

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS), ARTICLE III (BILLBOARD REGULATIONS), TO RENAME SECTION 20.18.270 (RELOCATION OF CERTAIN BILLBOARDS FOR A CITY PUBLIC WORKS PROJECT OR CITY OR STATE ROADWAY IMPROVEMENT PROJECT) TO (RELOCATION OF BILLBOARDS) AND TO AMEND THAT SECTION IN ITS ENTIRETY BY REORGANIZING THE EXISTING STANDARDS AND TO ADD NEW STANDARDS AND REGULATIONS FOR RELOCATION OF CERTAIN BILLBOARDS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Plan El Paso prioritizes the redevelopment of existing neighborhoods and the traditional cores of the City; and,

WHEREAS, Off premise signs are inherently auto oriented and their relocation to auto oriented corridors may aid in the redevelopment and beautification of existing neighborhoods; and,

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals, and general welfare of the community; and,

WHEREAS, Title 20 (Zoning) regulates sign standards for aesthetics, safety, and to provide adequate information to the public; and,

WHEREAS, Title 20 (Zoning) regulates sign standards based on the finding that “the number, sizes and height of signs in the city ... is unduly distracting and confusing to motorists and pedestrians, creates traffic hazards, and reduces the effectiveness of signs needed to direct the public; that the appearance of the city, particularly that of its residential and light commercial districts, is marred by the excessive number of signs; that the aforementioned effects detract from the pleasure, safety and economic well-being of the community, and that the number of distracting signs ought to be reduced in order to lessen the detrimental effects; That the use of signs in the exercise of First Amendment freedoms must be balanced against the community, neighborhood, and social impacts of such signs”; and that the regulations contained in this chapter are the minimum amount of regulation necessary to achieve its purpose; and,

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

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

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

SECTION 1. That Title 20, Zoning, Chapter 20.18.270, Relocation of certain billboards for a city public works project or city or state roadway improvement project, be amended as follows:

20.18.270 Relocation of Billboards.

- A. Relocation of Certain Billboards for a City Public Works Project or City or State Roadway Improvement Project.
1. Legal and legal non-conforming billboards located on or overhanging a parcel of land acquired by the State of Texas for roadway expansion projects may be relocated subject to the restrictions in this section.
 2. The owner of the billboard must submit a billboard relocation application, along with supporting documentation from the State requiring the relocation, within one year after the billboard is actually removed from the parcel of land. The applicant shall pay the established fee. The relocation must be completed within one year after approval of the relocation application.
 3. Except as provided in this section, relocated billboards must fully comply with the size, height, spacing, setback, and other restrictions in this Title.
 4. Relocation to remainder.
 - a. All relocated billboards must be relocated to the remainder of the tract on which the billboard is located, unless it is not possible for the following reasons:
 - b. there is no remainder;
 - c. the owner of the billboard is unable to obtain an agreement from the property owner of the remainder; or
 - d. the remainder is not of sufficient size or suitable configuration to allow the relocated billboard to be as visible as the original billboard from the nearest main traveled thoroughfare.
 - e. Billboards relocated to a remainder must comply with Section 20.22.090, and must be placed no less than 500 feet from an existing billboard.
 5. Restrictions on relocations.
 - a. A billboard shall not be relocated to a scenic corridor or special control area.
 - b. A billboard not located on a road on the state highway system must be relocated at least 500 feet from another off-premise billboard.
 - c. A billboard located on a road on the state highway system must be relocated at least 500 feet from another off-premise billboard on the same side of the freeway.
 - d. A relocated billboard may not have a greater sign face area than it had at its original location, except that the sign face area of multiple relocated billboards may be combined, provided that:
 - i. the overall number of billboards within the city is reduced;
 - ii. the sign face area of the combined billboard shall not exceed six hundred seventy two square feet, the maximum size of a bulletin sign;

- iii. stacked billboards are prohibited.
 - e. Two one-sided billboards may be relocated to create one two-faced billboard, provided that the two faces are oriented within 60 degrees of one another.
 - f. All relocated billboards must be built to comply with the building code.
 - ~~g.~~ A billboard may not be relocated until demolition and other required permits have been applied for and approved by the city.
 - ~~h.~~ A billboard may not be relocated within 500 feet of a historic district or a public park.
 - ~~i.~~ A billboard not located on a road on the state highway system may not be relocated within 350 feet of a zoning district listed in 20.18.230.A.
 - j. A billboard located on a road on the state highway system may not be relocated within 150 feet of a zoning district listed in 20.18.230.A.
 - k. No new properties, such as electrical, mechanical, or LED, may be added to a relocated billboard. (For example, an non-illuminated billboard may not be converted to an illuminated billboard, and a static billboard may not be converted to a digital or tri-vision billboard.)
 - l. The height of a relocated billboard may not exceed 42.5 feet above grade of the center point of the main-traveled way; however, at no time shall the overall sign height exceed 42.5 feet.
- B. Relocation of Certain Static Billboards Unrelated to a City Public Works Project or City or State Roadway Improvement Project.
 - 1. Relocated static billboards which are unable to meet the provisions of this chapter upon relocation may be granted an Exception and the receiving parcel's dimensional and spacing requirements varied subject to a Special Permit granted by City Council in conformance with 20.04 if the council determines that the enforcement of the prohibition in a particular instance:
 - a. Is not in the best interest of the public;
 - b. Constitutes waste or the inefficient use of land or other resources;
 - c. Does not serve its intended purpose;
 - d. Is not effective or necessary; or
 - e. For any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
 - 2. Relocations allowed by Special Permit are further subject to the following additional standards:
 - a. The owner of the sign and receiving parcel property owner must sign and submit a Special Permit application.
 - b. The Detailed Site Development Plan required as a provision of the Special Permit shall include:
 - i. Sign elevations, including size and height of structure and square footage of all sign faces
 - ii. Labeled distances to all surrounding residential zones
 - iii. Labeled distances to the closest on and off premise signs
 - c. The relocation must be completed within one year from Special Permit approval.

- C. Restrictions on relocations.
1. No billboard may be relocated into any of the Special Control Areas identified in section 20.18.250.2.
 2. A billboard must be relocated at least 500 feet from another off-premise billboard on the same side of the roadway or highway.
 3. A relocated billboard shall not have a greater sign face area than it had at its original location, except that the sign face area of multiple relocated billboards may be combined at the new location, provided that:
 - a. One bulletin billboard structure shall be permitted for two existing legally permitted and erected poster billboard structures removed,
 - b. One poster billboard structure shall be permitted for four existing legally permitted and erected junior billboard structures removed,
 - c. One bulletin billboard structure shall be permitted for eight existing legally permitted and erected junior billboard structures removed;
 4. A billboard may not be relocated until demolition and other required permits have been applied for and approved by the city.
 5. A billboard may not be relocated within 500 feet of a historic district or a public park.
 6. No new properties, such as electrical, mechanical, or LED, may be added to a relocated billboard. (For example, a non-illuminated billboard may not be converted to an illuminated billboard, and a static billboard may not be converted to a digital or tri-vision billboard.)
 7. The relocated billboard shall have the necessary demolition credits and those credits shall be used to allow for relocation at the time of application to the City.
 8. The height of a relocated billboard may not exceed 42.5 feet above grade of the center point of the main-traveled way; however, at no time shall the overall sign height exceed 42.5 feet.

SECTION 2. That Title 20, Zoning, Chapter 20.18.280, Exception to the Placement Standards for Certain Billboards, be added as follows:

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 _____ 201__.

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
Planning and Inspections