ORDINANCE NO._____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), CHAPTER 20.18 (SIGN REGULATIONS) ARTICLE II (ADMINISTRATION)ARTICLE III (BILLBOARD REGULATIONS), AND ARTICLE IV (ON-PREMISES SIGN REGULATIONS), CHAPTER 20.22, (NONCONFORMING SITUATIONS), OF THE EL PASO CITY CODE TO ADD A DEFINITION FOR SUPERREGIONAL SHOPPING CENTERS, TO ESTABLISH STANDARDS FOR SUPERREGIONAL SHOPPING CENTER CHANGEABLE ELECTRONIC VARIABLE MESSAGE (CEVM) SIGNS, TO ALLOW AND ESTABLISH STANDARDS FOR CEVM BILLBOARD DISPLAYS; TO AMEND THE PERMITTING AND REGISTRATION REQUIREMENTS FOR BILLBOARDS; AND TO ESTABLISH AN EXCHANGE RATE FOR THE CONVERSION OF STATIC BILLBOARDS TO CEVM BILLBOARDS AND TO CLARIFY THE MAINTENANCE ALLOWED ON NONCONFORMING SIGNS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

WHEREAS, on October 30, 2007, the City Council adopted new regulations to regulate on-premise and off-premise signs within the City; and,

WHEREAS, on May 4, 2010, the City Council adopted new regulations to regulate off-premise signs within the City; and,

WHEREAS, City Council has determined that the regulations of signs should also apply to the City's extraterritorial jurisdiction; and,

WHEREAS, City Council has determined that allowing and establishing standards for changeable electronic variable message (CEVM) billboards will decrease the number of existing static billboards by establishing an exchange rate for the conversion of static billboards to CEVM billboards; and,

WHEREAS, City Council has determined that the regulation of billboards, including CEVM billboards, is necessary to promote the health, safety, morals and general welfare of the community and to serve the aesthetic and safety needs of the community,

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

SECTION 1. That Title 20, Zoning, Chapter 20.02, General Provisions and Definitions, Article II Definitions of the El Paso City Code be amended to add the following definitions:

20.02.871 "Superregional Shopping Center" means a shopping center consisting of several freestanding connected anchors and only a minimum amount of small specialty tenants.

Compared to traditional regional shopping centers, superregional shopping centers are of larger size, include more anchor stores, offer a deeper selection of merchandise, and draw from a larger population base. To qualify as a superregional, a shopping center must have a total site acreage that exceeds forty acres in size under the control of a single owner and have a primary trade area in excess of 60 miles.

SECTION 2. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article II, Administration, Section 20.18.100, Sign Permit, Paragraph A, Sign Permit Required, of the El Paso City Code, shall be amended as follows:

20.18.100, Sign Permit

A. Sign Permit Required. The purpose of a permit is to ensure compliance with the provisions of this chapter. A sign permit shall be required prior to the placing, erecting, constructing, moving, installing, displaying, mounting, reconstructing, repairing, relocating, or demolishing of any sign, unless the subject sign or activity is expressly exempted from the permit requirement by this Chapter or other applicable law. Signs requiring a permit shall comply with the provisions of this Chapter and all other applicable laws and ordinances.

SECTION 3. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article II Administration, Section 20.18.110, Application Procedure, Paragraph B.3, of the El Paso City Code is amended as follows:

Section 20.18.110, Application Procedure

B. For billboard sign demolitions and/or relocations and/or replacements.

3. A copy of the original permit for the sign(s) to be removed or a copy of the registration list provided to the City Manager or designee, provided that the sign to be demolished, relocated or replaced must be on the registration list;

SECTION 4. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article II Administration, Section 20.18.120, Maintenance, of the El Paso City Code is amended as follows:

Section 20.18.120 - Maintenance

A. Every sign, including those specifically exempt from this code in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof, except those portions that are galvanized or of rust-resistant material. The building official shall inspect all signs and 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 or dilapidation. The owner of the property on which a sign is located and the owner of the sign shall be jointly and severally responsible for the conditions of the area occupied by the sign and shall be required to keep the area clean, sanitary and free from rubbish; and failure to comply with this section

shall constitute a violation of this Code. For purposes of responsibility, the owner of the property refers, jointly and severally, to the legal owner of the property, as well as to all parties holding the present right of possession and control.

B. Billboard maintenance and repair. The following are considered to be routine maintenance activities that do not require a permit:

1. the replacement of nuts and bolts;
2. nailing, riveting, or welding;
3. cleaning and painting;
4. changing of the advertising message;
5. the replacement of minor parts if the materials of the minor parts are the same type as those being replaced and the basic design or structure of the sign is not altered;
6. changing all or part of the sign face structure but only if like materials are used.

C. The following are customary maintenance activities that require a permit before initiation:

1. replacement of poles, but only if not more than one-half of the total number of poles of the sign structure are replaced in any 12 month period and the same material is used for the replacement poles; and
2. adding a catwalk to the sign structure.

D. The following are examples of substantial changes that require a permit application before the initiation of such an activity; however, legal nonconforming signs may not engage in such maintenance activities and will lose their legal nonconforming status if they engage in such maintenance, regardless of whether or not a permit was issued:

1. adding lights to an unilluminated sign or adding more intense lighting to an illuminated sign whether or not the lights are attached to the sign structure;
2. changing the number of poles in the sign structure;
3. adding permanent bracing wires, guy wires, or other reinforcing devices, except if the structure is modified to convert a static sign to a CEVM sign to conform with the current IBC code;
4. changing the material used in the construction of the sign structure, such as replacing wooden material with metal material;
5. adding faces to a sign or changing the sign configuration;
6. increasing the height of the sign;
7. changing the configuration of the sign structure, such as changing a "V" sign to a stacked or back-to-back sign, or a single face sign to a back-to back sign; and
8. moving the sign structure or sign face in any way unless the movement is made in accordance with a relocation or replacement.

E. An added catwalk must meet Occupational Safety and Health Administration guidelines.

SECTION 5. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article II Administration, Section 20.18.140, Prohibited Signs, of the El Paso City Code is amended to amend Paragraph A, O and T and to add Paragraph U as follows:

20.18.140 Prohibited Signs

A. New static or CEVM billboards except as provided herein.

O. Animated, flashing, running light or twinkle signs, excluding CEVM signs that are permitted pursuant to the provisions of Article III of this chapter.

T. CEVM billboards and on premise signs, except that CEVM billboards and CEVM on-premises signs which conform to the provisions of this Chapter are allowed.
U. Static or CEVM billboards, except that static or CEVM billboards and CEVM on-premises signs which conform to the provisions of this Chapter are allowed.

SECTION 6. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.200, Zoning Districts, of the El Paso City Code, shall be amended to add the following paragraph:

20.18.200 Zoning districts.

C. CEVM Billboards. From and after the effective date of this ordinance, no new CEVM billboards may be constructed, erected, installed or modified within the corporate limits of the city, or within its extraterritorial jurisdiction, and no building permit shall be issued for the construction, erection, or modification of a new CEVM billboard or an existing billboard in the city and the city's extraterritorial jurisdiction, except as authorized by this article.

1. Construction of new CEVM billboards is prohibited unless the owner or applicant complies with all of the following provisions and shall only be constructed in C-3, C-4, M-1, M-2, and M-3 districts:
   a. For every one square foot of CEVM billboard display area converted from a static billboard, at least five square feet of static display area must be permanently and completely removed. Of the signs removed to fund this conversion exchange, at least one billboard shall be of a like size as the CEVM display installed or erected.
   b. For a period of 180 days from the date this ordinance is adopted, existing static signs may be converted to CEVM signs provided that the following criteria are met:
      (1) Except for setback requirements specified in 20.18.230, all other requirements, to include the conversion rate, of the sign code are be complied with.
      (2) If a static sign is converted to a CEVM sign and does not comply with the provisions of 20.18.230, the converted sign shall be considered legal nonconforming and shall comply with all of the following conditions:
      a. The display face shall face away at a 45 degree angle from any R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, P-RI, P-RII, RMH, PMD, A-1, A-2, A-3, A-4, A-M, A-3/O, A-O, R-MU, G-MU, I-MU, or SmartCode Zone.
      b. A buffer (interstate highway, streets classified as major arterials, or a C-4 commercial district or manufacturing district) existing between the converted sign and any R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, P-RI, P-RII, RMH, PMD, A-1, A-2, A-3, A-4, A-M, A-3/O, A-O, R-MU, G-MU, I-MU, or SmartCode Zone (a buffer of a minor arterial may be allowed provided that there is a setback of 420 feet from the sign and the above districts).

c. The applicant requesting the permit for a new CEVM billboard shall identify the locations and total display face area of the existing static billboard sign structures to be removed or existing demolition credits to be utilized, and obtain a demolition permit for each static billboard sign structure to be removed prior to issuance of the permit for the new CEVM billboard. Each of the static billboard structures identified to be removed must be demolished and the entire structure completely removed to grade level prior to the construction or installation of the new CEVM billboard, including the support structure, electrical connections, catwalk (if any), and special grading and post holes completely covered.

d. The new CEVM billboard sign must comply with all of the provisions of this chapter and the City Code, including but not limited to electrical, structural, and grading requirements.

2. Owner or Operator responsibilities.

a. The face of the CEVM sign permit application must identify contact information for an emergency contact available to turn off the CEVM sign within 12 hours after a malfunction occurs.

b. A CEVM display shall contain a default mechanism to show a "full black" image or turn the sign off in case of malfunction, or shall be manually turned off within 12 hours of a reported malfunction. Provided, however, if after 12 hours the sign has not defaulted to "full black" or turned off, the City shall have the right to power off the sign.

c. CEVM signs shall display the permit number issued by the City for the sign on the billboard structure.

SECTION 7. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.210, Time for construction, of the El Paso City Code, shall be amended as follows:

Section 20.18.210, Time for construction

Construction of new and converted billboards must be completed within six months after issuance of a permit. One six-month extension may be granted by the planning division upon a showing that the permittee has diligently attempted to complete the installation.

SECTION 8. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.220, Size and height, of the El Paso City Code, shall be amended as follows:

20.18.220 Size and height

A. In zoning districts C-3, C4, M1, M2, and M3 districts on Interstate Highway 10, new static non-CEVM may have operational display faces up to six hundred seventy-two square feet in display area, with the top of the sign face not more than forty-two and a half feet above the grade of the adjacent or abutting right-of-way.

B. In zoning districts C-3, C4, M1, M2, and M3 districts on major arterials, super arterials, or higher category arterials, new static non-CEVM billboards may have display faces up to three

hundred square feet in display area, with the top of the sign face not more than thirty-five feet above the grade of the freeway, expressway, or interstate regulated highway.

C. Not more than eight bulletin billboards, spaced a minimum of six thousand feet apart, are permitted on Loop 375 from Interstate Highway 10 to Montana.

SECTION 9. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.230, Setback requirements for New Static, Non-CEVM Billboards of the El Paso City Code, shall be amended as follows:

20.18.230 Setback requirements for New Static and CEVM Billboards.

A. New static billboards must be at least 350 feet from the property line of any residential use or the following zoning districts: R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, P-RI, P-RII, RMH, PMD, A-1, A-2, A-3, A-4, A-M, A-3/O, A-O, R-MU, G-MU, I-MU, or SmartCode Zone. These setback provisions do not apply to a sign abutting a SmartCode Zone where residential use is prohibited by law.

B. New CEVM billboards must be at least 500 feet from the property line of any residential use or the following zoning districts: R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, P-RI, P-RII, RMH, PMD, A-1, A-2, A-3, A-4, A-M, A-3/O, A-O, R-MU, G-MU, I-MU, or SmartCode Zone. These setback provisions do not apply to a sign abutting a SmartCode Zone where residential use is prohibited by law.

C. New static and new CEVM billboards up to seventy-two square feet in area must be thirty-five feet from the property line, as that term is defined in 20.02.746, of the following zoning districts when located on the same side of the street: C-1 and C-5. In no case shall the property line extend into the parkway or right-of-way.

D. New static and new CEVM billboards larger than seventy-two square feet must be fifty feet from the property line as that term is defined in 20.02.746, of the following zoning districts when located on the same side of the street: C-1, C-2, C-3, C-4, and C-5. In no case shall the property line extend into the parkway or right-of-way.

E. No new static or CEVM billboards will be allowed within 35 feet of a freestanding on-premises sign on the same side of the street.

SECTION 10. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.240, Spacing for New Static Non-CEVM Billboards of the El Paso City Code, shall be amended as follows:

20.18.240 Spacing for Billboards

A. New Static, Non-CEVM billboards, and new CEVM billboards shall be spaced 1,500 feet apart from other static and CEVM billboards on the same side of the street or road

B. All measurements made under this subsection are in feet and measured linearly perpendicular from a point on the outside edge of the display face of the sign along the roadway from which it is to be viewed, except that the measurements between a CEVM billboard and another CEVM billboard shall also wrap (continue around) the corner of any block face along the same block, but shall not cross the ROW.

C. Spacing requirements for any signs shall not be diminished by an arterial, structure, or natural feature, except as provided in Section 20.18.200 C

SECTION 11. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.250, Special control areas, of the El Paso City Code, shall be amended as follows:

20.18.250 Special control areas.

New Static, Non-CEVM Billboards and new CEVM Billboards are prohibited in the following special control areas:

A. Significant Landmarks Designated by the United States, the State of Texas, or the City of El Paso.	Within 500 feet of any designated historical landmark, site or building property line.
B. All Historic Districts	Within the boundaries of the district and or within 500 feet of the center line of streets forming the boundaries of the district.
C. Designated Special Districts, Central Business District	The area bounded by Interstate Highway 10 on the north, St. Vrain/Virginia Streets on the east, Paisano Drive on the south, and by a line tangent to the west facade of Union Depot, running north to south from Interstate Highway 10 to Paisano Drive.
South El Paso	The area bounded by Paisano Drive on the north, Rio Grande International Boundary on the south, Park Street on the east, and Santa Fe Street on the west.
Ysleta Mission Area (includes the Tigua Indian Reservation)	Within a 1,200 feet radius from Mission steeple.
Mountain Development Area (MDA)	Such lands as defined by the Zoning, Grading, and Subdivision Ordinances of the City of El Paso for the protection of the Franklin Mountains.
D. Freeway Interchanges	Areas Restricted From Signage

I-10 at U.S. 54	Within 1,000 feet from right-of-way line from Raynolds on the east, Yandell on the north, Gramma on the west, and junction with the Paisano/Juarez exits on the south.
U.S. 54 at Loop 375 (Cesar Chavez Border Highway)	Within 1,000 feet from right-of-way line from junction of I-10 and U.S. 54 to junction with Loop 375, including the Cordova Port of Entry.
I-10 at Loop 375 (Transmountain Road)	Within 1,500 feet of this intersection.
I-10 at Loop 375 (Americas Avenue)	Within 1,500 feet of this intersection.
E. Designated Scenic Corridors	Within 1,000 feet from either right-of-way line of an arterial within the following scenic corridors:
	Loop 375 (Cesar Chavez Border Highway and Americas Avenue) from Santa Fe Street to I-10
	Zaragoza Road from Zaragoza Port of Entry to Alameda Avenue
	I-10 from Schuster Drive to the Central Business District
	Mesa Street from Sun Bowl Drive to the Central Business District
	Rim Road
	Scenic Drive
	Schuster Drive/Murchison Drive
	McKelligon Canyon Road
	Alabama Drive/Magnetic Drive
	Airport Drive
	Fred Wilson Avenue
	U.S. 54 from Hondo Pass Avenue to the Texas/New Mexico State line
	Alameda Avenue from Loop 375 (Americas Avenue) to Zaragoza Road
	Old Gary-Artcraft Road/Paseo del Norte Road

	Country Club Road/Westside Drive
	Diana Drive from U.S. 54 to Dyer Street
	Doniphan Drive
	Resler Drive
	El Paso Street
	Hondo Pass Avenue
	Martin Luther King Jr. Boulevard
	McCombs Street from U.S. 54 to the Texas/New Mexico state line
	McKinley Avenue
	Northeast Parkway
	Paisano Drive from Sunland Park Drive to Alameda Avenue
	Santa Fe Street
	Airway Boulevard
	Loop 375 from I-10 to Railroad Drive
	Stanton Street
	Spur 601
	Woodrow Bean-Transmountain Road
F. Park/open space	Within 1,500 feet of the property line.
G. School, Church or Hospital	Within 500 feet of the property line.
H. Ports of Entry	

Santa Fe/Stanton	The following area at the Santa Fe Port of Entry: Bounded by the alley in Block 43, Campbell Addition, running north-south from Paisano to the International Border, the centerline of Paisano Drive, running east-west; the centerline of the alley in Block 139, Campbell Addition, running north-south from Paisano to the centerline of Sixth Street, running east to the centerline of Block 74 thence said line running south to the International Border, the International Border being the southern boundary.
Stanton	Within the following area at the Stanton Street Port of Entry: Bounded by the centerline of the alley of Block 47, Campbell Addition, running north-south from the International Border to the centerline of Paisano Drive, the east-west to the centerline of the alley of Block 137 Campbell Addition, running north-south to the border line being the southern boundary.
Zaragoza	Within 500 feet of the centerline of Zaragoza Road, running from the bridge abutment to Socorro Road.
Cordova (including I-10/U.S. 54 and U.S. 54/Loop 375 freeway interchanges)	Within 500 feet from the state right-of-way from Raynolds on the east, Yandell on the north, Gramma on the west, and junction with the Paisano/Juarez exits on the south.
	Within 500 feet from the state right-of-way line from junction of I-10 and U.S. 54 to junction with Loop 375, including the Cordova Port of Entry.
New Ports-of-Entry	Within 1,500 feet from the property line of a port-of-entry.

SECTION 12. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.260, Construction of billboards, of the El Paso City Code, shall be amended as follows:

Section 20.18.260 Construction of billboards

The following shall govern the construction of any billboard sign:

A. Stacked billboards are prohibited;

B. V-shape billboards with an angle of construction greater than forty-five degrees are prohibited. Where two structures are used for the construction of a V-shape sign, such structures shall not be separated, at their closest point, by more than two feet.

C. New CEVM displays shall not be permitted to be erected back-to-back.

SECTION 13. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.280, Lighting, of the El Paso City Code Lighting, shall be amended as follows:

20.18.280 Lighting

A. Intensity:

1. All CEVM displays shall be illuminated at a level no greater than 0.3 foot-candles over ambient light levels for the location and time and shall employ light cutoff devices such as, but not limited to, louvers in order to minimize light escaping above the horizontal plane. Foot-candle readings shall be measured at ground level at the following distances:
   a. Signs between 0 to 100 square feet shall be measured at 100 feet from the source;
   b. Signs between 101 to 300 square feet shall be measured at 150 feet from the source;
   c. Signs between 301 to 650 square feet shall be measured at 200 feet from the source;
   d. Signs in excess of 651 square feet shall be measured at 250 from the source.
2. As measured from the nearest residential property line, the maximum light emanation from an adjacent digital sign display shall be 0.3 foot-candles or less.
3. A CEVM display shall be equipped with both a dimmer control and a photocell which automatically adjusts the display's intensity according to natural ambient light conditions.
4. The CEVM display shall contain a default mechanism to show a "full black" image or turn the sign off in case of malfunction or shall be turned off within 12 hours of a reported malfunction.

B. Operational requirements for CEVM billboards: A CEVM billboard display shall comply with the following standards:

1. The changeable images must be only a series of still images; moving images or images which create the appearance of motion during the static display period are prohibited;
2. The dwell time, defined as the interval of change between each individual message, shall be eight seconds, and a change of message must be accomplished within one second or less; The dwell time shall not include the one second or less required to change a message;
3. A CEVM billboard display shall not resemble or simulate any traffic control or other official signage;
4. A CEVM billboard display must be equipped with a light sensing device which automatically adjusts the display's intensity according to natural ambient light conditions; and
5. No CEVM billboard display shall be erected, installed or altered to include animation such as parts which move, blinking lights, sound, or smoke or fumes issuing from the sign.
6. Use of flashing, strobing, or scrolling line-travel test such as, but not limited to, "ticker-tape" is prohibited.
7. No CEVM billboard shall have a cabinet that extends beyond two inches from the operational face of the sign.

C. Existing signs. All CEVM displays, as defined, in existence prior to the effective date of this Ordinance shall conform to the provisions of this subsection within one year of the adoption date of this Ordinance; provided however, that incandescent or monochrome LED signs using a single display color and which are used exclusively to display text, including time and temperature signs, shall be excluded from this requirement.

SECTION14. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.290, Cleanliness of billboard site, of the El Paso City Code shall be amended as follows:

20.18.290 Cleanliness of billboard site.

Billboard sites shall be kept free from the accumulation of filth, weeds, graffiti, trash and all other debris.

SECTION15. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article III, Billboard Regulations, Section 20.18.300, Registration of existing billboards, of the El Paso City Code shall be amended as follows:

20.18.300 Registration of existing billboards.

Not later than seventy calendar days after the effective date of this ordinance, the owner and, if different, operator of each billboard shall submit to the City Manager or designee a complete and accurate inventory of signs erected and operational as of the effective date of this ordinance. The inventory shall identify each sign, in accordance with industry standards, and at a minimum should identify the sign by location description, latitude/longitude, type of sign (*i.e.* poster, junior, *etc*), dimensions of the display face, orientation of the display face, current photograph of the sign, and to the extent possible Traffic Audit Bureau ("TAB") identifier. Supporting documentation for each sign, such as permits, should be provided if reasonably available. Once the inventory has been submitted in accordance with this paragraph, then the billboard signs listed in the inventory shall be considered to be legally in compliance with the Sign Code. Any billboard sign not listed on the inventory shall be in violation of this Chapter and shall be removed, unless the billboard was legally erected after the effective date of this ordinance, and complies with all provisions of this ordinance, the sign code and the El Paso City Code, except as otherwise provided herein. A sign properly registered under this provision need not comply with the registration requirements in Section 20.22.090.

It is the responsibility of the owner and operator to ensure that the signs submitted as part of the inventory comply with the registration provisions. However, the city will provide an opportunity for the correction of deficiencies provided that:

1. The sign inventory is submitted in a timely manner to allow the City at least 30 days to review what has been submitted.
2. If the City finds deficiencies in any submittals, the City shall notify the owner or operator and shall provide five days for the owner or operator to correct the deficiencies.

SECTION 16. That Title 20, Zoning, Chapter 20.18, Sign Regulations, Article IV, On-Premises Sign Regulations, of the El Paso City Code be amended to add the following section:

20.18.405 CEVM Standards for Superregional Shopping Centers

A. A superregional shopping center CEVMS sign is permitted as a monument sign or pole sign subject to the following conditions:

1. The property shall be zoned C-4 and located on Interstate Highway 10.
2. A maximum display face area is six hundred square feet.
3. A superregional shopping center changeable electronic variable message sign may not exceed 45 ft. in height as measured from the ground at the base of the sign.
4. A superregional shopping center CEVM sign shall be mounted on a pole that shall be encased in a structure containing architectural detail consistent with other on-site development with a base at least twenty percent of the sign width.
5. A superregional shopping center changeable electronic variable message sign is permitted only on lots that are 40 acres or greater in size.
6. Only one changeable electronic variable message display is permitted on each side of the sign with a maximum of two changeable electronic variable message displays per sign.
7. Superregional shopping center changeable electronic variable message signs may be located on either side of the roadway; however, each sign must only be visible from only one direction of travel.
8. A superregional shopping center changeable electronic variable message sign shall display a static message for at least eight seconds and a change of message shall be accomplished within one second and shall occur simultaneously on the entire sign face.
9. A superregional shopping center changeable electronic variable message sign is not permitted if the lot or premises already has a changeable electronic variable message billboard or static billboard.
10. A superregional shopping center changeable electronic variable message sign shall not be used to display commercial messages relating to products or services that are not offered on the premises. However, the sign may display any variety or combination of non-commercial messages, including but not limited to public interest items not taking place on premises such as events for schools, amber alerts, and religious institutions.
11. A superregional shopping center changeable electronic variable message sign shall have an automatic dimmer control to produce distinct illumination change from a higher illumination level to a lower level meeting the above illumination standards for the time period between one half-hour before sunset and one half-hour after sunrise.
12. A superregional shopping center changeable electronic variable message sign is not permitted within 500 feet from R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, P-RI, P-RII, RMH, PMD, A-1, A-2, A-3, A-4, A-M, A-3/O, A-O, R-MU, G-MU, I-MU, and SCZ zoning districts.

13. A maximum of two superregional shopping center changeable electronic variable message signs per premise shall be permitted on I-10 so long as the two signs are spaced at a distance of at least 1,500 ft.
14. A superregional shopping center changeable electronic variable message sign is not permitted within a special area as defined in Section 20.18.250.
15. The Superregional shopping center changeable electronic variable message signs must be under single ownership and located on one contiguous parcel at the time of sign permit issuance.
16. If a superregional shopping center has a changeable electronic variable message sign, all monument signs shall be 8 ft. or less in height or less; this limit does not apply to primary or principal shopping center signs.
17. Superregional shopping centers with changeable variable message signs shall submit a comprehensive sign plan.
18. Owner responsibilities:
    a. The sign owner shall provide on the sign permit contact information for a person who is available to be contacted at any time and who is able to turn off the changeable electronic variable message sign promptly after a malfunction occurs.
    b. If the development services department finds that a changeable electronic variable message has malfunctioned, the owner of the sign, within 12 hours of a written notification by the department, shall correct the malfunction, cause a "full black" image to be displayed, or power off the sign.
    c. Changeable electronic variable message signs shall display on the sign structure the number of the permit issued by the City for the sign.

SECTION 17. That Title 20, Zoning, Chapter 20.22, Nonconforming situations, Section 20.22.090, Nonconforming signs, Paragraph A, of the El Paso City Code, shall be amended as follows:

20.22.090 - Nonconforming signs

A. Signs Which Are Nonconforming. Signs which were lawfully erected prior to the adoption of the ordinance herein codified, but which do not conform to this ordinance, as well as signs existing at the time the area wherein the sign is located is annexed, are deemed to be nonconforming, and may continue in existence provided that no nonconforming sign shall be:

1. Changed to or replaced with another sign, unless in compliance with then current city code. Upon application to the city, the face of the sign on an existing sign that is structurally safe and for which a valid permit or nonconforming registration is on file may be changed to indicate a new owner or business provided that the change or alteration shall not result in the following:
    a. A change in the method or technology used to convey the message,
    b. An increase in the illumination of the sign,
    c. An increase in the sign face area;
    d. Structural alteration to extend its useful life;

e. Expansion in any dimension;
f. Reestablishment of the sign after damage or destruction if the cost of repairing the sign is more than fifty percent of its replacement value at the time of such damage or destruction;
g. Modification or relocation in any way that would increase the degree of nonconformity of such sign;
h. Modification or additional lighting or any other enhancement;
i. Poles may be replaced, subject to a building permit, but only if not more than one-half of the total number of poles of the sign structure are replaced in any 12 month period and the same material is used for the replacement poles.
j. Addition of a catwalk to the sign structure;
k. Addition of lighting to an unilluminated sign or addition of more intense lighting to an illuminated sign, whether or not the lights are attached to the sign structure;
l. Changing the number of poles in the sign structure;
m. Addition of permanent bracing wires, guy wires, or other reinforcing devices;
n. Changing the material used in the construction of the sign, such as replacing wooden material with metal material;
o. Addition of faces to a sign or changing the sign configurations;
p. Increase in the height of the sign;
q. Changing the configuration of the sign structure, such as changing a "V" sign to a stacked or back-to-back sign, or a single face sign to a back-to-back sign;
r. Moving the sign structure or sign face in any way;

2. This provision shall not prevent repairing or maintenance of any part of a sign structure to a safe condition or performing normal maintenance operations on a sign or sign structure. The following actions are considered maintenance and are allowed without losing the legal nonconforming status of the sign:

a. replacement of nuts and bolts;
b. nailing, riveting, or welding;
c. cleaning and painting;
d. manipulation of sign structure to level or plumb it;
e. changing the advertising message;
f. replacement of minor parts if the material of the minor parts are the same type as those being replaced and the basic design or structure of the sign is not altered;
g. changing all or part of the sign face with materials similar to those being replaced;

SECTION 18. Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED AND APPROVED this _____day of _____, 2013.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Momsen
City Clerk

APPROVED AS TO FORM:

_____
Karla Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Director
City Development Department

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ORDINANCE NO. _____