

AN ORDINANCE **2010-06-24-0618**

**AMENDING CHAPTER 28 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ESTABLISHING PROVISIONS FOR ON-PREMISES DIGITAL SIGNS, CLARIFYING PROVISIONS FOR SIGNS QUALIFYING AS NONCONFORMING DUE TO HEIGHT ALONE, AND PROVIDING FOR PENALTIES AND PUBLICATION.**

\* \* \* \* \*

**WHEREAS**, the San Antonio City Council adopted Article IX of Chapter 28 to establish standards for on-premises sign on December 8, 1994; and

**WHEREAS**, the public purposes of regulating on-premises signs to address aesthetics, safety, compatibility and freedom of expression are stated in §28-236; and

**WHEREAS**, the San Antonio Master Plan Policies adopted May 29, 1997 contain a recommendation to review and revise the City’s Sign Ordinance to establish development standards consistent with the Master Plan; and

**WHEREAS**, since 1994 sign technology has evolved to include the use of light emitting diode (LED) and liquid crystal display (LCD) and other new technologies that allow changing message content, variation of sign intensity and whose placement may be incompatible with the location; and

**WHEREAS**, the stated public purposes and Master Plan Policies will be promoted by updating the Ordinance with the standards for digital display signs; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 28 of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added), and deleting the language that is stricken through (~~deleted~~).

**SECTION 2.** Chapter 28, Section 28-6 entitled “Definitions” of the City Code of San Antonio, Texas, is amended as follows:

**Sec. 28-6. - Definitions.**

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

\* \* \* \* \*

Adjacent shall mean two (2) properties, lots or parcels are “adjacent” where they abut, or where they are nearby and are separated by a dissimilar type of manmade or geologic feature including but not limited to a roadway or street, right-of-way, or railroad line, or any stream, river, canal,

lake, or other body of water. Adjacent may or may not imply contact but always implies absence of anything of the same kind in between.

\* \* \* \* \*

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

\* \* \* \* \*

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

Digital display, off-premises see sign, off-premises digital.

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

\* \* \* \* \*

Dwell time shall mean the interval of change between each individual message. Dwell time shall include the one (1) second or less required to change a message.

\* \* \* \* \*

Flashing shall mean 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 second. This term shall include blinking, strobing and twinkling. Animation as defined shall not fall under the definition of flashing.

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

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

**SECTION 3.** Chapter 28, Section 28-94 entitled "Fee schedule" of the City Code of San Antonio, Texas, is amended as follows:

**Sec. 28-94. Fee schedule**

\* \* \* \* \*

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

\* \* \* \* \*

(8) *On-premises sign permits.*

Sign inspection fee	<u>50.00</u> <del>[20.00]</del>
Less than 32 sq. ft.	10.80
Over 32 sq. ft.	10.80 + .22/sq. ft. over 32 sq. ft.
Gas tube/electric	10.80
Incandescent signs	5.40 + .22/socket
Sign height, per foot	2.00
<u>Digital Display/Electronic Message Center fee</u>	<u>15.00</u>

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

\* \* \* \* \*

(11) *Off-premises Digital sign permits.*

Inspection fee	200.00
1-75 sq. ft.	64.80
More than 75 sq. ft.	64.80 + .88 sq. ft.

(12) *Off-premises Digital sign annual inspection fee.*

1-72 sq. ft.	200.00
73-300 sq. ft.	300.00
301-672 sq. ft.	400.00

**SECTION 4.** Chapter 28, Section 28-220 entitled "Sign standards" of the City Code of San Antonio, Texas, is amended as follows:

**Sec. 28-220. Sign standards.**

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

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

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

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

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

(4) Roof signs.

**SECTION 5.** Chapter 28, Section 28-240 entitled “Provisions applicable to residential zoning districts” of the City Code of San Antonio, Texas, is amended as follows:

**Sec. 28-240. Provisions applicable to residential zoning districts.**

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

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

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

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

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

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

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

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

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

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

(4) Digital displays shall not be permitted.

**SECTION 6.** Chapter 28, Section 28-241 subsection (e) entitled “*Special regulations for nonresidential zoning districts*” of the City Code of San Antonio, Texas, is amended as follows:

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

\* \* \* \* \*

(e) *Special regulations for nonresidential zoning districts.*

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

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

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

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

feet in sign area and shall be a minimum of eight and one-half (8 ½) feet above the adjacent sidewalk.

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

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

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

a. Intensity:

i. All digital displays shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices such as, but not limited to, louvers in order to minimize light escaping above the horizontal plane. Footcandle readings shall be measured at ground level at the distances shown in Table 4.

**TABLE 4**

<u>Sign size (Square Feet)</u>	<u>Distance from source</u>
<u>0 to 100</u>	<u>100 feet</u>
<u>101 to 350</u>	<u>150 feet</u>
<u>351 to 650</u>	<u>200 feet</u>
<u>Over 651</u>	<u>250 feet</u>

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

iii. 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.

iv. The digital display shall contain a default mechanism to turn the sign off in case of malfunction or shall be manually turned off within 24 hours of a reported malfunction.

b. Digital display standards:

i. Use of full-motion video is prohibited on displays greater than 32 square feet.

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

iii. Use of sound is prohibited.

c. Digital display placement:

i. No more than one two-sided digital display per each freestanding sign structure shall be permitted.

ii. No more than one two-sided digital display may be permitted for each street frontage for an individual premise.

iii. Minimum spacing between digital display signs shall be 200 feet.

d. Sign dimensions:

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

ii. In no case shall a digital display exceed 375 square feet nor exceed 60 feet in overall height.

e. 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 subsection within one year of the adoption date of this Ordinance; provided however, that incandescent or monochrome LED signs using a single display color and which are used exclusively to display text, including time and temperature signs, shall be excluded from the requirements of this provision.

**SECTION 7.** Chapter 28, Section 28-243 entitled "*Prohibited signs*" of the City Code of San Antonio, Texas, to include subsections (e) and (f):

**Sec. 28-243. Prohibited signs.**

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

(b) No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted, nor shall any sign be made to resemble a traffic control sign.

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

(d) Portable signs.

(e) No digital display sign shall be configured to resemble a warning or danger signal or to cause a driver to mistake the sign for a warning or danger signal.

(f) No digital display sign shall 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).

**SECTION 8.** Chapter 28, Section 28-245 entitled “*Nonconforming sign abatement*” of the City Code of San Antonio, Texas, is amended as follows:

**28-245. - Nonconforming sign abatement.**

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

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

**SECTION 9.** A violation of this Ordinance is subject to the penalties and provisions of Chapter 28, Signs and billboards, Section 28-15, Violations; penalties; civil remedies; nuisance signs; removal; reclaiming.

**SECTION 10.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 11.** All other provisions of Chapter 28, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

**SECTION 12.** The publishers of the City Code of San Antonio, Texas, are authorized to amend said Chapters of said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 13.** Funds generated by this Ordinance will be deposited to fund # 29097000 general ledger # 4406789.

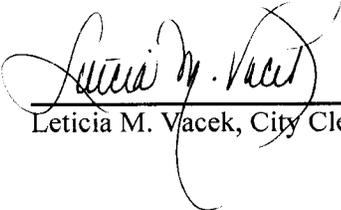
**SECTION 14.** The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the Charter of the City of San Antonio.

**SECTION 15.** This Ordinance shall become effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

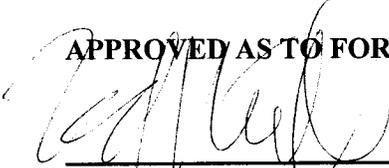
**PASSED AND APPROVED** this 24<sup>th</sup> day of June, 2010.

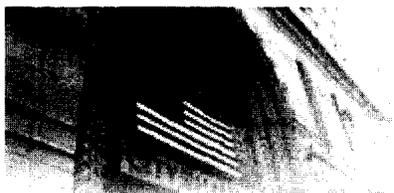
  
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

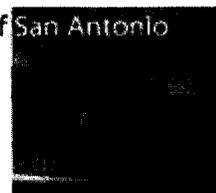
  
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Michael D. Bernard, City Attorney



Request for

# COUNCIL ACTION

City of San Antonio



## Agenda Voting Results - 41

<b>Name:</b>	7, 8, 9, 10, 11, 12, 13, 14, 16, 19, 20, 21, 22, 25, 26A, 26B, 26C, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42A, 42B, 43, 44, 47, 49, 51, 52, 53, 54, 55, 57, 58, 59, 61, 62A, 62B, 63, 64, 66						
<b>Date:</b>	06/24/2010						
<b>Time:</b>	03:30:59 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 28 of the City Code of San Antonio, Texas, by establishing provisions for on-premises digital signs, clarifying provisions for signs qualifying as nonconforming due to height alone, and providing for penalties and publication. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor	x					
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				x
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				