

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING) CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) AND CHAPTER 20.18 (SIGN REGULATIONS), ARTICLE 1, (GENERAL PROVISIONS), AND ARTICLE IV, (ON-PREMISE SIGN REGULATIONS), SECTION 20.18.400 (GENERAL) OF THE EL PASO CITY CODE TO ALLOW CHANGEABLE ELECTRONIC VARIABLE MESSAGE AND DIGITAL SIGNS AND THE PENALTY IS AS PROVIDED FOR 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, digital signs are currently prohibited within the City and it is the desire of City Council to adopt regulations to allow the use of digital signs for on-premise signs; and,

WHEREAS, City Council has determined that the regulations of digital signs for on-premise locations is necessary to promote the health, safety, morals and general welfare of the community;

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

SECTION 1. That the following amendments are hereby made in Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) by adding the following subparagraph:

20.02.897 Sign, changeable electronic variable message

Changeable electronic variable message sign means an on-premise sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, 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, including a light emitting diode (LED) or digital sign, and which varies in color or intensity.

SECTION 2. That the following amendments are hereby made in Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Sections 20.18.140 (Prohibited Signs) by adding the following subparagraph:

20.18.140 Prohibited signs.

O. Animated, flashing, running light or twinkle signs, except changeable electronic variable message signs which conform to the provisions of this chapter. Signs projecting or displaying three-dimensional or holographic images.

CITY CLERK DEPT.
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SECTION 3. That the following amendments are hereby made in Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article IV (On-Premise Sign Regulations), Sections 20.18.400 (General) by adding the following subparagraph:

Article IV On-Premise Sign Regulations

20.18.400 General

9. A changeable electronic variable message sign is permitted on a primary monument sign, a primary pole sign, or a primary wall sign in a C-1, C-2, C-3, C-4, M-1, M-2 and M-3 zoning district on a minor arterial, major arterial or higher category arterial subject to the following conditions:

- a. Changeable electronic variable message signs shall be in conformance with the maximum sign area requirements of Section 20.18.400.
- b. A maximum of one primary sign per premise may contain a changeable electronic variable message sign.
- c. Only one changeable electronic variable message sign is permitted on each side of the primary sign with a maximum of two changeable electronic variable message signs on the primary sign.
- d. Each message on a changeable electronic variable message sign shall be displayed for at least ten seconds and a change of message shall be accomplished within one second.
- e. A change of message on a changeable electronic variable message sign shall occur simultaneously on the entire sign face.
- f. Changeable electronic variable message signs shall not contain animation, rolling or running letters or message, flashing lights or scrolling displays as part of the display.
- g. Changeable electronic variable message signs may be located on either side of the roadway; however, each sign must only be visible from one direction of travel.
- h. A changeable electronic variable message sign is not permitted within 200 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 or I-MU zoning districts.
- i. A changeable electronic variable message sign is not permitted if the lot or premise has a CEVM billboard.
- j. A 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 public interest items not taking place on premise such as events for schools, amber alerts, and religious institutions.

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k. A 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.

l. Owner responsibilities.

(1) 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.

(2) If the development services department finds that a changeable electronic variable message has malfunctioned, the owner of the sign, within 12 hours of a request by the department, shall correct the malfunction or power off the sign.

m. Maximum total sign area for signs with a changeable electronic variable message sign:

	0 - 29.9%	30 - 34.9%	35 - 39.9%	40 - 44.9%	45 - 50%
Monument Sign - Freeway					
5 acres and up	405	360	337	315	270
< 5 acres	315	280	262	245	210
Monument Sign - Arterial					
1 acre and up	225	200	187	175	150
< 1 acre	180	160	150	140	120
Pole Sign - Freeway					
All	180	160	150	140	120
Pole Sign - Arterial					
All	135	120	112	105	90
C-1 - Without Special Circumstances					
Monument Sign	72	64	60	56	48

11. Changeable electronic variable message signs prior to July 2008. An on-premise changeable electronic variable message sign meeting the criteria below is specifically authorized by city council and specifically exempted from the provisions of this section, provided, however, that if changes are made to the sign, requiring any type of city permit, the sign shall be brought into compliance with this section prior to the issuance of a permit.

- a. The signs do not contain animation, scrolling, or flashing lights or illumination; and,
- b. A city application was submitted for the sign and the sign was constructed in conformance with the application submitted; and,
- c. A city permit was issued for the sign.
- d. The burden is on the sign owner to prove all of the above requirements have been met.

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SECTION 4. That the following amendments are hereby made in Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article IV (On-Premise Sign Regulations), Sections 20.18.400 (General) by adding the following subparagraph:

1. A static changeable electronic price sign is permitted on a primary monument sign, primary pole sign, or primary wall sign in a C-1, C-2, C-3, C-4, M-1, M-2 and M-3 zoning district on a minor arterial, major arterial or higher category arterial subject to the following conditions:

- a. Each price digit may not exceed 18'' in either height or width unless the parcel is adjacent to Interstate Highway 10, U.S. Highway 54, Joe Battle Boulevard, and Americas Avenue where 48'' maximum height and width digits are allowed.
- b. Characters for the product being sold shall not exceed the size of the associated price digit and must also remain static.
- c. Static price and product types shall remain in place for a minimum of 30 seconds.

SECTION 5. Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

PASSED and APPROVED this _____ day of _____, 2008.

THE 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
Development Services Department

CITY CLERK DEPT.
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SIGN PERMIT REVIEW PROCESS

Development Services – Planning

Sign Governance

- Sign permits are reviewed by the City pursuant to Chapter 18.02 (Building Code) and Chapter 20.18 (Sign Regulations) of the City Code
- Prior to March 2008, sign permits were reviewed by the Building Permits & Inspections.
- Sign review transferred to Development Services – Planning for increased zoning scrutiny in March, 2008.



BP&I Sign Permit Process (Before)

- Sign permit intake and review of application completeness per Section 18.02.103 (Permits) and Section 20.18.110 (Application Procedure).
- Entry of sign permit information into Tidemark .
- Verification that engineering plans for signs over 24 feet are certified by a professional engineer per Section 20.18.110 (Application Procedure).
- Review of site plan and verification of zoning information per Section 20.18.110 (Application Procedure).
- Entry of comments into Tidemark.
- Valuation and permit fee calculations in Tidemark.
- Verification of contractor's license, insurance, or bond in Tidemark.
- Issuance of building permit in accordance per Section 18.02.103 (Permits).
- Applicant contacts the City for a foundation inspection after piers are drilled or after trenches are excavated and forms erected per Section 18.02.103.8 (Inspections).
- Applicant contacts the City for an electrical sign inspection after the wiring and equipment is installed per Section 18.02.103.8 (Inspections).
- Applicant contacts the City for a final inspection after the sign installation is completed and sign is ready for use per Section 18.02.103.8 (Inspections).

Sign Staffing in BP&I

- An Electrical Plans Examiner was responsible for sign permitting in BP&I.
- Electrical inspection carried out in the field by an assigned electrical inspector.



Cause for Change

Planning Division (Issued after 1/1/08)

- ❑ SGN08-00306 – 1490 George Dieter – This is a legal non-conforming on-premise sign that we allowed a change in technology to include digital pricing display.
- ❑ SGN08-00486 – 1074 Country Club – Three monument on-premise signs were permitted, spaced too close together, where only two are allowed. The error was caught during the foundation inspection and the property owner is revising his application to comply.

BP&I (Issued prior between 8/01/08 and 1/1/08)

- ❑ SGN07-01299 – 310 N. Mesa – Bank of America downtown. On-premise signs were issued without historic review, signs are too large and too numerous.
- ❑ SGN07-01140 – 8899 Alameda – On-premise sign issued without historic review. Sign is too large.
- ❑ SGN07-00201 – North Loop – Off-premise sign issued too close to a scenic corridor. The permit was revoked and an appeal to the ZBA submitted. The ZBA denied the appeal

BP&I additional oversights

- ❑ 17 digital billboards
- ❑ Multiple on premise digital signs

Planning Assumes Sign Permitting (Now)

- In March 2008, the sign permit review process transferred from Building Permits & Inspections Division to the Planning Division.
- A result of errors in the issuance of both on and off premise signs.
 - ▣ Traditional billboards allowed too close to residential or were too large for the roadway.
 - ▣ On premise sign permits were also issued for signs inappropriate for historic districts (Bank of America) and multiple digitals were also permitted.
- Main error and weakness in process was in the issuance of sign permits that did not meet the requirements of the Zoning Code (Title 20).

Changes to the Sign Permitting Process

1. Amendment of the sign permit form, which forces customers to identify whether the sign is an LED, electronic message center, digital, or changeable electronic variable message sign.
2. Verification of legal description, address, acreage, and zoning information in GIS
3. Verification of property conditions with aerial maps in GIS
4. Verification of any nonconforming issues or conditions per Section 20.22.090 (Nonconforming signs)
5. Verification whether the sign will be located in a historic district, on property with a historic overlay, or on a designated independent historic structure.
6. Coordination with the Zoning Administrator and other Planning Division sections to discuss any zoning or land development issues
7. Foundation, electrical, and final inspections are handled by the Building Permits & Inspections Division per Section 18.02.103.8 (Inspections)

Sign Staffing in Planning

- Two Supervisors: Zoning Administrator and a Lead Planner
- Two staff members perform sign permit intake under supervision
- Extensive training in the new process for all four individuals involved



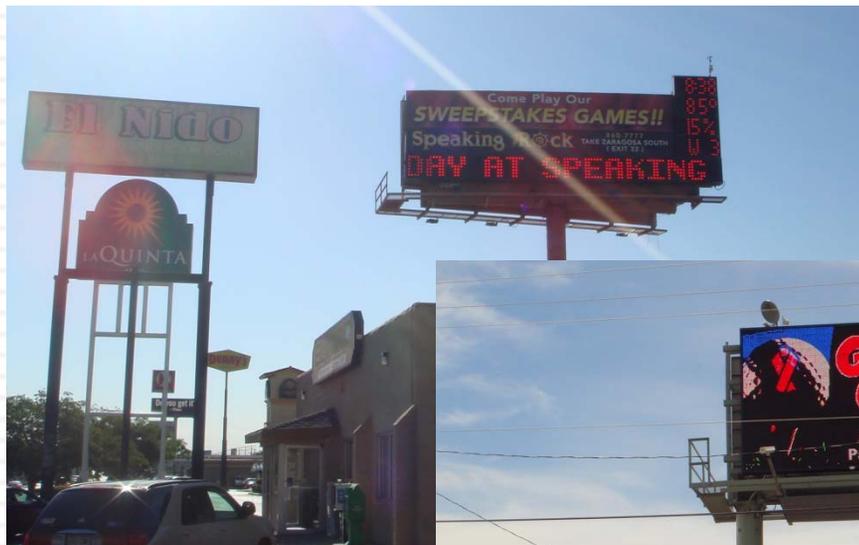
CEVM Signs at City Facilities

- Current City Facilities with Digital Signs
 - ▣ Parks & Recreation Department - 3 LED signs
 - ▣ Police Department - 5 LED signs
 - ▣ Convention Center - 1 LED sign
 - ▣ El Paso Zoo - 1 LED sign
- Current City Facilities without Digital Signs
- El Paso Public Library
- Museums & Cultural Affairs
- Fire Department
- Street Department
- Environmental Services Department.

CEVM Current Practice at City Facilities

- Signs no longer display animation, scrolling, or flashing messages.
- Departments with scrolling text or graphics typically responded that they initially used static displays but started utilizing scrolling and animation features once they learned the software for the sign.

Questions?



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW MCELROY
DEPUTY DIRECTOR, PLANNING



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
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EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

September 8, 2008

To: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
From: Mathew McElroy, Deputy Director
Subject: Sign Permit Review Process

Sign permits are reviewed by the City pursuant to Chapter 18.02 (Building and Construction Administrative Code) and Chapter 20.18 (Sign Regulations) of the City Code. Prior to March 2008, sign permits were reviewed by the Building Permits & Inspections Division based on the following procedures:

1. Sign permit intake and review of application completeness per Section 18.02.103 (Permits) and Section 20.18.110 (Application Procedure).
2. Entry of sign permit information into Tidemark .
3. Verification that engineering plans for signs over 24 feet are certified by a professional engineer per Section 20.18.110 (Application Procedure).
4. Review of site plan and verification of zoning information per Section 20.18.110 (Application Procedure).
5. Entry of comments into Tidemark.
6. Valuation and permit fee calculations in Tidemark.
7. Verification of contractor's license, insurance, or bond in Tidemark.
8. Issuance of building permit in accordance per Section 18.02.103 (Permits).
9. Applicant contacts the City for a foundation inspection after piers are drilled or after trenches are excavated and forms erected per Section 18.02.103.8 (Inspections).
10. Applicant contacts the City for an electrical sign inspection after the wiring and equipment is installed per Section 18.02.103.8 (Inspections).
11. Applicant contacts the City for a final inspection after the sign installation is completed and sign is ready for use per Section 18.02.103.8 (Inspections).

Staffing: The staff member assigned to review sign permits was Larry Melendez, Electrical Plans Examiner. The electrical inspection was carried out in the field by an assigned electrical inspector.

Recent Sign Permit Review Process Changes

In March 2008, the sign permit review process was transferred from the Building Permits & Inspections Division to the Planning Division. This came about as a result of errors in the issuance of both on and off premise signs, as traditional billboards were allowed too close to residential or were too large for the adjacent roadway. Several on premise sign permits were also issued for signs inappropriate for historic districts (Bank of America) and multiple digitals were also permitted. In both cases, the main error and weakness in process was in the issuance of sign permits that did not meet the requirements of the Zoning Code (Title 20). Since the Planning Division has greater expertise in this area and houses the Zoning Administrator, a shift in sign administration was warranted. The sign review process was consequently modified to include a more comprehensive review of zoning and other land development issues in

addition to the sign permit application review. The following steps were added as part of the sign permit review process:

1. The first change in process was the amendment of the sign permit form, which forces customers to identify whether the sign is an LED, electronic message center, digital, or changeable electronic variable message sign.
2. Verification of legal description, address, acreage, and zoning information in GIS
3. Verification of property conditions with aerial maps in GIS
4. Verification of any nonconforming issues or conditions per Section 20.22.090 (Nonconforming signs)
5. Verification whether the sign will be located in a historic district, on property with a historic overlay, or on a designated independent historic structure.
6. Coordination with the Zoning Administrator and other Planning Division sections to discuss any zoning or land development issues
7. Foundation, electrical, and final inspections are handled by the Building Permits & Inspections Division per Section 18.02.103.8 (Inspections)

Staffing: Two supervisors within the Planning Division are currently assigned oversight of all sign permits, the Zoning Administrator Christina Valles and Lead Planner Fred Lopez. They oversee two staff members, Scott Reed and Robert Peña, who perform intake on permit applications and who perform the initial review. Both Mr. Reed and Mr. Peña have received detailed training on the issuance of sign permits and the new process, with special attention paid to zoning; and each sign permit application must go through the process detailed above. All four staff members and the Deputy Director Planning have reviewed the process and believe that all signs permitted to this point forward will meet all requirements of Title 20.

Errors in Process

Planning Division (Issued after 1/1/08)

- SGN08-00306 – 1490 George Dieter – This is a legal non-conforming on-premise sign that we allowed a change in technology to include digital pricing display.
- SGN08-00486 – 1074 Country Club – Three monument on-premise signs were permitted, spaced too close together, where only two are allowed. The error was caught during the foundation inspection and the property owner is revising his application to comply.
- **BP&I (Issued prior between 8/01/08 and 1/1/08)**
 - SGN07-01299 – 310 N. Mesa – Bank of America downtown. On-premise signs were issued without historic review, signs are too large and too numerous.
 - SGN07-01140 – 8899 Alameda – On-premise sign issued without historic review. Sign is too large.
 - SGN07-00201 – North Loop – Off-premise sign issued too close to a scenic corridor. The permit was revoked and an appeal to the ZBA submitted. The ZBA denied the appeal
- **BP&I additional oversights**
 - 17 digital billboards
 - Multiple on premise digital signs

CEVM Signs at City Facilities

Development Services Department staff has confirmed that the City is utilizing 10 CEVM signs:

- Parks & Recreation Department - 3 LED signs
- Police Department - 5 LED signs
- Convention Center - 1 LED sign
- El Paso Zoo - 1 LED sign

These CEVM signs were permitted as public interest electronic message signs per the City Code. The following departments do not utilize CEVM signs at public facilities: El Paso Public Library, Museums & Cultural Affairs, Fire Department, Street Department, and Environmental Services Department.

Some of the existing CEVM at City facilities utilized scrolling text or graphics. The Development Services Department contacted the Parks & Recreation, Police Department, and El Paso Zoo and requested that these signs not display animation, flashing, running, or scrolling text or graphics. The El Paso Zoo sign did not scroll or utilize animation. The Departments with scrolling text or graphics typically responded that they initially used static displays but started utilizing scrolling and animation features once they learned the software for the sign.

**Proposed On-Premise
CEVM Sign Regulations**

City Council
 September 16, 2008

ON-PREMISE CEVM SIGN REGULATIONS

- **Amend Chapter 20.02 (General Provisions and Definitions)**

20.02.897 Sign, changeable electronic variable message
 Changeable electronic variable message sign means an on-premise sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, 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, including a light emitting diode (LED) or digital sign, and which varies in color or intensity.

- **Amend Section 20.18.140 (Prohibited Signs)**

20.18.140 Prohibited signs
 O. Animated, flashing, running light or twinkle signs, except changeable electronic variable message signs which conform to the provisions of this chapter. Signs projecting or displaying three-dimensional or holographic images.

ON-PREMISE CEVM SIGN REGULATIONS

- **Amend Sections 20.18.400 (General)**

Article IV On-Premise Sign Regulations
 20.18.400 General

A changeable electronic variable message sign is permitted on

- a primary monument sign, a primary pole sign, or a primary wall sign
- in a C-1, C-2, C-3, C-4, M-1, M-2 and M-3 zoning district
- on a minor arterial, major arterial or higher category arterial

Original staff recommendation:

- No CEVM signs on pole or wall signs
- No CEVM signs in C-1
- No CEVM signs on minor arterials

ON-PREMISE CEVM SIGN REGULATIONS

a. Changeable electronic variable message signs shall be in conformance with the maximum sign area requirements of Section 20.18.400.

b. A maximum of one primary sign per premise may contain a changeable electronic variable message sign.

c. Only one changeable electronic variable message sign is permitted on each side of the primary sign with a maximum of two changeable electronic variable message signs on the primary sign.

ON-PREMISE CEVM SIGN REGULATIONS

d. Each message on a changeable electronic variable message sign shall be displayed for at least ten seconds and a change of message shall be accomplished within one second. Original staff recommendation: twenty seconds

e. A change of message on a changeable electronic variable message sign shall occur simultaneously on the entire sign face.

f. Changeable electronic variable message signs shall not contain animation, rolling or running letters or message, flashing lights or scrolling displays as part of the display.

ON-PREMISE CEVM SIGN REGULATIONS

g. Changeable electronic variable message signs may be located on either side of the roadway; however, each sign must only be visible from one direction of travel.

h. A changeable electronic variable message sign is not permitted within 200 feet from R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, P-R1, P-R11, RMH, PMD, A-1, A-2, A-3, A-4, A-M, A-3/O, A-O, R-MU, G-MU or I-MU zoning districts. Original staff recommendation: 550 feet

i. A changeable electronic variable message sign is not permitted if the lot or premise has a CEVM billboard.

ON-PREMISE CEVM SIGN REGULATIONS

j. A 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 public interest items not taking place on premise such as events for schools, amber alerts, and religious institutions.

k. A 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.

ON-PREMISE CEVM SIGN REGULATIONS

l. Owner responsibilities.

(1) 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.

(2) If the development services department finds that a changeable electronic variable message has malfunctioned, the owner of the sign, within 12 hours of a request by the department, shall correct the malfunction or power off the sign.

ON-PREMISE CEVM SIGN REGULATIONS

m. Maximum total sign area for signs with a changeable electronic variable message sign:

	0 - 29.9%	30 - 34.9%	35 - 39.9%	40 - 44.9%	45 - 50%
Monument Sign - Freeway					
5 acres and up	405	360	337	315	270
< 5 acres	315	280	262	245	210
Monument Sign - Arterial					
1 acre and up	225	200	187	175	150
< 1 acre	180	160	150	140	120
Pole Sign - Freeway					
All	180	160	150	140	120
Pole Sign - Arterial					
All	135	120	112	105	90
C-1 - Without Special Circumstances					
Monument Sign	72	64	60	56	48

Original Staff Recommendation:

- A maximum of 25% of the monument sign face may be devoted to a changeable electronic variable message sign
- Shall be at the bottom of the sign face.

ON-PREMISE CEVM SIGN REGULATIONS

11. Changeable electronic variable message signs prior to July 2008. An on-premise changeable electronic variable message sign meeting the criteria below is specifically authorized by city council and specifically exempted from the provisions of this section, provided, however, that if changes are made to the sign, requiring any type of city permit, the sign shall be brought into compliance with this section prior to the issuance of a permit.

- a. The signs do not contain animation, scrolling, or flashing lights or illumination; and,
- b. A city application was submitted for the sign and the sign was constructed in conformance with the application submitted; and,
- c. A city permit was issued for the sign.
- d. The burden is on the sign owner to prove all of the above requirements have been met.

ON-PREMISE CEVM SIGN REGULATIONS

Amend Sections 20.18.400 (General)

1. A static changeable electronic price sign is permitted on a primary monument sign, primary pole sign, or primary wall sign in a C-1, C-2, C-3, C-4, M-1, M-2 and M-3 zoning district on a minor arterial, major arterial or higher category arterial subject to the following conditions:

- a. Each price digit may not exceed 18" in either height or width unless the parcel is adjacent to Interstate Highway 10, U.S. Highway 54, Joe Battle Boulevard, or Americas Avenue where 48" maximum height and width digits are allowed. *Original staff recommendation: Interstate Highway 10 only*
- b. Characters for the product being sold shall not exceed the size of the associated price digit and must also remain static.
- c. Static price and product types shall remain in place for a minimum of 30 seconds.

**Proposed On-Premise
CEVM Sign Regulations**

City Council
 September 16, 2008
