the hearing, the property whose zoning district would be affected by the amendment, and the nature and character of the proposed map amendment.

Section 156: Protects to zoning district changes.

If a petition opposing a map amendment of any property is filed in accordance with the provisions of this Section, then the proposed map amendment may be adopted only by a favorable vote of three-fourths of the Commissioners Court membership. To trigger the three-fourths vote requirement, the petition must:

Be signed by the owners of twenty percent or more either of the lots included in a proposed change, or any portion of the lots immediately adjacent to the rear of the lots covered by the proposed change and extending two-hundred feet from those lots or from the street frontage of the opposite lots.

Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed map amendment.

Be received by the Zoning Administrator in sufficient time to allow the County at least two normal working days before the date of the public hearing before the Commissioners Court on the proposed map amendment to determine the sufficiency and accuracy of the petition.

This provision shall apply as subsequently amended from time to time within Section 231.177 of Subchapter 1, Chapter 231 of the Local Government Code.

ARTICLE XVI. PENALTIES

Section 161: Enforcement.

The Commissioners Court may adopt orders to enforce these regulations, as provided by Section 231.182, Texas Local Government Code.

Section 162: Commission of offense.

A person commits an offense if the person violates these regulations or an order adopted under these regulations. An offense under these regulations is a Class B misdemeanor. Each day that a violation occurs constitutes a separate offense. Trial shall be in a County Court.

Section 163: Penalty.

A person who violates these regulations or an order adopted under these regulations is liable to the County for a civil penalty in an amount not less than \$200.00 but not more than \$1,000.00 for each day the violation exists. The appropriate attorney representing the County in civil action may file a civil action in a court of competent jurisdiction to recover the civil penalty. If the appropriate attorney for the County prevails in the civil action, the person shall reimburse the attorney for the costs of the civil action, including court costs and attorney's fees. A penalty recovered under this subsection shall be deposited in the County treasury to the credit of the general fund.

Section 164: Other remedies.

A. If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, razed, or maintained or if a building, other structure or land is used in violation of these regulations, the appropriate County authority, in addition to other remedies, may institute appropriate action to:

1. prevent or remove the unlawful action or use, including an unlawful erection, construction, reconstruction, restoration, alteration, repair, demolition, conversion, razing or maintenance;
2. enjoin, restrain, correct, or abate the violation;
3. prevent the occupancy of the building, structure, or land; or
4. prevent any illegal act, conduct, business, or use on or about the premises.

