Chapter_28_SIGNS DRAFT D_03012016

Table of Contents

ARTICLE I. - IN GENERAL 5

Sec. 28-1. - Short title. 5

Sec. 28-2. - Legislative findings; intent. 5

Sec. 28-3. - Purpose. 5

ARTICLE II. – ADMINISTRATION, ENFORCEMENT AND PROCEDURES 6

Sec. 28-4. – In General. 6

Sec. 28-5. - Jurisdiction, Enforcement and Appeals 7

Sec. 28-6. - Definitions. 12

Sec. 28-8. - Exemptions. 21

Sec. 28-9. - Violations; penalties; civil remedies; nuisance signs; removal; reclaiming. 21

Sec. 28-10. - Posting signs and bills on private premises. 23

Sec. 28-12. - Signs posted at commercial parking areas. 24

Sec. 28-13. - Fee schedule. 25

Sec. 28-16. - Severability. 27

ARTICLE III. - LICENSES 28

Section 28-x. In General 28

Section 28-x. License 28

Section 28-x. Off Premises Sign Operator License 29

Section 28-x. On Premises Sign Operator License 30

Sec. 28-xx. - Nontransferability. 30

Sec. 28-xx. - Unlawful use of license. 31

Sec. 28-xx. - Revocation and suspension. 31

Sec. 28-xx. - Master sign electrician's license. 31

Sec. 28-xx35. - Insurance and indemnification. 32

ARTICLE IV. - PERMITS 33

Sec. 28-xx. Permit. 33

Sec. 28-xx. – Exceptions to Permit Requirements. 34

Sec. 28-xx. - Application for a permit. 35

Sec. 28-xx. - Conditions for issuing permits. 36

Sec. 28-99. - Serial numbers and sign information. 37
Sec. 28-xx96. - Obtaining permit for another. 38
Sec. 28-98. - Permits issued in violation of this chapter. 38
Sec. 28-33. - Compliance bond. 38
ARTICLE IV. - ERECTION AND MAINTENANCE REGULATIONS 38
DIVISION 1. - GENERALLY 38
Sec. 28-110. - Maintenance. 38
Sec. 28-111. - Preventing obstructions. 39
Sec. 28-112. - Creating hazards. 39
Sec. 28-113. - Attachment and wind loads. 39
Sec. 28-114. - Materials; supports. 39
Sec. 28-115. - Electric wiring. 40
Sec. 28-116. Residential buffers/setbacks. 40
DIVISION 2. - ON-PREMISES SIGNS. 40
GENERAL REGULATIONS 40
Sec. 28-XX. - Purposes of Division 2. 40
Sec. 28-xx. - Scope. 40
Sec. 28-xx. - General provisions. 41
Sec. 28-xx. - Sign height and area. 42
Sec. 28-xx. - Provisions applicable to residential zoning districts. 44
Sec. 28-241. - Provisions applicable to nonresidential zoning districts. 45
Sec. 28-xx. - Temporary displays. 49
Sec. 28-xx. - Sign master plan development agreement 49
Sec. 28-245. - Nonconforming sign abatement. 50
SPECIAL REGULATIONS 51
Sec. 28-116. - Overhanging signs. 51
Sec. 28-118. - Wall signs. 52
Sec. 28-119. - Projecting signs. 52
Sec. 28-120. - Projecting signs installed on a pipe. 52
Sec. 28-121. - Pole signs. 53
Sec. 28-122. - Roof signs. 53

Sec. 28-123. - Marquee signs. 54
Sec. 28-124. - Electric signs. 54
DIVISION 3. - OFF-PREMISES SIGNS. 54
Sec. 28-136. - Prohibition of new off-premises signs. 54
Sec. 28-XX. - Registration of existing off-premises signs. 54
Sec. 28-XX. - Height limitations. 55
Sec. 28-138. - Setback requirements. 55
Sec. 28-142. - Maximum size of sign face. 56
Sec. 28-143. - Animation. 56
Sec. 28-144. - Engineer certifications. 56
Sec. 28-146. - Construction requirements. 57
Sec. 28-147. - Maintenance. 57
Sec. 28-139. - Nonconforming rights. 58
Sec. 28-151. – Exception to General Prohibition: Governmental action. 58
Sec. 28-18. – Exception to General Prohibition: Relocation and replacement of existing off-premises signs. 59
Sec. 28-141. – Absolute Prohibition to Off-Premise Sign Relocation: Scenic corridors; historic districts. 59
ARTICLE VI. - URBAN CORRIDORS. 61
Sec. 28-216. - Purpose. 61
Sec. 28-217. - Designation criteria. 61
Sec. 28-218. - Designation process. 62
Sec. 28-219. - Boundaries. 62
Sec. 28-220. - Sign standards. 63
Sec. 28-221. - Variances. 65
Sec. 28-223. - IH-10/FM 1604 urban corridor. 66
Sec. 28-224. - UC-2, Broadway urban corridor district. 67
Sec. 28-225. - UC-3, Fredericksburg Road urban corridor district. 68
Sec. 28-226. - UC-4, North St. Mary's Street urban corridor district. 68
Sec. 28-227. - UC-5, Main Ave/McCullough Ave urban corridor district. 69
Sec. 28-228. - UC-6, San Pedro urban corridor district. 69
ARTICLE VII – SPECIAL REQUIREMENTS 69

Sec. 28-148. - Residential developer/builder off-premises sign. 69
Sec. 28-125. - Off-premise digital signs. 71
Sec. 28-150. - Off-premises signs in ETJ. 75
Sec. 28-151. - Temporary Signs – In General. 76
Section 28-152 Banner signs projecting over streets 77
Section 28-153 Banners on store fronts 77
Section 28-154. Campaign/Political signs 77
Section 28-155. Blade/Snipe Signs 78
Section 28-156. Temporary neighborhood association signs 78
Section 28-157. Wayfinding signs 79
Section 28-158. Garage sale signs 79
A. PLACEMENT ON PRIVATE PROPERTY 80
PORTABLE SIGNS 80
Sec. 28-161. - Prohibition of portable signs. 80
Sec. 28-162. - Nonconforming rights. 80
B. PLACEMENT ON PUBLIC PROPERTY 81
Sec. 28-XX- Public Property. 81
Confiscation of Bandit Sign Placed in Right of Way and Public Property. 82
Placement of Bandit Sign: Criminal offesene; penalty 83
Administrative penalties 84
Permission of abutting property owners necessary 85
Temporary Placement: Temporary Display of On-Premises Sign and/or On-Premises Digital Display on Public Property. 86
(e) Exception: Mobile Billboards. 86
Sec. 28-11. - Carrying or transporting signs. 86
Sec. 28-152. - Signs on roads and highways maintained by the city. 87

Chapter_28_SIGNS DRAFT D_03012016

ARTICLE I. - IN GENERAL

Sec. 28-1. - Short title.

This chapter may ~~shall be known and may~~ be referred to as the "S~~s~~ign ~~and off-premises ordinance~~code for San Antonio."~~ of the city~~. See also Chapter 10, Building-related codes articles I, II, III, VI, XII and XII~~I~~ ~~of chapter 10, Building-related codes~~.

Sec. 28-2. - Legislative findings; intent.

~~In enacting this chapter, special notice has been taken of the often competing viewpoints of citizens and the sign industry; particularly that portion of the industry engaged in off-premises sign operations. Frequently, the citizens' right to an unobstructed view has been pitted against the right of the sign industry and its clients to do business, promoting a "winner take all" in resolving conflicts. This chapter has been designed to protect and accommodate both concerns. As such, it has inevitably, and properly, led to some forms of compromise. In arriving at these compromises, every possible consideration has been afforded the public interest, individual property and business rights, and the need for signs and outdoor advertising. Compromise obviously implies mutual concessions and/or losses; it also suggests, and this chapter has been developed in that spirit, mutual gains and benefits. It is, further, the intent of this chapter that its burdens and benefits be fairly and rationally distributed among all parties involved.~~

(a) It is the intention that this chapter be liberally interpreted to cover advances in technology and its impact on City interests in aesthetics and traffic safety not contemplated at its inception. As such, the Director is authorized, through appropriate staff, to draft Information Bulletins to further administer this chapter. Such actions shall be to accommodate the impact of new technology but shall not amend this chapter or waive the requirements of this chapter.

(b) Throughout this chapter, subsections prefaced "commentary" have been inserted below individual sections of the text. Each commentary is intended as an official statement of legislative finding or purpose. Whenever a section or subsection is deemed to require clarification, explanation of intent, or further elaboration, a commentary has been included. These commentaries have been legislatively adopted together with the more formal text of the chapter. They are intended as a guide to the administration and interpretation of the chapter and shall be treated in that fashion.

(c) This chapter constitutes a baseline for regulatory compliance involving Signs. In case of conflict, specific governs general language. Unless specifically stated otherwise or is clear from the context, this chapter will control.

(d) The City of San Antonio, through appropriate staff and stakeholder commentary, shall review and recommend amendments to sign regulations with such review to coincide with the International Code Compliance technical construction code updates and corresponding City schedule to so review and every three (3) years, hence.

Comment [md1]: The City Attorney's Office with the City of San Antonio is developing a response to the 3-1-16 meeting

Sec. 28-3. - Purpose.

(a) (a) ~~This chapter is enacted t~~To provide minimum standards to protect the life, health, safety, property, welfare, convenience and enjoyment of the general public by regulating and controlling the design, quality of materials, construction, erection, location, electrification, lighting, use, maintenance, and safe transportation of all outdoor advertising signs and sign structures as well as confirm ~~ascertain~~ that all ~~off-premises and on-premises~~ sign operators are properly licensed, insured, and bonded.

~~(a)~~(b) ~~The purposes of this chapter are, in addition t~~To makeing San Antonio safer by eliminating or reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment while facilitating the communication of messages to the public~~, the following:~~

~~(b)~~(c) ~~(1)~~To ~~P~~protect the safety and efficiency of the city's transportation network by reducing confusion or distractions to motorists and enhancing motorists' ability to see and react~~pedestrians, obstacles, other vehicles and official traffic signs, signals, or devices by eliminating a proliferation of messages for the reader~~.

~~(c)~~(d) ~~(2)~~To ensure safe construction and minimizing potential hazards or obstructions to access and views by requiring all signs to conform to erection and maintenance regulations. ~~Require that all signs conform to the erection and maintenance regulations to insure that they are safely constructed and do not create hazards or obstructions to access and views, or be located on a public right- of-way.~~

~~(d)~~(e) ~~(3)~~ To ~~P~~preserve, protect and enhance aesthetic and economic/property values ~~regardless of whether they are of a natural or manmade environment~~ by establishing ~~requirements for~~ the height, size, light ~~brightness~~ and movement requirements ~~of on-premises signs~~.

~~(e)~~(f) ~~(4)~~ To ~~P~~preserve, protect and enhance the image and attractiveness of the city for its citizens and visitors through the identification of the special character and economic advantages of its subareas.

~~(f)~~(g) ~~(5)~~ To ~~P~~preserve and enhance visitor ~~the~~ impression of the City of San Antonio~~city which is conveyed to citizens, tourists and visitors~~ by restricting ~~limiting the construction and erection of any new~~ off-premises sign~~s~~ construction.

~~(g)~~(h) ~~(6)~~To ~~P~~preserve, protect and improve ~~San Antonio's~~ quality of life, which although difficult to define, is possibly the city's most valuable resource.

~~(b) Unless specifically stated, nothing within this chapter shall be interpreted or applied so as to prohibit a property owner or that owner's agent from removing or authorizing the removal of signage on that owner's property.~~

ARTICLE II. – ADMINISTRATION, ENFORCEMENT AND PROCEDURES

Sec. 28-4. ~~–~~ ~~Enforcement~~In General.

This chapter establishes a legal framework for sign regulation within the jurisdiction.

~~**(a) Sec. 28-243. - Prohibited signs.**~~

(a) **Public Considerations.** No sign or related structure shall be approved or erected in contravention to public life, health, safety and welfare considerations as outlined below and a sign or related structure so constructed constitutes a violation of this chapter:

(1) ~~Notwithstanding any provisions of this article, no s~~Signs ~~shall be~~ erected which ~~constitutes an~~ obstruct~~ion to~~ the view of operators of motor vehicles on public streets or entering such streets from private property ~~as determined by the director of public works~~.

(2) ~~(b)~~ Signs erected or in the process of being erected constituting a public hazard or an obstruction to building egress, such as a window or door.

~~(2)~~(3) Signs supported on or attached to any fire escape, door, or window casing.

~~(3)~~(4) Signs with damage, deterioration or other defects constituting a hazard to public life, health, safety and welfare.

~~(4)~~(5) ~~No r~~Revolving beam or beacon of light resembling any emergency vehicle light ~~shall be permitted, nor shall~~and any signs ~~be made to~~ resembling~~e~~ ~~a~~ traffic control signs.

~~(5)~~(6) ~~(c)~~ Signs which encroach or project over public property or right-of-way, except as expressly permitted by this division.

~~(6)~~(7) ~~(d)~~ Portable signs.

~~(7)~~(8) ~~(e) No d~~Digital display signs ~~shall be~~ configured to resemble a warning or danger signal or are otherwise easily confusable ~~to cause a driver to mistake the sign for~~ with a warning or danger signal.

~~(8)~~(9) ~~(f) No d~~Digital display signs ~~shall~~ resembling~~e~~ or simulating~~e~~ any lights or official signage used to control traffic in accordance with the 2003 Manual on Uniform Traffic Control Devices, with Revision No. 1 published by the Federal Highway Administration (FHWA).

(b) **City Authority**. Any purported City authorization to erect a sign in violation of (a) above is invalid and is automatically rescinded. Nothing herein shall be construed so as to restrict or prohibit lawful sign erection in compliance with this chapter. City is authorized to evaluate and alleviate the life, safety, health and welfare concern of a sign or related structure 1) constructed; 2) in the process of being constructed; 3) damaged; or 4) otherwise deteriorated - all so as to present a clear and present danger to the public by any reasonable means necessary under the circumstances then existing as a valid exercise of its police powers after application for and issuance of an administrative warrant to effect same. Costs associated with alleviating the sign or related structure shall be forwarded to the sign owner for immediate remittance.

Sec. 28-5. - Jurisdiction, Enforcement and Appeals ~~Legislative nature of "commentaries."~~

(1) **Jurisdiction**. The provisions of this chapter shall be applicable to the entire area within the corporate limits of the city and in the extraterritorial jurisdiction (ETJ) of the city as defined in the Municipal Annexation Act.

(2) **Enforcement** shall be made by departments of development services, police, or other departments designated by the city manager against any violator of any provision of this chapter. As a condition precedent for the lawful erection and continued erection and maintenance of signs within its jurisdiction, city staff shall have the right to enter into the property wherein said sign is displayed or erected or to be erected, during reasonable working hours, for inspection and/or other health and safety regulatory purposes. Failure to permit city staff entry to the premises and/or to conduct a lawful investigation, or any obstruction thereof, will result in immediate termination of any existing permit and/or permission to lawfully display, erect or maintain said sign. The ~~sign~~ owner or ~~operator~~ owner's agent must file a written appeal of such termination to the ~~b~~Building-R~~r~~elated and F~~f~~ire ~~c~~Codes A~~a~~ppeals and A~~a~~dvisory B~~b~~oard within 21 ~~10~~ days of notice of the same being mailed to the ~~sign~~ owner and/or owner's agent ~~operator~~ prior to any other administrative or legal action taken by the ~~sign~~ owner and/or owner's agent ~~operator~~. Failure to file an appeal waives the right to appeal the termination. A proper and timely filed appeal shall be heard by the building-related and fire codes appeals and advisory board as mandated by Chapter 10 of the City Code and termination is tolled pending the outcome. This procedure has retroactive effect to include all pre-existing signs

erected, maintained and displayed within the City of San Antonio. This provision may be enforced by the City, using all civil, administrative and/or criminal procedures and remedies available; the election of one means does not preclude enforcement by another.

(3) Duties and Powers of the Director.

(1) **In General.** The Director is authorized and directed to enforce the provisions of this chapter. The Director has the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in accordance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter. The Director shall have the power to suspend or revoke city issued certificates of license and registration as detailed in this Chapter.

(2) **Application and permits.** The Director and designees shall receive applications, review construction documents and issue permits for the erection, repair, alteration, addition, demolition, and relocation of sign structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Chapter.

(3) **Notices and orders.** The Director and designees shall issue all necessary notices or orders to ensure compliance with the provisions with this Chapter.

(4) **Inspections.** The Director and designees shall make all of the required inspections, or may accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The Director is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(5) **Identification.** The Director and designees shall carry proper identification when inspecting structures or premises in the performance of duties under this Chapter.

(6) **Impersonation prohibited.** A person shall not impersonate the Director or designees through the use of a uniform, identification card, badge or any other means. Any such impersonation is a violation of this Chapter.

(7) **Notice of defects.** The Director and designees shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged.

(8) **Department records.** The Director and designees shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records are retained in the official records for the period required for retention of public records.

(9) **Liability.** The Director, members and alternate members of the building-related and fire codes board of appeals, or employees charged with enforcement of this chapter, while acting for the city in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, are not civilly or criminally rendered liable personally and are relieved from personal liability for any damage accruing to persons or property as a result of any act, or by reason of an act or omission in the discharge of official duties. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representative of the city until the final termination of the

proceedings. The Director or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Chapter.

(10) **Approved materials and equipment.** Materials, equipment and devices approved by the Director shall be constructed and installed in accordance with such approval.

Comment [md2]: COSA staff is developing proposed criteria per 3-1-16 meeting.

(11) **Modifications**. Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Director is authorized to grant modifications for individual cases, upon application of the owner or owner's authorized representative, providing the Director first finds, that special individual reason makes the strict letter of this chapter impractical, the modification is in compliance with the intent and purpose of this Chapter, and that such modification does not lessen any of the following: health, accessibility, life and fire safety, or structural requirements. Any modification must be supported through consultation with and upon the advice of qualified personnel and by review and evaluation of other objective criteria. The details of action granting modifications including all materials reviewed and personnel consulted shall be recorded and entered in the files of the department of development services.

(12) **Administrative Exceptions**. To facilitate flexibility in design while maintaining the safety, health and welfare of the public, the Director in concurrence with qualified personnel may grant administrative exceptions to the following provided 1) the director certifies that the proposed exception does not conflict with the intent of this chapter; and 2) the applicant demonstrates, through documentation and/or studies, based on generally accepted engineering, design and installation principles, that exceptions to the standard provided by this chapter would not pose a threat to health and safety:

- ?????

(13) **Alternative materials, design and methods of construction and equipment.** The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Director finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in qualify, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Director shall respond in writing, stating the reasons why the alternative was not approved.

a. **Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this chapter, shall consist of valid research reports from approved sources.

b. **Tests.** Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the Director has the authority to require tests as evidence of compliance to be made at no expense to the city. Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Director shall approve the testing procedures. Testing shall be performed by an approved

agency. Reports of such tests shall be retained by the Director for the period required for retention of public records.

(4) Variance and appeal procedures.

(a) Board authority.

(1) The building-related and fire codes appeals and advisory board, also known as the appeals and advisory board shall have the authority to hear and decide appeals of orders, decisions or determinations made by the director relative to the application and interpretation regarding licensing issued under this chapter, on premise signs, off-premises signs and electrical considerations as explicitly set out in various sections of this chapter. The appeals and advisory board shall act as an appellate and advisory board to the director regarding interpretations of this chapter.

(2) The members of the board of adjustment shall have the authority to hear and grant variances from regulations not specifically reserved for the appeals and advisory board.

(b) ~~(a)~~ Appeals.

(1) A decision by the director regarding an interpretation of this chapter may be appealed within twenty-one (21) days after notice is served to the Building-related and Appeals and Advisory Board in accordance with City Code Section 10-14~~appeals and advisory board~~. The board may hear the arguments in favor and against the interpretation from any interested party.

(2) A party who seeks to appeal an interpretation shall submit a written request along with a one hundred fifty-five dollar ($155.00) fee to the department of development services. The director shall review the notice of appeal for completeness within three (3) working days. The appellate agency for purposes of completeness review shall be the appeals and advisory board. Upon receipt of a complete application for an appeal and the fee, the ~~appeal shall be placed on the first open date on the board's docket that meet the requirements of the Texas Open Meetings Act.~~ appeals and advisory board shall meet within fourteen (14) calendar days after the building officials receives an application in accordance with City Code Section 10-14. The board may reverse or affirm, in whole or in part, or modify the director's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination in accordance with chapter 10 of the City Code. The applicant shall be notified of such decision by first class mail or by e-mail at the request of the applicant. This request shall be made in writing and signed by the applicant containing at a minimum an email address for where the decision is to be sent. Development services shall keep proof of the request and a log of the email sent containing the board decision. Note that public notice and appeals of the board's decisions shall be in accordance with Chapter 10.

~~(3) Within seven (7) days after the appeals and advisory board has made a final decision, an appeal may be made to the city council in accordance with chapter 10 of the City Code. An appeal to the city council shall be initiated by filing a written notice of appeal and a one hundred fifty-five dollar ($155.00) fee with the city clerk. The city council shall make its determination by simple majority vote. If the city council has not acted on the appeal on or before the 60th calendar day after the date the request was filed with the city clerk, the decision of the appeals and advisory board shall be final.~~

~~(4) Public notice of an appeal of an interpretation of this chapter to the appeals and advisory board shall be given by publication one time in a newspaper of general circulation in the city,~~

~~stating the time and place of the appeal which shall not be less than ten (10) days prior to the date of the hearing.~~

(c) ~~(b)~~ Variances.

(1) Any person seeking a variance from the requirements of this ~~article~~ Chapter shall submit a written request on an application form approved by the director along with a six hundred dollar ($600.00) fee to the development services department. The director shall review the variance application for completeness within three (3) working days. The appellate agency for purposes of completeness review shall be the appeals and advisory board. Upon receipt of the complete variance application and fee, the application shall be placed on the first open date of the docket of the board of adjustment that meets the requirements of the Texas Open Meetings Act.

(2) The director shall not forward a variance application to the board of adjustment for consideration that would eliminate the distinctions between on-premises and off-premises sign types, single and multi-tenant sign types, nor sign sizes by zoning district, street classification or like areas of legislative prerogative. An applicant may appeal the director's decision to the appeals and advisory board pursuant to subsection (~~a~~2).

(3) The board of adjustment may grant a variance if it finds that:

a. The variance is necessary because strict enforcement of the regulation prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or

b. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and

c. After establishing that one or more of the findings set forth in subparagraphs (a) or (b) have been met, the board finds that:

1. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and

2. Granting the variance will not have a substantially adverse impact upon neighboring properties; and

3. Granting the variance will not substantially conflict with the stated purposes of chapter 28

(4) The board of adjustment shall not grant a variance if that variance would eliminate the distinctions between on-premises and off-premises sign types, single and multi-tenant sign types, sign sizes by zoning district, street classification or like areas of legislative prerogative.

(5) The board of adjustment shall conduct its review and render a decision in accordance with the procedures contained in chapter 35 of the City Code. In making its decision, the board shall consider the director's recommendation and apply the factors delineated in subsection (b)(3). The action taken by the board shall be in the form of a motion to grant the variance. Such motion shall require a three-fourth (¾) vote by the appointed members of the board.

(6) The person seeking the variance or the owners or lessees of property lying one thousand (1,000) feet of any point of the lot or portion thereof on which a variance is desired may appeal the decision of the board of adjustment. ~~Within seven (7) days after the board of adjustment's final action an appeal to the city council may be made. The appeal shall be~~

~~initiated by filing a letter indicating that the applicant seeks to appeal the decision of the board to the city council. The appeal shall be accompanied with a three hundred dollar ($300.00) fee and delivered to the city clerk. The city council shall consider all the circumstances of the variance request, including the factors outlined in this section, and make its determination by majority vote. If the city council has not acted on the appeal on or before the 60th calendar day after the date the letter of appeal was filed with the city clerk, the decision of the board of adjustment shall be final.~~

(7) Public notice of such variance request to the board of adjustment or further appeal to city council shall be in accordance with chapter 35 of the City Code.

(c) Voting procedures.

(1) The board of adjustment shall vote in accordance with chapter 35, article 8 of the City Code.

(2) The appeals and advisory board shall vote in accordance with chapter 10 of the City Code.

Sec. 28-6. - Definitions.

When used in this chapter, the following terms shall have the following meanings:

Abandoned sign means any sign that for 30 calendar days after written notice is given 1) does not display a current advertising message such as it advertises or gives notice of a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; 2) does not display a blank face; or 3) which continues in structural, mechanical or cosmetic disrepair ~~shall mean an on-premises sign which no longer serves to direct attention to a business, product, service, or activity which is conducted upon the premises where such sign is located~~.

Comment [md3]: Stakeholder group to revisit when discussing abandoned sign section (28-9)

Action video means the use of action footage shot with any device, the product of which is sized to fit and be displayed by an electronic message sign or similar device.

Adjacent shall mean two (2) properties, lots or parcels ~~are "adjacent"~~ where they abut~~,~~ or where they are nearby and are separated by a dissimilar type of manmade or geologic feature ~~including but not limited to a roadway or street, right-~~ ~~of way, or railroad line, or any stream, river, canal, lake, or other body of water. Adjacent may or may not imply contact but always implies absence of anything of the same kind in between~~.

Advertiser shall mean any natural *person* ~~or entity created by law~~ who uses signs or other medium to convey a message.

Advertising bench shall mean any bench providing seating to the general public without charge, which may bear advertising.

Alamo Plaza Park shall mean the city park area bound by East Houston Street on the north, by the eastern portion of Alamo Plaza (Street) on the east, by Blum (Street) on the south, and the western portion of Alamo Plaza (Street) on the west.

Animated Sign means a sign depicting action, motion, light, or color changes through any means.

Animation shall mean the use of movement or some element thereof, to depict action or create a special effect or scene.

Appeal means a formal request for rehearing to a higher authority submitted pursuant to the requirements ~~section 28-246~~ of this chapter.

Approved shall mean acceptable to the director or authority having jurisdiction.

Area (sign) means the entire advertising area within the sign excluding any framing, trim, or molding and the supporting structure. Also known as the "sign face."

Arterial Type A Street Classification: Any street designated as a super primary or secondary arterial Type A in the city Major Thoroughfare Plan.

Arterial Type B Street Classification: Any street designated as super, primary or secondary Arterial Type B in the city Major Thoroughfare Plan.

Attached (sign) means fixed or adjoined to something else ~~a sign attached to, on, or supported by any part of a building which encloses or covers usable space. Attached signs include wall signs, awnings or canopies, marquee signs, and projecting signs~~.

Automobile (New) sales shall mean a business enterprise whose primary activity is the sale of new automobiles or trucks.

~~*Sign, A*~~*awning, canopy or marquee* sign ~~shall~~ means a sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by chapter.

~~*Sign, B*~~*back to back* sign ~~shall~~ means a structure containing two (2) parallel signs whose faces are oriented in opposite directions and are spaced no more than ten (10) feet apart.

Bandit sign ~~shall~~ means any sign posted on a utility pole, street sign or other street furniture or a sign posted in violation of this chapter in the public right-of-way or public property that are not permitted by the City of San Antonio.~~having six (6) square feet or less of advertising area and made of vinyl, paper, cloth or fabric, polyboard, coroplas, corrugated plastic, poster board, plastic core, cardboard or plywood including signs with wood or wire framing, posts or stakes~~. No sign owned or placed by the C~~c~~ity of San Antonio, the S~~s~~tate of Texas, or a public utility shall be considered a bandit sign.

Bill ~~shall~~ means any advertising poster or handbill.

Billboard means a structure erected to display an off-premises message~~ either for profit nor nonprofit~~. (See Off-Premises Signs) note this does not include temporary residential builder signs

Billboard operator means any person licensed by the Development Services Department to install, erect, service, maintain, alter, repair or demolish billboards.

Board means the Building-related and Fire Codes Appeals and Advisory Board~~*or appeals and advisory board*~~, unless specifically stated otherwise~~ stated~~, or it is clear by the context that something else is intended~~shall mean the building-related and fire codes appeals and advisory board~~.

Building Official means the director of development services and includes authorized designees, unless specifically stated otherwise or clear from the context.

Cabinet ~~*sign*~~ ~~shall~~ means the part of ~~-~~a sign structure consisting of metal enclosures which have a face area to provide messages or advertising and which may or may not be illuminated.

~~Sign, C~~canopy sign ~~shall~~ means a sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over an entrance or window, or along a building facade.

Changeable-Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), digitally projected or manually though placement of letters or symbols on a panel mounted in or on a track system. Also known as Marquee Sign.

Channel letter sign ~~shall~~ means a sign composed of raised, cut-out letters or symbols constructed of metal which may or may not be illuminated.

City ~~shall~~ means the City of San Antonio, TX.

~~Street Classification,~~ Commercial Collector Street Classification,: A street which primarily serves non-residential purposes and provides access to abutting, non-residential property, collecting traffic from local streets to distribute to arterial streets and expressways. Also refers to Arterial Type B.

Commercial sign means a sign which directs attention to a business, product, service or activity which is conducted upon the premises where such sign is located.

Cultural facilities shall mean establishments such as museums, art galleries, public libraries and community centers, botanical and zoological gardens, and theaters for performing arts, which, although they may charge an admission fee, are essentially nonprofit and are principally funded through public expenditures, foundation grants, and donations.

Cutouts shall mean the industry term referring to reproductions of that portion of the graphic elements of an off-premises sign which project beyond the normal limits of the advertising face to dramatize the copy and the advertising message.

Developer/builder residential shall mean a person who is engaged in the business of assembling, preparing and promoting land for residential real estate development or a person who is engaged in the business of building homes in a residential real estate development.

Digital conversion shall mean the replacement of a previously installed static sign face with a digital display.

Digital Projection means the ability to project an image, geographic design, or any other such figure onto the façade of any structure through video mapping or any other type of technologies.

~~*Digital display, off-premises*. See "Sign, off-premises digital."~~

Director shall mean the director of development services and includes authorized designees, unless specifically stated otherwise or clear from the context.~~or his duly authorized representative.~~

Dissolve/Appear: A mode of message transition on an Electronic Message Center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Dwell time shall mean the interval of change between each individual message. Dwell time shall not include the one (1) second or less required to change a message.

Electronic Message Display: A sign capable of displaying words, symbols, figures or images that can be changed by remote or automatic means.

~~*Sign, E*~~*electric sign* ~~shall~~ means any sign on which letters, figures, designs, or messages are formed or outlined by electric illumination, or by a transparent or translucent medium which is electrically illuminated, whether the illuminating device is contained within or on the sign and shall also include all outside building outlining, and interim decorative displays and gas tube window outlining. Signs illuminated by electric lights which are not attached to the sign, and signs which are lighted by floodlights or projectors, are not classified as electric signs within the meaning of this chapter. Any portable sign that has electrical components attached, connected to, or part of the sign, or support, whether electrified or not, shall be considered an electric sign and all provisions of this chapter pertaining to electric signs shall apply.

Embellishments shall mean any feature such as a cutout, neon or plastic letters, clock, electric device, and space extension, which is added to an outdoor advertising structure.

Event Sign: A temporary sign, other than a commercial sign, posted to advertise a specific event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization.

~~*Street Classification,*~~ *Expressway Street Classification*: Any street designated as an expressway in the C~~c~~ity of San Antonio Major Thoroughfare Plan.

Facade ~~shall~~ means the exterior walls of a building exposed to public view or that wall viewed by persons not within the building, including any vertical extension of a building wall (parapet), but not including any part of the building roof.

Fade/Appear: A mode of message transition on an Electronic Message Center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fireproof structure ~~shall~~ means a sign constructed entirely of steel members including structural support for the sign face. The sign face and its support members may be constructed of wooden or metal panels.

Flashing ~~shall~~ means a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated, inverse illuminated or operates with transitory bursts, for periods of less than one (1) second. This term shall include blinking, strobing and twinkling. Animation as defined shall not fall under the definition of flashing.

~~*Sign, f*~~*Flashing sign* ~~shall~~ means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

Footcandle shall mean a unit of light measurement equal to one (1) lumen per square foot. Footcandle may be abbreviated "fc."

~~*Full motion video* shall be defined as the use of live action footage shot with a video camera or similar device that is sized to fit and be displayed by an electronic message sign or similar device.~~

Freestanding Sign means a sign not attached to a building or any structure other than its own support, supported by one (1) or more columns, uprights or braces in or upon the ground, and that does not extend over any portion of a building.

General maintenance as it regards on-premises signs, ~~shall be defined as~~means repair or replacement or existing parts with like items, such as lamps, lamp sockets, neon tubing, ballasts, motors,

pulleys, bearings, plastic faces, re-facing, painting, and miscellaneous bolts, screws or rivets. However, it shall not include any rebuilding, reconstructing or any reconfiguration of the existing sign cabinet.

~~Sign, G~~governmental sign ~~shall~~ means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Historic area ~~shall~~ means a district or zone designated by the city council or a unit of the state or federal government, within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale. An historic area may also be a part of, or related to, a square, park, or other area; the design of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

Historical building ~~shall~~ means any building or structure which is officially designed as historically or architecturally significant by a unit of local, state, or federal government.

Illegal sign means any sign unlawfully erected or maintained and includes sign structure and signs that have lost nonconforming rights.

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign ~~or externally illuminated~~ by reflection of a light source aimed at its surface.

~~Sign, i~~Incidental sign ~~shall~~ means an on premise sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

~~*Incidental/way finding Sign* means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.~~

~~Street Classification,~~ Local Street Classification: Any street not defined in this chapter as an arterial Type A; arterial Type B; commercial collector; or expressway.

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft2).

May implies permissiveness and connotes a nonmandatory action.

Menu board ~~shall~~ means a sign placed so as to be viewed from a drive-through lane and containing a listing of products and prices offered by the business. A menu board may include a mechanism for ordering products while viewing the sign.

Monument sign. means a permanent sign not attached to a building and constructed directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or grade-level support structure. Monument signs shall not be supported by visible columns, uprights, poles or braces and shall be of continuous solid construction without holes, gaps or spacing. See section 35-A101 of the Unified Development Code.

Multiple tenant sign ~~shall~~ means an on-premises pole sign that advertises three (3) or more occupancies on the same premises. Each tenant shall not advertise more than the allowable maximum for each street classification to include digital and traditional electronic space at any one point of time.

~~*Municipality* means the City of San Antonio.~~

Natural feature means that which is found in its natural or original state out of doors and has not been converted into a structure as defined in this section, and includes but is not limited to trees, bushes, shrubbery, rocks, boulders, and earth.

Neighborhood means a distinct segment of the community, usually consisting of essentially similar housing stock whose boundaries are defined by physical barriers such as major arterial streets and railroads and/or natural features such as creeks and rivers.

Nit means a unit of illuminative brightness equal to one (1) candle per square meter, measured perpendicular to the rays of the source.

~~*Sign n*~~*Nonconforming sign* ~~shall~~ means a sign which was lawful prior to the adoption or revision, or amendment of this chapter, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of this chapter.

Occupancy shall mean a business, office, or other enterprise which has a separate certificate of occupancy.

Off-premises sign shall mean any sign not meeting the definition of, or considered an on-premises sign, including but not necessarily limited to, a sign that pertains or directs attention to a business, product, service, activity, person, organization, institution, event, place, object, or location not located, manufactured, conducted, sold, or offered on the premises on which the sign is located. An off-premises sign shall not include plaques or memorials by the city on public property within the Rio Districts.

Off-premises Digital display means an off-premises sign face, display or device that may display changing content through static images on a fixed display composed of electronically illuminated segments and/or a series of grid lights, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Off-premises sign operator shall mean any person licensed by the director to install, erect, service, maintain, alter, repair or demolish Non-electrical off-premises signs. Any electrical sign work conducted on an off premises sign shall be done by a *qualified person*.

O~~o~~n-premises digital display shall mean an on-premises sign face that may display changing content through still images, scrolling images or moving images, including video or animation on a fixed display composed of electronically illuminated segments and/or a series of grid lights, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic, video boards or other electronic media or technology.

On-premises sign operator shall mean any person licensed by the director to install, erect, service, maintain, alter, repair or demolish non-electrical on-premises signs. Any electrical work shall require a licensed master sign electrician or master electrician.

On-premises sign ~~shall~~ means a sign that directs attention to a recognized commercial or industrial activity pertaining to a business, product, service, activity, person, organization, institution, event, place, or object that actually is manufactured, conducted, sold, or offered upon the premises on which the sign is located, except that any sign bringing more than mere incidental rental income to the property owner in contrast to the rental of its corresponding business/office space, shall not be considered an on-premises sign.

~~*Signs, o*~~*Overhanging sign* ~~shall~~ means a sign which is suspended over a sidewalk, street, or other public right-of-way. ~~An overhanging sign may or may not be a projecting sign.~~

Park ~~shall~~ means a publicly owned tract of land designated and used by the public for active and/or passive recreation.

Pennant ~~shall~~ means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, and designed to move in the wind.

Permitted area means the area that is authorized for use for a permitted event by the department exercising control of the public property.

Permitted event means an event that is allowed to use public property by the issuance of a permit by the department exercising control over the use of the public property.

Person ~~shall~~ means an individual, association, or corporation.

~~*Person, corporation or association with reasonable connection* means, by rebuttable presumption, any of the following: An individual, corporation or association that owns the sign; an individual, corporation or association advertised or displayed on the sign; an individual, corporation or association in whose name a telephone number displayed on the sign is listed with the telephone company; an individual, corporation or association whose name or service was advertised or displayed on the sign in promotion of that which was advertised or displayed thereon; an individual, corporation or association that affixed, erected, posted, maintained or displayed the sign.~~

Place means to physically place or cause to be physically placed.

~~*Sign, p*~~*Pole sign* shall mean a sign that is mounted on a free standing pole or other support.

~~*Sign, P*~~*political sign* ~~shall~~ means a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

~~*Sign, p*~~*Portable sign* ~~shall~~ means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other ~~nonmotorized~~ mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign. The term "nonelectric portable sign" shall mean any portable sign which does not have any electrical components.

Practical experience ~~shall~~ means performing work with, but not limited to, hand tools and equipment, welding equipment, hole diggers, cranes, and other equipment used in the installation of and/or the construction of signs.

Premises ~~shall~~ means a single lot or parcel of land (platted and/or unplatted), together with all buildings, structures, yards areas and parking spaces as defined by the Unified Development Code; under the same ownership and used for the same, general purpose or use as permitted by zoning.

Public Nuisance means any ~~legal~~ sign erected or maintained in any manner to constitute an immediate threat to the health, safety or welfare of the public.

Public right-of-way means it is a rebuttable presumption that any area within fifteen (15) feet of the edge of the paved portion of a road or highway maintained by the city is public right-of-way.

~~*Sign, r*~~*Real estate sign* ~~shall~~ means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Recognized commercial or industrial activities shall mean activities customarily permitted only in zoned commercial or industrial areas except that none of the following shall be considered recognized commercial or industrial activities:

(a) Outdoor signs;

(b) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, temporary roadside fresh produce stands;

(c) Activities not housed in a permanent building or structure having functioning water and sewer connections and functioning electrical connections;

(d) Activities conducted in a building primarily used as a residence;

(e) Railroad right-of-way;

(f) Activities more than two hundred (200) feet from the edge of the right-of-way;

(g) Activities conducted only seasonally;

(h) Activities not conducted by human beings;

Reface as it pertains to on-premises signs shall be defined as ~~means~~ removing vinyl and replacing, restoring, repainting or repairing the existing advertising sign face area that is attached, annexed, or supported from the sign cabinet and/or main structure. ~~The term specifically includes altering the shape of a registered "trademark sign" to prevent misidentification with the registered trademark.~~ It does ~~shall~~ not include any other ~~rebuilding,~~ reconstructing or reconfiguration of the existing sign cabinet and/or existing supporting structure. Note not applicable to off-premise signs

Comment [md4]: COSA staff working on updating the definition of reface to clarify. Not to be applicable to billboards per 3-1-16 meeting discussion

~~*Sign, r*~~*Roof sign* ~~shall~~ means a sign that is mounted on, and is wholly supported by, the roof of a building and which projects above the point of a building with a flat roof, the cave line of a building with a gambrel, gable, or hip roof, or the deck of a building with a mansard roof.

Shall connotes a mandatory action.

Sign ~~shall~~ means any object, device, display, structure, description, figure, painting, drawing, message, plaque, placard, poster, or thing or any part thereof, situated outdoors or indoors, that is designed or used to advertise, inform, identify, display, direct, or attract attention to anything by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The foregoing enumeration of signs shall not be considered to be exclusive. The term "sign" shall include all other devices or structures as may reasonably be included under it; whether attached or unattached. This definition excludes all national or state flags, non-electric window displays, graffiti placed without the authority of the property's owner or representative, the official announcements or signs of government, and athletic scoreboards displaying no otherwise off-premises signage.

~~*Sign, face* shall mean the area or display surface used for the message.~~

~~*Sign, off-premise digital* means an off-premise sign, display, or device, which changes the "static" message or copy on the sign by electronic means.~~

~~*Sign operator* means a "person, corporation or association with reasonable connection" to an "off-premises sign operator," or an "on-premises sign operator."~~

~~*Sign, projecting* shall mean a sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.~~

Sign Assembly means all parts of an advertising structure.

Simulcast shall mean a simultaneous live transmission of the permitted event from the permitted area to one or more permitted areas or to an area on private property.

Street frontage shall means the distance for which a lot adjoins a public street, from one lot line intersecting a street to the furthest distant lot line intersecting the same street.

Structure means anything built, constructed or erected or any piece or work artificially built-up or composed of parts joined together in some definite manner including, but not limited to, buildings of any kind, utility poles, fences, fire-hydrants, street light standards, traffic light standards, traffic directional sign standards or any other thing to which a sign, may be placed, affixed, erected, painted, posted, maintained or displayed.

Sign, tTemporary sign is shall mean any noncommercial, not for private profit sign, the use of which is limited to a period of ninety (90) consecutive days, and which meets the requirements set forth in section 28-XXX117. Signs utilized for a longer period must conform to all requirements set forth by this chapter for permanent signs.

Subdivision. A division of any tract of land into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the city, or for laying out suburban, building, or other lots, or streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto. A subdivision includes a resubdivision (replat).

Temporary weekend sign shall mean a temporary off premise sign that is permitted to be placed on the right-of-way of a road or highway maintained by the city, (but not a part of the state highway system, or a scenic or urban corridor) in a manner consistent with the rules and regulations contained within this Code.

Three-Dimension Sign means having length, width, and depth. (Note not to include channel letters)

Type A Street Classification (commercial collector): Any street designated as a primary or secondary Arterial Type A in the City of San Antonio Major Thoroughfare Plan.

Unauthorized sign means any sign placed by a person who is not a holder of a valid annual temporary sign permit.

Variance shall means the right to build on land in a way prohibited by strict application of article IX of this chapter.

Sign, V-type sign shall means a structure composed of two (2) signs with the faces oriented in opposing directions and in the shape of the letter "V"; provided, however, that only one (1) face can be viewed from any one (1) direction.

Sign, wWall sign shall means a sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve (12) inches from the building or structure.

Sign, wWindow sign shall mean any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zone shall meanis one (1) of the standard zoning classifications established in chapter 35 of this Code.

Sec. 28-78. - Classification of signs.

Comment [md5]: 3-1-16 meeting ended with definitions. 3-15-16 meeting will begin 28-7

(a) All signs regulated under this chapter are classified initially as either On-Premises Signs or Off-Premises Signs. All regulated signs under this chapter follow this initial classification. All signs regulated under this chapter may display protected noncommercial speech.

~~(a)~~ Signs regulated by this chapter are further classified as

(b) ~~The following classes of signs are governed by this chapter.~~

(1) Temporary signs.

(2) Wall signs.

(3) Projecting signs.

(4) Pole signs.

(5) Roof signs.

~~(6) Off-premises signs.~~

(7) Portable signs.

(8) Special signs.

(9) Electric signs.

~~(10) On-premises signs.~~

(11) Official signs.

(12) Back to back signs.

(13) V-type signs.

(14) Digital signs.

Sec. 28-~~8~~7. - Exemptions~~Certain items exempted from chapter provisions~~.

Letters or figures on windows, doors, awnings and advertising benches placed pursuant to a contract with the city are not addressed by this chapter.

Sec. 28-9~~15~~. - Violations; penalties; civil remedies; nuisance signs; removal; reclaiming.

(a) **Violations.** Failure to comply with the provisions of this chapter shall constitute a violation of the City Code. Each day a violation exists shall constitute a separate violation and, consequently, a separate offense.

(b) **Penalties.** Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00).

(c) **Civil remedies.** The C~~c~~ity Attorney~~manager~~ or designee is hereby authorized ~~may authorize the city attorney~~ to file an action in a court with appropriate jurisdiction to seek civil remedies to require the demolition of any sign at the owner's expense which constitutes a public nuisance~~is dangerously damaged or deteriorated. A sign is considered to be dangerously damaged or deteriorated if it is damaged beyond fifty (50) percent of its replacement value.~~ The action may include a claim for civil penalties as provided by state law. Civil remedies contained herein shall be construed to be in addition to the power of the city to abate public nuisances.

(d) Abandoned Sign.

1. The Ddirector or designee shall notify by certified mail the owner of the an abandoned sign or of the premises where such sign is located by certified mail, that 1) the sign does not display a current advertising message or blank face; 2) it is in structural, mechanical or cosmetic disrepair; or 3) legal requirements have not been met. such sign is subject to removal by the city if not corrected within six (6) months after receipt of notice. The affected party may request a hearing before the director as provided herein below. Such notice shall also state that upon the expiration of six (6) months after receipt of notice without corrective measures being completed, the sign will be classified as abandoned and subject to removal by the City at owner's expense. A sign is corrected when 1) it displays a current advertising message or has a blank message cabinet face, and 2) is maintained in structural, mechanical or cosmetic repair, and 3) is legally permitted as required under this chapter.

Commentary: City is fully cognizant that legal requirements may not be achievable, such as in the case of unpermitted nonconforming signs.

2. The Director and designee(s) are authorized to extend the time period under subsection 1. for up to six (6) additional months for good cause shown such as the cost(s) associated with corrective measures, among others. Any discretion to extend time is tempered and balanced with public safety and welfare. No such action shall be taken that endangers public safety and welfare or waive requirements under the City Code.

2.3. If the abandoned sign is removed by the eCity as permitted hereinabove, the director shall mail notice of such removal to the owner of the sign or of the premises where such sign is located, if the owner and mailing address is known, and, if not known, said notice may be published in a newspaper of general circulation in the city. Said notice shall also notify the owner of the location where the stored or impounded sign may be claimed, the storage charges that must be paid, and if unclaimed for a period of thirty (30) days after its removal, or if the storage costs are not paid within the 30 day period, the sign shall be destroyed, sold or otherwise disposed of.

(e) **Nuisances; removal; reclaiming**. Any sign erected or maintained in any manner to constitute 1) an immediate threat to the health, safety or welfare of the public, or 2) is dangerously damaged or deteriorated shall constitute a public nuisance.

1. **Immediate Threat to the health, safety or welfare of the public.** The City of San Antonio is authorized to abate any immediate threat to public safety forthwith.

2. **Dangerously damaged or deteriorated**. If a sign structure is found to be dangerously damaged or deteriorated, defined as damaged beyond fifty (50) percent of the original cost of erection, the Director shall give to the owner or owner's agent of such structure written notice stating the defects thereof and requiring the owner or person in charge of the structure within forty-eight (48) hours to commence either the required repairs or improvements or demolition and removal of the structure. All such work shall be completed within thirty (30) days from the date of notice unless otherwise stipulated by the Director. Service of notice shall be by certified mail made upon the owner or his agent. The designated period within which said owner or agent is required to comply with the order of the Director shall begin as of the date he received such notice. A sign structure not reaching the threshold of *dangerously damaged or deteriorated* status requires written notice of defects and sufficient time to commence repairs or improvements or demolition and removal of the structure. The Director is authorized to determine sufficient time to commence repairs, improvements or demolitions under the

Comment [16]: See Ted Murphree comments related to this section / may be unclear

Comment [17]: Modify language to make it clear that we will not impound signs

Comment [18]: Work on this language as general feeling is that this may be an arbitrary measure of whether or not a sign is seriously damaged or dangerous

Comment [19]: May need to take insurance adjusting timeframes into account in reference to 48 hours timeframe

circumstances based on objective criteria but in no way shall sufficient time be less than that mandated for dangerously damaged or deteriorated sign structures nor more than six months.

Any sign removed under this section (e) shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within the thirty (30) day period, the city may, after notice to the sign owner and a hearing before the director, destroy, sell, or otherwise dispose of the sign.

Comment [110]: Modify to make it clear that we will not store signs

~~3. If the owner, operator or lessee of the sign fails to remove or repair the sign within three (3) days after being notified by certified mail to do so, it may be removed by the city at the expense of the owner or the person erecting, using, or maintaining it. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within the thirty (30) day period, the city may, after notice to the sign owner and a hearing before the director, destroy, sell, or otherwise dispose of the sign.~~

~~(e) It shall be unlawful for the owner of an abandoned sign or of the premises where such sign is located, to fail to correct such sign. A sign is corrected when it serves to direct attention to a business, product, service or activity which is conducted upon the premises where such sign is located, and is maintained with the proper structural supports as determined by the director of the development services department.~~

~~(h) During the pendency of any of the above actions, any affected sign owner or owner of the premises where such sign is located shall have the right to receive a hearing before the director to offer proof that the property is being actively marketed or to protest any of the following:~~

~~(1) The determination that the property is in violation of standards set out in this article;~~

~~(2) The cost to rectify the violation;~~

~~(3) The adequacy of the notice.~~

~~At the conclusion of such hearing, the director may extend the time period for no more than two (2) years to correct the sign, or take other appropriate action to resolve the matter. During that time period, the display surface must be appropriately paneled. If the sign does not meet the standards of chapter 28 and has no non-conforming status, the sign must be brought into compliance with chapter 28 as a condition of obtaining a permit for reuse as an on-premises sign.~~

Sec. 28-10. - Posting signs and bills on private premises.

No person shall affix a sign or bill by any means whatsoever to any private property without having first obtained the written permission of the owner or the owner's ~~his or her~~ agents. Nothing within this chapter shall be interpreted or applied so as to prohibit a property owner or that owner's agent from removing or authorizing the removal of unauthorized signage on that owner's property.

~~**Sec. 28-9. - Posting signs on structures and natural features.**~~

~~(a) Posting, etc, of signs on structures and natural features.~~

~~(1) It shall be unlawful for any person with reasonable connection to any sign to knowingly place, affix, erect, paint, post, maintain or display in any manner whatsoever, or knowingly allow or cause the same to be done, the sign on any structure or natural feature on public property.~~

~~(2) It shall be unlawful for any corporation or association with reasonable connection to any sign with criminal negligence to place, affix, erect, paint, post, maintain or display in any manner whatsoever, or with criminal negligence allow or cause the same to be done, the sign on any structure or natural feature on public property.~~

~~(b) Failure to remove signs on structures and natural features.~~

~~(1) It shall be unlawful for any person with reasonable connection to knowingly fail to remove a sign on any structure or natural feature on public property within ten (10) days after notice is received by registered mail from the director or his designee.~~

~~(2) It shall be unlawful for any corporation or association with reasonable connection with criminal negligence to fail to remove a sign on any structure or natural feature on public property within ten (10) days after notice is received by certified mail from the director or his designee.~~

~~(c) Affirmative defense. It is an affirmative defense to prosecution under this section that written permission has been granted by the city council or its designee or other appropriate public authority for a sign to be erected or maintained on a public sidewalk, right-of-way or other public property. Such permission is an affirmative defense to prosecution only for the time and the location specified in such written permission.~~

Sec. 28-12. - Signs posted at commercial parking areas.

(a) Every commercial parking area, except those which are offered to the general public at no charge, shall be subject to the following notice provisions.

(b) The owner, agent, or lessee of a commercial parking area shall give notice of the conditions under which the area may be used at every entrance to the commercial parking area. Such notice must be given orally or in writing and shall include:

(1) A statement specifying those persons who may park in the area and prohibiting all others.

(2) The rates charged for parking in that area, and the term of parking applicable to those rates, if the facility is offered to the general public.

(3) The location at which unauthorized vehicles are to be towed and stored, the name and telephone number of the operator of the parking area, or the name and telephone number of the party charged with removing unauthorized vehicles.

(4) Written notice required by this section shall be plainly visible to the public, and all lettering on the sign must be at least three (3) inches high.

~~Sec. 28-13. - Schedule of fees.~~

~~A fee schedule detailing the fees charged for all examinations, reexaminations and various sign permits required by this chapter shall be passed by the city council by separate ordinances. A copy of the ordinance will be posted in the offices of the department of development services and in the office of the city clerk.~~

Sec. 28-1394. - Fee schedule.

~~(a) No permit shall be issued unless the applicant has paid the director a sign inspection fee of fifty dollars ($50.00) as well as other applicable fees.~~

~~(b) A fee schedule detailing the fees charged for all examinations, reexaminations and various sign permits will be passed by council under separate ordinance(s). A copy of the ordinance(s) will be posted in the offices of the development services department and in the office of the city clerk. In addition, the following fee schedule is applicable:~~

Off-premises sign operator license examination fee $75.00

Off-premises sign operator license reexamination fee 37.50

Off-premises sign operator's license 375.00

Renewal of off-premises sign operator's license 375.00

On-premises sign operator license examination fee 75.00

On-premises sign operator license reexamination fee 37.50

On-premises sign operator's license 100.00

Renewal of on-premises sign operator's license 100.00

The fee for a duplicate of any license issued under this chapter for one which has been lost, destroyed or mutilated shall be five dollars ($5.00).

(1) Off-premises sign annual inspection fee:

a. Less than 72 square feet $50.00

b. From 73 to 300 square feet 50.00

c. From 301 to 672 square feet 75.00

(2) Portable sign annual inspection fee, per year: $30.00

(3) On-premises sign permit fee:

a. Less than 32 square feet of sign area $10.80

b. Over 32 square feet 10.80

Plus $0.22 per square foot over 32 square feet.

c. Sign height fee for signs, per foot of height 2.00

d. Cloth banners 5.40

(4) Electrical sign inspection fee: In addition to the commercial fees required by this section, the following are also required for electrical signs:

a. Gas or vacuum tube $10.80

b. Incandescent sign 5.40

c. Plus number of sockets, each 0.22

Comment [111]: Strike or say determined by test center

Comment [112]: Strike or say determined by test center

(5) Off-premises sign removal permit: $100.00

(6) Banner/inflatable permits:

a. Sign inspection fee $50.00

b. Banners, cloth and other 5.40

c. Street light-pole across street 5.40

d. Flag lines 1.60

(7) Preliminary site inspections, each: $50.00

(8) On-premises sign permits:

a. Sign inspection fee $50.00

Less than 32 sq. ft. 10.80

Over 32 sq. ft.: $10.80 + $0.22/ sq. ft. over 32 sq. ft.

b. Gas tube/electric 10.80

c. Incandescent signs: $5.40 + $0.22/socket

d. Sign height/per foot 2.00

e. Digital display/electronic message center fee 15.00

Commentary: The digital display/electronic message center is an additional fee that supplements other required permit and inspection fees.

(9) Off-premise sign permits:

a. Sign inspection fee $50.00

75 sq. ft. or less 16.20

Over 75 sq. ft.: $16.20 + $0.22/ sq. ft.

(10) Historic designated properties:

Under 15 square feet sign permits, per sign $75.00

Permit application 25.00

Historic and design review commission sign approval application fee 50.00

Paint permit fee, per permit application 10.00

(11) Off-premises digital sign permits:

Inspection fee $200.00

1—75 sq. ft. 64.80

More than 75 sq. ft. .....64.80 + .88 sq. ft.

(12) Off-premises digital sign annual inspection fee:

1—72 sq. ft. $200.00

73—300 sq. ft. 300.00

301—672 sq. ft. 400.00

(13) Sign certification fee, per inspection: $50.00

(14) Sign plan review fee, per permit: $50.00

~~Sec. 28-14. - Sign inspections.~~

~~The director or his duly authorized inspectors shall have the right to visit any site where a sign is being or has been erected, or enter any building where a sign is being or has been constructed for installation within the city, during reasonable hours, in the discharge of their official duties, for the purpose of making any inspection necessary.~~

~~(Ord. No. 58486, § 34-42, 3-22-84; Ord. No. 62653, § 21, 4-3-86)~~

Sec. 28-16. - Severability.

If, for any reason, any one or more sections, sentences, clauses or parts of this chapter are held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining sections of the chapter or the chapter as a whole, but shall be confined to the specific sections, sentences, clauses or parts of this chapter held legally invalid.

~~**Sec. 28-17. - Temporary permits for the placement of on-premises signs on public right-of-way within Downtown Improvement District.**~~

~~(a) Upon issuance of a permit obtained from the director of the development services department, business owners or operators are hereby authorized to place one of two (2) specified types of on-premises signage in the public right-of-way on a temporary basis within the Downtown Improvements Special Assessment District, except on the Riverwalk. Said district is set out in Attachment A and incorporated herein for all purposes.~~

~~(b) The two (2) specified types of signage shall include only menu boards and sandwich boards. Said signs shall conform to the following specifications:~~

~~(1) Menu boards:~~

~~a. Shall not exceed eighteen (18) by twenty-four (24) inches or the size of the menu, whichever is smaller.~~

~~b. Shall be wall-mounted or on a pedestal close to the entrance of the business. Portable pedestal signs shall be used during hours of business only.~~

~~c. Only one (1) sign per entrance per business will be allowable.~~

~~(2) Sandwich board:~~

~~a. Shall be "A" frame and non-illuminated.~~

~~b. Shall not exceed two and one-half (2½) feet by four (4) feet.~~

~~c. Shall be used during hours of business only.~~

~~d. Only one (1) per building per entrance per street frontage.~~

~~(c) It is the duty of the permit holder to ensure that the placement of signs under this section shall not impair pedestrian safety, flow, and access.~~

~~(d) Applicants shall pay a one-time permit fee of five dollars ($5.00).~~

~~(e) Permit holders, by making this special use of a public right-of-way shall assume all risks inherent in this activity and shall indemnify and hold harmless the city from any and all damages, injuries or losses arising from the placement and construction of such signs.~~

~~(f) It shall be unlawful for a person to knowingly place, maintain, or cause another person to place or maintain a sign on the public right-of-way without a permit. It shall further be unlawful for a person to knowingly place, maintain, or cause another person to place or maintain a sign on the public right-of-way in violation of subsections (b) and (c) of this section. For purposes of this section, a person knowingly causes another person to place or maintain a sign when he aids, directs, hires or enters into a contract with another person for the aforementioned purpose. Any person placing or maintaining a sign in violation of this section shall, upon conviction, be punished by a fine of not more than two hundred dollars ($200.00)~~

~~(g) All temporary permits shall expire upon completion of all street and sidewalk construction in connection with the Tri-Party Downtown Transportation Improvements Project but in no event shall any such sign remain on and after June 28, 1991. Upon said expiration of temporary permits, all signs placed on the public right-of-way shall be immediately removed.~~

~~(Ord. No. 69321, §§ 1—7, 4-20-89; Ord. No. 73404, § 1, 3-28-91; Ord. No. 2006-05-11-0573, § 5, 5-11-06; Ord. No. 2009-01-29-0071, § 3, 1-29-09; Ord. No. 2012-03-08-0170, § 3, 3-8-12)~~

~~**Editor's note—** Ord. No. 69321, §§ 1—7, adopted April 20, 1989, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as § 28-17~~

~~Secs. 28-19—28-30. Reserved.~~

ARTICLE II~~I~~. - LICENSES

Section 28-x. In General ~~DIVISION 1. - GENERALLY~~

All persons engaging in the business of erecting, painting, servicing refacing, maintaining or demolishing signs regulated by the chapter must be licensed and insured to conduct business in this jurisdiction. Work shall not commence until the insured license holder has posted a compliance bond and been issued a proper permit for the proposed work by the Development Services Department.

Comment [113]: Clean up / may be redundant

Section 28-x. License

(a) **License Required.** All persons engaging in the business of erecting, painting, servicing refacing,

maintaining or demolishing on- or off-premise signs must be licensed to conduct business in this jurisdiction as outlined below.

(b) **City Issued Licenses.** The City of San Antonio issues an On Premise Sign Operator License and an Off Premise Sign Operator License authorizing holders of such licenses to perform duties as they are defined in 28-6.

(c) **State Issued Licenses.**

Comment [114]: Make a statement referencing TDLR

~~(a)~~(d) **Term of licenses; right to renew.** All licenses issued pursuant to this chapter shall continue in full force from the date of issuance until the end of the city's fiscal year, and may be renewed annually thereafter, without examination, unless the license has been suspended for cause.

~~(b)~~ **Renewal date.** A person licensed must renew his license within thirty (30) days of the beginning of the city's fiscal year or the license shall be declared in default and the holder shall be subject to reexamination.

Section 28-x. Off Premises Sign Operator License

(a) **License Required.** All persons engaging in the business of erecting, painting, servicing or maintaining off-premises signs or any other off-premises advertising sign shall, for purposes of this chapter, be considered off-premises sign operators and must be licensed to do business by the city. A license holder supplying his license for a firm or corporation doing business under this Code shall not supply his license to a second firm or corporation. Any permit issued to the license holder shall be for work being done by the license holder and his firm or corporation. The licensing requirement shall not be applicable to employees or subcontractors performing work under the supervision of the licensed off-premises sign operator.

(b) ~~Sec. 28-52. -~~ Examination~~, required;~~ ~~A~~application and Fee. ~~Before the director may issue an off-premises sign operator's license e~~Each person seeking an off premises sign operator's license must~~such a license shall~~ file an application and pay a fee ~~for the license~~ with the ~~d~~Director and take and pass an examination given by an approved third party. A license shall not be issued without taking and passing such examination. An additional fee shall be charged upon reexamination

Comment [115]: Add language for ICC examination and Pearson Vue (third party vendor) / Ted has some language already

~~(b)~~(c) **Qualifications**. As part of the application process, each applicant shall show proof to the ~~d~~Director of at least four (4) years of practical experience at the trade working under an off-premises sign operator. The applicant shall also submit to the director an affidavit, duly sworn, setting forth and including proof of such experience.

Comment [116]: Modify language to "in conjunction with" instead of "under"

Comment [117]: Three questions:
1)Who can do sign work
2)Who can do electrical sign work
3)Can a person master for more than one company

~~(c) Sec. 28-54. - Examination fee.~~

~~(d) An examination fee shall accompany the application for the examination required by this division. A schedule of the fees shall be posted in the offices of the department of development services. An additional fee shall be charged any time a reexamination is necessary.~~

~~Sec. 28-55. -~~ **Minimum Test score**~~; issuance of license.~~ The director shall issue a license provided a minimum of score of seventy-five (75) percent has been achieved on the off-premises sign operator's examination and the annual license fee has been paid.

~~(e)~~(d) ~~Sec. 28-56. -~~ **Vehicle identification**. Any contractor engaged in erecting, installing, servicing, or maintaining an off-premises sign shall ensure that all vehicles required to be on the job site are

identified with the contractor/company name and license number. Lettering on the vehicle shall be at least two (2) inches high, and shall be in full view and legible at all times.

~~(f) Secs. 28-57—28-70. - Reserved.~~

Section 28-x. On Premises Sign Operator License

~~(g) DIVISION 3. - ON-PREMISES SIGN OPERATORS~~

(a) ~~Sec. 28-71. -~~ **License required.** Any person engaging~~ed~~ in the business of erecting, painting, maintaining or servicing on-premises signs must be licensed to do business by the city~~as a on-premises sign operator by the director~~.

a. A license holder shall supply the license to only one firm or corporation doing business. Any permit issued to the license holder shall be for work being done by the license holder and this firm or corporation. The licensing requirement is inapplicable to employees or subcontractors performing work under the supervision of the license holder.

~~(a)~~(b) ~~**Sec. 28-72. -**~~ **Examination, ~~-required; a~~Application and Fee.** ~~Before the director may issue an on-premises sign operator's license, e~~Each person seeking such an on premise sign operator license must ~~shall~~ file an application and pay a fee ~~for the license~~ with the D~~d~~irector and take and pass an examination given by an approved third party. A license shall not be issued without taking and passing such examination. An additional fee shall be charged upon reexamination

~~(b)~~(c) ~~Sec. 28-73. -~~ **Qualifications**. As part of the application process, each applicant shall show proof to the director of a minimum of two (2) years experience in on-premises sign installation working under a licensed on-premises sign operator, or a licensed on-premises sign operator from another city provided that licensing qualifications and examinations are similar in design and quality to that of the city as determined by the director, or can show proof of a minimum of four (4) years experience in on-premises sign installation, provided that verification of experience shall be determined by the director. The applicant shall submit to the director an affidavit, duly sworn, setting forth his experience.

~~(c)~~

~~(d) Sec. 28-74. - Examination fee.~~

~~(e) An examination fee shall accompany the application for an examination required by this division. The fee for the on-premises sign operator's license shall be as established by city council for the initial examination. Reexaminations, if necessary, will also require a separate fee each time the test is administered.~~

~~(f)~~(d) ~~Sec. 28-75. -~~ Minimum Test /S~~s~~core~~; issuance of license~~. The director shall issue a~~A~~ license ~~shall be issued the applicant~~ provided a minimum of score of seventy-five (75) percent has been achieved on the on-premises sign operator's examination and the annual license fee has been paid.

Sec. 28-xx~~36~~. - Nontransferability.

No license issued pursuant to this ~~article~~ Chapter shall be transferable.

Comment [118]: Language going to subcommittee

Comment [119]: Similar language to the off premise language

Comment [120]: Mirror language in off premise

Sec. 28-xx~~37~~. - Unlawful use of license.

No person licensed under this article shall allow his name to be used by any other party for the purposes of doing work or obtaining a permit. Violations of this section shall result in revocation of the license, and the holder shall be subject to all other penalties as established in this Code.

Sec. 28-xx~~38~~. - Revocation and suspension.

(a) Grounds. The appeals and advisory board shall have the authority to suspend or revoke the license of any person who is found guilty of:

(1) Any fraud or deceit in obtaining a license.

(2) Securing sign permits in his name and thereafter allowing a person without a proper license to do the work.

(3) Gross negligence, incompetency, or misconduct in the performance of sign work.

(4) Intentionally making a false or misleading material statement on an application for a permit or registration form for nonconforming signs.

(b) Hearing. In determining the validity of charges brought under this section, the appeals and advisory board shall proceed upon the sworn information furnished by any individual who is of sound mind and legal age. The board, whenever it deems the information sufficient to support further action on its part, shall convene a hearing to further investigate the charges. A copy of the board's order convening the hearing shall be provided the accused, by registered mail, not less than fifteen (15) days prior to the date of the hearing. The accused may appear in person or be represented by counsel, or both, and present his defense to the board. The city attorney shall provide counsel to the board. If the accused fails, or refuses, to appear, the board may proceed to hear and determine the charge in his absence. If the accused pleads guilty, or if the board, by a vote of nine (9) or more of its members, finds the charges to be true, the accused's license shall be suspended or revoked by the board. The hearing before the appeals and advisory board shall provide the accused license holder due process with which to resolve the issue.

(c) Record. When the board has completed its hearing, it shall file a record of its finding and decision with the city clerk and forward a certified copy of the finding and decision to the accused.

(d) Length of suspension. If the board determines to suspend a license, it shall make a determination on the length of that suspension. In no case, however, may a suspension period exceed one hundred eighty (180) days, nor be less than thirty (30).

(e) Appeal. Any appeal from the decision of the board shall be made to city council by petition submitted to the city clerk within seven (7) days of the date of approval of the minutes of the hearing.

(f) Reapplication. If a license is revoked, a new licensed may not be applied for a period of one (1) year.

(g) Operating while suspended or revoked. It shall be unlawful for any person whose license has been suspended or revoked by the board to engage in, or do, sign work for which a permit is required under this article.

Sec. 28-xx~~40~~. - Master sign electrician's license.

See chapter 10, Building-related codes of the City Code.

Sec. 28-xx35. - Insurance and indemnification.

(a) **Indemnity.** All persons holding an off-premises sign or on-premises sign operator's license shall agree to indemnify and hold harmless the city, its members, agents, officers and employees, their successors and assigns, individually or collectively, from and against all liability for any fines, claims, suits, demands, action or causes of action of any kind and nature including, but not limited to, personal injury or death, and property damage, in any way arising out of or resulting from any activity or operation of the licensee. This indemnification shall be a prerequisite to the issuance of the off-premises sign operator's or on-premises sign operator's license. The license holder shall pay all expenses incurred in defending against any such claims made against the city; however, the license holder shall not be liable for any injury, damage, or loss caused by the sole negligence or willful misconduct of the city, its agents or employees. The licensee and the city shall give prompt and timely notice of any claim made, or suit instituted, which in any way affects or might affect either party.

(b) **Insurance.** Subject to the license holder's right to maintain reasonable deductibles in such amounts as are approved by the city, the licensee shall procure and maintain at his own expense, the following types and amounts of insurance.

Type	Amount
(1) Workers compensation and employer's liability	Statutory amount of $500,000.00 for each accident
(2) Comprehensive general (public) liability, to include, but not be limited to, the following:	Combined single limit for bodily injury or property damage: $1,000,000.00 or its equivalent
a. Premises/operations	
b. Independent contractors	
c. Personal injury	
d. Products/completed operations	
e. Contractual liability	
f.	

Explosion, collapse and underground property damage	
(3) Comprehensive automobile liability, to include coverage for:	Combined single limit for bodily injury or property damage: $1,000,000.00 or its equivalent
a. Owned/leased automobiles.	
b. Nonowned automobiles.	
c. Hired cars.	

(c) The licensee further agrees that with respect to the required insurances, the city shall:

(1) Be named as additional insured/or insured, as its interest may appear.

(2) Be provided with a waiver of subrogation.

(3) Be provided with thirty (30) days advance notice, in writing, of cancellation or material change.

(4) Be provided with certificates of insurance evidencing the required insurances, prior to the commencement of the city's fiscal year. Notices and certificates of insurance shall be provided to the director of the development services department and the city clerk.

(d) Should a person holding a license sever employment connections with a firm which is jointly covered by the same insurance, a new certificate showing proper coverage will be required of both parties.

(e) If the insurance cancels or renews at periods other than the annual license renewal date, new evidence to show that the license holder is maintaining proper coverage shall be furnished to the city.

ARTICLE ~~II~~IV. - PERMITS

Comment [121]: Stopped here on 3/22/16

Sec. 28-xx~~91~~. ~~Sign~~ P~~p~~ermit~~s required~~.

~~(a) Unless specifically exempted, it shall be unlawful for any person to erect or demolish, or cause to be erected, or demolished, any off-premises sign, or erect re-face, or alter, or cause to be erected, re-faced, or altered, any on-premises sign without obtaining the proper permit from the director.~~

(a) **Permit - In General.** No permit for work shall issue unless an applicant shall show proof of license and insurance as provided in Division 1. Permits for the installation, erection, or alteration of any electric sign shall be issued only to those individuals who hold a master sign electrician's license or master electrician's license and who have insurance required by this chapter.

(b) A permit is required to erect, paint, service, reface, maintain or demolish a sign regulated by this chapter unless said is specifically exempted.

(c) **Action on application**. The building official shall examine or cause to be examined application for permits and amendments thereto within a reasonable time after filing. Such applications may be reviewed by other departments of the city to verify compliance with any applicable laws and ordinances under their jurisdiction. If the application or the construction documents do not conform to the requirements of the pertinent laws, the building official shall reject such application in writing, stating the reasons for the rejection. If the building official is satisfied that the proposed work conforms to the requirements of this chapter and applicable laws and ordinances, and that fees specified in ordinances adopted by the city have been paid, the building official shall issue a permit for the work as soon as practicable.

(d) **Time limitation of application**. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

(e) **Validity of permit**. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent use of a structure where in violation of this chapter or of any other ordinances of the city.

(f) **Expiration**. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.

(g) **Suspension or revocation**. The building official is authorized to suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this chapter.

Sec. 28-xx~~92~~. ~~-~~ Exceptions to Permit Requirements.

~~Exceptions to the permit requirements of this article are:~~

(1) Signs identifying home occupations permitted by the zoning ordinance of the city not exceeding one (1) square foot of facing, attached to a residence or apartment building, stating only the name and occupation, if applicable, of the occupant.

(2) On-premises signs not exceeding fifteen (15) square feet of facing, composed of durable material, situated wholly upon private property and securely affixed to a building, fence or wall and having a frame or trim not more than three (3) inches wide. This exemption shall not apply to any signs erected in the Riverwalk Area as defined in article VI of this chapter and any signs identifying home occupations as defined in the zoning ordinance of the city.

(3) Real estate signs, not exceeding thirty-two (32) square feet used solely to advertise the sale of the premises upon which the sign is located.

(4) Signs or markers used by a public utility holding a franchise from the city to designate bus stops or cab stands.

(5) Governmental signs.

(6) Temporary signs as defined and regulated in this chapter not exceeding forty-eight (48) square feet, excluding cloth banner signs extending over the public right-of-way.

(7) Signs which display noncommercial or political speech, provided that all noncommercial or political signs (other than temporary signs not exceeding fifteen (15) square feet of facing composed of durable material, situated wholly upon private property and securely affixed to a building, fence or wall and having a frame or trim not more than three (3) inches wide) shall comply with sections 28-113, 28-114, and 28-115

Sec. 28-xx~~93~~. - Application for a permit.

(a) Application for a permit ~~required by this article~~ shall be made upon forms provided by the director.

(b) The application for on-premises and off-premises sign permits shall contain all information. Drawings and specifications necessary to fully advise the director of the type, size, shape, location, zone, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed.

(c) When applying for an off-premises permit, the off-premises sign operator shall, in addition to the above, furnish the following information at the time of permit application:

(1) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property.

(2) The building setback lines and the location of any easements on the property.

(3) The distance to the nearest off-premises sign.

(4) An affidavit from the property owner authorizing erection of the sign, or an executed lease agreement.

(5) The street address of the sign.

(6) An engineer's certification.

(d) The director shall review an application for completeness within five (5) working days of application submittal. The director shall render a decision approving or denying the completed application within fifteen (15) days. If the director fails to render a decision within this time period, the application shall be deemed denied. An applicant may appeal a decision of the director in accordance with section 28-xx~~246~~

(e) An application for a relocation permit must be filed with the director. The application must identify two (2) demolition permit numbers for off-premises signs removed after the effective date of this

provision. Two (2) existing off-premises signs must be removed for each relocation permit, and such permit shall be issued only after removal of two (2) off-premises signs.

The director shall either approve or deny the application for a relocation permit within ten (10) days after the date of application submittal.

An applicant who is denied a relocation permit by the director may appeal to the appeals and advisory board in accordance with section 10-14 of chapter 10 of the City Code. The site in question shall be preserved pending final disposition of said relocation permit.

~~Sec. 28-95. - License required for permit.~~

~~(a) Only those individuals who are properly licensed by the director shall receive a permit to erect or alter any on-premises sign or off-premises sign.~~

~~(b) Permits for the installation, erection, or alteration of any electric sign shall be issued only to those individuals who hold a master sign electrician's license or master electrician's license and who have insurance required by this chapter.~~

Sec. 28-xx~~97~~. - Conditions for issuing permits.

(a) No permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building, shall be issued to any person except upon the condition that the permit may be withdrawn at any time, in which case the sign shall be immediately removed by the owner thereof.

(b) When an off-premises sign permit is issued, the applicant shall be made aware of the stipulation that if, within one hundred and eighty (180) days of the date the permit is issued, a final inspection of the off-premises sign has not been requested, the permit shall become void. However, one (1) 90-day extension period may be granted if the off-premises sign operator so desires. The request for the extension shall be made before the 180-day period lapses. If an inspection has not been requested by the end of that extension the permit becomes invalid. Should the operator still desire to place an off-premises sign at the site in question, he shall apply for a new permit and pay all required fees.

(c) If a license holder supplying his license for a business doing business under this chapter severs his connections with that business and desires to use his license in connection with another business, the latter business must furnish the city with a performance bond and comply with the requirements of section 28-35

(d) Should a license holder sever his connections with a business, the business will be allowed to complete all work for which permits were issued prior to the severance of the license holder, provided an interim bond and insurance are posted with the city. Additionally, sufficient evidence shall be submitted to and approved by the director establishing the ability of the business to complete the work in the manner prescribed by this chapter.

(e) The number of relocation permits issued to a licensed off-premises sign operator shall be limited during a given calendar month to an amount not to exceed one thousand three hundred forty-four (1,344) square feet of advertising display area per off-premises sign company. The square footage allowance of advertising display area must be utilized within a given calendar month and shall not be cumulative on a month-to-month basis. An off-premises sign erected pursuant to a relocation permit shall conform to all provisions of this chapter. In addition to the above limitations, relocation permits shall be issued on a one-for-two basis, i.e., one (1) relocation permit will be

issued for every two (2) off-premises signs removed; provided, however, that relocation permits shall not be cumulative in the event more than two thousand six hundred eighty-eight (2,688) square feet of advertising display area is removed during any given calendar month. In addition to the restrictions set forth in section 28-142, the maximum size sign face area of a relocated off-premises sign as viewed from one direction, shall be the average square footage of sign face area of two (2) prior removed off-premises signs, excluding embellishments, as viewed from one direction (i.e., adding the sign face areas of two (2) off-premises signs to be removed as viewed from one direction and dividing by two (2).

(f) An off-premises sign operator may receive upon application a relocation coupon which shall be effective for ninety (90) days after the date of issuance within which time an application for a relocation permit must be filed in accordance with subsection 28-93(d). Once an application for a relocation permit is filed, such application shall not be amended except for adjustment of the location of the off-premises sign on the same property.

For purposes of determining the monthly allocation of square footage of advertising display area, an application for a relocation permit shall be charged to the month within which the application is filed.

An application for a relocation coupon shall be filed with the director within five (5) days after the second off-premises sign is removed. The application shall identify two (2) demolition permit numbers and the date the second off-premises sign was removed. The application for a relocation coupon shall not be referred to the board for approval.

(g) Off-premises sign permits are not transferable. A permit must be utilized by the operator to whom it is issued. Any operator who intentionally gives, lends, sells, or otherwise conveys a permit to another operator shall have his license revoked and shall be subject to all penalties as established in the City Code.

(h) An off-premises sign operator who is granted a relocation permit must have the off-premises sign under construction within three (3) calendar days of the permit issuance date or identify the site with a sign bearing the company and operator's name, operator's license number, and the permit number. The sign shall measure no more than four (4) feet high by three (3) feet in length and shall be affixed to an upright of ten (10) feet overall, set in a minimum of three (3) feet below ground level, and a minimum of six (6) feet above ground level, facing the flow of traffic and clearly visible from the street. For purposes of this subsection an off-premises sign shall be considered to be under construction when the sign pole is set in concrete in the ground in an upright position.

Sec. 28-99. - Serial numbers and sign information.

(a) Each permit issued pursuant to this article shall bear a date and serial number.

(b) Each sign requiring a permit shall have the name of the license holder clearly displayed on the sign trim.

(c) All off-premises signs erected within the city shall have the permit number affixed to the structure below the sign face. The number must be visible for a distance of fifty (50) feet from the pole supporting the off-premises sign.

(d) If a licensed off-premises sign operator operates an off-premises sign for a client who does not have a license, the license number and name of the license holder shall be clearly displayed on the structure alongside the off-premises sign permit number. If the owner of the structure changes operators, the name and license number of the new operator shall replace the old operator's number on the off-premises sign structure.

Sec. 28-xx96. - Obtaining permit for another.

It shall be unlawful for any person licensed under the provisions of this chapter to obtain a permit on behalf of, or for the benefit of, any unlicensed person whose business activities are such that such unlicensed person would need a license to obtain a permit.

Sec. 28-98. - Permits issued in violation of this chapter.

Any permit which is issued in violation of any provision of this chapter or issued upon erroneous information provided by the applicant shall be absolutely void and no rights whatever shall be accrued.

Sec. 28-33. - Compliance bond.

(a) **Posting Compliance Bond**. ~~Before a person holding an off-premises sign operator's or on-premises sign operator's license shall be issued a sign permit~~ A person~~, he~~ shall first post a compliance bond in the name of the City of San Antonio in sufficient amount to cover the estimated work to be done before a license holder shall be issued a sign permit~~amount of forty-five thousand dollars ($45,000.00)~~. A written estimate must be submitted prior to the issuance of a permit and the bond must continue for one year succeeding the completed work. ~~The licensee shall provide a compliance bond annually to the city no later than thirty (30) days prior to the expiration of the compliance bond currently in force.~~ The compliance bond shall ensure the full and faithful compliance by the licensee of all the covenants, terms, and conditions of the construction codes of the city and stands as surety for payment by the licensee of all valid claims by the city.

(b) ~~**Sec. 28-34. -**~~ **Bond recovery and disposition.** The director shall report each violation of this chapter to the city attorney who shall immediately make demand on the compliance bond holder and his sureties for the amount of liability for each offense. Should the compliance bond holder default, the city attorney shall file suit upon the bond for recovery of any amount due the city. All sums of money collected under the provisions of this section shall be deposited in the general fund of the city.

~~Secs. 28-100—28-109. - Reserved.~~

ARTICLE IV. - ERECTION AND MAINTENANCE REGULATIONS

DIVISION 1. - GENERALLY

Sec. 28-110. - Maintenance.

(a) All signs and components thereof shall be maintained in good repair and with the proper structural supports as determined by the director. All signs and their immediate surrounding area shall be kept free of weeds, trash and other refuse. The display surfaces of all signs shall be kept neatly painted or posted.

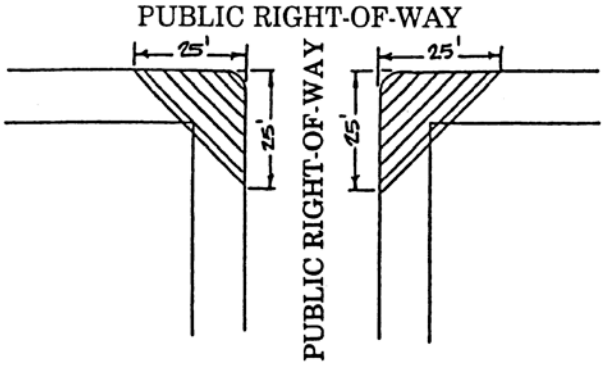
(b) The director may remove any sign along with its structural supports that violates the standard provided herein, if the owner of the sign or of the premises where such sign is located, fails to correct such violation within sixty (60) days after notification to make such correction.

(c) The provisions of sections 28-15(g) and 28-15(h) of this chapter which are not inconsistent with this section are incorporated herein by reference and shall be adhered to in the enforcement of this section.

Sec. 28-111. - Preventing obstructions.

All signs governed by this chapter shall be situated in a manner which does not interfere with or obstruct windows, doors, or other means of exit from a building. No sign shall be supported on or attached to any fire escape, door, or window casing.

On any corner lot on which a front yard is required by the zoning ordinance of the city, no structure, including signs~~ and off-premises signs~~, shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines, at points twenty-five (25) feet from the point of intersection measured along such street lines.



Sec. 28-112. - Creating hazards.

No signs shall be erected on or over public property in a manner which interferes with any fire hydrant, traffic light, fire alarm box or street light. Similarly, off-premises signs and on-premises signs shall not be erected in any location where, by reason of traffic conditions, fire, or explosion hazards, the sign would imperil public safety or hamper the functions of the fire department.

Sec. 28-113. - Attachment and wind loads.

All signs shall be securely fastened or anchored to a building wall, structural framing, or other foundation, with a sufficient number of bolts or anchors to resist the stress resulting from the dead weight of the sign and wind loads. Both on-premises signs and off-premises signs shall be constructed so as to resist a minimum horizontal wind load of thirty (30) pounds per square foot of surface area. The use of staples, wires, and wood plugs in erecting signs is prohibited.

Sec. 28-114. - Materials; supports.

All signs governed by this chapter, excluding electric signs, shall be constructed of durable materials and securely attached to framework and supports made of wood, metal, or other similar material of equivalent strength. On-premises signs may be made of pressed wood. All electric signs shall have metal supports and frames.

Sec. 28-115. - Electric wiring.

Electrically illuminated signs, or signs which are equipped in any way with electrical devices or appliances, shall conform to the provisions of Chapter 10 of this Code. The director shall have the right to check all wiring for compliance with this Code. The outer edge of the sign shall remain at least two (2) feet inside the curb line, and shall not begin beyond a distance of three (3) feet from the property line. A minimum space of eight and one-half (8½) feet shall exist between the lowest portion of any sign overhanging a public sidewalk and the sidewalk grade.

Sec. 28-116. Residential buffers/setbacks.

Signs adjacent to a residential property shall meet the following minimum setback and height restrictions in addition to the other applicable sign provisions listed in Chapter 28.

1. Freestanding signs on properties adjacent to residential properties shall require a minimum ten (10) foot setback from the property line and be a maximum of eight (8) feet in height, except as modified in item 2 below.
2. Freestanding signs adjacent to residential properties may be erected to exceed eight (8) feet in height, provided that such sign is located back from minimum ten (10) foot setback required above two (2) foot for each one-foot of height in excess of eight feet prescribed above.

Commentary: The minimum residential buffer/setback is intended to ensure an adequate minimum separation from signs to properties zoned and/or currently used as residential.

~~ARTICLE IX~~DIVISION 2. - ON-PREMISES SIGNS

GENERAL REGULATIONS

Sec. 28-XX~~236~~. - Purposes of Division 2~~Article IX~~.

(a) To provide some limitations for on-premises signs which will protect the scenic beauty and friendly ambiance which are essential elements in San Antonio's quality of life. The city's beauty and charm, and its unique urban character, have been the cornerstone of San Antonio's modern-day economy. Reasonable limits on signage can help to preserve these economic cornerstones.

(b) To promote the safety of persons and property by providing that signs do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

(c) To promote harmony and order in the on-premises signs along the city's streets by recognizing the relationship between the scale and function of a particular street and its on-premises signs, and ensuring that this relationship is sensitive to the surrounding neighborhood.

(d) To provide freedom for expression and creativity. Signs are an important medium of artistic expression in the American culture and this article is intended to allow the most flexibility possible to create unique and varied forms of signs which are also sensitive to the scale of their surroundings.

Sec. 28-xx~~237~~. - Scope.

~~(a) This article [Ordinance 81318] is intended to establish a comprehensive system for regulating signs within the city and its extraterritorial jurisdiction with reasonable standards and controls for the~~

~~protection of the public and aesthetic qualities of the city, and to ensure the availability of adequate, quality signs in the community.~~

The objectives and strategies of this article are as follows:

~~(b)~~(a) To recognize that most signs, by their nature, are designed and located to be seen by the driving public and to ensure that they are sized, located, and otherwise regulated so as to maximize traffic safety.

~~(c)~~(b) To recognize that visual clutter leads to a decline in the city's appearance, a decline in property values, and a decline in the effectiveness of the signs.

~~(d)~~(c) To allow for the identification of business, residential and public uses without creating safety hazards, confusion, unsightliness or visual obscurity of adjacent businesses or other neighboring structures.

~~(e)~~(d) To assure that on-premises signs in terms of size, height, scale, and location are properly related to the overall adjacent land use character and development. To assure proper scale there must be a relationship between the size, height, location, and number of signs and their surroundings. Allowed land uses, intended street functions, and lot density are important factors in determining proper scale and appropriate standards for streetscape design.

Sec. 28-xx~~238~~. - General provisions.

(a) Clear vision area. No sign shall be placed within the clear vision area defined in chapter 35

(b) Traffic and legally required signs. Nothing in this division shall be construed to prevent or affect the display of insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.

(c) Construction and "for sale" signs. Freestanding or attached signage is limited to the heights and sizes listed in Table 1 below for the purpose of advertising a construction project or the sale or lease of the property on which the sign is located. Construction and for sale signs shall be removed within fifteen (15) days following completion of the construction or the sale, rental, or lease of the property involved.

TABLE 1

	Height (Per sign)	Area
Expressway	30 feet	425 square feet
Arterial Type A & B, Commercial Collector	30 feet	128 square feet
Local	30 feet	64 square feet

Table 1 Notes: The area represents the total square footage of all signs per street frontage. For instance, on a local street, one sixty-four (64) square foot sign would be allowed or two (2) thirty-two (32) square foot signs; four (4) fifteen (15) square foot signs, etc.

(1) Signs located in residential zoning districts shall not exceed thirty-two (32) square feet in area or eight (8) feet in height.

(2) Standards for subdivision identification sign and for sale signs for residences are specified in subsection 35-389.

(d) Special districts. Specific regulations for historic landmarks and districts, neighborhood conservation districts, corridor districts, river improvement overlay districts and other overlay districts are contained in chapter 35 of this Code.

(e) Freestanding, multiple-tenant signs in non-residential zoning districts. Freestanding, multiple-tenant signs in non-residential zoning districts shall contain the address number (to the nearest block) of the sign. Said numbers shall be clearly visible from the street with each numeral being a minimum of four (4) inches in height. The portion of the sign utilized for minimum compliance with this subsection shall not be included in the calculation of sign area.

Sec. 28-xx~~239~~. - Sign height and area.

(a) Height computation. The height of a sign shall be computed as the distance from the ground level of the sign to the top of the highest attached component of the sign.

(b) Sign area.

(1) Area computation. The area of a sign shall be computed on the actual area of the sign. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or other displays. Any border which forms an integral part of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.

(2) Double-faced signs. The area of a sign shall be computed on a sign face basis and all requirements with respect to sign area refer to the area of a single face. A double-faced sign shall be permitted to have the allowed area for a single-faced sign on each of the two (2) faces of the sign.

(3) Three-dimension signs. For three-dimensional signs and objects, the sign area is the rectangle within which the largest two-dimensional projection (silhouette) of the object can be enclosed.

(4) Channel letter signs. For channel letter signs, the sign area shall be the smallest rectangle that will encompass the limits of the writing, including spaces between the letters. Each advertising message shall be considered separately.

(5) Lots fronting on two (2) or more streets. Platted lots fronting on two (2) or more streets are allowed the permitted freestanding signage for each frontage, but such signage cannot be transferred from one frontage to another.

(c) Height and size limitation.

(1) For the first freestanding sign on a lot, the height and size maximum shall be in accordance with Table 2 and/or Table 3 if applicable. All subsequent freestanding signs on the lot shall not exceed seventy-five (75) percent of the allowable height and size specified in the appropriate Table(s).

On lots with frontage on more than one (1) street, the same shall apply for each street.

On the first freestanding sign on a lot where the primary use is automobile sales, the height and size for all freestanding signs shall be in accordance with Table 2 and/or Table 3.

(2) One (1) freestanding sign shall be permitted for each one hundred fifty (150) feet of street frontage. On lots with frontage on more than one (1) street, the same shall apply for each street. All allowed freestanding signs shall be in accordance with Table 2 and/or Table 3 as specified in subsection (1) above.

Maximum-Allowable Heights and Sizes for Freestanding Signs in Nonresidential Zoning Districts

TABLE 2

Street Classification	Height (Ft.)	Size (SF)
Local	16	75
Arterial Type B/Commercial Collector		
	24	150
Arterial Type A	40	240
Expressway	50*	375

*Not to exceed fifty (50) feet in height above the adjacent street grade, not to exceed a maximum of sixty (60) feet above ground level.

(d) Height and size limitation. Freestanding multiple tenant signs in nonresidential zoning districts shall be limited in height and size in accordance with Table 3.

Allowable Heights and Sizes for Freestanding Multiple Tenant Signs in Nonresidential Zoning Districts

TABLE 3

Street Classification	Height (Ft.)	Size (SF)[1]
Local	20	125
Arterial Type B/Commercial Collector		
	32	250
Arterial Type A	50	500
Expressway	60[2]	650

[1] The maximum size for an individual tenant's portion of a freestanding multiple tenant sign in a nonresidential zoning district may not exceed the maximum size allowed for a freestanding sign in a nonresidential zoning district as specified in Table 2 of this section.

[2] Not to exceed sixty (60) feet in height above the adjacent street grade, not to exceed a maximum of seventy (70) feet above ground level.

(e) The expressway standards set out in Tables 2 and 3 shall also apply to lots, or any portion of lots, located within five hundred (500) feet of an expressway where said lot or lots do not have frontage on an expressway. If an expressway size sign is erected on a lot which does not have expressway frontage, said sign shall be setback a minimum of one hundred (100) feet from the nearest street easement or right-of-way and a minimum of two hundred (200) feet from the nearest residential zone. Said sign or signs shall be oriented to the expressway.

Sec. 28-xx~~240~~. - Provisions applicable to residential zoning districts.

(a) The provisions of this section apply to all signs in any residential zoning district and within a radius of one hundred (100) feet of a residential zoning district or a public park boundary.

(b) The following signs are allowed in residential zones:

(1) One (1) attached, nonilluminated nameplate identifying a home occupation or bed and breakfast establishment not to exceed one (1) square foot in sign area.

(2) Apartment or condominium complex freestanding signs are allowed in accordance with Table 2. In addition, one (1) identification sign per entrance is allowed.

(3) For nonresidential uses on local streets, one (1) freestanding sign and one (1) attached sign, each not to exceed thirty-six (36) square feet in sign area are allowed. For nonresidential uses

with primary frontage on arterials/commercial collectors and expressways, freestanding signs are allowed in accordance with Table 2 and digital displays are permitted in accordance with section 28-241

(c) Special regulations for local streets and residential collectors in residential zones:

(1) Freestanding signs shall have a maximum height limit of eight (8) feet and shall be set back fifteen (15) feet from any public right-of-way and a minimum of ten (10) feet from side and rear lot lines abutting residential uses.

(2) No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot candles as measured within six (6) inches of the sign face.

(3) No sign nor part of any sign in a residential zoning district shall move, flash, rotate, or change its illumination.

(4) Digital displays shall not be permitted except as provided in subsection (5) below.

(5) Digital displays shall be permitted on-premises for a school, church or neighborhood recreation facility as defined in chapter 35, section 35-A101 subject to the following conditions:

a. No more than one (1) two-sided digital display may be installed at any individual school, church or recreation facility premises.

b. The school, church or recreation facility has a minimum of two hundred fifty (250) feet of continuous linear street frontage.

c. The permitted digital display shall not include animation or full motion video as defined. Text and logos may be displayed but only at a height of five (5) inches or greater. Authorized messaging shall be displayed with a minimum 30-second message dwell time.

d. The sign shall meet all other applicable requirements of subsection 28-241(e)(7) and any additional requirements of the applicable zoning district established pursuant to chapter 35 of the City Code.

Sec. 28-241. - Provisions applicable to nonresidential zoning districts.

(a) The number and size of signs allowed in nonresidential zoning districts shall be based on Tables 2 and 3 of this Article and the street classification as specified in the Major Thoroughfare Plan, Article IV of the Unified Development Code and the definitions included in this chapter.

(b) Local streets.

(1) Freestanding signs.

a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage.

b. The sign shall be set back a minimum of five (5) feet from the street right-of-way and ten (10) feet from all interior side lot lines.

(2) Attached signs. The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or fifty (50) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.

(c) Arterials Type A and B/Commercial Collectors

(1) Freestanding signs.

a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage. Additional freestanding signs are permitted with a minimum spacing of every one hundred fifty (150) linear feet. Additional freestanding signs shall not exceed seventy-five (75) percent of the allowable height and size set out in Tables 2 and 3 of this article, except as described in subsection 28-241(c)(1)b. below.

b. Where the primary use of a lot is automobile sales, one (1) freestanding sign shall be permitted for each one hundred fifty (150) linear feet of street frontage in accordance with Table 2. The maximum height and size for all allowed signs on lots where the primary use is automobile sales shall be in accordance with Table 2 or 3, whichever applies. On lots with frontage on more than one (1) street, the same shall apply for each street.

c. Signs shall be set back a minimum of ten (10) feet from street rights-of-way if the height of the sign exceeds twenty-five (25) feet. Signs shall be set back a minimum of ten (10) feet from side or rear lot lines if the adjacent property is zoned residential or is used for residential.

(2) Attached signs. The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or seventy-five (75) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.

(d) Expressways.

(1) Freestanding signs.

a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage. Additional freestanding signs are permitted with a minimum spacing of every one hundred fifty (150) linear feet. Additional freestanding signs shall not exceed seventy-five (75) percent of the allowable height and size set out in Tables 2 and 3 of this Article, except as described in subsection 28-241(c)(1)b. below.

b. Where the primary use of a lot is automobile sales, one (1) freestanding sign shall be permitted for each one hundred fifty (150) linear feet of street frontage in accordance with Table 2. The maximum height and size for all allowed signs on lots where the primary use is automobile sales shall be in accordance with Table 2 or 3, whichever applies. On lots with frontage on more than one (1) street, the same shall apply for each street.

c. Signs shall be setback a minimum of ten (10) feet from street rights-of-way if the height of the sign exceeds twenty-five (25) feet. Signs shall be set back a minimum of ten (10) feet from side or rear lot lines if the adjacent property is zoned residential or is used for residential.

(2) Attached signs. The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or one hundred (100) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.

(e) Special regulations for nonresidential zoning districts.

(1) Menu boards. Menu boards shall be oriented to internal vehicular traffic and shall not be directed to traffic on adjacent streets.

(2) Fuel price signs. In addition to other authorized signs, service stations shall be allowed one (1) sign on each pump island identifying only the type and price of fuels. Each sign shall not exceed eight (8) square feet in area. If attached to a freestanding sign, the area of the fuel price sign shall be counted toward the allowable area for the freestanding sign.

(3) Wall signs. Wall signs shall project no more than eighteen (18) inches perpendicular from the wall. Signs on a wall of a building which is on the property line may project eighteen (18) inches over the property line.

(4) Projecting signs. Projecting signs may extend into the public right-of-way from the building facade for a maximum distance of eight (8) feet or a distance equal to two-thirds (2/3) the width of the abutting sidewalk, whichever distance is greater. However the horizontal clearance between any portion of the sign and the curb line shall not be less than two (2) feet. Projecting signs shall not exceed one hundred fifty (150) square feet in sign area and shall be a minimum of eight and one-half (8½) feet above the adjacent sidewalk.

(5) Awning, canopy, marquee signs. These signs shall comply with the latest adopted International Building Code for construction requirements.

(6) Incidental signs. Incidental signs may be erected on any platted lot without limit to number, provided the signs do not exceed thirty-two (32) square feet in area or eight (8) feet in height.

(7) Digital displays. On-premises digital displays shall be permitted subject to the following requirements:

a. Intensity.

1. All digital displays shall be illuminated at a level no greater than 0.3 footcandles 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. Footcandle readings shall be measured at ground level at the distances shown in Table 4.

TABLE 4

Sign size (square feet)	Distance from source
0 to 100	100 feet
101 to 350	150 feet

351 to 650	200 feet
Over 651	250 feet

2. As measured from the nearest residential property line, the maximum light emanation from an adjacent digital sign display shall be 0.2 footcandles.
3. A digital display sign must 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 digital display shall contain a default mechanism to turn the sign off in case of malfunction or shall be manually turned off within twenty-four (24) hours of a reported malfunction.

b. Digital display standards.

1. Use of full-motion video is prohibited on displays greater than thirty-two (32) square feet.
2. Use of flashing, strobing or scrolling line-travel text such as, but not limited to, "ticker-tape" is prohibited.
3. Use of sound is prohibited.

c. Digital display placement.

1. No more than one (1) two-sided digital display per each freestanding sign structure shall be permitted.
2. No more than one (1) two-sided digital display may be permitted for each street frontage for an individual premise.
3. Minimum spacing between digital display signs shall be two hundred (200) feet.

d. Sign dimensions.

1. Digital displays shall be permitted at heights and areas in accordance with Table 2.
2. In no case shall a digital display exceed three hundred seventy-five (375) square feet nor exceed sixty (60) feet in overall height.

e. Existing signs. All digital displays, as defined, lawfully in existence prior to the effective date of Ordinance No. 2010-06-24-0618 shall conform to the provisions of this subsection within one (1) year of June 24, 2010; 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 the requirements of this provision.

Sec. 28-xx~~242~~. - Temporary displays.

(a) Inflatables. The temporary display of inflatables is permitted for a maximum period of twenty-one (21) days per calendar quarter per platted lot. Inflatables shall be limited to a height of thirty (30) feet for the inflatable device, not to include the height of any building or structure on which it might be placed.

Sec. 28-xx~~244~~. - Sign master plan development agreement

(a) Purpose. Designation of an area for a Sign Master Plan will allow flexibility in signage location in exchange for a minimum 25% cumulative reduction in both total sign area and sign height within the master plan area.

(b) Requirements. Commercial property owners who want more flexibility in locating on-premises signs can do so by entering into a Sign Master Plan Development Agreement.

To qualify for a Sign Master Plan an area must:

(l) Include two (2) or more contiguous lots, which may be separated by a street or drainage rights-of-way, that are not included in any other Sign Master Plan Development Agreement.

(2) The owners of all lots within the Sign Master Plan Development Agreement must agree in writing that neither they nor their successors in ownership shall exceed the maximum height, square footage and number set out in this article on any of the lots within the plan.

(3) All existing signs within the Sign Master Plan Development Agreement must be in conformance with this article.

Once approved, the applicant's Sign Master Plan area will be defined as a single premises for the purpose of determining whether a sign is an on-premises sign. A sign which advertises a use on a lot within the plan area which is not a use which occurs on that lot shall be termed a Sign Master Plan (SMP) sign. The use advertised on an SMP sign shall be termed an SMP use.

The square footage and height of an SMP sign shall be subtracted from the square footage and height of the allowable on-premises signs on the lot where the SMP use occurs. In no case shall the square footage, height and number of signs on any lot in a plan area exceed the maximum amounts allowed in this article.

(c) Submittal requirements

(1) A Sign Master Plan must be submitted to the director for consideration.

(2) All land owners included in the Sign Master Plan must submit:

a. A letter signed by all the property owners in the plan area agreeing to the terms of the plan and that they and their successors will abide by the plan.

b. A site plan showing the Sign Master Plan area boundaries

c. A site plan showing the location of all signage.

d. A table showing the square footage and heights of all signs throughout the plan by lot.

(3) The director may approve the Sign Master Plan (SMP), approve the SMP with conditions, or deny the SMP. Once approved, the applicant must record the SMP in the official deed records for Bexar County, Texas. The department shall not issue permits unless and until the applicant provides proof of recordation.

(4) Appeals shall be considered in accordance with section 28-246 of this chapter.

(d) Conditional SMP's may be granted in cases in which a developer intends to sub-divide its single parcel into multiple parcels, but the developer wishes to initiate signage restrictions for itself and future owners in advance of sub-dividing. It is understood that the conditional SMP be granted based on the submitted plan and that any changes to the plan must be approved by city staff. It is further understood that in granting a conditional SMP that the height, size and number of signs for the parcel will be designated in this document and none of these items may be increased without staff approval. The only change that may be approved is the re.-location of signs specifically listed in the approved SMP. The terms of a conditional SMP will expire after 12 months if no platting of the property has taken place. Upon a conveyance of a portion of the Property controlled by the Conditional SMP to a third party, the Conditional SMP automatically converts into a standard approved SMP without conditions. The Owner shall not erect any signage on the Property until a portion of the Property has been conveyed thereby converting the SMP as stated.

Sec. 28-245. - Nonconforming sign abatement.

(a) Continuance. Any nonconforming sign may be continued in operation and maintained after the effective date of this division; provided, however, that no such sign shall be changed in any manner that increases its noncompliance with the provisions of this division; and, provided further, that the burden of establishing such a sign to be nonconforming under this section rests entirely upon the person claiming nonconforming status.

(1) Freestanding signs. Freestanding pole signs that are nonconforming due to square footage, height, or spacing requirements may be refaced and/or have general maintenance performed as defined in this chapter. In general, whenever the sign cabinet is removed it shall, at that time, lose its nonconforming status; however, the sign cabinet, if of exceptional height, size or unusual shape, may be lowered to the ground to facilitate the above mentioned general maintenance and/or refacing due to property or personnel safety consideration considerations, if first approved by the director. The contractor shall submit a written request, prior to removal of the sign cabinet, outlining the proposed work to be performed, dates for accomplishment of same and property or personnel safety considerations involved. If approved, the contractor shall be issued a basic sign inspection permit and shall request an inspection on said permit when the sign cabinet is first taken down and again just prior to re-installation. When the sign cabinet is first lowered to the ground, the license holder of record for the company shall submit a written assessment to the director as to the structural integrity of the sign cabinet and its structural supports. If it is determined that the sign cabinet or structural supports are not structurally sound, the sign shall, at that time, lose its nonconforming status as outlined in subsection 28-245(c)(3). In addition, failure to gain approval and have the sign inspection permit issued prior to the sign cabinet being taken down shall cause the sign to lose its nonconforming status. Replacement of structural supports, poles, cabinet sheet metal, etc., that could be considered rebuilding the sign shall be prohibited.

(2) Multi-tenant signs. Freestanding, multi-tenant pole signs that are nonconforming due to square footage, height, or spacing requirements may be refaced and/or have general maintenance performed as defined in this chapter, on the existing sign cabinets. Whenever any sign cabinet is removed, as defined in this chapter, it may only be reinstalled if it is in conformance with the provisions of section 28-239, table 3 pertaining to multi-tenant signs, for example, height of the sign cabinet and total square footage of the multi-tenant sign.

In general, whenever a nonconforming sign cabinet is removed, it shall, at that time, lose its non-conforming status; however, the sign cabinet, if of exceptional height, size or unusual shape may be lowered to the ground to facilitate the above mentioned general maintenance and/or refacing due to property or personnel safety considerations, if first approved by the director of the development services department, as set out in section 28-245(a)(1).

Commentary: It is the intent of this section for nonconforming signs to continue in existence for the usable life span of the sign and not have its years of noncompliance increased through reconstruction.

(b) Registered trademarks. Notwithstanding any other provision of this chapter, a non-conforming registered "trademark sign" may be refaced to prevent misidentification with the registered trademark. The original height or width of the "trademark sign" shall not be increased when the sign is refaced.

(c) Termination.

(1) By abandonment. Abandonment of a nonconforming sign shall terminate the right to maintain such sign in accordance with the abandoned sign procedure of this Code chapter.

(2) By violation of sign provisions. Any violation of these provisions shall terminate immediately the right to maintain a nonconforming sign.

(3) By destruction, damage or obsolescence. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the device is damaged or destroyed from any cause whatsoever and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of the sign on the date of such damage or destruction; or whenever the device becomes obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger.

SPECIAL REGULATIONS

Sec. 28-116. - Overhanging signs.

(a) Generally. All permanent signs shall be erected so as not to overhang any street, alley, or plaza. Signs may be hung over a sidewalk and/or over that space between the curb and sidewalk provided the space is not used for, or designed to be used for, vehicular ingress and egress to a building.

(b) Commentary. Overhanging signs shall not be placed over streets or alleys where they might interfere with vehicle traffic; nor may they be hung over entrances where they may be damaged by vehicles thus causing a hazard to public safety.

Sec. 28-118. - Wall signs.

(a) The frames and panels of all signs which are to be attached to the wall of a building shall be constructed of wood, metal, or other durable materials approved by the director. Approved sign hooks, expansion bolts, or through bolts with washers on the inside of the wall shall be used depending upon the weight and area of the sign, and the condition of the wall to which it is to be attached. Before the sign can be installed, the on-premises sign operator or building owner must ensure that the wall, when the sign is affixed to it, will be able to withstand a wind pressure load of at least thirty (30) pounds per square foot.

(b) Nonelectric wall signs may not project more than twelve (12) inches from the face of the building. Electric wall signs may extend no more than eighteen (18) inches from the building face.

(c) It shall be unlawful to attach, draw or paint off-premises advertising to the wall of a building.

Sec. 28-119. - Projecting signs.

Projecting signs may not extend more than nine (9) feet from the property line. Additionally, the outer edge of the sign shall remain at least two (2) feet inside the curbline, and shall not begin beyond a distance of three (3) feet from the property line. A clear space of not less than eight and one-half (8½) feet shall be provided between the bottom of the sign and the sidewalk grade or ground level.

Sec. 28-120. - Projecting signs installed on a pipe.

In instances where a building is set back from the property line, a projecting sign may be installed on a pipe overhanging the sidewalk provided that:

(1) The pipe is set inside the property line unless the line is more than twenty-five (25) feet away from the street curb. In the latter instance, the pipe shall be set at the property side of the sidewalk, or if there is no sidewalk, no closer than ten (10) feet to the curb. If the pipe is set in an area that can be traversed by vehicles, it shall be surrounded by curbing as specified by the director of public works.

(2) Projecting signs must comply with the regulation clearances over sidewalks and distances from curb lines.

(3) No wooden poles or timbers shall be used. Only sound straight, steel, galvanized, or iron pipes in good condition, free from all major flaws and defects, and painted with weatherproof paint, are authorized.

(4) All pipes must be set at least three (3) feet in the ground and embedded in concrete; however, this subsection shall not apply to any existing sign hung under the auspices of a special permit which is still valid issued by the director of housing and inspections before April 11, 1940.

(5) The cross arms of angle iron for side guys are to be bolted or welded to the pipes in a secure manner, and side guys are to be of galvanized cable.

(6) The pipe must extend far enough above the top of the sign to provide space for a suitable headlift which must be of galvanized cable.

(7) All pipes must be of sufficient diameter and strength to properly support the weight of the signs which are to be installed on them. The minimum size of the pipe in relation to the weight shall be as follows:

Weight in pounds	Size in inches
Up to 175	3
From 175 to 250	4
From 250 to 325	5
From 325 to 400	6

(8) All pipes used for signs weighing in excess of one hundred (100) pounds must be of the well casing type or the equivalent. Lighter weight pipe may be used for signs weighing one hundred (100) pounds or less and situated entirely within the property lines. In no case may a sign be supported by a pipe less than three (3) inches in diameter.

Sec. 28-121. - Pole signs.

No pole, post or standard used to support any sign or floodlight shall be set in or upon any sidewalk, street or other public property. The construction and design of all pole signs shall conform to the requirements of section 28-120.

Sec. 28-122. - Roof signs.

(a) Roof signs may be used for on-premises advertising only.

(b) Roof signs, except electrical signs, shall not exceed thirty-two (32) feet in total height above that portion of the roof of the building, or structure, over which they are erected. All such signs hall be constructed of durable material and shall be set back a minimum of seven (7) feet from the inside line of the exterior wall of the building, the distance being measured at right angles to the line of the wall. An open space of not less than six (6) feet shall be maintained below the bottom of the sign and the roof, except for necessary vertical supports. Adequate provision shall also be made for grounding metallic parts of all roof signs as a protection against lightning. No roof signs shall be erected so as to extend over a sidewalk, street, or other public property.

(c) Roof signs shall not be used as a medium for off-premises advertising. All existing off-premises signs classified as roof signs shall be awarded nonconforming status by the director of the development services department if the off-premises sign operator registers the sign within one hundred eighty (180) days of the effective date of passage of this section. The nonconforming status will remain

valid as long as the sign is used solely for off-premises advertising. If the sign message changes to a commercial, i.e., on-premises category, the non-conforming status shall be immediately revoked.

Sec. 28-123. - Marquee signs.

Marquee signs not more than four (4) feet tall, excluding any top ornament supported directly by the marquee or awning, may extend around three (3) sides of a marquee or awning. An overhanging sign may be suspended under a marquee, provided that the lowest part of the sign is eight and one-half (8½) feet above the sidewalk and at right angles to the building line.

Sec. 28-124. - Electric signs.

All electric signs must comply with the applicable provisions of this chapter and with chapter 10 of this Code.

DIVISION 3~~2~~. - OFF-PREMISES SIGNS

Sec. 28-136. - Prohibition of new off-premises signs.

No new construction permits shall be issued for off-premises signs except for relocation of existing off-premises signs to new sites which meet the provisions of this chapter, including the following spacing requirements within the corporate limits of the city:

(a) On interstates, freeways or expressway systems, off-premises signs up to six hundred seventy-two (672) square feet shall not be closer than one thousand five hundred (1,500) feet along one side of the roadway.

(b) On primary and secondary arterial streets, off-premises signs up to three hundred ninety-nine (399) square feet shall not be closer to any other off-premises sign than seven hundred fifty (750) feet along one side of the roadway; on secondary arterial streets, off-premises signs ninety-nine (99) square feet and less shall not be erected closer than five hundred (500) feet along one side of the roadway.

(c) On collector and local access streets, off-premises signs ninety-nine (99) square feet and less shall not be erected closer than five hundred (500) feet along one side of the roadway.

Sec. 28-XX~~149~~. - Registration of existing off-premises signs.

Not later than the one hundred eightieth (180th) day after the effective date of this section, each operator or owner of an off-premises sign erected pursuant to a permit issued prior to the effective date of this section, shall either remove the off-premises sign at his expense or register the off-premises sign with the director. The operator or owner must pay an annual inspection fee as provided in section 28-94, "Fees," for each registered sign. The annual inspection fee is payable within thirty (30) days after the beginning of each fiscal year. Failure to register an off-premises sign or pay the annual inspection fee within the prescribed time period shall be considered a violation.

Sec. 28-XX~~137~~. - Height limitations.

All off-premises signs erected after the effective date of this provision shall not exceed forty-two and one-half (42½) feet in height above the adjacent street grade, not to exceed a maximum of sixty (60) feet above ground level.

(Ord. No. 58486, § 34-44, 3-22-84; Ord. No. 62653, § 23, 4-3-86; Ord. No. 2012-03-08-0170, § 5, 3-8-12)

Sec. 28-138. - Setback requirements.

(a) Generally. An off-premises sign may be installed on a side or rear property line provided the lot is zoned to permit zero setbacks, and the adjoining zoning classifications are not residential. No part of the sign, its support structure, light fixtures, or catwalks may overhang the property line. An off-premises sign erected adjacent to residentially zoned property shall observe the side and rear yard setbacks required by the zoning ordinance. In such instances light fixtures and catwalks may overhang the setback lines no more than six (6) feet. However, no part of the sign face or its support structure shall overhang the setback lines. All off-premises signs in excess of seventy-five (75) square feet are to be setback from the following facilities, districts, and parks as specified below:

(1) Large urban parks. A one thousand (1,000) foot radius from the park boundaries, except in the case of Brackenridge Park, in which case the requirements of section 28-140 shall apply.

(2) Publicly owned and operated sports complexes. A five hundred (500) foot radius from the complex boundaries.

(3) Community parks. A three hundred (300) foot radius from the park boundaries.

(4) Neighborhood parks. A two hundred (200) foot radius from the park boundaries.

(5) Cultural facilities. A five hundred (500) foot radius from the facility boundary.

(6) Historic buildings and structures. A two hundred (200) foot radius from the building or structure.

(7) Historic districts. A five hundred (500) foot radius from the district boundary.

(8) Universities and colleges. Off-premises signs in excess of seventy-five (75) square feet shall not be permitted on the opposite side of a public street bordering a university or college.

(b) Small off-premises signs. Off-premises signs in excess of seventy-five (75) square feet shall adhere to all property setback lines established in chapter 35 for the applicable zoning category. Additionally, these off-premises signs shall be set back a minimum of thirty (30) feet from adjacent residential zones. Off-premises signs which measure seventy-five (75) square feet or less of sign face shall adhere to property lines, but are not required to conform to the other setback limits established in this chapter.

(c) Distance from overpass, etc., railings. All off-premises signs shall be set back a distance of at least fifteen (15) feet from the railing of an overpass or bridge on any road, street, highway, or expressway.

(d) Commentary. All park definitions are taken from the San Antonio Parks Plan, 1981 edition. A publicly owned sports complex is meant to be a facility such as the Alvo Jo Fischer or Kennedy

Softball Complexes. The radius setback requirements do not apply to private parks, country clubs, etc., which are not open to the general public. Any legally erected off-premises sign which no longer conforms to the provisions of this chapter due to the creation of a new park, historic district, etc., shall be officially recognized as nonconforming by the director according to the requirements established in section 28-139. Off-premises signs are no longer permitted within historic districts. Existing off-premises signs in historic districts shall be awarded nonconforming status in accordance with the provisions of section 28-139

Sec. 28-142. - Maximum size of sign face.

(a) The maximum size of the sign face, as viewed from one (1) direction, for any off-premises sign shall be:

(1) Six hundred seventy-two (672) square feet along freeways, expressways and interstate highways.

(2) Three hundred ninety-nine (399) square feet along arterials.

(3) Ninety-nine (99) square feet along collectors and local access streets.

(b) The square footage requirements specified in paragraph (a)(1) through (3) pertain to the sign face per se. Embellishments and cutouts, may be utilized on off-premises signs as long as these extensions do not measure more than twenty (20) percent of the allowable square footage for the sign face.

Sec. 28-143. - Animation.

No off-premises sign shall be erected or altered to include such animation as: Parts which move, flashing/blinking lights, or smoke issuing from the sign which may be distracting to motorists. This prohibition does not include time and temperature and message signs.

Sec. 28-144. - Engineer certifications.

(a) Generally. A drawing, certified by a structural engineer registered in the state, shall be required for each type of off-premises sign which exceeds three hundred (300) square feet of sign face and is over fifty (50) feet high. The drawing shall attest that the particular kind of sign will withstand a wind load of thirty (30) pounds per square foot and shall state the depth to which the support structure must be set for the specific type of soil conditions. These drawings shall be kept on file for each operator in the department of development services.

(b) If an operator requests a permit for an off-premises sign measuring less than three hundred (300) square feet of sign face and which is under fifty (50) feet high, he may utilize an engineer certified chart in lieu of the drawing referenced in subsection (a). This chart shall specify the pipe diameter needed for various sizes of signs and the foundation requirements for the signs according to general soil conditions. The chart must be certified by a structural engineer registered in the state. A copy of the chart shall be submitted to the department of development services with each permit application. At the time an application for a permit is made, the operator shall note on the application what specific type of soil is prevalent at the site.

(c) Commentary. Smaller-sized off-premises signs are often designed to address the needs of a specific client. Accordingly, requiring an engineer certified drawing for such signs would significantly increase the off-premises sign operator's business costs. Accordingly, a reproducible chart may be substituted for the certified drawings in these instances. The chart represents a one-time, rather than recurring cost, and will adequately ensure the public interest for the smaller-sized off-premises signs.

Sec. 28-146. - Construction requirements.

(a) Every off-premises sign shall be firmly and solidly constructed so as to withstand a windload of at least thirty (30) pounds per square foot of area.

(b) An open space of at least seven (7) feet shall be provided between the bottom of the off-premises sign and the ground. If necessary, support bracing for the sign may extend through the open space.

(c) All off-premises signs exceeding twenty-five (25) feet in height shall be of fireproof construction.

(d) Base aprons measuring not less than twenty-four (24) inches high shall be attached to the bottom of all off-premises signs with sign faces measuring ten (10) feet or more in height and forty (40) feet or more in width.

(e) All service platforms shall have a jack or support at each structural upright and shall have a minimum width of twenty (20) inches of walking surface. Service platforms shall be mandatory on all off-premises signs measuring more than twelve (12) feet between ground level and the bottom of the sign face.

(f) All exposed wood or metal surfaces, including treated but unpainted stringers, platforms, jacks or other supports, excepting galvanized metal, shall be painted, both front and back, upon installation of the off-premises sign.

(g) Off-premises signs shall be designed and emplaced not to create a traffic hazard near street intersections or railroad crossings. Off-premises signs shall not be positioned in a way which obscures, or physically interferes with, a traffic sign, signal device or a driver's view of approaching, merging, or intersecting traffic.

(h) Off-premises signs shall not be illuminated in a manner which interferes with the effectiveness of or obscures an official traffic sign, signal, or device; nor may the light emitted from any off-premises sign cause glare to, or impede the vision of, the driver of any motor vehicle.

(i) There shall be a distance of fourteen (14) feet between the ground and the bottom rung of any ladder which is permanently attached to the off-premises sign structure. The 14-foot separation is necessary to ensure public safety. Existing signs which do not meet this standard shall not be awarded nonconforming status. The city sign inspector is authorized to issue citations to any off-premises sign operator whose signs are in violation of this section.

Sec. 28-147. - Maintenance.

All off-premises signs must be kept in good repair. If the lot on which the off-premises sign is located is undeveloped, the area between the off-premises sign and the street or highway to which it is oriented, as well as a twenty-five (25) feet around the support pole, must be kept free of all sign

materials, weeds, debris, trash and other refuse. All off-premises signs must b e maintained by a licensed off-premises sign operator.

Sec. 28-139. - Nonconforming rights.

(a) Generally. Any legally erected off-premises sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status by the director of the development services department if the operator registers the off-premises sign with the director within one hundred eighty (180) days of the effective date of passage of the revisions. After that time, the director may order any unregistered nonconforming off-premises sign removed at the operator's expense.

(b) Damaged structures. ~~Any non-conforming off-premises sign structure which is damaged beyond fifty (50) percent of its replacement value shall be removed at the operator's expense.~~ The right to maintain any nonconforming sign shall terminate and be removed at owner's expense whenever the sign assembly is damaged or destroyed from any cause whatsoever and the cost of repairing such damage or destruction exceeds fifty (50) percent of the cost of the sign at the date of erection. If such date cannot be identified, cost shall be the depreciated value of the sign assembly.

(c) [Removal and replacement of nonconforming off-premises signs.] As indicated in subsection (a), nonconforming rights shall be awarded to those off-premises signs which, while once legally erected, no longer conform to the provisions of this chapter. Such rights shall further be allowed to run with the site for a period of sixty (60) days following the removal of the nonconforming off-premises sign, provided such land owner within twenty-four (24) hours after removal of the nonconforming off-premises sign files with the department of development services a written notice of intent to replace said nonconforming off-premises sign with a off-premises sign which is relocated from another site. During that 60-day period, a off-premises sign may be erected at the identical location of the nonconforming off-premises sign, provided that the new sign shall be erected to conform to all relocation, construction, height and spacing requirements of this chapter. The new sign shall have the same size sign face as the previous off-premises sign but shall not exceed the limits of section 28-142. If the existing sign exceeds the standards set out in this chapter, the new sign must conform to the provisions of section 28-142. Provided further, that during the same 60-day period, no off-premises sign may be erected within the applicable spacing regulations except at the identical location of the removed nonconforming off-premises sign.

Sec. 28-151. ~~-~~ Exception to General Prohibition: Governmental action.

Notwithstanding subsections 28-97(e) and (f), a legally erected off-premises sign may be relocated on the same premises due to governmental action or eminent domain proceedings on a one-for-one basis (if the sign is nonconforming under the zoning ordinance, it shall continue to retain nonconforming status) in accordance with the following stipulations:

(1) A permit shall be obtained by a licensed off-premises sign operator prior to removal of the off-premises sign. Said permit shall not be referred to the board for approval. An off-premises sign removed pursuant to this section shall not be credited to the two-for-one requirement for

relocation permits provided in subsection 28-97(e). A permit issued pursuant to this section shall not affect the monthly limitation on square feet for advertisement display area per off-premises sign company under subsection 28-97(e).

(2) An off-premises sign relocated pursuant to this section shall comply with all construction, height, setback and other regulations set forth in this chapter unless specifically indicated otherwise in this section;

(3) An off-premises sign relocated pursuant to this section shall be relocated to the same premises as perpendicular to the right-of-way as practicable, such site to be approved by the director or his designated representative prior to removal of the off-premises sign;

(4) The size of the sign face of an off-premises sign relocated pursuant to this section shall not exceed the size of the sign face of the removed off-premises sign.

Sec. 28-18. ~~-~~ Exception to General Prohibition: Relocation and replacement of existing off-premises signs.

(a) The owner of a premises where an existing off-premises sign has been erected in accordance with prior rules and regulations may erect an on-premises sign in accordance with the existing provisions of this section.

(b) In the event that a permit for such an on-premises sign is applied for or has been granted under this chapter, the owner of the existing off-premises sign shall be entitled to a permit under this section for the one time only relocation of an off-premises sign with the same face area, notwithstanding the provisions of subsections 28-93(d), 28-97(e) and (f), and section 28-141 of this chapter, on the following conditions and not otherwise, such relocation to be not less than six hundred (600) feet nor more than seven hundred (700) feet from the original lawful location of such off-premises sign, provided that the owner's premises:

(1) are in use as a tax exempt entity under the provisions of Section 501(c)(3) of the Internal Revenue Code; and

(2) have a primary facility or structure which is outside of the boundary of the scenic corridor; and

further provided that the new location of the off-premises sign meets the spacing and all set back requirements except that the city may not require a greater front yard set back than the present front yard set back of the off-premises sign to be removed, of this chapter 28 of the City Code in effect at the time of the move.

Sec. 28-141. ~~-~~ Absolute Prohibition to Off-Premise Sign Relocation: Scenic corridors; historic districts.

(a) Scenic corridors. ~~Accordingly,~~ N~~n~~o off-premises signs shall be erected along ~~that~~ the following~~portion of said~~ freeways, expressways, state highways, or arterials designated as scenic corridors. ~~For purposes of this chapter, a~~An off-premises sign is ~~shall be considered to be~~ "along" said freeways, expressways, state highways or arterials if it is erected within six hundred sixty (660) feet of the public right-of-way.

~~The following streets are designated as scenic corridors:~~

(1) Any expressway or freeway constructed after April 13, 1986.

(2) McAllister Freeway/IH-37 between its intersections with Sunset Road and IH-10/US Highway 90.

(3) Charles Anderson Loop/FM 1604 as defined in the city's major thoroughfare plan as well as any future extensions of FM 1604.

(4) State Highway 151 and any extension of same.

(5) Wurzbach Parkway between its intersections with IH-35 and Lockhill-Selma Road.

(6) IH-10 between its intersections with Hildebrand Avenue and IH-37.

(7) IH-35 between its intersections with IH-37 and IH-10.

(8) IH Loop 410 S between its intersections with New Sulphur Springs Road (FM 3432) and Pearsall Road.

(9) IH-35 between its intersections with IH Loop 410 S and Charles Anderson Loop/FM 1604.

(10) IH-37 between its intersections with IH Loop 410 S and Charles Anderson Loop/FM 1604.

(11) State highways, and arterials as defined by the city's major thoroughfare plan that are located or come into existence after April 17, 2003, within the area bounded by IH Loop 410S, IH-35, Charles Anderson Loop/FM 1604, and IH-37, including:

a. Somerset Road/FM2790.

b. Senior Road.

c. Noyes Road.

d. State Highway 16 South.

e. South Zarzamora Street.

f. Applewhite Road.

g. Neal Road.

h. Pleasanton Road.

i. Watson Road.

j. Fischer Road.

k. Martinez Losoya/FM 2537.

l. US Highway 281 S.

m. FM 3499.

n. Roosevelt Avenue/FM 1937.

o. Brauning Road.

p. Blue Wing Road.

q. Southton Road.

r. S. Presa/U.S. 181 S.

(b) Historic districts. It shall be unlawful to erect an off-premises sign in an historic district.

(c) Commentary. The McAllister Freeway between Sunset Road and Josephine Street provides San Antonians with a particularly unique view of their city. Because most of the land abutting the freeway is publicly owned, off-premises signs have not become commonplace along it. Prohibiting

off-premises signs along the McAllister Freeway is intended to enhance an especially striking view of the downtown, Trinity University, the large trees in Olmos and Brackenridge Parks, and the Incarnate Word Property. Designating Loop 1604, State Highway 151 and all future freeways as scenic corridors will serve to preserve natural surroundings, thereby enhancing the aesthetic environment, reducing visual blight and distraction and further promoting traffic safety.

ARTICLE VI~~II~~. - URBAN CORRIDORS

~~DIVISION 1. - GENERALLY~~

Sec. 28-216. - Purpose.

(a) Within the city's jurisdiction there are many roadway corridors which have been and/or will continue to be very significant to the city. Some of these corridors are important because they have shaped the sense of what individual neighborhoods of the city are in their role as historic entrances to the city. Other corridors are significant because they serve as new gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas. These corridors are amenities and assets of great value to the city, its inhabitants and its economy. The city council aims to preserve, enhance, and perpetuate the value of these roadway corridors and hereby authorizes the establishment of urban corridors.

(b) The purposes of these corridors are as follows:

(1) To create a more attractive, cohesive, and safe corridor environment.

(2) To safeguard San Antonio's heritage by preventing the despoliation of areas that reflect important elements of the city's cultural, natural, historic, and economic fabric.

(3) To create favorable impressions of San Antonio that provide environmental enrichment for the citizens of the city and visitors thereto.

(4) To enhance San Antonio's image as a progressive, scenic, and liveable city.

(5) To preserve, protect, and enhance areas of high tourist and visitor visibility.

(6) To enhance the appearance and economic viability of urban corridors within neighborhoods.

(7) To provide corridor motorists and pedestrians with rewarding viewing opportunities.

(8) To reduce visual chaos and limit distractions along public roadways.

(9) To stabilize and strengthen property values within the corridors.

Sec. 28-217. - Designation criteria.

To be designated as an urban corridor, an area must meet one (1) or more of the following criteria:

(a) The corridor serves as a recognized primary entryway to the city.

(b) The corridor abuts, traverses, or links designated historic landmarks and/or districts.

(c) The corridor traverses areas where natural vegetation representative of the native landscape is present along at least fifty (50) percent of the street frontage.

(d) There is substantial public and/or private commitment of resources for redevelopment or revitalization of at least fifty (50) percent of the corridor's buildings or infrastructure.

(e) The corridor has historically served as a regional or neighborhood commercial center for at least fifty (50) years.

(f) The corridor provides primary access to one (1) or more major tourist attractions.

(g) The corridor abuts, traverses, or links the San Antonio River or its major tributaries, area lakes, or major parks.

(h) The corridor traverses residential areas where housing is present along at least fifty (50) percent of the street frontage.

Sec. 28-218. - Designation process.

(a) This article authorizes the establishment of urban corridors within the city's extraterritorial jurisdiction to regulate sign standards. Ordinances designating each urban corridor shall identify the designated street corridor(s) and specify the sign standards for that corridor.

(b) Designation of specific urban corridors shall be initiated at the direction of the city council or by a memorandum signed by a majority of council members.

(c) The planning commission is hereby designated in accordance with section 118, paragraph 3, of the City Charter to hold public hearings on all proposed urban corridor sign standards and submit a recommendation to the city council. The city council shall also hold a public hearing prior to considering urban corridor sign standards. The director of the development services department shall provide notice of each public hearing to the owners of real property inside and within two hundred (200) feet of the proposed urban corridor. Such notice shall be served by depositing the notice, properly addressed and postage paid, in a city post office not less than ten (10) days prior to the scheduled date of the public hearings to all owners who have rendered their property for taxes on the last approved tax roll.

Sec. 28-219. - Boundaries.

(a) To be designated as an urban corridor, a street must be a collector, arterial, or expressway. An urban corridor shall be designated on both sides of a street except when one (1) side is not located within the city's extraterritorial jurisdiction.

(b) The maximum width of an urban corridor along either side of the street right-of-way shall not exceed the distance indicated in the table below:

Collector street .....100 feet

Arterial street .....200 feet

Expressway .....500 feet

(c) The minimum length of urban corridor districts shall generally comply with the following distances:

Collector street .....1,320 feet

Arterial street .....2,640 feet

Expressway .....5,280 feet

Sec. 28-220. - Sign standards.

(a) General. Ordinances establishing specific urban corridors may include requirements for on- and off-premises signs subject to the guidelines included herein. Specific corridor ordinances may include more or less restrictive standards for off-premises signs. In event of a conflict between a specific corridor ordinance and other provisions of this Code, the most restrictive shall apply.

(b) Prohibited signs. Other provisions of this Code notwithstanding, the following signs are prohibited unless expressly authorized by the city council to create a unifying theme in a specific urban corridor:

(1) Animated, moving, flashing, or rotating signs. However, digital displays, including but not limited to, electronic message centers up to twenty-five (25) percent of the allowable sign area are permitted.

(2) Three-dimensional objects such as vehicles, animals, instruments or other figures; propellers, wind powered or other similar devices or objects; and air-filled figures other than balloons one (1) foot or less in diameter.

(3) Signs which utilize intermittent or flashing illumination devices; which change light intensity, brightness or color; or which are constructed and operated so as to create an appearance or illusion of motion unless specifically authorized by the city council to create a unifying theme in an urban corridor. This prohibition shall include digital displays.

(4) Roof signs.

(c) Temporary signs. Banners, pennants, streamers, and balloons (1) foot or less in diameter may be used as temporary advertising for a maximum duration of thirty (30) days each six (6) months. Permits in accordance with chapter 28 of this Code are required for signs over fifteen (15) square feet in size.

(d) On-premises pole sign.

(1) Platted lots along designated urban corridors shall be permitted one (1) pole sign for each two hundred (200) linear feet of street frontage or fraction thereof, but in any event shall be permitted at least one (1) sign. A pole sign shall not be erected closer than two hundred (200) feet along one (1) side of the street to another pole sign within the same platted lot.

(2) In lieu of the signs permitted in subsection (1) above, platted lots along expressways shall be permitted one (1) pole sign for each one hundred (100) linear feet of street frontage or fraction thereof provided the sign area for each sign does not exceed two hundred fifty (250) square feet.

(3) The maximum height for pole signs shall be in accordance with the table below. The height of a sign shall be measured from the adjacent primary street grade provided that the overall height of the sign does not exceed sixty (60) feet above ground level.

Maximum Sign Height (in feet)

Designated street	Pole sign	Multiple tenant sign
Local street	10 —15	15—25
Collector/arterial street	30 —40	40 —50
Expressway	40 —50	50 —60

(4) The maximum allowable sign area for each pole sign shall be established in accordance with the table below. For signs with more than one (1) face, only the area of one (1) face shall be counted, provided only one (1) face is visible from any one (1) direction.

Maximum Sign Area (in square feet)

Designated street	Pole sign	Multiple tenant sign
Local street	64 — 96	96 — 160
Collector/arterial street	200 — 300	350 — 500
Expressway	350 — 500	500 — 650

(5) The following signs shall not be included in the total allowable sign area: real estate signs, temporary signs, signs which are designed not to be visible from or directed to traffic on the adjacent street, electric directional signs less than five (5) feet in height, construction signs, and signs which are exempted from the permit requirement in subsection (h) below.

(e) Wall signs. Wall signs shall not extend or project more than one-third (1/3) the vertical height of the sign above the roof or parapet of a building or structure. The maximum allowable sign area for wall signs along all street frontages shall be as follows:

Cabinet signs .....20 percent of the wall area

Channel letter signs .....25 percent of the wall area

(f) Address requirement. The street address of an establishment must be prominently displayed on a sign and/or the building and shall be visible from adjacent streets at all times.

(g) Maintenance. All signs and components thereof shall be maintained in good repair and in the proper state of preservation at all times and shall be kept free of weeds, trash, and other refuse. The display surfaces of all signs shall be kept neatly painted or posted at all times. The director of the development services department may order the removal of any sign not meeting these standards at the expense of the sign or property owner within sixty (60) days of notification by the city. If the business or activity for which a sign was permitted, ceases to operate for a period of one hundred eighty (180) days, the sign shall be considered abandoned and the sign shall be removed by the sign or property owner.

(h) Permit requirement. A permit must be obtained from the department of building inspections before a sign may be erected within an urban corridor. Applications for a permit shall be made upon forms provided by the department. All signs shall display a tag as evidence of the permit. However, the following signs shall be exempt from the permit requirement:

(1) Real estate signs. One (1) non-electric sign adjacent to each street right-of-way, not exceeding thirty-two (32) square feet in size and used solely to advertise the sale or lease of the premises upon which the sign is located. These signs must be removed within ninety (90) days after the sale or lease of the premises.

(2) Governmental signs. Governmental agencies are encouraged to coordinate their signs with respect to color size, height and placement.

(3) Signs on the surface of or inside windows, not exceeding fifteen (15) square feet in size, providing they do not cover more than twenty-five (25) percent of the window area. The sign area shall be determined by measuring the perimeter around the edge of the lettering.

(4) Non-electric directional signs not exceeding fifteen (15) square feet in size. These signs must be composed of durable material, situated wholly upon private property and not exceed a maximum height of eight (8) feet.

(5) Signs less than fifteen (15) square feet in size and designed not to be read by the traveling public, including menu boards, service station pump decals and spanners.

(i) Nonconforming signs. Nonconforming signs shall be brought into conformance with the requirements of the urban corridor ordinance when there are alterations or repairs to the sign exceeding fifty (50) percent of the sign's value.

Sec. 28-221. - Variances.

Appeals and variances from the requirements of article V~~II~~ of this chapter shall follow section 28-~~246~~xxx, Variance and appeal procedures.

~~Sec. 28-222. - Reserved.~~

SPECIFIC URBAN CORRIDORS~~DIVISION 2. - IH-10/FM 1604 URBAN CORRIDOR~~

Sec. 28-223. - IH-10/FM 1604 urban corridor

(a) Boundaries. The following areas which are located outside the city limits are designated as the I.H. 10 West/Loop 1604 urban corridor:

(1) Both sides of I.H. 10 West, an expressway, between Wurzbach Road and Boerne Stage Road for a distance of five hundred (500) feet from the street right-of-way.

(2) Both sides of Loop 1604, an expressway, between Northwest Military Highway and Hausman Road for a distance of five hundred (500) feet from the street right-of-way.

(3) Both sides of Babcock Road, an arterial street, between Loop 1604 and Camp Bullis Road for a distance of two hundred (200) feet from the street right-of-way.

(4) Both sides of Camp Bullis Road, an arterial street, between I.H. 10 West and Babcock Road for a distance of two hundred (200) feet from the street right-of-way.

(b) Designation criteria. The areas specified in subparagraph (a) above meet the following designation criteria established by section 28-217

(1) The corridor serves as a recognized primary entryway to the city.

(2) The corridor traverses areas where natural vegetation representative of the native landscape is present along at least fifty (50) percent of the street frontage.

(3) The corridor provides primary access to one or more major tourist attractions.

(c) Other provisions. In addition to the requirements set forth in this section, the mandatory provisions of sections 28-220 through 28-221 shall be applicable to this corridor.

(d) Off-premises signs. Off-premises signs are prohibited in the corridor.

(e) Maximum sign height and size.

(1) The maximum heights for on-premises signs are as follows:

Maximum Sign Height (in feet)

Designated street	Pole sign	Multiple tenant sign
Local street	10	15
Collector/arterial street	30	40
Expressway	40	50

(2) The maximum allowable sign area for on-premises signs are as follows:

Maximum Sign Area (in square feet)

Designated street	Pole sign	Multiple tenant sign
Local street	64	96
Collector/arterial street	200	350
Expressway	350	500

Sec. 28-224. - UC-2, Broadway urban corridor district.

(a) Boundaries. The following area is designated as the Broadway urban corridor district: both sides of Broadway, an arterial, between IH-35 and the city limits of Alamo Heights for a distance of two hundred (200) feet from the street right-of-way.

(b) Designation criteria. This corridor meets the following designation criteria established by section 35-3152:

(1) The corridor provides primary access to one or more major tourist attractions.

(2) The corridor abuts, traverses, or links the San Antonio River or its major tributaries, area lakes, or major parks.

(c) Other provisions. In addition to the requirements set forth in this section, the mandatory provisions of sections 35-3155 through 35-3157 shall be applicable to this district.

(d) Setback. The setback along Broadway is established at twenty-five (25) feet.

(e) Screening. The following uses shall be screened from Broadway to a height sufficient to completely screen the use from view at ground level: all outside storage, industrial activities, off-street loading areas as required by division 9 of this article, refuse storage areas, air conditioning and heating equipment, and microwave and satellite antennas. An opaque screen composed of berms, walls, fences, vegetation, or a combination of these materials shall be used.

(f) Off-premises signs. Off-premises signs are prohibited in this corridor district.

(g) Maximum sign height. The maximum heights for on-premises signs are thirty (30) feet for pole signs and forty (40) feet multiple tenant signs.

(h) Maximum sign size. The maximum allowable sign areas for on-premises signs are two hundred (200) square feet for pole signs and three hundred fifty (350) square feet for multiple tenant signs.

Sec. 28-225. - UC-3, Fredericksburg Road urban corridor district.

(a) Boundaries. The following area is designated as the Fredericksburg Road urban corridor district: both sides of Fredericksburg Road, an arterial, between Martinez Creek and Santa Barbara Street for a distance of two hundred (200) feet from the street right-of-way.

(b) Designation criteria. This corridor meets the following designation criteria established by section 35-3152:

(1) The corridor has historically served as a regional or neighborhood commercial center for at least fifty (50) years.

(2) There is substantial public and/or private commitment of resources for redevelopment or revitalization of at least fifty (50) percent of the corridor's buildings or infrastructure.

(c) Other provisions. In addition to the requirements set forth in this section, the mandatory provisions of sections 35-3155 through 35-3157 shall be applicable to this district.

(d) Setback. The setback along Fredericksburg Road is established at twenty-five (25) feet.

(e) Screening. The following uses shall be screened from Fredericksburg to a height sufficient to completely screen the use from view at ground level: all outside storage, industrial activities, off-street loading areas as required by Division 9 of this article, refuse storage areas, air conditioning and heating equipment, and microwave and satellite antennas. An opaque screen composed of berms, walls, fences, vegetation, or a combination of these materials shall be used.

(f) Off-premises signs. Off-premises signs are prohibited in this corridor district.

(g) Maximum sign height. The maximum heights for on-premises signs are thirty (30) feet for pole signs and forty (40) feet for multiple tenant signs.

(h) Maximum sign size. The maximum allowable sign areas for on-premises signs are two hundred (200) square feet for pole signs and three hundred fifty (350) square feet for multiple tenant signs.

Sec. 28-226. - UC-4, North St. Mary's Street urban corridor district.

(a) Boundaries. The following area is designated as the North St. Mary's Street urban corridor district: both sides of North St. Mary's Street, an arterial, between I.H. 35 and HWY 281 for a distance of two hundred (200) feet from the street right-of-way.

(b) Designation criteria. This corridor meets the following designation criteria established by section 35-3152:

(1) The corridor has historically served as a regional or neighborhood commercial center for at least fifty (50) years.

(2) The corridor provides primary access to one or more major tourist attractions.

(3) The corridor abuts, traverses, or links the San Antonio River or its major tributaries, area lakes, or major parks.

(c) Other provisions. In addition to the requirements set forth in this section, the mandatory provisions of sections 35-3155 through 35-3157 shall be applicable to this district.

(d) Setback. The setback to this urban corridor is established at zero (0) feet.

(e) Screening. The following uses shall be screened to a height sufficient to completely screen the use from view at ground level: all outside storage, industrial activities, off-street loading areas as required by Division 9 of this article, refuse storage areas, air conditioning and heating equipment, microwave and satellite antennas. An opaque screen composed of berms, walls, fences, vegetation, or a combination of these materials shall be used.

(f) Off-premises signs. Off-premises signs are prohibited in this corridor district.

(g) Maximum sign height. The maximum height for on-premises signs are thirty (30) feet for pole signs and forty (40) feet for multiple tenant signs.

(h) Maximum signs size. The maximum allowable sign areas for on-premises signs are two hundred (200) square feet for pole signs and three hundred fifty (350) square feet for multiple tenant signs.

Sec. 28-227. - UC-5, Main Ave/McCullough Ave urban corridor district.

See section 35-3169 of the 1987 Unified Development Code.

Sec. 28-228. - UC-6, San Pedro urban corridor district.

See section 35-3170 of the 1987 Unified Development Code.

Secs. 28-229—28-231. - Reserved.

ARTICLE VII – SPECIAL REQUIREMENTS~~II. - RESERVED~~

Sec. 28-148. - Residential developer/builder off-premises sign.

A maximum of four (4) residential developer and four (4) residential builder owned and operated off-premises signs, not to exceed a total number of eight (8) per residential subdivision, may be erected which advertise only the name of the residential developer/builder and the name of and directions to a residential real estate development. A residential developer/builder off-premises sign which advertises the names of the residential developer and builder on the same advertising copy shall be considered to be a part of one (1) off-premises sign. A double faced residential developer/builder off-premises sign shall be counted as one (1) off-premises sign. A residential developer/builder off-premises sign which is relocated from another site shall not be counted as part of the four (4) residential developer/builder off-premises signs authorized under this section. In addition to the regulations set out in this chapter, the following restrictions shall apply:

(a) Residential developer/builder owned and operated off-premises signs may be permitted only within five (5) miles of the boundaries of the advertised subdivision for up to three (3) years; provided, however, said permits may be renewed for periods of one (1) year each if the residential developer/builder submits evidence to the board to prove the following:

(1) The existence of a bona fide operational sales office within the subdivision; and/or

(2) Not more than ninety-five (95) percent of new homes in the subdivision have been sold.

(b) A residential developer/builder owned and operated off-premises sign which no longer meets the requirements of this section or which is maintained beyond the expiration of its permit shall be removed within sixty (60) days at the owner's sole expense.

(c) A residential developer/builder must obtain a permit and pay fees applicable to off-premises signs. Renewal of a permit for a residential developer/builder owned and operated off-premises sign shall be twenty-five dollars ($25.00).

Per the City's Unified Development Code Section 35-389, signs advertising the residential developer/builder and the subdivision are permitted ***within*** the subdivision as follows:

1) A maximum of four (4) advertising signs are permitted *within* the subdivision.
2) The sign(s) are limited to identification of the land developer and to advertising of residences for sale.
3) Each sign shall be a maximum of two hundred eighty-eight (288) square feet in area and shall not be of neon or flashing type.
4) The signs are permitted to be installed on any lot within the defined subdivision.
5) The signs are permitted on a temporary basis for a two-year period or until sales of ninety-five (95) percent of the houses in the subdivision have been consummated, whichever is greater.
6) Each sign is to be properly permitted through the Development Services Department before installation of the sign.

***Note that temporary signs advertising individual homes for sale are permitted in addition to the four (4) above when limited to a maximum of twelve (12) square feet.

Signs advertising the residential developer/builder and the subdivision are permitted ***outside*** the subdivision as follows:

1) A maximum of four (4) residential developer and four (4) residential builder owned and operated off-premises signs, not to exceed a total number of eight (8) per residential subdivision, may be erected which advertise only the name of the residential developer/builder and the name of and directions to a residential real estate development.
2) Each sign shall be a maximum of sixty four (64) square feet in area, and shall not be of neon or flashing type.
3) Each sign shall spaced a minimum of one hundred fifty (150) feet from any other off premises sign including any other residential developer/builder off-premises sign.
4) Residential developer/builder owned and operated off-premises signs may be permitted only within five (5) miles of the boundaries of the advertised subdivision for up to three (3) years; provided, however, said permits may be renewed for periods of one (1) year each if the residential developer/builder submits evidence to the board to prove the following:
    a. The existence of a bona fide operational sales office within the subdivision; and/or
    b. Not more than ninety-five (95) percent of new homes in the subdivision have been sold.
5) Each sign is to be properly permitted through the Development Services Department before installation of the sign.
6) These signs must be installed by a licensed on-premise sign operator or licensed off-premise sign operator as defined by City Code Chapter 28.

Sec. 28-125. - Off-premise digital signs.

(a) Off-premise digital signs are prohibited within the jurisdiction of the city, provided however, that the director may issue fifteen (15) off-premise digital sign permits as authorized by this ordinance. All such off-premise digital signs shall be subject to this section and all other relevant provisions of this chapter.

(b) Sign operators installing, testing, or maintaining off-premise digital signs shall comply with the following requirements:

(1) The dwell time, defined as the interval of change between each individual message, shall be at least ten (10) seconds, and a change of message must be accomplished within one (1) second or less. The dwell time shall not include the one (1) second or less required to change a message.

(2) The digital sign shall contain a default mechanism that will freeze the sign in one (1) position if a malfunction occurs.

(3) The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.

a. Digital sign light intensity exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance":

Intensity Levels (NITS)		
Color	Daytime	Nighttime
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

b. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed seven thousand (7,000) NITS and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the director.

(4) The digital sign shall not be configured to resemble a warning or danger signal or to cause a driver to mistake the digital sign for a warning or danger signal.

(5) Off-premise digital sign faces may have dimensions of up to three hundred (300) square feet or up to six hundred seventy-two (672) square feet in accordance with conversion table 1 and table 2.

(6) A digital sign is subject to all existing restrictions on light intensity or brilliance contained in Chapter 35 of the Unified Development Code, including but not limited to subsection 35-612(p)(6).

(7) A digital sign must not resemble or simulate any lights or official signage used to control traffic in accordance with the 2003 Manual on Uniform Traffic Control Devices, with Revision No. 1 published by the Federal Highway Administration (FHWA).

(8) A digital sign must be equipped with both a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions.

(9) Except for a sign that qualifies as nonconforming under section 28-139, a digital sign must comply with sign face size restrictions set forth in section 28-142. A nonconforming sign may not be enlarged beyond its present size without forfeiting its nonconforming status.

(10) A digital sign may not be within two thousand (2,000) feet of another off-premise digital sign facing the same traveled way. In no case shall an off-premise digital sign be in a line of sight with another off-premise digital sign. Spacing requirements for off-premise digital signs in relation to other classifications of signs shall comply with section 28-136

(11) The height of a digital sign must comply with section 28-137. On existing structures that qualify as nonconforming under section 28-139, digital sign displays may replace the existing static display.

(c) Digital sign classifications.

(1) Existing sign means a currently erected sign whose components need only minimal modification to display digital signs. Sign operators may replace the sign faces of existing signs with digital sign faces subject to the conversion ratios of table 1 or table 2.

(2) New sign means a digital sign erected on a site devoid of a sign or a digital sign placed on a currently erected sign structure supporting a sign that requires significant modification to support a digital sign. Sign operators may replace the sign faces of new signs with digital sign faces subject to the conversion ratios of table 1 or table 2 and the relocation provisions of section 28-97. In no event shall a new digital sign be constructed in an area prohibited by current zoning district boundaries.

(3) Corridor sign means an existing sign that qualifies as nonconforming sign under section 28-139 and whose components need only minimal modification to display digital signs. Sign operators may replace the sign faces of existing nonconforming signs with digital sign faces subject to the conversion ratios of table 1 or table 2.

(d) An off-premise digital sign permit shall be issued for existing signs, new signs, and corridor signs subject to the conversion ratios of table 1 or table 2 and section 28-93. All applications for an off-premise digital sign permit must identify the number of demolition permit numbers for off-premises signs set out in table 1 or table 2. The off-premise digital sign permit may be issued only after removal of the existing registered off-premises signs in accordance with the conversion ratios in table 1 or table 2. Demolitions occurring prior to the effective date of this section shall not be allowed to be counted for removal purposes under this subsection.

(e) The city, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via digital signs. Upon notification, the sign operators shall display in appropriate sign rotations: Amber Alert emergency information or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agencies protocols.

TABLE 1
CONVERSION REQUIREMENTS
FOR DIGITAL BULLETIN DISPLAYS (Up to 672 sq. ft. per structure)

Square Feet	# of structures	Structure Description	Requires Faces to be Removed	Removals Sq. Ft. Removed	New Digital Sign Bulletin Faces To Gain (Up to 672 sq. ft. per structure)	Sq. Ft. Permitted
(72 sq. ft) 8-Sheet.	19 9 5	19 single face structures 9 double face structures 5 quad structures	19 18 20	1,368 1,296 1,440	1 1 1	672 672 672
(288 sq. ft.) 30-Sheet	3 5	2 double face structures/ 1 single face structure 5 double face structures	5 10	1,440 2,880	1 2	672 1,344
(300 sq. ft.) 10 x 30	3 6	2 double face structures/ 1 single face structure 4 double face structures/ 2 single faced structures	5 10	1,500 3,000	1 2	672 1,344
(378 sq. ft.) 10.6 x 36	4 4	4 single face structures 4 double face	4 8	1,512 3,024	1 2	672 1,344

		structures				
(400 sq. ft.) 10 x 40	4 4	4 single face structures 4 double face structures	4 8	1,600 3,200	1 2	672 1,344
(672 sq. ft.) 14 x 48	3 3	3 single face structures 3 double face structures	3 6	2,016 4,032	1 2	672 1,344
(1,200 sq. ft.) 20 x 60	1 1	1 single face structure 1 double face structure	1 2	1,200 2,400	1 2	672 1,344

TABLE 2
CONVERSION REQUIREMENTS
FOR DIGITAL POSTING DISPLAYS (Up to 300 Sq. Ft. per structure)

Square Feet	# of structures	Structure Description	Requires Faces to be Removed	Removals Sq. Ft. Removed	New Digital Sign Bulletin Faces To Gain (1 digital sign face per structure)	Sq. Ft. Permitted
(72 sq. ft) 8-Sheet.	8 12	8 single face structures 8 single face structures/ 4 double face structures	8 16	576 1,152	1 2	300 600
(288 sq. ft.) 30-Sheet	2 2	2 single face structures 2 double face structures	2 4	576 1,152	1 2	300 600

(300 sq. ft.) 10 × 30	2 2	2 single face structures 2 double face structures	2 4	600 1,200	1 2	300 600
(378 sq. ft.) 10.6 × 36	2 3	2 single face structures 3 double face structures	2 6	756 2,268	1 3	300 900
(400 sq. ft.) 10 × 40	2 2	2 single face structures 2 double face structures	2 4	800 1,600	1 2	300 600

Notes for Table 1 and Table 2:

1. Structures larger than 10 × 40 are not permitted to be used for digital sign posting sized units (three hundred (300) sq. ft.).
2. Any other sign display size will be permitted at the lower designated classification as noted above.
3. All signs permitted to be used to meet the conversion ratios must be physically completed sign structures with a complete sign face. No partially erected/completed signs may be use to meet the conversion ratios.
4. Only one (1) digital sign face shall be allowed per structure.

~~Secs. 28-126—28-135. - Reserved.~~

Sec. 28-150. - Off-premises signs in ETJ.

(a) ~~Notwithstanding spacing requirements set forth in section 28-136, o~~Off-premises signs erected in the ETJ pursuant to a relocation permit shall adhere to the following spacing requirements:

(1) On interstates, freeways and expressway systems, off-premises signs up to six hundred seventy-two (672) square feet shall not be closer than one thousand five hundred (1,500) feet along one side of the roadway.

(2) On primary and secondary arterial streets, off-premises signs up to three hundred ninety-nine (399) square feet shall not be closer to any other off-premises sign than one thousand (1,000) feet along one side of the roadway; on secondary arterial streets, off-premises signs ninety-

nine (99) square feet and less shall not be erected closer than seven hundred fifty (750) feet along one side of the roadway.

(3) On collector and local access streets, off-premises signs ninety-nine (99) square feet and less shall not be erected closer than seven hundred fifty (750) feet along one side of the roadway.

(b) Residential developer/builder owned and operated off-premises signs erected in the ETJ shall adhere to the spacing requirements set forth in subsection (a) above and to the requirements of subsection (c)(3) but not (c)(1) and (2) below.

(c) In addition to the provisions of this chapter, no off-premises signs shall be erected in the ETJ unless:

(1) Such off-premises sign is located within eight hundred (800) feet of at least two (2) adjacent recognized commercial or industrial activities located on the same side of the roadway;

(2) Such sign is located at least five hundred (500) feet, as measured along one side of the road, from any structure which is exclusively used by one or more human beings for residential purposes; provided, however, that this requirement shall not apply to hotels, motels, or trailer parks which provide overnight parking only.

(3) Residential developer/builder off-premises signs are located within one thousand eight hundred (1,800) feet of at least two (2) adjacent recognized commercial or industrial activities located on the same side of the roadway.

Sec. 28-1511~~17~~. - Temporary S~~s~~igns – In General.

Temporary Sign: A sign that is used for a limited time period and for a specific purpose.

Permits for Temporary Signs: Temporary signs shall be allowed only in accordance with the provisions of section 28-??? (a) and only upon the issuance of a temporary sign permit, unless otherwise noted below, which shall be subject to the following additional requirements:

(1) A temporary sign permit shall allow the use of a temporary sign only for one single continuous specified 90-day period in any 180 day period. Signs utilized for longer periods shall conform to all requirements set forth by the chapter for on-premise signs.

(2) Only one temporary sign permit shall be issued to the same business license holder on the same lot for the same business.

(3) A temporary sign shall be allowed only in the areas specified in section 28-??? and shall be subject to all other requirements for temporary signs as set forth in this chapter, in chapter 10, and in any other applicable code section.

(a) Temporary signs may be constructed of cloth or wallboard, may be framed, and shall, with the exception of banner signs, be staked to the ground or securely affixed to a structure. Unframed cloth banner signs may project over a public street subject to approval by the director of the development services department. The sign erector shall certify that the sign will not interfere with the public safety. All other temporary signs must be located ~~at least two (2) feet~~ inside private property lines.

Section 28-152 Banner signs projecting over streets

Cloth banner signs projecting over and across street rights-of-way must meet the following criteria:

(1) The sign must advertise or promote a noncommercial, not for private profit event or a community charitable drive.

(2) No part of the banner sign shall be closer to the street grade than fourteen and one-half (14½) feet.

(3) Standard sign hooks, lag screws or expansion bolts and shields shall be used where required to support the sign.

Section 28-153 Banners on store fronts

Banners on store front - In lieu of a permanent sign on a store front a temporary shall be allowed only for one single continuous specified 90-day period in any 180 day period. Said sign shall be restricted to size limitations set forth in Sec. 28-???.

Section 28-154. Campaign/Political signs

Campaign/political Signs: A temporary sign expressing support for a candidate for public office or another position regarding a public figure or a public issue but bearing no commercial message are permitted for one single continuous specified 90-day period. Political signs are considered "temporary signs" per our City Code Chapter 28 and are permitted up to 90 days after the election. While other temporary signs are generally not permitted in the public right-of-way, the intent of our city's sign code is not to prohibit basic political campaigning which is a key element of our country's democratic election process. Note that political signs, like all signs within the City, shall not create a hazard or interfere with public safety in any manner. If/when it is determined that a sign does create a safety hazard, it shall be removed by DSD field staff.

(1) Campaign signs shall be permitted on the right-of way of a road or highway maintained by the city provided that the regulations of this section are followed.

(2) A minimum of five (5) feet must be maintained between each campaign sign of different advertisers.

(3) The signs of each advertiser shall be spaced so that no two (2) signs advertising the same candidate or public issue, are closer than two hundred (200) feet from each other when measured in a straight line.

(4) No sign may be placed closer than twenty-five (25) feet from a street intersection or median opening. Any campaign sign determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city.

(5) Signs shall be placed no closer than three (3) feet from the edge of the sign to the street curb or, if there is no curb, the edge of pavement. Signs shall not encroach on either the sidewalks or streets.

(6) No sign may be placed on any esplanade or island that is located between a road or highway or otherwise divides traffic.

(7) Fees and Stickers ????????

(8) The advertiser shall provide a map and listing identifying the street, block number or gps co-ordinates where each sign shall be placed.

Section 28-155. Blade/Snipe Signs

(1) A temporary sign permit shall allow the use of a blade/snipe sign only for one single continuous specified 90-day period in any 180 day period.

(2) No sign may be placed closer than twenty-five (25) feet from a street intersection or median opening. Any blade/snipe sign determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city.

(3) Signs shall be placed no closer than three (3) feet from the edge of the sign to the public right-of- way and be entirely on-premise. Signs shall not encroach on either the sidewalks or streets.

(4) A minimum of twenty five (25) feet must be maintained between each sign.

(5) Size shall be limited to twenty (20) square feet and with an overall height ten (10) feet.

(6) Signs must be self-supporting and firmly affixed into the ground or light pole. No blade/snipe sign shall be permitted on a utility pole, street light pole, sign pole, fence, tree or natural feature.

(7) No sign may be placed on any esplanade or island that is located between a road or highway or otherwise divides traffic.

Section 28-156. Temporary neighborhood association signs

Temporary official signs by Neighborhood Association (NA), Homeowners Associations (HOA), or Property Owners Associations (POA).

Temporary official signs by Neighborhood Association (NA), Homeowners Associations (HOA), or Property Owners Associations (POA) of the City of San Antonio are permitted to be placed on the City right of way provided all of the following stipulations are met:

1. Official signs of NAs, HOAs, and POAs may be displayed one week in advance of Association-sponsored meetings and events;
2. Signs shall be removed by the NA, HOA or POA within 48-hours following the meeting/event;
3. Signs shall be all-weather, and bear the official colors, name, or logo of the sponsoring Association, and not exceed six (6) square feet in area. The total height of the sign may not exceed three (3) feet above the ground measured from the base of the sign. Signs may be two-dimensional only and have a non-reflective surface.
4. Signs will not be placed where they obstruct signs of the State of Texas, Bexar County, or the City of San Antonio and shall not create a hazard or interfere with public safety in any manner. *If/when it is determined that a sign does create a safety hazard, it shall be removed by DSD field staff.*
5. These temporary official signs of NAs, HOAs, and POAs that comply with these provisions are not required to obtain permits from the City nor comply with the fee provisions of Section 28-152(b)(5).

6. Sign spacing and location shall be done in accordance with Section 28-152(b)(3) & (4), respectively.
7. The sponsoring NA, HOA, or POA shall provide Development Services Sign Inspections Section a map or list identifying the street and block number where each sign shall be placed on a yearly basis.

Commentary: While other temporary signs are generally not permitted in the public right-of-way, the intent of our city's sign code is not to prohibit the necessary communication among NA, HOA and POA communities. These temporary NA, HOA, or POA signs are an important part of helping these communities ensure participation of their members as they work to serve the public interest in support of City government.

Section 28-157. Wayfinding signs

Where approved by the director of development services and the director of Transportation and Capital Improvements departments, the City may issue permits for wayfinding signs in order to ensure the safe and orderly identification of the following :

- Hospitals and other emergency care/surgery centers
- Significant historical sites as designated by federal, state and/or local registration
- Institutions of higher educations (i.e., colleges and universities)
- Temporary construction wayfinding related to public construction funds

Commentary: Wayfinding signage is not intended to be permitted as a means of off-premise advertising, but to promote the purpose and scope of this chapter by helping to protect the safety and efficiency of the city's transportation network by reducing confusion or distractions to motorists as they attempt to find these critical City resources.

Section 28-158. Garage sale signs

With each garage sale permit obtained in accordance with City Code Chapter 16, Article XII, the garage sale operator shall be allowed up to **XXX** garage sale signs that may by located on City right of way ROW.

Sec. 16-293. - Signage.

All signage advertising garage sales shall be limited to two (2) on-premise signs that do not exceed four (4) feet square each in surface area.

Garage sale signs shall be temporary signs in nature only. No signs shall be exhibited more than two (2) days prior to the sale, and shall be removed at the expiration of the garage sale permit. The person or persons exercising ownership or leasehold rights over property on which a garage sale is held or advertised to be held shall be presumed to have placed and exhibited the sign advertising the garage sale which identifies the person's address or location at which the garage sale is to be held. This presumption may be rebutted by evidence to the contrary.

Signs must be staked on the garage sale operator's private property (not closer than five (5) feet to the front or side property lines) and cannot be attached to utility poles, streetlight standards or other public facilities.

A. PLACEMENT ON PRIVATE PROPERTY

~~ARTICLE V.~~ PORTABLE SIGNS

Sec. 28-161. - Prohibition of portable signs.

It shall be unlawful to intentionally place or display, or cause to be placed or displayed, any portable sign on any premises other than at a properly zoned storage area of one properly licensed under this chapter unless it has been registered in accordance with section 28-162.

Sec. 28-162. - Nonconforming rights.

(a) Generally. Each portable sign placed prior to September 22, 1985, shall be awarded nonconforming status if registered with the director within a period of one hundred eighty (180) days after the effective date of this provision, maintained in compliance with the electrical code of the city and located at least two (2) feet inside private property lines. The registration form shall include a sworn statement, signed by the sign owner and, if the sign is leased to another party, the lessee, which verifies that the portable sign was placed prior to September 22, 1985, and has been displayed at the location identified in the registration form at least since September 22, 1985. The director shall provide the registration form and may prescribe further requirements to be included thereon. If a portable sign is not registered within the prescribed time period, the director shall require the portable sign to be removed at the owner's expense.

A portable sign shall be displayed only at the location identified on the registration form as provided by the director. Removal of any nonconforming portable sign from the identified location shall result in termination of nonconforming rights and a portable sign may not be replaced at that location.

The owner of a nonconforming portable sign must pay an annual inspection fee as provided in section 28-94 "Fees" for each registered portable sign. The annual inspection fee is payable within thirty (30) days after expiration of the 180-day period provided above and, thereafter, within thirty (30) days after the beginning of each fiscal year. Failure to register a portable sign within the prescribed time periods shall constitute a violation hereof.

(b) Commentary. Prohibiting further placement of portable signs is desired because they are not consonant with aesthetic values of the community and because they present unique safety problems.

Lightweight design and easy mobility of portable signs together with frequent use of electrical components create a potential for extraordinary safety hazards. Portable signs are often placed in close proximity to public rights-of-way in order to optimally attract the attention of motorists. Such placement creates visual obstruction of oncoming pedestrian and vehicular traffic for motorists ingressing or egressing from a place of business. Portable signs also have a tendency to be blown about in strong winds. Portable signs with electrical connections and components, if improperly maintained, pose a serious public safety hazard. Therefore, use of portable signs must conform to regulations for on-premises signage as set out in Article IV, Division 1 of this chapter.

Registration and annual inspection of portable signs are necessary measures to identify especially hazardous conditions and promote to the extent possible their proper operation and maintenance and to preserve the health, safety and welfare of citizens of and visitors to the city.

~~Secs. 28-163—28-185. - Reserved.~~

B. PLACEMENT ON PUBLIC PROPERTY

Sec. 28-XX~~145. - Off-premises signs on~~ - ~~p~~Public ~~p~~Property.

(1) Public Property Prohibition. No ~~off-premises~~ sign, or any part thereof, shall be placed, affixed, erected, painted, posted, maintained or displayed in any manner whatsoever ~~located~~ on or above any public property or street right-of-way unless otherwise authorized below as a temporary placement.

(2) Temporary weekend signs are permitted to be placed on the right-of-way of a road or highway maintained by the city provided that the following regulation of time, place, and manner are observed and appropriate fees have been paid.

(1) Schedule: Temporary weekend signs are permitted from Friday until no later than 9:00 p.m. the following Monday. If a federally recognized holiday falls on a Friday, then the signs are permitted from the preceding Thursday until no later than 9:00 p.m. the following Monday. If a federally recognized holiday falls on a Monday, then signs are permitted from Friday until no later than 9:00 p.m. the following Tuesday. Signs may not be either placed or picked up between the hours from 6:00 a.m. to 9:00 a.m. or from 4:00 p.m. to 7:00 p.m. on weekdays.

(2) Size: Signs shall not exceed twenty-four (24) inches by thirty-two (32) inches in size. Irregular shaped signs shall fit in a twenty-four (24) inches by thirty-two (32) rectangle. The total height of the sign may not exceed three (3) feet above the ground measured from the base of the sign. Signs may be two-dimensional only and shall have a non-reflective surface.

(3) Spacing between signs:

a. A minimum of five (5) feet must be maintained between each temporary weekend sign of different advertisers.

b. The signs of each advertiser must be spaced so that no two (2) signs advertising the same good, service, business, political campaign, or particular piece of real property (for sale or lease), are closer than two hundred (200) feet from each other measured in a straight line. If a new residential subdivision or development is being advertised, no sign of any advertiser may be closer than two hundred (200) feet from any other sign of the same advertiser.

(4) Sign location:

a. Signs must be self supporting and placed into the ground by a single stake. No temporary weekend sign shall be permitted on a utility pole, street light pole, sign pole, fence, tree or other manmade or natural feature.

b. No sign may be placed closer than twenty-five (25) feet from a street intersection or median opening. Any temporary weekend sign determined to be in a location

that causes an immediate hazard to public safety may be immediately removed by the city.

c. Signs shall be placed no closer than three (3) feet from the edge of the sign to the street curb or, if there is no curb, the edge of pavement. Signs shall not encroach on either the sidewalks or streets.

d. No sign may be placed on any esplanade or island that is located between a road or highway or otherwise divides traffic.

e. Except for political signs, no sign shall be placed further than three (3) miles from the property, location, or business that is being advertised.

(5) Registration, permits and fees:

a. An annual permit fee of fifty dollars ($50.00) must be paid by each advertiser. Where an advertiser wishes to advertise multiple locations, a permit must be obtained for each business location subdivision location, or service location to be advertised by temporary weekend signs.

b. Upon payment of said fee, the permittee may purchase annual temporary weekend registration decals. The cost of each decal shall be one dollar ($1.00). A temporary weekend sign shall not be placed on the right-of-way of a road or highway unless an annual temporary weekend decal is affixed on the face of the temporary weekend sign.

c. Commentary: Registration and decals are required on any temporary weekend sign placed in the right of way, regardless of content or classification of commercial or noncommercial speech.

(6) Map and listing required: In addition to payment of the appropriate fees, the advertiser shall provide a map and listing identifying the street and block number where each sign shall be placed.

Note: The director of development services may accept confirmation from another governmental agency where appropriate.

(7) Comment: Any and all sign placement under this

Confiscation of Bandit Sign Placed in Right of Way and Public Property~~, notice, and public auction~~.

(a) Any *bandit sign* placed in violation of the provisions of this section by placement in right of way and public property is hereby declared a nuisance to the public health, safety and welfare and may be confiscated and disposed of immediately without notice. ~~Bandit signs are hereby declared to be abandoned trash at the time of posting and may be removed and discarded without notice notwithstanding any conflicting regulation or requirement within this chapter~~.

(b) - Any citizen removing a bandit sign in the right or way and public property shall do so at his or own risk, and neither the City of San Antonio nor any public utility exercising control of the right of way, pole or fixture shall be liable for damage, loss or injury due to such independent acts.

~~(c) If the owner of a confiscated sign is known, he or she shall be notified by certified mail, return receipt requested, not later than the tenth (10th) day after the date of the confiscation. If the owner of the sign is not known, notice of the confiscation shall be published in a newspaper of general circulation in the county not later than the tenth (10th) day after the date of the confiscation.~~

~~(d) (3) A notice must:~~

~~(e) a. Include a description of the sign and the location from which the sign was confiscated;~~

~~(f) b. Include a statement that the owner may reclaim the sign before the twenty first (21st) day after the date the notice was mailed or published if all fines that are imposed under this section are paid; and~~

~~(g) c. State the date, time, and location of the public auction where the sign will be sold if the sign is not reclaimed.~~

~~(h) (4) A notice by publication mad contain multiple listings of confiscated signs.~~

~~(i) (5) The city may sell a sign at public auction if, before the twenty first (21st) day after the date notice was mailed or published, the sign has not been reclaimed. The city shall sell the sign to the highest bidder at the auction.~~

~~(j) (6) The city shall remit the proceeds of an auction under section 28-192(c)(6) to the general fund.~~

~~(k) (d) Exemption from notice requirements.~~

~~(l) (1) City council hereby determines that any sign that is of similar size as a temporary weekend sign is unlikely to be reclaimed if confiscated.~~

~~(m) (2) Such signs are exempt from the notice requirements of section 28-152(c).~~

~~(n) (3) Such signs shall be held for twenty-one (21) days after the date of confiscation and shall be made available for reclamation by the owner. After that period, the sign(s) may be discarded. Before reclamation, the owner shall pay five dollars ($5.00) per sign for storage and administrative costs.~~

Placement of Bandit Sign: Criminal offesene; penalty

(1) A person commits an offense if the person places a bandit sign on the public right-of-way of a road or highway maintained by the city or public property in violation of this section. Placement of multiple bandit signs constitutes separate and distinct offenses for each sign placement.

~~(1)~~(2) An offense under this section is punishable as follows:

a. First offense by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00);

b. Second offense by a fine of not less than two hundred dollars ($200.00) and not more than five hundred dollars ($500.00); or

c. Third offense or thereafter by a fine of not less than three hundred dollars ($300.00) and more than five hundred dollars ($500.00).

~~(2) The presence of a sign in the public right-of-way creates a rebuttable presumption that the person named on such sign is the person responsible for the placement of such sign. If more than one person is named on a sign, there is rebuttable presumption that each person is individually and severally responsible for the placement of such sign.~~

~~(3) Placement of unauthorized sign: Criminal offense, penalty. This subsection may be enforced by the departments of development services, police, or other departments designated by the city manager against any violator of any provision of this section who is not a holder of a valid annual temporary sign permit.~~

~~(e) (2) There shall be a rebuttable presumption that the person in whose name a telephone number displayed on the sign is listed with the telephone company is the person responsible for the placement of such sign.~~

~~(1) (3)~~

~~(2) (f) Defense.~~

~~(3) (1) It is a defense to prosecution under this section that:~~

~~(4) a. The sign is placed on the right-of-way of a road or highway maintained by the city by a person other than the defendant; and~~

~~(5) b. Without the knowledge of the defendant.~~

Administrative penalties. Where the alleged violation of any provision of this section is by the holder of a valid annual temporary sign permit, The director shall apply the administrative procedures prescribed in this subsection, prior to application of criminal charges~~rather than bring criminal charges, where the alleged violation of any provision of this section is by the holder of a valid annual temporary sign permit~~.

(1) The penalty the director shall impose against any permit holder who has been found to violate a provision of this section shall be as follows:

a. First violation: A written warning shall be given.

b. Second violation: Revocation of permit and require double fee for new permit.

c. Third violation: Revocation of permit and require double fee for new permit; said permit shall not be issued until one hundred twenty (120) days has passed from the date of revocation.

d. Fourth violation and thereafter: Revocation of permit and require double fee for new permit; said permit shall not be issued until three hundred sixty-five (365) days has passed from the date of revocation.

(2) The director shall make his determination based on the submission of a written report submitted by the city employee (the "accuser") alleging a violation has occurred by the accused permit holder (the "accused").

a. The accuser shall submit a copy of the written report to the director (and the accused, by certified mail, return receipt requested) not later than thirty (30) days from the date of flee alleged violation. Exhibits such as city records and photographs may be attached to the report.

b. Within ten (10) days of receipt of the report the accused may submit a written response. Three (3) copies of the response shall be mailed to the director (certified mail, return receipt requested). Exhibits may be attached to the response. The accused may in lieu of, or along with, the response request to appear before the director to present evidence in response to the charge or charges asserted. If a hearing is requested, the director shall set the matter for a public hearing and notify the accused by certified mail, return receipt requested. The notice

shall provide the accused with the time, date and location of the hearing and be received by the accused at least five (5) days prior to the date of the hearing.

c. If the accused does not request a hearing, the director shall make a determination within thirty (30) days of receipt of the initial report by the accuser. If the accused requests a hearing, the director shall make a determination within forty-five (45) days of receipt of the request for the hearing; but, in no instance, shall a determination of true be made before the hearing is conducted The determination shall be based solely on the report, response, exhibits, and oral presentation, if applicable. The director shall make a determination that the allegation is true or not true. To determine that an allegation is true, the director must find by a preponderance of the evidence that the allegation made is true and constitutes a violation of this section. ~~Before the expiration of the applicable time periods referenced immediately above, t~~The director shall send by certified mail, return receipt requested written confirmation of his determination. ~~If such determination is not sent within the prescribed time limit, the allegation will be assumed to be not true.~~

~~(p) c. The time periods prescribed in this subsection may be waived only by the written consent of the director and the accused.~~

(3) ~~(3)~~ If the director determines an allegation to be true, the accused may appeal to the Building Related Board ~~city council~~.

a. The request for appeal must be submitted to the ~~city clerk~~Development Services Department, by registered mail, return receipt requested, within ~~ten~~ seven (~~10~~7) days of receipt of the director's determination. A failure to appeal within the prescribed period finalizes the director's determination.

b. Appellate procedures shall follow this Chapter and applicable provisions of Chapter 10 of the City Code of San Antonio~~The city clerk shall place the appeal on the first available regularly scheduled meeting of the city council. The clerk shall forward copies of the report, the response, and any exhibits to each member of the city council~~.

~~(q) c. The director of the development services department's determination shall stand unless a motion to reverse the decision is made, seconded and received a majority vote of the council members present at the hearing.~~

~~(r) d. After hearing the appeal, city council may defer action for thirty (30) days. If the council fails to take action before the expiration of thirty (30) days after the appeal is heard, the decision of director shall stand.~~

Permission of abutting property owners necessary. Nothing in this section authorizes the placement of signage contrary to existing property law. The advertiser must secure all necessary permission of any and all parties having a property interest in the right-of-way prior to placing any temporary weekend sign.

(c) Exception: Federal, State and Local Government Sign Placement on Public Property/Right of Way. Signs placed on public property or in the right-of-way of the city by, or at the direction of the federal, state or local government is permitted.

~~(c) (h) Section not applicable to federal, state or local governments. This section is not applicable to any sign placed in the right-of-way of the city by, or at the direction of the federal, state or local government.~~

Temporary Placement: Temporary Display of On-Premises Sign and/or On-Premises Digital Display on Public Property.

(1) The temporary display of an on-premises sign and/or an on-premises digital display, as they are defined in section 28-6, is permitted on public property for a permitted event for a maximum of thirty (30) days per event per calendar quarter. The temporary on-premises display must:

a. Be erected in the area specified in the permit for the event;

b. Be erected only for the period specified in the permit for the use of the public property;

c. Only contain an on-premises message related to the specific event;

d. Be permitted by the department exercising control of the public property; and

e. Be permitted by the Development Services Department if required by this chapter;

(2) Notwithstanding (1) above, on-premises digital displays shall not be authorized for events located in Alamo Plaza Park or in the Riverwalk Area.

(3) On-premises signs and/or on-premises digital displays shall be authorized for events hosted in Main Plaza, provided such events are permitted events approved by a Texas Non-Profit Corporation managing Main Plaza under a Management Agreement approved by the City Council.

(4) City department work programs such as "Movies in the Park", are authorized on-premises signs or on-premises digital displays on public property and are exempt from the permit requirements of this section.

(5) The event may only be simulcast from the permitted area to another area on public property permitted for the event or may only be simulcast from the permitted area to private property.

(6) This section does not apply to Public Art.

(7) To the extent that this section is in conflict with any other provision of the City Code, this section prevails or supersedes the provision in conflict.

(8) Nothing herein shall act as a limitation on city council's authority to authorize on-premises signs or on-premises digital displays for specific events.

(e) Exception: Mobile Billboards.

Sec. 28-11. - Carrying or transporting signs.

(a) Generally. It shall be unlawful to carry or transport by any means, or cause to be so carried or transported, any sign in excess of thirty-two (32) square feet in area, without the approval of the director of the development services department. This provision shall not apply to a sign on a vehicle which is used principally for a purpose other than advertising.

(b) Commentary. Commercial vehicles which have the business's name, logo, slogan or license number painted on them are primarily means of transportation, not an advertising medium. Therefore, the provisions of subsection (a) do not apply to the automobile, truck, or van per se.

Sec. 28-152. - Signs on roads and highways maintained by the city.

~~(a) No person may place a sign on the public right-of-way of a road or highway maintained by the city.~~

(f) Affirmative defense. It is an affirmative defense to prosecution under this section that written permission has been granted by the city council for a sign to be erected or maintained on a public sidewalk, right-of-way or other public property. Such permission is an affirmative defense to prosecution only for the time and the location specified in such written permission.