Chapter 28 – SIGNS – DRAFT K_11142016

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ARTICLE I. - IN GENERAL
Sec. 28-1. Short title.

This chapter may be referred to as the "Sign code for San Antonio." See also Chapter 10, Building-related code, articles I, II, III, VI and XII.

Sec. 28-2. Legislative findings; intent.

(a) It is the intention that this chapter be liberally construed to cover advances in technology and its impact on City interests in aesthetics and traffic safety not contemplated at its inception.
(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. Placement of such Signs advertising commercial and non-commercial messages must therefore comply with reasonable time, place and manner regulations found in this chapter. 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.

Sec. 28-3. - Purpose.

(a) 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 signs and sign structures as well as confirm that all sign operators are properly licensed, insured, and bonded.
(b) To make San Antonio safer by eliminating or reducing safety hazards, contribute to the development and maintenance of an attractive visual environment while facilitating message communication to the public.
(c) To 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.
(d) 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.
(e) To preserve, protect and enhance aesthetic and economic/property values by establishing height, size, light and movement requirements.
(f) To preserve, protect and enhance the image and attractiveness of the city for its citizens and visitors through identification of the special character and economic advantages of its subareas.
(g) Preserve and enhance visitor impression of the City of San Antonio by restricting off premises sign construction.
(h) Preserve, protect and improve quality of life, which although difficult to define, is possibly the city's most valuable resource.e

ARTICLE II. – ADMINISTRATION AND PROCEDURES

Sec. 28-4. In General. This chapter establishes a legal framework for sign regulation within the jurisdiction.

(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:

(1) Signs erected which obstruct the view of the operators of motor vehicles on public streets or entering such streets from private property.
(2) 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.
(3) Signs supported on or attached to any fire escape, door, or window casing.
(4) Signs with damage, deterioration or other defects constituting a hazard to public life, health, safety and welfare.
(5) Revolving beam or beacon of light resembling any emergency vehicle light and signs resembling traffic control signs.
(6) Signs which encroach or project over public property or right-of-way except as expressly authorized in this chapter.
(7) Portable signs except as expressly authorized in this chapter.
(8) Digital display signs configured to resemble a warning or danger signal or are otherwise easily confusable with a warning or danger signal.
(9) Digital display signs resembling or simulating 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).
(10) Signs emitting excessive luminance.

(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. 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.

(a) **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.

(b) **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 must file a written appeal of such termination to the building-related and fire codes appeals and advisory board within 10 days of notice of the same being mailed to the sign-owner and/or operator prior to any other administrative or legal action taken by the sign owner and/or operator. 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 applies to 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.

(c) **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.

(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 based upon unique circumstances or undue hardship 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 persons* as defined in this chapter and by review and evaluation of objective criteria. The details of action granting modifications including all materials reviewed and statements by personnel consulted shall be recorded in writing 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. The Director shall not modify minimum and maximum dimensions for sign spacing, heights and areas more than 10% of the value listed in this code where an administrative variance is considered,.

(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 by the Director. An alternative material, design or method of construction shall be approved where the Director, in consultation with *qualified persons* and based upon objective criteria supporting that decision, 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 <u>including prevention of driver distraction</u>. Where the alternative material, design or method of construction is reviewed, the Director shall respond in writing to the requester, stating the decision and reasons supporting such decision. The details resulting in a decision including all materials reviewed and statements by personnel consulted shall be recorded in writing and entered in the files of the department of development services.

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 objective third party sources including national and internationally recognized authorities and/or standards.

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 recognized industry test standards including, but not limited to, ASTM and UL standards. In the absence of recognized and accepted test methods, the Director may approve the testing procedures, provided such testing procedures are performed and supported by appropriate *qualified persons* through written review and opinion reports. If seals and/or signatures are required in the performance of such duties, reports must reflect them. Reports of such tests shall be retained by the department of development services for the period required for retention of public records.

(c) **Board authority, Appeals and Variance Procedures.**

(1) Board Authority

a. **The Building-related and Fire Codes Appeals and Advisory Board, also known as the appeals and advisory board**: authorized 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 and off-premises signs and electrical considerations as explicitly set out in various sections of this chapter. The appeals and advisory board acts as an appellate and advisory board to the director regarding interpretations of this chapter.

b. **The Board of Adjustment**: authorized to hear and grant variances from regulations not specifically reserved for the appeals and advisory board.

(2) Appeals

a. 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 Appeals and Advisory Board in accordance with City Code Section 10-14. The Appeals and Advisory Board may hear the arguments in favor and against the interpretation from any interested party.

b. 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 is the Appeals and Advisory Board. Upon receipt of a complete application for an appeal and the fee, the Appeals and Advisory Board must meet within fourteen (14) calendar days after either the building official receives an application in accordance with City Code Section 10-14. The Appeals and Advisory 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 will 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 Appeals and Advisory Board decision. Note that public notice and appeals of the Appeals and Advisory Board's decisions shall be in accordance with Chapter 10.

(3) Variances

a. Any person seeking a variance from the requirements of this article 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.

b. 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 (2).

c. The board of adjustment may grant a variance if it finds that:

    1. 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

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

    3. After establishing that one or more of the findings set forth in subparagraphs 1. or 2. have been met, the board finds that:

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

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

        iii. 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 (3)c. 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.

(8) Voting procedures.

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

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

(e)
(f)

Sec. 28-6. Definitions.

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

Abandoned sign means any sign structure that upon the expiration of 30 calendar days after written notice is given 1) is not in lawful compliance with this Chapter; or 2) is not classified as a nonconforming sign.

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 means two (2) properties, lots or parcels where they abut or where they are nearby and are separated by a dissimilar type of manmade or geologic feature.

Advertiser means any natural *person* who uses signs or other medium to display a message to the public.

Advertising means the activity of displaying a message to the public.

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

Alamo Plaza Park means 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 (aka Moving sign) means a sign any sign, or part of a sign, which changes physical position by any movement or rotation or that depicts action, motion, light, or color changes through any means.

Animated Sign (M*oving* Sign) shall mean any sign, or part of a sign, which changes physical position by any movement or rotation or that depicts action, motion, light, or color changes through any means.Animation means the use of movement or some element thereof, to depict action or create a special effect or scene.

Appeal means a formal request for hearing to a higher authority submitted pursuant to the requirements of this chapter.

Approved means acceptable to the director or authority having jurisdiction.

Area means the entire advertising area within the sign excluding any framing, trim, or molding and the supporting structure. Also known as the "sign face." A Matrix 2-D symbol will not be considered part of the area.

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

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

Attached means fixed or adjoined to something else.

Automobile sales meansee

Awning or canopy sign means a sign that is mounted or painted on, or attached to, an awning, or canopy that is otherwise permitted by this chapter.

Back to back sign 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 means any sign posted on a utility pole, street sign or other street furniture or a sign posted in violation of this chapter. No sign owned or placed by the City of San Antonio, the State of Texas, or a public utility shall be considered a bandit sign.

Banner Sign means a temporary, unframed sign made of various flexible materials.

Bill means any advertising poster or hand bill.

Billboard means a structure erected to display an off-premises message. (See Off-Premises 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*,* unless specifically stated otherwise or it is clear by the context that something else is intended.

Cabinet 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.

Canopy Sign 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 means 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.

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

City means the City of San Antonio, TX.

Commercial Collector Street Classification means a street which primarily serves non-residential purposes and provides access to abutting, nonresidential 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. A sign not meeting this definition is a non-commercial sign by default except for public safety signs erected by a government agency.

Cultural facilities means 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 means 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 means 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.

Developer/Builder Sign means a sign designed to promote the name of a builder/developer, and/or the name the name and directions of a residential real estate development.

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

Digital display means a sign face, display or device that displays images 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.

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.

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

Dissolve/Appear means 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 means 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 Center means a sign capable of displaying words, symbols or figures that can be changed by remote or automatic means.

Electric Sign 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 means any feature to include, but not limited to, a cut-out, neon or plastic letters, clock, electric device, and space extension which is added to an advertising structure.

Encroach means something is built on or hangs over another's property interest.

Event Sign means 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.

Expressway Street Classification means any street designated as an expressway in the city of San Antonio Major Thoroughfare Plan.

Facade 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 means 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.

Feather sign means a sign in a feather, flutter, square, teardrop and half drop shape usually self-supported or supported by a pole and firmly affixed to the ground.

Fireproof structure 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 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 includes

blinking, strobing and twinkling. Animation as defined does not fall under the definition of flashing.

Flashing Sign means any directly or indirectly illuminated sign exhibiting changing natural or artificial light or color effects by any means whatsoever.

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

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.

Governmental sign means a sign erected and maintained on a sign pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Historic area 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 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 means 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.

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.

Local Street Classification means any street not defined in this chapter as an Arterial Type A; Arterial Type B; commercial collector; or expressway.

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

Maintenance as it pertains to on-premises signs means the upkeep, care, refacing and servicing of equipment comprising sign components and sign structures. However, it does not include any rebuilding, reconstructing or any reconfiguration of the existing sign cabinet.

Maintenance, nonconforming means the replacement or repair of existing electrical appurtenances, apparatus, equipment, machinery, or controls used in connection with the use of electrical energy in, on, outside, or attached to a sign, or sign structure. This precludes any technological improvements to nonconforming signage.

May implies permissiveness and connotes a non-mandatory action.

Menu board 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.

Mobile Sign means a sign affixed in any manner whatsoever to a motor vehicle while in motion for the purpose of advertising.

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 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.

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.

Nonconforming Sign 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 means a business, office, or other enterprise which has a separate certificate of occupancy.

Off-premises sign means 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 sign means an Off-premises sign, display, or device that changes the "static" message or copy of on the sign by electronic means.

Off-premises sign operator means 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 state licensed master electrician or a licensed master sign electrician.

On-premises *digital display* means a *digital display* as defined in this chapter that may display changing content through static images, scrolling images or moving images, including video or animation on a fixed display.

On-premises sign operator means 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. Please note for on-premises operator, see license requirements.

On-premises sign 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.

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

Pennant 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 means an individual, association, or corporation.

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

Pole Sign means a sign that is mounted on a free standing pole or other support.

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

Portable Sign 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 vehicle, trailer, wheeled carrier, or other mobile structure, but not a motor vehicle. A portable sign which has its wheels removed is a portable sign. The term "nonelectric portable sign" means any portable sign which does not have any electrical components.

Practical experience 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 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.

Private profiteering means a tangible benefit or gain for the placement of temporary signs

in residential zones, city public rights of way in .

Public Nuisance means any legal sign erected or maintained in any manner 1) to constitute an immediate threat to the health, safety or welfare of the public, or is 2) dangerously damaged or deteriorated. An illegal sign may be demolished regardless of classification as a public nuisance.

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.

Qualified Person means one with the requisite skills, knowledge and training as evidenced by certifications, licenses, or experience to offer sound and competent judgment as to a particular issue.

Real Estate Sign 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 means 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 means removing vinyl and replacing, restoring, repainting or repairing the existing advertising sign face area which 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 not include any other rebuilding, reconstructing or reconfiguration of the existing sign cabinet and/or existing supporting structure. Reface is a type of *maintenance*.

Roof Sign 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/Must connotes a mandatory action.

Sign 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 Assembly means all parts of an advertising structure.

Simulcast means a simultaneous live transmission of the permitted eventethe permitted area to one or more permitted areas or to an area on private property.

Street frontage 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.

Temporary Sign means a sign advertising authorized messaging displayed for a limited period of time and subject to reasonable placement and manner regulations as set forth in this chapter.

Temporary Sign on Public Street Right of Way means an off-premise temporary 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).

Three-Dimensional Sign means a sign having or appearing to have three dimensions: length, width, and depth.

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

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

V-type *Sign* 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.

Wall Sign means a sign fastened to, projected on, 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 protrude more than twelve (12) inches from the building or structure.

Window Sign means 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 means one of the standard zoning classifications established in chapter 35 of the City Code of San Antonio, Texas.

Sec. 28-7. - 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. 28-8. - **Classification of signs.**

(a) All signs regulated under this chapter are classified initially as on-premises signs, off-premises signs or government signs. All regulated signs under this chapter follow this initial classification. With the exception of government signs, all signs regulated under this chapter may display noncommercial speech. Nothing herein shall be interpreted to waive legal rights under local, state or federal law.

(b) Signs regulated by this chapter are further classified as:

(1) Temporary signs.

(2) Wall signs.

(3) Projecting signs.

(4) Pole signs.

(5) Roof signs.

(6) Portable signs.

(7) Electric signs.

(8) Official or Government signs.

(9) Back to back signs.

(10) V-type signs.

(11) Digital signs.

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Sec. 28-9.

Violations; penalties; civil remedies; abandoned and nuisance signs.

(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.** Under authority of Local Government Code Section 54 et seq., the City of San Antonio through its City Attorney or designee may bring a civil action to, among other actions, compel the repair or demolition of a structure or to obtain approval to remove said structure and recover removal costs. In this specific action the City may also bring a claim for civil penalties under Section 54.017 and an action in rem against the structure that may result in a judgment against the structure as well as the defendant. 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 Director or designee shall notify the owner of the structure, the owner's agent or the owner of the property on which the structure is located by certified mail that 1) the sign structure is out of lawful compliance with this chapter; 2) the reasons why the sign structure is out of compliance; and 3) contact information. Such notice shall also state that upon the expiration of thirty (30) days without corrective measures being completed, the sign structure is abandoned and subject to removal at owner's expense.

Commentary: Nonconforming Signs are, by definition, legally erected signs, which by reason of adoption, revision, or amendment of law, do not conform to present legal requirements. It is the intention that nonconforming signs not be exempt from regulations enacted under municipal police power authority to ensure life, safety and public welfare. Example: City enacts legislation to lower brightness levels of all signs, including existing signs. A nonconforming sign must be brought into compliance with this regulation and nonconforming status will not shield it from enforcement of section 28-9 of this Chapter.

(2) The Director and designee(s), severally, are authorized to extend the time period under subsection (1) for up to six (6) months for good cause shown supported by written documentation stating the reasons why 30 days is insufficient to complete corrective measures. 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.

(3) If an abandoned sign is removed as permitted hereinabove, the Director shall send service of notice by certified mail of such removal to the owner of the sign or agent, if 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 include the location where the stored or impounded sign may be claimed, the-storage, demolition/removal charges that must be paid, and if unclaimed for a period of thirty (30) days after its removal, or if the storage and removal costs are not paid within the 30-day period, the sign shall be destroyed, sold or otherwise disposed of.

(e) **Nuisances; repair; 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, is hereby classified as a public nuisance, prohibited as unlawful, and shall be abated according to the following provisions.

(1) **Immediate Threat to the health, safety or welfare of the public.** Where it appears to the Director in coordination and consultation with a *qualified person*, that due to structural defects or conditions arising from, but not limited to, fire, accident, or other act or occurrence threatening the structural integrity of the sign structure, there is or appears to be an immediate threat to the health, safety or welfare of the public, the Director shall declare its immediate demolition. Such declaration shall include a determination that under the circumstances no other abatement procedure is reasonably available except demolition. City is authorized to use any legal means for recoupment of expenditures arising out of the demolition order. Written notice shall be made by certified mail to owner of the structure, the owner's agent or the owner of the property on which the structure is located as soon as practical under the circumstances then existing.

(2) **Dangerously damaged or deteriorated**. If a sign structure is dangerously damaged or deteriorated as determined by the Director in coordination and consultation with a *qualified person*, the Director must give the owner of the structure, the owner's agent or the owner of the property on which the structure is located written notice by certified mail stating the defects thereof and sufficient time to complete repairs or improvements or demolition and removal of the structure. The Director is authorized to determine sufficient time under the circumstances then existing, but as a general rule, such time shall not exceed 30 days.

a. **Conditions or Defects.** Any structure which has any or all of the conditions or defects hereinafter described constitutes a dangerously damaged or deteriorated structure and a hazard to the public health, safety, and welfare:

(1) **General Conditions.** Whenever the structure, or any portion thereof, because of:

i. dilapidation, deterioration, or decay;
ii. faulty construction;
iii. the removal, movement, or instability of any portion of the ground necessary to support such structure;
iv. the deterioration, decay, or inadequacy of its foundation; or
v. any other cause, is likely to partially or completely collapse.

(2) **Specific**

i. **Foundations**

1. Condition of anchor bolts and/or bottom plate show excessive wear, deterioration, cracks or stress fractures.
2. Condition of foundation systems including but not limited to spread or pier footings show signs of decay, rupture, or other indications of undue stress.

ii. Sign Structures

1. Pole/Pylon damaged by impact, obvious signs of tension, shear, or stress fractures through any means.
2. Over bored or worn holes in all plate connections.
3. Poor or improperly made welds which may or may not show signs of burn through.
4. Plate connectors, rings or gussets showing stress fractures or other types of damage/deterioration.

iii. Connections

1. Any connectors showing deficiencies', loose or missing nuts, bolts or other means of connection.
2. Required bracing bearing shows signs of stress of any type or magnitude.
3. Unapproved or improper use of materials to make repairs/corrections to any component of a sign structure.

b. **Standards for repair or demolition.** The following standards guide the Director in the discretion in ordering that a dangerously damaged structure be repaired, vacated, secured, and/or demolished and these standards will be observed and applied by the board on appeal.

(1) If the alleged dangerous structure can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this Chapter, it shall first be ordered remedied or repaired by the Director.

(2) In any case where a dangerous structure is fifty (50) percent or more damaged or deteriorated in its structure, a presumption shall arise that the structure cannot be repaired. Such presumption may be appropriately rebutted by the weight of the evidence.

(3) Principals of sound engineering practices shall be respected.

(4) The Director is authorized to extend the time period under subsection (e)(2). for up to 60 days for good cause shown supported by written documentation stating the reasons why 30 days is insufficient to complete corrective measures. 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.

(3) Abatement.

a. The designated period within which said owner of the structure, the owner's agent or the owner of the property on which the structure is located is required to comply with an order of the Director shall begin as of the date notice is received.

b. **Responsible party's failure to abate; costs**.

(1) If the sign structure or its components, subject of the DSD order, is not secured, repaired, removed, or demolished, or the occupants are not relocated within the time prescribed as detailed above, the city is authorized to secure, remove, or demolish at the owners own expense.

(2) If the city incurs expenses under subsection (1) above, the city may assess its costs and secure same by a lien.

(3) In the event of city serviced demolition, following review and approval by the DSD, to abate the public nuisance, the owner shall be charged and billed for the expense of demolition of the sign structure, to prepare the premises for demolition, collapse the structure, remove and dispose of all debris to a legal disposal facility, plus any handling, transportation and disposal fees incurred, including any and all costs necessary to address special or hazardous wastes, and a ten (10) percent administration expense charge.

(4) Any case referred to the DSD for consideration shall also have attached as costs all expenses incurred by the city to research ownership and mortgagee/lien holder interests, as such research is required by state law to fix enforceable orders and liens.

Commentary: A legal sign identified under this section must be permitted first before any repair will be authorized. An illegal sign shall not be repaired under any circumstance.

(f) Any sign removed under section (e) will be stored or impounded and will not be returned to the owner until all applicable charges for removal and storage 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 or agent, or if not known, notification by publication in a newspaper of general circulation in the City and a hearing before the Director, destroy, sell, or otherwise dispose of the sign.

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Sec. 28-10. Posting signs and bills on public and private property.

(a) 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 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, including residential developer/builder off-premises signs and campaign/political signs on that owner's property."

(b) Unless expressly provided otherwise, no person shall affix a sign or bill by any means whatsoever to any public property without having first obtained the written permission of the City through appropriate legislative action. Nothing within this Chapter shall be interpreted or applied so as to prohibit the City through its staff from removing or authorizing the removal of unauthorized signage on public property.

Sec. 28-11. Recorded Sign Easement Agreements. Any recorded private sign easement agreement or any other legal agreement that eliminates or purports to eliminate the distinctions between on-premises and off-premises sign types, single and multi-tenant sign types, or sign sizes by zoning district or street classification constitutes a violation of this Chapter. This provision shall operate prospectively from the effective date of this Ordinance.

Sec. 28-12. Signs posted at commercial parking areas. See Chapter 19, section 19-236 *Requirements for Signs Posted at Commercial Parking Areas.*

Sec. 28-13.

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.

a.

b.

Sec. 28-14.

Secs. 28-15 – 28-19. Reserved

ARTICLE III. – REGULATORY REQUIREMENTS.

Sec. 28-20. In General.

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.

DIVISION 1. LICENSE AND INSURANCE: ATTACHED TO THE PERSON.

Sec. 28-21. License – In General.

(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.

(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.** See City Code, Chapter 10, section 10-113, *Electrical contractors and electrical sign contractors, installers, maintenance electricians; licenses and registrations*. Registration requirements under Chapter 10 include a background check verifying one qualifying master per contractor.

(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. Notwithstanding this, continuing education units (CEU) are required in order to renew City issued licenses. A limitation exists where the licensee (state or city issued) shall neither master nor engage in the operation of a second electrical or electrical sign business, unless it is under the same name and insurance of the first business.

(e) **Renewal date.** A person licensed under this chapter 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.

Sec. 28-22. Off-Premises Sign Operator License.

(a) **License Required.** A person engaging in the business of erecting, painting, servicing or maintaining non-electrical off-premises signs 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) **Examination, Application and Fee.** Each person seeking an off premise sign operator license must file an application and pay a fee with the Director and take and pass an examination given by an approved third party. A license shall not issue without taking and passing such examination. An additional fee shall be charged upon reexamination.

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

(d) **Minimum Test Score**: 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) **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.

Sec. 28-23. On-Premises Sign Operator License.

(a) **License Required.** A person engaging in the business of erecting, painting, servicing or maintaining on-premises signs must be licensed to do business by the city. Such a license does not authorize electrical work on any sign. 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. Work shall be conducted by the license holder issued the permit; however, a new license holder is permitted to complete work under the issued permit. The licensing requirement is inapplicable to employees or subcontractors performing work under the supervision of the license holder.

(b) **Examination, Application and Fee.** Each person seeking an on premise sign operator license must file an application and pay a fee with the Director and take and pass an examination given by Nationally or Internationally recognized authorities. A license shall not issue

without taking and passing such examination. An additional fee shall be charged upon reexamination as detailed in the fee schedule.

(c) **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.

(d) **Minimum Test Score**: The Director will 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.**

Sec. 28-24. Nontransferability. A license issued pursuant to this Chapter is not transferrable.

Sec. 28-25. Unlawful use of license. A person licensed under this Chapter will not allow his name to be used by any other party for the purposes of doing work or obtaining a permit. Violations of this section will result in revocation of the license, and the holder will be subject to all other penalties provided by law.

Sec. 28-26. Revocation and suspension.

(a) **Grounds**. The appeals and advisory board is authorized to uphold, modify or overrule the Director's decision to suspend or revoke the City issued license of any person found to have:

(1) Committed any fraud or deceit in obtaining a license.

(2) Secured sign permits under his license and thereafter allowing a person without a proper license to do the work.

(3) Committed Gross negligence, incompetency, or misconduct in the performance of sign work. Misconduct includes, but is not be limited to, a failure to 1) offer remittance on permit applications upon 90 days past due and permits issued and; 2) close permits within the prescribed time period required by Chapter 10 of this code.

(4) Intentionally made 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 information provided to show just cause for license suspension or revocation. The board, whenever it deems the information sufficient to support further action on its part, shall convene a hearing to further investigate the

charges. Procedural requirements follow chapter 10 of this City Code. The accused may appear in person or be represented by counsel, or both, and present his defense 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 majority of members present after a quorum has been established, finds the charges to be true, the Board shall uphold, modify or overrule the Director's decision to suspend or revoke the City issued license.

(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 a court of proper jurisdiction by following procedures found under Chapter 10, section 10-14.

(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. 28-27. State issued Master Sign Electrician's license and Master Electrician license. See chapter 10, section 10-113, *Electrical contractors and electrical sign contractors, installers, maintenance electricians; licenses and registrations*, of the City Code of San Antonio, Texas.

Sec. 28-28. Indemnification and Insurance Requirements.

(a) **Indemnity.** All persons holding an on or off premise 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
(c) Premises/operations	
(d) Independent contractors	
(e) Personal injury	
(f) Products/completed operations	
(g) Contractual liability	
(h) e	
(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. e	
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.

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(5)

DIVISION 2. PERMIT AND COMPLIANCE BOND: ATTACHED TO THE PROJECT.

S**ec. 28-29. Permit Required.** A validly issued license and insurance are prerequisites to the issuance of a permit for work in this jurisdiction. No permit for work will issue unless an applicant shows proof of license and insurance as provided in Division 1, unless specifically excepted below. Only a registered contractor or city licensed contractor is authorized to obtain sign permits for the installation, erection, or alteration of any sign. Work includes erection, painting, servicing, refacing, maintaining or demolishing a sign regulated by this chapter.

NOTE: See Chapter 10 for a detailed description of registered contractor or city licensed contractor.

(f) **Sec. 28-**

(g)

(h)

(e)

30. Permit

Exceptions.

(a) On-premise Signs not exceeding one (1) square foot of facing, and non-lit, attached to a residence, apartment or mixed use building used solely for **home occupation** purposes

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit as defined in Ch 35.

(b) 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 except said signs shall comply with applicable erection and maintenance permit regulations. This exception does not apply to any signs erected in the Riverwalk Area as defined in this chapter.

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

(d) Governmental signs.

Sec. 28-31. Permit Application Process.

(a) **General Application Requirements**. In compliance with Chapter 10 and all adopted amendments, including Appendix H to the International Building Code, to obtain a City issued sign permit, the applicant must first file an application in writing on a form furnished by the Development Services Department for that purpose. Such application shall:

(1) Identify the type, size, shape, zoning district and location (or proposed location) of sign through drawings and specifications

(2) Identify the premises and street address of the sign (or proposed location)

(3) Identify the means and methods of construction including an engineer's certification

(4) Be signed by the applicant, or applicant's authorized agent.

(5) Give other information as required by the Director.

(6) Require certification by a Texas licensed engineer in coordination with the Director that the materials, support structure, and/or attachment methods comply with all applicable codes with respect to all dead, live and wind loads. This certification is required prior to issuance of construction permits or substantial alteration of the sign and each sign must be inspected every 3 years and recertified by a licensed engineer. No sign will be erected using staples, wires or wood plugs. *See Erection and Maintenance Requirements below for specific requirements.*

(b) **Off-Premises Application Requirements.** In addition to general application requirements above, an off-premises sign permit application must include:

(1) The distance to the nearest off-premises sign on the same side of the roadway.

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

(3) Two demolition permit numbers of off premises signs registered with the City of San Antonio that have been removed and their date(s) of removal.

(4) Proof of a state permit for off-premises sign placement along the main-traveled way of the interstate and primary systems of a highway. In order to submit an application for a City sign permit, proof of commercial or industrial zoning must be submitted to the State of Texas and a state issued sign permit must be issued to erect the sign. Proof of this state sign permit must be included in the permit application to the City of San Antonio.

(c) **Application Completeness Review and Approval**.

(1) **Completeness Review.** A permit application shall not be deemed complete unless the application form is filled out completely and all requested information has been provided. No form shall be deemed complete until the application fee has been paid. The applicant shall be notified of the status of the application by certified mail or through the customer notification system. An application remaining incomplete at the expiration of 30 days is invalid.

(2) **Approval Process.** Once an application is deemed complete, the Director shall examine or cause to be examined permit applications within as reasonable time. As part of such process, the Director may forward the application to other City departments in order to verify compliance with any applicable laws and ordinances under their jurisdiction. If the application or attached documentation does not conform to pertinent law, the Director shall reject such application in writing, stating the reasons for the denial. If the Director is satisfied that the proposed work conforms to applicable law and fees have been paid, the Director shall issue a permit as soon as practicable.

Considerations

(d) **for issuing Sign Permits.**

(1) **In General.** A 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 not 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.

Comment. See Chapter 10 of the City Code of San Antonio, Texas, for general sign inspection requirements.

(2) **Off Premises Relocation Permit Application Considerations.**

a. Any off premises sign structure removed in the City of San Antonio within two years prior to the effective date of this Ordinance may be credited as a required removal provided the Development Services Department has previously identified the removed sign through a demolition permit application as such under then-existing regulations. Demolition permits must be issued by the Development Services Department and structures demolished prior to issuance of a relocation permit. Once an application for a relocation permit is filed, such application shall not be amended except for adjustment of the location of the relocated off premises sign structure on the same property.

b. Once a relocation permit has issued, the permit holder must have the relocated structure 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 often (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 a billboard shall be considered to be under construction when the sign pole is set in concrete in the ground in an upright position.

c. A permit holder shall have 180 days from the time the relocation permit is issued or 30 days from the time the installation is complete to request a final inspection of the relocated off premises sign, whichever comes first. Should such a request not be made within the time prescribed, the relocation permit is invalid. However, one (1) ninety (90) day extension period may be granted. The request for the extension must be made before the one hundred eighty (180) day period lapses. If an inspection has not been requested by the end of that extension, the relocation permit is invalid. Should the operator still desire to place a billboard at the site in question, an applicant must apply for a new relocation permit pay all required fees.

(3). **Limitation on Relocation**

Permits.

a. Relocation permits will only be issued on a one-for-two basis, i.e., one (1) relocation permit issued for every two (2) billboards removed. For every billboard relocated pursuant to a relocation permit, a minimum of two (2) billboards must be removed and their combined advertising display area square footage must be equal to or exceed twice the advertising display area square footage of the relocated billboard. 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.

b. Each off premises sign company may relocate no more than 1,344 square feet of advertising display area during any given calendar month, provided a minimum of two (2) billboards and twice the amount of advertising display area square footage are removed per relocation permit issued. This relocation limitation of 1,344 square feet must be used within a given calendar month and shall not be cumulative on a month-to-month basis. No credit shall be issued should more than 2,688 square feet of advertising display area be removed during any given calendar month.

c. An off premises sign erected pursuant to a relocation permit shall conform to all provisions of this chapter as well as any other applicable City Code provisions. In addition to the maximum sign face restrictions detailed in section 28-?? , the maximum size sign face area of a relocated billboard as viewed from one direction is the average square footage of sign face area of the prior removed billboards, excluding embellishments, as viewed from one direction (i.e., adding the sign face areas of two (2) billboards to be removed as viewed from one direction and dividing by two (2).

(e) **Billboard 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.

Sec. 28-32. 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. 28-33. 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 Director from requiring the correction of errors in the construction documents and other data. The Director is also authorized to prevent use of a structure where in violation of this chapter or of any other ordinances of the city.

Sec. 28-34. Continuation of the Business upon death, disability or termination of the business's master. Upon the death or disability of a registered contractor or city licensed contractor (the master), the business will be allowed to complete existing work for which permits have been obtained prior the severance of the master provided insurance is posted and sufficient evidence is submitted to and approved by the Director as to the ability of the business to complete the work as required under law. Monthly approval may be granted by the Director for period not to exceed six (6) months. On or before the expiration of such period, the business shall associate a new master of the appropriate classification or cease operations. Upon termination of a master, a letter shall be provided stating the cause of termination prior to a new contractor being issued a completion permit.

Sec. 28-35. Suspension or revocation. The Director 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. 28-36. Compliance bond required for permit.

(a) **Posting Compliance Bond.** A license holder shall first post a compliance bond in the name of the City of San Antonio in a sufficient amount to cover the estimated work to be done before being issued a sign permit. 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 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 city claims.

(b) **Bond recovery and disposition**. The Director shall report each violation of this chapter to the office of 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 is authorized to 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. 28-37 – 28-40. Reserved

ARTICLE IV. ERECTION AND MAINTENANCE REGULATIONS

DIVISION 1. IN GENERAL

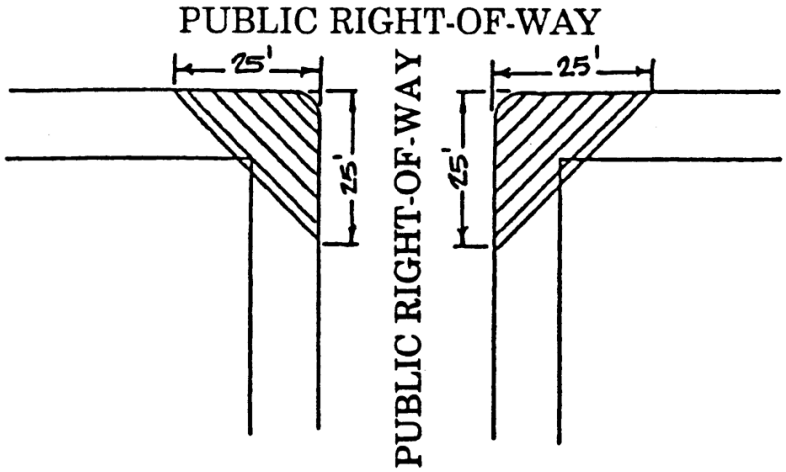
Sec. 28-41. Erection and Maintenance.

(a) All signs and components thereof shall be erected and maintained in good repair and with the proper and secure structural supports. 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. All signs regulated under this chapter shall comply with applicable provisions of Chapter 10 of the City Code, the adopted International Building Code including Appendix H, *Sign,* and the adopted National Electric Code unless otherwise provided in this chapter**.** Additional/supplemental requirements are provided under this Chapter.

(b) **Preventing Obstructions**.

(1) 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.

(2) On any corner lot on which a front yard is required by the zoning ordinance of the city, no structure, including 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.



(3) Sign removal shall follow abandoned sign procedures found in this chapter

(4) Consistent sections of 28-15(g) and 28-15(h) are incorporated herein by reference and must be complied with.

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

(d) **Government signs**. Nothing in this chapter 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.

(e) **Identification.** Every sign hereafter erected, constructed or maintained, for which a permit is required, shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign (license holder) and shall have affixed on the front thereof the permit number (AP) issued for said sign or other method of identification approved by the Director. Said number must be visible for a distance of fifty (50) feet from the pole supporting the sign.

(f) **Sec 28-42 Minimum Sign Residential Buffer/Setback and Height Restrictions:** Signs on property that abuts a single-family 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 abutting a platted lot that is zoned and used for single-family residential purposes shall require a minimum ten (10) foot setback from the property line abutting the residential property and be a maximum of eight (8) feet in height, except as provided below.
2. Freestanding signs on properties abutting a platted lot that is zoned and used for single-family residential purposes may be erected to exceed eight (8) feet in height, provided that such sign is located back from the minimum ten (10) foot setback required above one (1) foot for each one (1) foot of height in excess of ten feet prescribed above.
3. This section shall not apply to a sign that is subject to an agreement between the sign owner and the owner of the abutting single-family property. The agreement shall: a) be in writing; b) signed by the owner of the sign and the owner of the single-family property; c) identify the minimum permitted setback from the property line abutting the single-family residential property; and d) identify the maximum permitted height of the sign.
4. The owner of a property that abuts a platted lot that is zoned and used for single-family residential purposes is entitled to place one (1) sign ("Relocated Sign") on an abutting platted lot that is zoned and used for commercial purposes ("Relocation Site"), subject to an agreement between the sign owner and the owner of the Relocation Site. A Relocated Sign shall be treated as an on-premises sign. The Relocated Sign agreement shall: a) be in in writing; b) signed by the owner of the Relocated Sign and the owner of the Relocation Site; and c) identify the location of the Relocated Sign. A Relocated Sign may either be a freestanding sign or part of a multi-tenant sign on the Relocation Site. A Relocated Sign shall be in addition to any signage permitted on the Relocation Site and shall not be subject to the limitation on the number or spacing of signs permitted on the Relocation Site.

(g) ***Digital displays.*** All *Digital displays* (both on-premise and off-premise) must meet the following requirements:

(1) Light Intensity.

a. A digital display 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.

b. A digital display must 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.

c. A digital display 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).

A digital display

d. is subject to all existing restrictions on light intensity or brilliance contained in Chapter 35, the Unified Development Code, including, but not limited to, subsection 35-612.

e. 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.

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

Intensity Levels (NITS)		
Color	Daytime	Nighttime
Red Only	3150	1125
Green Only	6300	2250
Amber Only	4690	1675
Full Color	7000	2500

g. In addition to the 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 the table above.

h. As measured from the nearest residential property line, the maximum light emanation from an adjacent digital sign display shall be 0.2 footcandles.

i. Prior to the issuance of any digital sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed three thousand (3,000) 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.

j. The digital display must contain a default mechanism that will freeze the sign in one (1) position if a malfunction occurs. If the sign continues to be a danger to the traveling public, the digital display shall be turned off.

The *dwell time* for all digital displays with static messaging is

(2) **Existing signs.** All *digital displays*, as defined, lawfully in existence prior to the effective date of this Ordinance shall conform to the provisions of this Article within one (1) year of Ordinance passage; provided however, that incandescent or monochrome LED signs

using a single display color and which are used exclusively to display text is excluded from the requirements of this provision.

DIVISION 2. REGULATIONS BASED UPON SIGN CLASSIFICATION

B. ON-PREMISES SIGNS.

Sec. 28-42. In General.

(a) **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.

(b) **Freestanding, multiple-tenant signs in non-residential zoning districts.** Freestanding, multiple-tenant signs in non-residential zoning districts shall contain the address number of the sign clearly visible from the street with each numeral being a minimum of six (6) 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.

(c) **Incidental/way finding signs** may be erected in the City within the premises of an apartment complex and subdivision provided the signs do not exceed thirty-two (32) square feet in area or eight (8) feet in height and they comply with applicable sections of chapters 35 and 37. Under no circumstance shall any sign be erected so as to erode the safety and security of the traveling public.

Sec. 28-43. 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-dimensional 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 1 and/or Table 2 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 1 and/or Table 2.

(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 1 and/or Table 2 as specified in subsection (1) above.

TABLE 1
Maximum-Allowable Heights and Sizes for Freestanding Signs in Nonresidential Zoning Districts

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

Expressway	50 ft *	375 ft

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

** NOTE: Sign height and square footage may vary depending on special districts and overlays.

(d) **Height and size limitation.** Freestanding multiple tenant signs in nonresidential zoning districts shall be limited in height and size in accordance with Table 2.

TABLE 2
Maximum Allowable Heights and Sizes for Freestanding Multiple Tenant Signs in Nonresidential Zoning Districts

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

(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 1 of this section.

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

** NOTE: Sign height and square footage may vary depending on special districts and overlays.

(e) No single tenant shall exceed 375 square feet of advertising on a multi-tenant sign at any given time. This provision is intended to address hybrid static and changeable copy multi-tenant signs.

(f) The expressway standards set out in Tables 1 and 2 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. 28-44. 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, non-illuminated nameplate identifying a business authorized in that zoning district not to exceed one (1) square foot in sign area.

(2) Freestanding signs are allowed in accordance with Table 1 for Residential R-2 and 3 occupancies. In addition, one (1) identification sign per entrance is allowed.

(3) For nonresidential uses

a. 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.

b. With primary frontage on arterials/commercial collectors and expressways, freestanding signs are allowed in accordance with Table 1.

c. Digital displays are permitted under a. and b. above in accordance with this Article IV, Division 1, In General, Sections 28-41 and 28-45(e)(10).

d. For local streets and residential collectors in residential zones, freestanding signs are limited to a maximum height of eight (8) feet and must be set back a minimum of fifteen (15) feet from any public right-of-way and ten (10) feet from side and rear lot lines abutting residential uses. No portion of an illuminated non-digital sign shall have a luminance greater than two hundred (200) foot candles as measured within six (6) inches of the sign face.

e. No sign or part of any sign regulated under this section 28-44 shall move, flash, rotate, or change its illumination.

Sec. 28-45. Provisions applicable to nonresidential zoning districts.

(a) The number and size of signs allowed in nonresidential zoning districts are based on Tables 1 and 2 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 1 and 2 of this article.

b. 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 1 and 2 of this Division.

b. Setback requirements follow Section 28-45 (c)(1)b. for Arterials immediately above.

(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) **Price signs.** In addition to other authorized signs, businesses shall be allowed one (1) sign on each premises identifying the price and type of item being sold. Each sign shall not exceed eight (8) square feet in area. If attached to a freestanding sign, the area of this sign shall be counted toward the allowable area for the freestanding sign.

(3) **Wall signs.** In addition to section 28-41 above, all wall mounted signs exceeding 40 square feet shall require engineering. All channel letter signs shall not extend more than eighteen (18) inches from the façade.

(4) **Projecting signs.**

a. **Installation 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.

(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
175 - 250	4
>250 - 325	5
>325 - 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.

b. **Installation not on a pipe.** In addition to section 28-41 above, projecting signs shall not be erected so as to overhang any street, alley, or plaza. Such signs may extend into the public right-of-way from the building facade provided the space is not used for, or designed to be used for, vehicular ingress and egress to a building 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 or grade.

(5) **Awning and canopy signs.** See Section 28-41 of this chapter and specifically, sections 3105 and 3106 of the International Building Code.

(6) **Marquee signs.** See Section 28-41 of this chapter and specifically, Appendix H of the International Building Code.

(7) **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.

(8) **Pole signs.** A pole, post or standard used to support any sign or floodlight shall not be set in or upon any sidewalk, street or other public property. See Section 28-41 for general construction requirements.

(9) **Roof signs.** See Section 28-41. In addition,

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.

c. All existing off-premises signs classified as roof signs and registered with the City of San Antonio by September 22, 1984 are awarded nonconforming status. This nonconforming status is valid so long as the sign is used solely for off-premises advertising. A change to on-premises advertising revokes the nonconforming status of the sign immediately.

(10) **On-Premises Digital displays.** Specific requirements. In addition to general digital display requirements in Division 1, In General, above, on-premises sign digital displays shall comply with the following:

(1) **Light Intensity.**

Footcandle readings shall be no more than as stated in the general digital display requirements measured at ground level at the distances shown in Table 3.

TABLE 3

Sign size (ft^2)	Distance from source
0 to 100	100 feet
101 to 350	150 feet
351 to 650	200 feet
Over 651	250 feet

(2) **Standards.**

a. Use of digital projection is prohibited on displays greater than thirty-two (32) square feet.

b. Use of flashing, strobing or scrolling line-travel text such as, but not limited to, "ticker-tape" is prohibited.

c. Use of sound is prohibited.

(3) **Placement.**

a. No more than one (1) two-sided digital display per each freestanding sign structure is permitted.

b. No more than one (1) two-sided digital display is permitted for each street frontage for an individual premise.

c. Minimum spacing between *electronic message centers* is two hundred (200) feet.

(4) **Sign dimensions.**

a. Digital displays shall be permitted at heights and areas in accordance with Table 2.

b. In no case shall any digital display exceed three hundred seventy-five (375) square feet nor exceed sixty (60) feet in overall height.

Sec. 28-46. Reserved

Sec. 28-47. 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 25% cumulative reduction in both total sign area and sign height within the master plan area. This is in addition to the 25% mandatory reduction for secondary signage for a 50% overall reduction from allowable height and square footage.

(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:

(1) 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. The Director through the Development Services Department may adopt policies and procedures in order to implement this provision. Such 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 chapter requirements.

(4) Appeals shall be considered in accordance with appellate provisions of this chapter.

COMMENTARY: This subsection shall not be interpreted to exclude an owner of separate parcels from entering into a Sign Master Plan Agreement.

Sec. 28-48. Nonconforming Sign Abatement.

(a) **Continuance**. Any nonconforming sign may be continued in operation and maintained after the effective date of this Ordinance; provided, however, that no such sign shall be changed in any manner that increases its noncompliance with the provisions of this chapter; 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.

(b) **Freestanding signs and Multi-tenant signs**. Freestanding pole signs and 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. In general, whenever the sign cabinet is removed and lowered to the ground to facilitate the general maintenance and/or refacing due to property or personnel safety consideration considerations, it shall, at that time, lose its nonconforming status unless a permit is issued

prior to doing so. 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 permitted sign 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 supply an independent third party evaluation in writing by a Texas licensed structural engineer 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 below. A nonconforming sign will lose its status as nonconforming upon a failure to gain approval and have the sign inspection permit issued prior to the sign cabinet being taken down.

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 years of noncompliance increased through reconstruction.

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

(d) **Termination of Nonconforming Rights.**

(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 damage or deterioration.** The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign assembly is damaged or deteriorated as described in section 28-9 above.

B. OFF-PREMISES SIGNS

Sec. 28-49. In General. New off-premises signs are prohibited in the City of San Antonio and no new construction permits shall issue unless for a relocation of a legally erected, existing, off-premises sign as authorized under this chapter 28.

Comment: See Sec. 28-31(d)(3) for relocation of existing off-premises signs.

Sec. 28-50. Sign Specifications. Authorized off-premises signs shall comply with the following specifications:

(a) **Height.** 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.

(b) **Spacing.** Any sign relocation must meet the following spacing requirements:

(1) 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.

(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 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.

(3) 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.

(c) **Setback.**

(1) **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.

(2) **Large off-premises signs.** Off-premises signs greater than seventy-five (75) square feet must comply with all property setback lines established in chapter 35 for the applicable zoning category and set back a minimum of thirty (30) feet from adjacent residential zones. All off-premises signs greater than seventy-five (75) square feet must be setback from the following facilities, districts, and parks as specified below:

a. 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.

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

Community parks. A

c. three hundred (300) foot radius from the park boundaries.

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

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

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

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

h. 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.

(3) **Small off-premises signs.** 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.

(4) **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.

(5) **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 28-53. Off-premises signs are no longer permitted within historic districts. Existing off-premises signs in historic districts are awarded nonconforming status in accordance with the provisions of section 28-53.

(d). Area.

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

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

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

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

(2) 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.

(e) **Inspection.** All legally erected and registered off-premises signs, including relocations, must be inspected upon construction and thereafter annually. This inspection includes maintenance and structural deficiency evaluation and may require, if necessary, further inspection by a licensed engineer and remediation. The operator or owner must pay an

annual inspection fee as provided in the Fee Schedule for each registered sign. The annual inspection fee is payable within thirty (30) days after the beginning of each fiscal year. Failure to pay the annual inspection fee or within this time period is a violation of this Chapter and punishable as prescribed.

Sec. 28-51. Display Prohibitions.

(a) **In General.** Off-premises signs which 1) utilize intermittent or flashing illumination devices; 2) change light intensity, brightness or color; 3) are constructed and operated so as to create an appearance or illusion of motion; or 4) utilize sound, are strictly prohibited.

(b) **Exception**: Light intensity, brightness or color regulations specific to off premises digital signs are addressed in Section 28-52 immediately below.

Sec. 28-52. Off-premise digital displays.

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

Commentary: Under the 1 year pilot program, thirteen off-premise digital signs were permitted. No new off-premise digital signs are permitted in the City or ETJ. The thirteen (13) existing off-premise digital displays that were approved are required to be maintained in accordance with the requirements listed here in this section.

(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 0.3 footcandles and/or the following intensity levels (nits) constitutes "excessive intensity or brilliance":

a.

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.	3	2 double face	5	1,440	1	672

ft.) 30-Sheet	5	structures/ 1 single face structure 5 double face structures	10	2,880	2	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 structures	4 8	1,512 3,024	1 2	672 1,344
(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.

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.

Sec. 28-53. Legally erected

(4) **existing**

(5)

(6)

(a)

i.

j.

k.

l.

m.

(6)

Off-Premises Signs and Nonconforming rights.

(a) **Generally**. Any legally erected off-premises sign which, by reason of revisions to this chapter, no longer complies with its provisions, is awarded nonconforming status by the director 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 chapter revisions. After that time, the director may order any unregistered nonconforming off-premises sign removed at the operator's expense.

(b) **Damaged or deteriorated structures**. The right to maintain any nonconforming off-premises sign terminates and is subject to removal at owner's expense whenever it is damaged or deteriorated as described in section 28-9 (e) of this chapter.

COMMENT: RECSA recommends keeping the current Chapter 28 language regarding valuation of non-conforming signs.

(c) Nonconforming rights awarded under (a) immediately above run with the site for 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 a written notice of intent to replace the nonconforming off-premises sign with an off-premises sign relocated from another site.

During that 60-day period, an 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. 28-54. Governmental action. Notwithstanding subsection 28-31, 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:

(a) A demolition permit shall be obtained by a licensed off-premises sign operator prior to removal of the off-premises sign. An off-premises sign removed pursuant to this section shall neither be credited to the two-for-one requirement for relocation permits provided in subsection 28-31 nor impact the monthly limitation on square feet for advertisement display area per off-premises sign company under subsection 28-31.

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

(c) An off-premises sign relocated pursuant to this section must 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.

(d) 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. 28-55. Relocation and replacement of existing off-premises signs.

(a) The owner of a premises where an existing off-premises sign has been previously erected in accordance with prior rules and regulations is authorized to erect an ON-premises sign in accordance with the current provisions of this chapter.

(b) Once an on-premises sign permit has been issued as authorized under this chapter, the owner of the existing off-premises sign is 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 28-31 and section 28-56 of this chapter, provided the relocation is not less than 600 feet nor more than 700 feet from the location of the original off-premises sign; and provided that the owner's premises:

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

c. have a primary facility or structure which is outside of the boundary of the scenic corridor; and

d. 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. 28-56. Scenic Corridors and Historic Districts.

(a) **Scenic corridors.** Off-premises signs are prohibited along the following freeways, expressways, state highways, or arterials, designated as scenic corridors. An off-premises sign is "along" said freeways, expressways, state highways or arterials if it is erected within six hundred sixty (660) feet of the public right-of-way.

(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**. Off-premises signs are prohibited in historic districts.

(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.

C. GOVERNMENTAL SIGNS. Except as specifically provided for in this Chapter or other law, Governmental signs are exempt from permitting requirements.

D. SPECIAL REGULATIONS.

(1) URBAN CORRIDORS - GENERALLY

Sec. 28-70. 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) Corridor purposes:

(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 provides 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. 28-71. Designation criteria. To be designated as an urban corridor, an area must meet one (1) or more of the following criteria:

d.

e.

f.

The corridor serves as

(a) 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. 28-72. Designation process.

(a) This Division and section 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. 28-73. Boundaries.

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.

(a) 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

(b) 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. 28-74. 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 chapter, the most restrictive shall apply.

(b) **Prohibited signs**. The following signs are prohibited in urban corridors 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 (1) utilize intermittent or flashing illumination devices; (2) which change light intensity, brightness or color; or, (3) 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 includes 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 the City Code and this chapter 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: 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, and signs which are exempted from the permit requirement in subsection (g) 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% of the wall area
Channel letter Signs	25% of the wall area

(f) **Maintenance**. The Director 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.

(g) **Permit requirement**. A permit must be obtained from the Department 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 decal as evidence of the permit. However, the following signs are exempt from the permit requirement:

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

(2) **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.

(3) 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.

(h) **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.

(i) **Map Requirement.** All urban corridors shall include a map, either indented or in an appendix detailing location at a minimum.

(2) SPECIFIC URBAN CORRIDORS

Sec. 28-75. 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 designation criteria established above:

(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 28-74 and 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 area.**

(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. 28-76. 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 28-71:

(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 35-339(a)[1], 28-74, and 35-339(b)[2] are 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 the 1987 version of Chapter 35, the Unified Development Code, Article III, Zoning, Division 9 Supplemental Regulations, Subdivision D.

Off-Street Truck Loading Requirements, 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. 28-77. 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 28-71.

    (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 35-339(a)[1], 28-74, and 35-339(b)[2] are 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 the 1987 version of Chapter 35, the Unified Development Code, Article III, Zoning, Division 9 Supplemental Regulations, Subdivision D. Off-Street Truck Loading Requirements, 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.

(f) 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. 28-78. 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 28-71:

(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 35-339(a)[1], 28-74, and 35-339(b)[2] are 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 the 1987 version of Chapter 35, the Unified Development Code, Article III, Zoning, Division 9 Supplemental Regulations, Subdivision D. Off-Street Truck Loading Requirements, 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.

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

(h) **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.

(i) **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. 28-79. UC-5, Main Ave/McCullough Ave urban corridor district.

(a) **Boundaries**. The following area is designated as the Main Ave./McCullough Ave. urban corridor district: a distance of one hundred (100) feet from the street right-of-way on either side of Main Ave. a collector, between I.H. 35 on the south and Huisache Ave. on the north, and two hundred (200) feet from the street right-of-way on either side of

McCullough Ave. an arterial, between I.H. 35 on the south and Huisache Ave. on the north.

(b) **Designation criteria.** This corridor meets the following designation criteria established by section 28-71:

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

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

(c) **Other provisions.** In addition to the requirements set forth in this section, the mandatory provisions of sections 35-339(a)[1], 28-74, and 35-339(b)[2] are applicable to this district.

(d) **Setback.** The setback along Main Ave./McCullough Ave. are established at fifteen (15) feet for Local Streets, twenty (20) feet for Collector/Arterial Streets and twenty-five (25) feet for Expressways.

(e) **Screening.** The following uses shall be screened from Main Ave./McCullough Ave. 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 the 1987 version of Chapter 35, the Unified Development Code, Article III, Zoning, Division 9 Supplemental Regulations, Subdivision D. Off-Street Truck Loading Requirements, 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 pole sign height.** The maximum heights for on-premises pole signs are fifteen (15) feet for Local Streets, twenty-four (24) feet for Collector/Arterial Streets and forty (40) feet for Expressways.

(j) **Maximum multi-tenant sign height**. The maximum height for on-premises multi-tenant signs are fifteen (15) feet for Local Streets, Thirty-two (32) feet for Collector/Arterial Streets, and fifty (50) feet for Expressways.

(k) **Maximum pole sign area**. The maximum allowable sign area for on-premises pole signs are sixty-four (64) square feet for Local Streets, one hundred fifty (150) square feet for Collector/Arterial Streets and three hundred fifty (350) square feet for Expressways.

Sec. 28-80. UC-6, San Pedro urban corridor district.

(a) **Boundaries**. The following area is designated as the San Pedro Urban Corridor District: Both sides of San Pedro Avenue, an arterial , between I.H. 35 to the south and Ashby Street to the north 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 28-71:

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

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

(c) **Other provisions.** In addition to the requirements set forth in this section, the mandatory provisions of sections 35-339(a)[1], 28-74, and 35-339(b)[2] are applicable to this district.

(d) **Setbacks.** The building setback line along local streets will be at fifteen (15) feet, San Pedro Avenue at twenty-five (25) feet and I.H. 35 at twenty-five (25) feet.

(e) **Screening.** The following uses shall be screened from San Pedro Avenue 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 the 1987 version of Chapter 35, the Unified Development Code, Article III, Zoning, Division 9 Supplemental Regulations, Subdivision D. Off-Street Truck Loading Requirements, 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 pole signs are: local streets ten (10) feet, Collector/Arterial Street – twenty-four (24 feet, and expressway - forty (40) feet.

The maximum heights for on-premises multi-tenant signs are: local streets – fifteen (15) feet, collector/arterial – thirty-two (32) feet and expressway – fifty (50) feet.

(h) **Maximum sign size**. The maximum allowable sign area for on-premises pole signs are: local streets – sixty-four (64) feet, collector/arterial street– one hundred fifty (150) square feet, and expressway – three hundred fifty (350) square feet.

The maximum allowable sign area for on-premises multi-tenant signs are: local streets – ninety-six (96) square feet, collector/arterial street – two hundred and fifty (250) square feet, and expressway - five hundred (500) square feet.

(3) ETJ REGULATIONS

Sec. 28-81. Off-premises signs in the Extra Territorial Jurisdiction (ETJ).

(a) Off-premises signs erected in the ETJ pursuant to a relocation permit shall adhere to the following size and 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.

(4) All off-premises signs under (1), (2), and (3) above must be:

a. within eight hundred (800) feet of at least two (2) adjacent recognized commercial or industrial activities located on the same side of the roadway; and

b. at least five hundred (500) feet, as measured along one side of the road, from any structure located within a zoning district exclusively used by one or more human beings for residential purposes. This subsection is inapplicable to commercial zoned districts.

(b) Temporary off-premises signs erected in the ETJ shall adhere to the spacing requirements set forth in Division 4. Temporary Signs, below.

E. – TEMPORARY SIGNS

Sec. 28-90. In General

(a) **General Prohibition.** Temporary sign placement is prohibited in the City of San Antonio and ETJ unless permitted as provided in this Division. Signs in violation of this division constitute bandit signs.

(b) The City of San Antonio permits temporary sign placement in accordance with Table X and as further detailed in this Division 4.

TABLE X

Temporary Sign Placement	Speech Authorized
Residential Zoning Districts and Uses	1. On-Premises Commercial [narrowly tailored to lawful commercial speech relating to the premises. ALL other on and off-premises commercial speech is prohibited]

	2. Noncommercial
Non-Residential Zoning Districts and Uses	1. Commercial 2. Noncommercial
Public Right of Way in Residential Zoning Districts and Uses	Noncommercial
Public Right of Way in Non-Residential Zoning Districts and Uses	1. Commercial 2. Noncommercial
Public Property	1. On-Premises Commercial. 2. Noncommercial • Authorized only at permitted event in restricted areas. Advertising is classified as on-premises for that event.

(c) All temporary signs must comply with reasonable time, place and manner regulations and are subject to all applicable City Code requirements, including underlying zoning districts and uses.

(d) Zoning Districts and Uses are outlined in the Uniform Development Code (UDC) of the City of San Antonio, Texas.

(1) Temporary signs may only be placed in Residential Zoning Districts and Uses identified in Table 311-1 of the UDC.

(2) Temporary signs may only be placed in Nonresidential Zoning Districts and Uses identified in Table 311-2 of the UDC.

(e) A temporary sign permit is required in order to display a temporary sign, unless specifically excepted from permitting requirements. A department issued decal authorizing temporary placement must be displayed on all temporary signs regulated under this division, unless such sign is excepted from permitting requirements. Such decal will enable digital scanning by City's then existing and future technology to ensure compliance.

(f) Only one temporary sign permit for a temporary sign advertising a commercial message shall be issued for the premises and only in specified areas detailed in each section below except for noncommercial speech in residential zoning districts.

(g) A temporary sign is authorized for one single continuous maximum specified time period detailed in each section below. Signs exceeding maximum time periods are illegal and subject to removal.

(h) *Private profiteering* involving authorized temporary sign placement is prohibited in residential zoning districts, Public Rights of Way in 1) residential zoning districts; and 2) non-residential zoning districts. Such placement constitutes a violation of this chapter.

(i) No temporary sign permit is transferrable or assignable from one permit holder to another, to another property or be used for a different time period than what it was issued. A permit holder may not switch signs under one sign permit.

(j) Temporary signs are prohibited severally:

(1) With an *area* greater than 36 feet, or as otherwise limited herein;

(2) Which is more than eight feet high;

(3) Which is illuminated; or

(4) Which has any moving elements.

(k) As a general rule, temporary signs must be constructed of durable building materials reflecting the temporary nature of the sign and securely affixed to a structure or ground. Signs shall have a non-reflective surface.

(l) **Permit Application.** An application for a temporary sign permit must include, at a minimum:

(1) A map and listing identifying the street and block number where each sign shall be placed regardless of size.

(2) Prior permission of the underlying property owner.

(3) Prior permit deposit. The amount shall be proportional to any required abatement costs. This deposit is forfeited if the temporary sign is not brought down within 6 hours of permit expiration.

(4) Acknowledgement that signs will be spaced as required under this Chapter.

(5) Acknowledgement that sign square footage is not limited to a specific shape unless specifically stated under each section below. No offensive shapes may be utilized.

(6) Payment of fees.

Note: The director of development services may accept confirmation from another governmental agency where appropriate.

28-91. Temporary Residential Signs.

(a) In General

(1) Temporary signs may only be placed in residential zoning districts and uses identified in 28-90 (d) above.

(2) A sign placed on private property requires property owner approval. Any sign placed without property owner approval is illegal and subject to removal and offending party subject to prosecution for trespass.

(3) Any sign exceeding 10 square feet is prohibited.

(4) **Permit Validity Period.** Maximum of 90 days.

(5) **Distance Limitation.**

a. **Spacing:** No sign may be placed closer than twenty-five (25) feet from a street intersection or median opening. 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.

b. **Encroachment:** Signs shall not encroach on either the sidewalks or streets.

(6) Noncommercial speech and on-premises commercial speech narrowly tailored to lawful commercial transactions relating to the premise are authorized. All other commercial speech is prohibited.

Comment: The exception to commercial advertising in (6) above is intended to address temporary on-premises advertising concerns in narrow circumstances, including, but not limited to home for sale signs, re-roofing signs, and the like, so long as the temporary advertisement is related to the premises itself.

(b) Large Sign

(1) **Size.** Between 6 & 10 square feet (This modifies the general rule in Section 28-90).

(2) **Height Limitation.** 6 feet.

(c) Small Sign

(1) **Size.** Any sign less than 6 square feet

(2) Height Limitation. No more than three (3) feet above the ground measured from the base of the sign structure.

Sec. 28-92. Temporary Nonresidential Signs.

(a) In General

(1) Temporary signs may only be placed in nonresidential zoning districts and uses identified in Section 28-90 above.

(2) In addition to general sign construction requirements in Section 28-90, all temporary nonresidential signs must be securely affixed to a structure or ground. Through authority granted in Section 28-5 above, the Director may provide interpretations and adopt written policies and procedures and this includes, but is not limited to, specific installation requirements for different types of signs.

(3) Any banner type of sign placed on a façade must follow the permanent sign placement regulations found in this chapter.

(4) Property owner and Development Services Department approval is required prior to sign placement. Any sign placed without required approval is a violation of this chapter and subject to removal.

(b) Large Sign

(1) **Size Range.** Between 10 & 36 square feet

(2) **Height.** Not to exceed 8 feet.

(3) **Temporary Placement.**

a. A *person* is required to apply for and be issued a permit to place a temporary large sign.

b. The Development Services Department must review the plan for conformity and perform necessary inspections prior to permit issuance.

c. Maximum 1 year temporary placement period.

d. A sign placed in excess of the 1 year period is prohibited.

g. **Distance Limitation.**

a. An owner or agent of the commercial business is limited to 4 temporary permits for large signs displaying commercial off-premises speech per 5 mile radius of the commercial location and 1 temporary permit for displaying commercial on-premises speech. A *person* is limited to 4 temporary permits for signs displaying noncommercial speech.

b. There is a minimum spacing requirement of 750 feet between large temporary signs with permits held by the same permit holders. Large temporary signs with permits held by different permit holders must be a minimum of 150 feet apart.

c. No temporary signs under this section shall encroach above separation requirements and no temporary sign shall be located within 100 feet of a permanent sign.

h. **Sign Identification Requirements.** A separate decal must be attached to each temporary large sign. A fee of $50 must be paid for each temporary large sign.

(c) Small Sign

(1) **Size Range.** Any sign less than 10 square feet

(2) **Height.** The total height of the sign may not exceed three (3) feet above the ground measured from the base of the sign or its support structure.

(3) **Temporary Placement.**

a. An applicant is required to apply for and be issued an individual permit to place a temporary small sign. The cost of each decal is included in the permit

price and a decal shall be placed on each temporary small sign. The permit fee is prescribed in the fee schedule.

b. In lieu of an individual permit, **an annual permit** may be purchased instead. Upon paying the annual permit fee, individual sign decals must be purchased for $1.00 each and placed on each sign.

   Comment: Applicants have two options: (1) they can apply for an individual temporary sign permit for a set price, including the decal; or (2) they can apply for an **annual temporary sign permit** for a set price and each decal is $1.00 each, separate from the permit price.

c. The Development Services Department must review the application.

d. Temporary placement is authorized for 3 consecutive days from Friday 7:01 p.m. 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.

e. Signs must be self supporting and placed into the ground by a single stake or no more than 2 stakes. Placement on a utility pole, street light pole, sign pole, fence, tree or other manmade or natural feature is prohibited.

b. Distance Limitation.

a. No sign may be placed closer than twenty-five (25) feet from a street intersection or median opening, driveway curb cuts, fire hydrant, or any other public man made feature. Additionally, 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.

b. Placement on any esplanade or island that is located between a road or highway or otherwise divides traffic is prohibited.

c. **Minimum Spacing Requirement.** 200 feet between small temporary signs with permits held by the same *permit holder,* measured in a straight line. Small temporary signs with permits held by different permit holders must be a minimum of 5 feet apart.

d. **Encroachment**. No temporary signs shall encroach above separation requirements and no temporary sign shall be located within 100 feet of a permanent sign.

c. **Sign Identification Requirements.** A Development Services Department issued decal is required to be placed on each temporary sign. in the fee schedule.

Sec. 28-93. Temporary Sign Placement: Public Right of Way and Public Property

(a) **In General.** Temporary sign placement for City public right of way and public property only as authorized by law, including underlying zoning district and use requirements.

(1) **Government Placement.** Signs placed or authorized in writing to be placed on public property or on/over the street right-of-way by, or at the direction of the federal, state or local government is permitted and an affirmative defense to prosecution only for the time and the location specified in such written permission.

(2) **Restrictions on otherwise allowable Temporary Placement.** No signs shall be erected on or over public property in a manner which interferes or has the potential to interfere, at the director's reasonable discretion, with any fire hydrant, traffic light, fire alarm box or street light. Similarly, 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.

(b) **Temporary Placement on City Public Street Right of Way.** Off premises signs are permitted to be placed on the city right-of-way of a road or highway maintained by the city provided that the following regulations are observed and required fees have been paid.

(1) **Schedule:** Off premises signs are permitted from Friday after 7:00 p.m. 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 six (6) square feet in size. Irregular shaped signs shall fit in a twenty-four (24) inch by thirty-six (36) inch rectangle, square or circle. The total height of the sign may not exceed three (3) feet above the ground measured from the base of the sign support structure. 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 off premises 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 one to two stakes. No off premises sign is permitted on a utility pole, street light pole, sign pole, fence, tree or other manmade or natural feature unless authorized under this section.

b. No sign may be placed closer than twenty-five (25) feet from a street intersection or median opening. Any off premises 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. **Placement Limitation.** Three (3) miles or less from the property, location, or business being advertised. Additionally, placement depends on the underlying zoning district and use classification:

- Public ROW in Residential Zoning Districts or Use– Noncommercial speech is authorized and commercial speech is prohibited.
- Public ROW in Non-Residential Zoning Districts or Use – Commercial and noncommercial speech are authorized.

(5) **Registration, permits and fees.** An advertiser has two options for advertising in the public street right of way. They may obtain temporary sign permits through the single sign placement option; alternatively, they may obtain temporary sign permits through the multiple sign placement option for placing 5 or more temporary signs.

a. Single sign placement:

1. 5-10 square foot sign: $40 permit fee/sign.

2. < 5 square foot sign: $10 permit fee/sign.

b. Multiple sign placement: (5 or more signs per advertiser)

1. Annual registration fee: $50.

2. 5-10 square foot sign: $20 permit fee/sign.

3. < 5 square foot sign: $5 permit fee/sign.

c. 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 off premises signs.

d. An off premises sign will not be placed on the right-of-way of a road or highway unless an off premises permit decal is affixed on the face of the off premises sign.

Commentary: Registration and decals are required on any temporary sign placed in the right of way.

(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 including another governmental agency.

(7) **Permission of underlying property owners necessary.** Nothing in this division 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 off premises sign.

(c) Temporary Placement <u>over and across</u> City Public Right of Way.

(1) Banner signs projecting over and across public street rights of way are limited to noncommercial speech and such placement is authorized solely locations approved and utilized prior to date of this Ordinance enactment.

(2) No part of the banner sign shall be closer to the street grade than fourteen and one-half (14 ½) feet.

(3) The sign erector shall certify in writing that the sign will not interfere with public safety. Banner signs shall be constructed of durable cloth and standard sign hooks, lag screws or expansion bolts and shields shall be used where required to support the sign. Construction materials are limited to flexible natural or synthetic fabric or membrane and prohibit solid materials which might damage, injure or otherwise endanger vehicles or persons below in the event of a collapse.

(d) Temporary Placement <u>on</u> City Roadways.

(1) **Mobile Signs: Signs in Transit.**

a. It is unlawful to carry or transport on any motorized vehicle, or cause to be so carried or transported on the public roadways, any sign as defined under this Section 28-6 used for the purpose of commercial advertising while in transit.

Commentary. This provision does not apply to a sign on a motor vehicle which is used principally for a purpose other than advertising. Commercial vehicles which have the vehicle owner's or their employer's 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. The intention of this subsection is to address advertising on the motor vehicle itself, not a portable sign which is addressed in (3) below.

b. Vehicles used principally for commercial advertising must comply with applicable off-premises sign requirements.

(2) **Mobile Signs: Stationary.** Mobile signs no longer in transit and stationary must meet temporary placement requirements for the specific zoning district in which it is located. A failure to meet this requirement is a violation of this Chapter. For purposes of classification as stationary, a mobile sign must be stationary for at least 24 hours. This provision shall not apply to stationary vehicles at their own place of business.

(3) **Portable Sign.**

a. **In General.** It is unlawful to intentionally place or display, or cause to be placed or displayed, any portable sign on any premises or be utilized in connection with a mobile sign in transit for the purpose of commercial advertising.

b. **Exception.** A portable sign may be placed or displayed at a properly zoned storage area of one properly licensed under this chapter provided such placement was prior to September 22, 1985 and it has been granted nonconforming rights through the process required in Ordinance No. 62652. Portable signs must conform to regulations for on-premises signage.

Commentary. The law under Ordinance No. 62652 required portable signs to be registered within one hundred and eighty (180) days of enactment by mid-1986. Any portable sign not meeting this requirement may not be placed or displayed.

(e) Temporary Placement 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.

(f) **Confiscation of Bandit Sign Placed in Right of Way and Public Property.**

(1) Any *bandit sign* placed in violation of the provisions of this section by placement in right or 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.

(2) 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.

(g) **Placement of Bandit sign: Criminal offense, penalty.**

(1) A person commits an offense if the person places a bandit sign in violation of this section. Legally placed temporary signs in all areas become bandit signs when they violate the terms of authorized placement. Placement of multiple bandit signs constitutes a separate and distinct violation for each sign.

(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).

(3) It is a defense to prosecution if 1) 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 2) without the knowledge of the defendant.

(4) Bandit signs are abandoned trash at the time of posting and may be removed and discarded without notice. Any citizen removing a bandit sign shall do so at his or her

own risk and neither the city 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.

(h) **Temporary Nonresidential Signs Administrative Penalty.**

(1) Where the alleged violation of any provision of Section 28-92 Temporary Nonresidential Signs section is the holder of a valid annual temporary sign permit, the director will follow administrative penalty provisions below, prior to application of criminal charges:

a. First violation: A written warning shall be given.

b. Second violation: Revocation of permit and require double fee for new permit and forwarding to Administrative Hearing Officer - $300 civil penalty

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 and forwarding to Administrative Hearing Officer - $300 civil penalty.

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 and forwarding to Administrative Hearing Officer - $300 civil penalty.

(2) The Director will make the 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 by mail 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. The Director shall send by certified mail, return receipt requested written confirmation of his determination.

(3) If the director determines an allegation to be true, the accused may appeal to the Building Related Board.

a. The request for appeal must be submitted to the Development Services Department, by certified mail, return receipt requested, within seven (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 follow this Chapter and applicable provisions

of Chapter 10 of the City Code of San Antonio

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ARTICLE V. FEE SCHEDULE

The following fee schedule details the fees charged for all examinations, reexaminations and various sign permits required by this chapter. Note that the fee schedule 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.

Off-premises sign operator license examination fee		$80.00
Off-premises sign operator license reexamination fee		$80.00
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		$80.00
On-premises sign operator license reexamination fee		$80.00
On-premises sign operator's license		$100.00
Renewal of on-premises sign operator's license		$100.00
Duplicate license for one lost, destroyed or mutilated		$5.00
Off-premises sign annual inspection fee:	≤ 72 ft²	$50.00
	>72 - 300 ft²	$50.00
	> 300 - 672 ft²	$75.00
Portable sign annual inspection fee, per year		$50.00
On-premises sign permit fee:	≤ 32 ft² of sign area	$10.80
	> 32 ft² of sign area	$10.80 + $0.22 per ft² over 32 ft²

	Sign height fee	$2.00 per ft of height
	Cloth banners	$5.40
Electrical sign inspection fee: In addition to the commercial fees required by this section, the following are also required for electrical signs:		
	Gas or Vacuum Tube	$10.80
	Incandescent Sign	$5.40
	Plus # of sockets each	$0.22
Off-premises sign removal permit:		$100.00
Banner/inflatable permits:	Sign inspection fee	$50.00
	Banner, cloth or other	$5.40
	Street light pole across street	$5.40
	Flag lines	$1.60
Preliminary site inspections, each		$50.00
On-premises sign permits inspection fee:	≤ 32 ft^2	$60.80
	> 32 ft^2	$60.80 + $0.22/$ft^2$ over 32 ft^2
On-premises sign permits Gas tube/electric:		$10.80
On-premises sign permits – Incandescent signs:		$5.40 + $0.22/ socket
On-premises sign permits – Sign ht/ ft		$2.00
On-premises sign permits Digital display/electronic message center fee Commentary: This fee is in addition to other required permit and inspection fees		$15.00
Off-premise sign permits Inspection fee:	≤ 75 ft^2	$66.20

	> 75 ft²	$66.20 + 0.22 ft² over 75 ft²
Historic designated properties:	<15 ft² sign permits per sign	$75.00
	Permit application	$25.00
	HDRC sign approval application fee	$50.00
	Paint permit fee, per permit application	$10.00
Off-premises digital sign permits Inspection fee:	≤ 75 ft²	$264.80
	> 75 ft²	$264.80 + 0.88 ft² over 75 ft²
Off-premises digital sign annual inspection fee:	≤ 72 ft²	$200.00
	> 72 - 300 ft²	$300.00
	> 300 - 672 ft²	$400.00
Sign certification fee, per inspection		$50.00
Sign plan review fee, per permit		$50.00
Additional processing fee for paper applications		$50.00