

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

**DEPARTMENT:** Development Services Department  
**AGENDA DATE:** Introduction June 23, 2009; Public Hearing July 14, 2009  
**CONTACT PERSON/PHONE:** Mathew McElroy, (915) 541-4193  
**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

An Ordinance amending Title 20 (Zoning) Chapter 20.02 (General Provisions and Definitions), Article II, (Definitions) of the El Paso City Code to revise all the definitions related to signs. The penalty is as provided in Section 20.24 of the El Paso City Code. **(All Districts)**

**BACKGROUND / DISCUSSION:**

See attached ordinance.

**PRIOR COUNCIL ACTION:**

June 24, 2008: City Council directs staff to take a holistic view of billboards and negotiate a new ordinance given signs erected were not permitted.  
March 30, 2009: LRC votes 3-1 to prohibit billboard construction, permit only up to 15 digital billboards under a 16 to 1 exchange, and require a special permit for all digital billboards.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Planning & Development LRC – Approval  
Development Coordinating Committee – Approval  
City Plan Commission - Approval

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** \_\_\_\_\_

Mathew McElroy, Deputy Director of Planning

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 20 (ZONING) CHAPTER 20.02  
(GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II, (DEFINITIONS)  
OF THE EL PASO CITY CODE TO REVISE ALL THE DEFINITIONS  
RELATED TO SIGNS. THE PENALTY IS AS PROVIDED IN SECTION 20.24  
OF THE EL PASO CITY CODE.**

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

**WHEREAS**, the City Council is proposing to adopt new regulations to regulate on-premise and off-premise signs within the City; and,

**WHEREAS**, if the new regulations are adopted, the definitions contained in need to amended to avoid conflict with the definitions contained in the new sign regulations,

**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), be amended to revise the following definitions:

**20.02.874 Sign.**

Sign means any outdoor display surface, structure, search light, banner, pennant, inflatable and airborne device, whether mounted on land, air, or water, which is visible from any portion of the public right of way to vehicular or pedestrian traffic, a principal purpose of which is to attract attention to a communicative visual or graphic image. The term “sign” includes any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

- Aerial signs or banners towed behind aircraft
- Automated Teller Machines (ATMs) not used for general advertising for hire
- Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function.
- Barber poles displayed outside establishments providing hair cutting and styling services
- Fireworks
- Foundation stones and cornerstones which are permanent in nature and incapable of modification once installed
- Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased

- Holiday and cultural observance decorations on private residential property which are on display for not more than 45 calendar days per year (cumulative, per parcel or use)
- Inflatable games and gymnasiums. Inflatable, temporary, moveable, gymnasium devices commonly used for children’s birthday parties, and similar devices. Also called “party jumps.”
- Manufacturers’ marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.
- Mass transit graphics. Graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City merchandise on public display and presently available for purchase on-site;
- News racks and newsstands
- Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots or hand-held signs);
- Public Art located on City property
- Search lights and klieg lights when used as part of a search and rescue or other emergency service operation; this exclusion does not apply to search lights or klieg lights used as attention attracting devices for commercial or special events;
- Shopping carts, golf carts, horse drawn carriages, and similar devices; any motorized vehicle which may be legally operated upon a public road is not within this exclusion;
- Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells, religious statuary, *etc.*
- Vehicle and Vessel Insignia. On street legal vehicles and properly licensed watercraft or aircraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the establishment of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;
- Vending machines, product dispensing devices and automated product intake devices which do not display offsite commercial messages or general advertising messages; by way of example and not limitation, “automated product intake devices” means machines which accept recycle materials, or “book return” slots at libraries, or “leave your clothes here” boxes at laundry places
- Window displays. The display of merchandise in a store window.

**20.02.876 Sign, Inflatable advertising device**

Inflatable advertising device means a device which is inflated with air or another gas, or which is activated by wind, air, or propelled gas, and used for outdoor advertising purposes.

#### **20.02.878 Sign, add-ons.**

Add-ons, in the context of billboards, means a design element that extends outside the structural display face on a billboard. Also called “extensions.”

#### **20.02.880 Sign, adopt-a-median.**

Adopt-a-median sign means a freestanding sign located in the median of a street right-of-way identifying the entity or organization that is responsible for maintaining the median where the sign is located.

#### **20.02.882 Sign area.**

Sign area means the entire area of a sign on which copy could be placed within a continuous perimeter composed of a geometric configuration which encloses the extreme limits of the advertising, excluding the sign pole(s), base(s) or other support(s). Where a sign has two or more faces, the area of all faces shall be considered in determining the sign area, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel or the faces are in a V configuration and the interior angle between the faces does not exceed forty-five degrees. Where a sign consists only of individual components (letters, numerals, symbols or other similar components), which are painted on or attached flat against the wall of a building, are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the area of the square, rectangle or other straight line geometric configuration which circumscribes the entire message

#### **20.02.884 Sign, auxiliary.**

Auxiliary sign means a sign with no commercial advertising, except for the name or logo of the business, that pertains to the safe and efficient movement of pedestrians and vehicular traffic into and out of a building or premises and that has a directional purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "emergency entrance," and other similar directives.

#### **20.02.886 Sign, awning.**

Awning sign means a wall sign suspended from, mounted on or otherwise supported by an awning (a wall mounted, frame structure with flexible, reinforced fabric covering).

#### **20.02.888 Sign, banner.**

See “Sign, temporary banner.”

**20.02.890 Sign, billboard.**

Billboard means a permanent structure sign which meets any one or more of the following criteria: a) it is used for the display of off-site commercial messages; b) it is used for general advertising for hire; c) it functions as a principal or separate principal use of the land on which it is located, in contrast to functioning as an accessory or auxiliary to a principal use which is not a sign. The term "billboard" applies to all physical parts of the sign, including display faces, structure, support poles, attached ladders, attached catwalks, and appurtenant lighting systems, and visual display systems.

**20.02.892 Sign, building marker.**

Building marker sign means a sign indicating the name of a building, date of construction, or other incidental information about its construction and/or history.

**20.02.894 Sign, bulletin.**

Bulletin means a billboard with a sign face area greater than three hundred seventy-eight square feet, but not greater than six hundred seventy-two square feet.

**20.02.896 Sign, canopy.**

Canopy sign means a wall sign suspended from, mounted on or otherwise supported by a canopy, arcade or portal.

**20.02.897 Sign, changeable electronic variable message.**

Changeable electronic variable message sign, also referred to by the acronym CEVM, means a sign which uses electronic means to display changeable or intermittent images, such as by turning on or off various lighting elements including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use. The term includes display technology such as LED (light emitting diode) or digital displays which can vary in color or intensity, or any system which is functionally equivalent.

**20.02.898 Sign, city pride sign.**

Delete definition.

**20.02.900 Sign, construction sign.**

Construction sign means a sign displayed on a construction site during the time that actual construction is continuing.

**20.02.902 Sign cut-outs.**

Delete definition.

**20.02.904 Sign, directory.**

Directory sign means a wall or monument sign that provides a listing of names of the tenants and space numbers for a multi-tenant building, lot or park.

**20.02.906 Sign, educational.**

Delete definition.

**20.02.908 Sign, externally illuminated.**

Externally illuminated sign means the illumination of a surface of a sign from an external source of light intentionally directed upon the sign. Also known as “indirectly illuminated sign.”

**20.02.910 Sign height.**

Sign height means the following:

1. For freestanding signs, the vertical measurement between the highest part of the sign, excluding all billboard add-ons, and the ground level upon which the sign is located;
2. For wall and all other signs, the vertical measurement of the sign area.

**20.02.912 Sign, home occupation.**

Home occupation sign means a wall sign indicating the name, address or business, in any combination, of a code-compliant home occupation operated by the occupant at that residence.

**20.02.914 Sign, indirectly illuminated.**

See “Sign, externally illuminated.”

**20.02.916 Sign, internally illuminated.**

Internally illuminated sign means the illumination of an electric sign with a source of light entirely enclosed within the sign.

**20.02.918 Sign, junior.**

Junior means a billboard with a sign face area not greater than seventy-two square feet.

**20.02.920 Sign, marquee.**

Marquee sign means a wall or projecting sign suspended from, mounted on or otherwise supported by a marquee, such as a canopy entrance

**20.02.921 Sign, mobile billboard.**

Mobile billboard sign means a vehicle or trailer which is used for the display of general advertising for hire.

**20.02.922 Sign, monument.**

Monument sign means a sign that is supported from the ground by a three-dimensional masonry, wood, or metal support structure having a minimum width of at least thirty-three percent of the sign structure width and that is not attached to a building and is not a pole sign. Also known as “ground sign.”

**20.02.924 Sign, multi-tenant.**

Multi-tenant sign means a sign displaying three or more establishments, each with a separate certificate of occupancy, located on the same lot or premises.

**20.02.926 Sign, noncommercial message.**

Noncommercial message is one that visually displays speech or images not pertaining to commercial matters. Noncommercial messages commonly concern religion, politics, social commentary and other matters of public debate. Contrast: commercial message.

**20.02.928 Sign, nonconforming.**

Nonconforming sign means a sign legally erected prior to enactment or amendment of this code and maintained in compliance with the El Paso City codes, but which does not conform to the current provisions of the sign code or other applicable City ordinances.

**20.02.930 Sign, off-premise.**

Off-premise sign means a sign displaying a commercial message that pertains to a business, person, organization, activity, event, place, service or product not principally located, or primarily manufactured, or sold on the premises on which the sign is located. Also known as “off-site sign.” The on-premise / off-premise distinction applies only to commercial messages.

**20.02.932 Sign, off-premise historic wall sign.**

Delete definition.

**20.02.934 Sign, off-premise temporary parkway.**

Delete definition.

**20.02.936 Sign, special event directional.**

Special event directional sign means a temporary sign providing direction information to a properly authorized special event that is open to the public.

**20.02.938 Sign, off-premise temporary subdivision directional.**

Off-premise temporary subdivision directional sign means a temporary off-premise sign located on private, unimproved property with the permission of the owner of the property that directs vehicular and pedestrian traffic to a developing

**20.02.940 Sign, on-premise.**

On-premise sign, also called “on-site sign” means a sign advertising an establishment, business, person, activity, good, product or service located on the premises where the sign is installed and maintained. In the context of construction signs, all establishments involved in the construction are considered on-premise during the time of construction. In the cases of a redevelopment project or shopping center or business center, any sign located within the project is considered on-premise as to any establishment located in the same project or center.

**20.02.942 Sign, pole.**

Pole sign means a freestanding sign that is supported from the ground by an exposed pole(s)-or a three-dimensional support structure having a minimum width less than thirty-three percent of the sign structure width, and that is not attached to a building.

**20.02.944 Sign, portable.**

See “Sign, temporary portable.”

**20.02.946 Sign, poster.**

Poster means a billboard with a display face area greater than seventy-two square feet but less than three hundred square feet.

**20.02.948 Sign, real estate.**

Real estate sign means a temporary sign whose message pertains to a proposed economic transaction (sale, lease, rent, *etc.*) of real estate. Signs related to transient occupancy, such as rates and vacancies at hotels, motels, inns, and bed and breakfast facilities, are not within this definition.

**20.02.950 Sign, roof.**

Roof sign means a sign that is mounted on a roof or projects above the highest point of the roof line, parapet, or fascia of a building. A sign mounted on a mansard roof is a wall sign, not a roof sign.

**20.02.952 Sign, secondary advertising.**

Secondary advertising sign means an on-premise sign placed on private property, which is not the primary sign intended for advertising.

**20.02.954 Sign, shingle.**

Shingle sign means a wall sign that projects from the face of a building and is suspended from a metal structure, awning, canopy or marquee.

**20.02.956 Sign, structure area.**

Structure area applies to monument signs and means the entire area of the sign structure, as computed by multiplying the sign height by the sign structure width.

**20.02.958 Sign, structure support width.**

Structure support width sign applies to freestanding signs, and means the width of the three-dimensional support structure(s) that extends from the top of the sign structure to the ground.

**20.02.960 Sign, subdivision identification sign.**

Subdivision identification sign means a monument or wall sign located at a main entrance of a subdivision.

**20.02.962 Sign, temporary.**

Temporary sign means a sign which, by virtue of its construction from lightweight or flimsy materials, and construction or installation by hand or with ordinary hand tools, is not suitable for long term display.

**20.02.964 Sign, temporary inflatable.**

Temporary inflatable sign means an inflatable advertising device greater than two cubic feet in volume, used for advertising purposes.

**20.02.966 Sign, temporary active motion inflatable.**

Temporary active motion inflatable means a temporary type of inflatable sign utilizing wind baffles and fabric combined with vortex of air created by a mechanical air system to

allow the inflatable to dance and move, and which does not contain any words, numerals, trademarks, pictures, designs, or objects.

**20.02.968 Sign, temporary banner.**

Temporary banner means a temporary sign composed of lightweight fabric or similar material used to attract visual attention. Flags are not within this definition.

**20.02.970 Sign, temporary construction.**

Temporary construction sign means a temporary sign located on a construction site, typically used to display messages concerning the owner, occupant, contractor, architect, engineer, financial institution, real estate company or similar entities involved with the construction at that site.

**20.02.974 Sign, temporary portable.**

Temporary portable sign means a temporary sign intended to be displayed for a limited period of time that is not permanently affixed to a building or structure on a site or is not mounted on a permanent foundation.

**20.02.976 Sign, temporary real estate.**

Delete definition.

**20.02.978 Sign, temporary real estate banner.**

Delete definition.

**20.02.982 Sign, temporary special event.**

Temporary special event sign means a temporary sign advertising a properly authorized special event and located at the site of the event.

**20.02.984 Sign, temporary subdivision.**

Temporary subdivision sign means a real estate sign identifying a subdivision still in construction where the sign is located.

**20.02.986 Sign, wall.**

Wall sign means a sign permanently affixed to any wall or vertical portion of a building not extending beyond the elevation of the building.

**SECTION 2.** Except as herein amended Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II (Definitions), of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Development Services Department