

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

**DEPARTMENT:** Planning and Inspections, Planning Division

**AGENDA DATE:** Introduction – August 6, 2019

**PUBLIC HEARING DATE:** September 3, 2019

**CONTACT PERSON NAME AND PHONE NUMBER:**

Philip Etiwe, (915) 212-1553, [EtiwePF@elpasotexas.gov](mailto:EtiwePF@elpasotexas.gov)

Anne Guayante, (915) 212-1814, [Guayanteam@elpasotexas.gov](mailto:Guayanteam@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** Citywide

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article III (Billboard Regulations), Section 20.18.220 (Size and Height), Subsection 20.18.220(A) of the El Paso City Code to comply with changes made by the Texas Legislature during the 86<sup>th</sup> legislative session under H.B. 357 regarding the height outdoor advertising signs regulated by the Texas Department of Transportation. The penalty is as provided under Chapter 20.24 of the El Paso City Code. (Citywide)

**BACKGROUND / DISCUSSION:**

On July 25, 2019, the City Plan Commission reviewed and recommended approval of the proposed amendments.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**

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Philip F. Etiwe, Director  
Planning and Inspections Department

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS), ARTICLE III (BILLBOARD REGULATIONS), SECTION 20.18.220 (SIZE AND HEIGHT), SUBSECTION 20.18.220(A) OF THE EL PASO CITY CODE TO COMPLY WITH CHANGES MADE BY THE TEXAS LEGISLATURE DURING THE 86<sup>TH</sup> LEGISLATIVE SESSION UNDER S.B. 357 REGARDING THE HEIGHT OF OUTDOOR ADVERTISING SIGNS REGULATED BY THE TEXAS DEPARTMENT OF TRANSPORTATION. THE PENALTY IS AS PROVIDED UNDER CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the City Plan Commission on July 25, 2019 recommended approval of the amendments.

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

**SECTION 1.** That Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article III (Billboard Regulations), Section 20.18.220 (Size and Height), Subsection 20.18.220(A) is amended to read as follows:

- A. In zoning districts C-3, C4, M1, M2, and M3 districts on Interstate Highway 10, new static and new-CEVM may have operational display faces up to six hundred seventy-two square feet in display area, with the new static or new-CEVM being no higher than sixty feet, excluding a cutout that extends above the rectangular border of the sign, measured:
1. from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or
  2. if the main-traveled way is below grade, from the base of the sign structure.

**SECTION 2.** Except as herein amended, Title 20 (Zoning) remains in full force and effect.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

THE CITY OF EL PASO:

ATTEST:

\_\_\_\_\_  
Dee Margo, Mayor

\_\_\_\_\_  
Laura D. Prine, City Clerk

(Signatures on the following page)

ORDINANCE NO. \_\_\_\_\_  
19-1007-2478 | 911815  
Title 20 Amendment- Billboard Signs  
OAR

**APPROVED AS TO FORM:**



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Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

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Philip F. Etiwe, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_  
19-1007-2478 | 911815  
Title 20 Amendment- Billboard Signs  
OAR

## **MEMORANDUM**

**DATE:** July 30, 2019

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Raul Garcia, Planning Program Manager

**SUBJECT:** Amendments to Title 20.18

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The City Plan Commission (CPC), on July 25, 2019 voted 6-0 to recommend **approval** of the amendments. The CPC found that the amendments are in conformance with Plan El Paso. The CPC also determined that the amendments protect the best interest, health, safety and welfare of the public in general; and, that the amendments will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any letters or phone calls in support or opposition of the amendments.

20.18.220 - Size and height.

- A. In zoning districts C-3, C4, M1, M2, and M3 districts on Interstate Highway 10, new static and new-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~~ new static or new-CEVM being no higher than sixty feet, excluding a cutout that extends above the rectangular border of the sign, measured:
1. from the grade level of the centerline of the main-traveled way, not including a frontage road of controlled access highway, closest to the sign at a point perpendicular to the sign location; or
  2. if the main-traveled way is below grade, from the base of the sign structure.
- B. In zoning districts C-3, C4, M1, M2, and M3 districts on major arterials, super arterials, or higher category arterials, new static and new-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.

(Ord. No. 17317, § 3, 5-4-2010; Ord. No. 17686, § 2, 12-6-2011; Ord. No. 17960, § 9, 2-19-2013)

AN ACT

relating to outdoor advertising signs regulated by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 391.038, Transportation Code, is amended to read as follows:

Sec. 391.038. SIGN HEIGHT. (a) Except as otherwise provided by this section, a sign may not be higher than 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure ~~[This section applies only to a sign existing on March 1, 2017, that was erected before that date].~~

(a-1) Subsection (a) does not apply to a sign regulated by a municipality certified for local control under an agreement with the department as provided by department rule.

(b) A sign existing on March 1, 2017, that was erected before that date ~~[described by Subsection (a)]~~ may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

1           (1) from the grade level of the centerline of the  
2 main-traveled way, not including a frontage road of a controlled  
3 access highway, closest to the sign at a point perpendicular to the  
4 sign location; or

5           (2) if the main-traveled way is below grade, from the  
6 base of the sign structure.

7           (c) A person who holds a permit for a sign existing on March  
8 1, 2017, that was erected before that date may rebuild the [a] sign  
9 [described by Subsection (a) without obtaining a new or amended  
10 permit from the department], provided that the sign is rebuilt at  
11 the same location where the sign existed on that date [March 1,  
12 2017, and] at a height that does not exceed the lesser of:

13                 (1) the height of the sign on March 1, 2017; or

14                 (2) 85 feet [that date].

15           (c-1) Except as provided by Subsection (c-2), before  
16 rebuilding a sign under Subsection (c), the person who holds the  
17 permit for the sign must obtain a new or amended permit if required  
18 by:

19                 (1) a provision of this chapter; or

20                 (2) a rule adopted to implement a provision of this  
21 chapter.

22           (c-2) Subsection (c-1) does not apply to the rebuilding of a  
23 sign under Subsection (c) if the person who holds the permit for the  
24 sign rebuilds because of damage to the sign caused by:

25                 (1) wind or a natural disaster;

26                 (2) a motor vehicle accident; or

27                 (3) an act of God.

1           SECTION 2. Subchapter B, Chapter 391, Transportation Code,  
2 is amended by adding Section 391.0381 to read as follows:

3           Sec. 391.0381. VIOLATIONS BY CERTAIN PERSONS OF SIGN HEIGHT  
4 PROVISION: PERMIT DENIAL. (a) This section applies only to a  
5 person who has permits for 100 or more signs.

6           (b) If a sign for which a person has a permit violates  
7 Section 391.038 or a rule adopted to implement that section, the  
8 commission may, after notice and an opportunity for a hearing  
9 before the commission, deny an application for a permit requested  
10 by the person on or after the date of the violation.

11           (c) After notice and an opportunity for hearing before the  
12 commission, the commission may deny an application for a permit or  
13 permit renewal for a sign if another sign for which the person has a  
14 permit is in violation of Section 391.038. The commission is not  
15 required to issue a permit to or renew a permit of the person for a  
16 sign until all signs for which the person has a permit comply with  
17 Section 391.038.

18           SECTION 3. This Act takes effect September 1, 2019.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 357 passed the Senate on March 25, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 21, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 357 passed the House, with amendments, on May 16, 2019, by the following vote: Yeas 116, Nays 17, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor