



**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 AMEND THE TYPES OF CHANGEABLE ELECTRONIC VARIABLE MESSAGE AND DIGITAL SIGNS ALLOWED. 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**, on September 16, 2008, the City Council adopted an ordinance to allow for On Premise Changeable Electronic Variable Message (CEVM) and Digital Signs within the City; and,

**WHEREAS**, City Council has determined that there is a need to review the types of CEVM's that will be allowed, to include whether animation, rolling and running letters or messages, flashing lights or scrolling should be allowed,

**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.

**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 changeable electronic variable message 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.

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

**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 or Americas Avenue where 48'' maximum height and width digits are allowed.

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- 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:**

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Mathew S. McElroy  
Deputy Director – Planning  
Development Services Department