ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.16 (SCREENING AND FENCING) AND SECTION 20.16.020 (MANDATORY WALLS), OF THE EL PASO CITY CODE TO AMEND CERTAIN MANDATORY WALL REQUIREMENTS ALONG DRAINAGE STRUCTURES AND CANALS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens; and,

WHEREAS, certain changes have been made to the city's grading ordinance which necessitate a change to the zoning provisions concerning mandatory walls; and,

WHEREAS, the Development Coordinating Committee and City Plan Commission recommend approval of the proposed changes; and

WHEREAS, the El Paso City Council finds that the proposed amendments as herein provided will have a positive impact upon the public health, safety, morals, and general welfare of the City;

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

SECTION 1. That Title 20, Zoning, Chapter 20.16, Screening and Fencing, Section 20.16.020, Mandatory Walls, Subsection C of the El Paso City Code shall be and hereby is amended to read as follows:

20.16.020, Mandatory Walls

C. A six-foot-high tubular or wrought iron fence or a six-foot-high masonry wall or a combination thereof shall be erected along any property line adjacent to drainage structures or irrigation canals when buildings are erected on such properties or before the property is used for other than agricultural uses, or if the property on which the drainage structures are located on is utilized as a park/pond approved by the city; except that this requirement may be waived by the city engineer if the property owner provides an alternative design to ensure the public health and safety. Such alternative design shall not include a chain link fence and shall be prepared and sealed by a professional engineer in accordance with the following conditions:

1. The side slope is equal to or less than three is to one;
2. The flow depth is equal to or less than three feet at the deepest point;
3. The velocity of the runoff is equal to or less than 4 feet per second.

Fencing requirements for natural drainage paths are set forth in Section 18.44.200. Property abutting non-City owned drains, canals and laterals that are used or were formally used for irrigation purposes do not need to meet the mandatory wall requirement specified in this subsection.

SECTION 2. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of _____ 2011.

CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Deputy Director
Planning and Economic Development