

AN ORDINANCE **8 2 6 5 0**

AMENDING THE SIGN AND BILLBOARD ORDINANCE TO REQUIRE A TWO-THIRDS VOTE OF THE APPOINTED BOARD TO APPROVE A VARIANCE OR OVERRULE A STAFF INTERPRETATION AND TO ADD A PROVISION TO ALLOW THE CHAIR OF THE BOARD TO VOTE IN THE HEARING OF VARIANCES OR INTERPRETATIONS, AS REQUESTED BY COUNCILMAN ROBERT MARBUT.

* * * * *

WHEREAS, the granting of variances should be limited to exceptional circumstances and entitlement thereto clear; and

WHEREAS, the City Council deems it appropriate that the person presiding over a meeting of the Electrical Examining and Supervisory Board should vote on all issues before said Board; **NOW THEREFORE**,

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

SECTION 1. Chapter 28, Article IX, Section 246 is hereby amended by changing the current sub-section (a) as noted herein and by adding sub-sections (c) and (d) to read as follows:

- (a) Variance requests shall be made to the Electrical Examining and Supervisory Board, hereinafter called the Board, in accordance with Section 247 of Chapter 28. No variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative.
- (c) The granting of a variance or the reversal or amendment of the interpretation of the director of building inspections shall require a 2/3 vote in favor of the appellant by the appointed members of the Board. In no event shall the Board conduct business with less than six (6) appointed members present.
- (d) The Board may vote on both variance and interpretations by voice vote provided that a roll call vote shall be taken upon the request of any Board member. The Board member presiding shall vote on all such matters unless otherwise prohibited by law.

SECTION 2. Chapter 28, Article IX, Section 247 is hereby amended by deleting the current sub-section (a) and substituting therefore a new sub-section (a) to read as follows:

- (a) The Electrical Examining and Supervisory Board shall hear and determine a variance request duly filed by any person aggrieved by the decision of the director with respect to Article IX of Chapter 28, as provided in Sections 246 and 247 (b) of Chapter 28.

SECTION 3. This ordinance shall be effective ten days after passage.

PASSED AND APPROVED this 17th day of August, 1995.



M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

95 - 36

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION DEPARTMENT
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
REAL ESTATE (HUBBARD)
CITY MANAGER
CODE COMPLIANCE
INTERGOVERNMENTAL RELATIONS
YOUTH INITIATIVES
CITY PUBLIC SERVICE GENERAL MANAGER
CITY PUBLIC SERVICE MAPS & RECORDS
COMMERCIAL RECORDER (PUBLISH)
COMMUNITY INITIATIVES
CONVENTION & VISITORS BUREAU
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE DIRECTOR
ASSESSOR
CONTROLLER
GRANTS
RISK MANAGEMENT
TREASURY
FIRE DEPARTMENT
HOUSING & COMMUNITY DEVELOPMENT
HUMAN RESOURCES DEPARTMENT (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT SERVICES
MARKET SQUARE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL COURTS
ORGANIZATIONAL REVIEW
PARKS & RECREATION
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
POLICE DEPARTMENT GROUND TRANSPORTATION
PUBLIC INFORMATION OFFICE
PUBLIC UTILITIES SUPERVISOR
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
SAN ANTONIO WATER SYSTEM (SAWS)
CONVENTION CENTER EXPANSION OFFICE
MUNICIPAL CODE CORPORATION (PUBLISH)

ITEM NO. 25
AUG 17 1995

MEETING OF THE CITY COUNCIL DATE: _____
MOTION BY: Bill Burke SECONDED BY: Webster

ORD. NO. 82650 ZONING CASE _____

RESOL. _____ PETITION _____

	ROLLCALL	AYE	NAY
ROGER FLORES DISTRICT 1		✓	
RUTH MC-CLENDON DISTRICT 2		✓	
LYNDA BILLA BURKE DISTRICT 3		✓	
HENRY AVILA DISTRICT 4		✓	
JUAN F. SOLIS III DISTRICT 5		✓	
ROBERT HERRERA DISTRICT 6		✓	
BOB ROSS DISTRICT 7		✓	
ROBERT MARBUT DISTRICT 8		✓	
HOWARD PEAK DISTRICT 9		✓	
JEFF WEBSTER DISTRICT 10		✓	
BILL THORNTON MAYOR		✓	

AMENDS CHAP. NO. 28 OF CITY CODE!

Webster

FILE "CHAP. 28"

DIRECTION TO CITY STAFF

ITEM NO. 25
 DATE: 8/17/95

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION DEPARTMENT
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
REAL ESTATE (HUBBARD)
CITY MANAGER
CODE COMPLIANCE
INTERGOVERNMENTAL RELATIONS
YOUTH INITIATIVES
CITY PUBLIC SERVICE GENERAL MANAGER
CITY PUBLIC SERVICE MAPS & RECORDS
COMMERCIAL RECORDER (PUBLISH)
COMMUNITY INITIATIVES
CONVENTION & VISITORS BUREAU
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE DIRECTOR
ASSESSOR
CONTROLLER
GRANTS
RISK MANAGEMENT
TREASURY
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HOUSING & COMMUNITY DEVELOPMENT
HUMAN RESOURCES DEPARTMENT (PERSONNEL)
INFORMATION SERVICES
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INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT SERVICES
MARKET SQUARE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL COURTS
ORGANIZATIONAL REVIEW
PARKS & RECREATION
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
POLICE DEPARTMENT GROUND TRANSPORTATION
PUBLIC INFORMATION OFFICE
PUBLIC UTILITIES SUPERVISOR
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
SAN ANTONIO WATER SYSTEM (SAWS)
CONVENTION CENTER EXPANSION OFC.
MUNICIPAL CODE CORPORATION (PUBLISH)

MEETING OF THE CITY COUNCIL
 (CONCENSUS)
 MOTION BY: _____ SECONDED BY: _____
 ORD. NO. _____ ZONING CASE _____
 RESOL. _____ PETITION _____

	ROLL CALL	AYE	NAY
ROGER FLORES DISTRICT 1		✓	
RUTH MC-CLENDON DISTRICT 2		✓	
LYNDA BILLA BURKE DISTRICT 3		✓	
HENRY AVILA DISTRICT 4		<i>Present</i>	
JUAN F. SOLIS III DISTRICT 5		✓	
ROBERT HERRERA DISTRICT 6		✓	
BOB ROSS DISTRICT 7		✓	
ROBERT MARBUT DISTRICT 8		✓	
HOWARD PEAK DISTRICT 9		✓	
JEFF WEBSTER DISTRICT 10		✓	
BILL THORNTON MAYOR		✓	

- SECTION 1 TO ETHICS COMMITTEE TO LOOK AT EFFICACY OF A BOARD MEMBER DISBURSING BEFORE THAT BOARD ON A MATTER, OR RECUSING HIMSELF FROM ANY CASE IN WHICH HE/SHE IS INVOLVED.

- 2ND PART (NOTING VACANCIES ATTENDANCE %) TO REVIEW & REPAIRING DOMINO PIECES.

- TECHNICAL PART TO ADVISE COMMITTEE & STAFF.

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION DEPARTMENT
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
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CITY MANAGER
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YOUTH INITIATIVES
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COMMUNITY INITIATIVES
CONVENTION & VISITORS BUREAU
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE DIRECTOR
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TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
SAN ANTONIO WATER SYSTEM (SAWS)
CONVENTION CENTER EXPANSION OFC.
MUNICIPAL CODE CORPORATION (PUBLISH)

Direction
~~_____~~
~~_____~~

ITEM NO. 25
 DATE: 8/17/95

MEETING OF THE CITY COUNCIL

MOTION BY: _____ SECONDED BY: _____

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

	ROLLCALL	AYE	NAY
ROGER FLORES DISTRICT 1		✓	
RUTH MC-CLENDON DISTRICT 2		✓	
LYNDA BILLA BURKE DISTRICT 3		✓	
HENRY AVILA DISTRICT 4		<i>Present</i>	
JUAN F. SOLIS III DISTRICT 5		✓	
ROBERT HERRERA DISTRICT 6		✓	
BOB ROSS DISTRICT 7		✓	
ROBERT MARBUT DISTRICT 8		✓	
HOWARD PEAK DISTRICT 9		✓	
JEFF WEBSTER DISTRICT 10		✓	
BILL THORNTON MAYOR		✓	

TECHNICAL TO THE BOARD
SEP. 4/3/50

ETHICS COMMITTEE LOOK AT
EFFECTIVENESS OF A BOARD MEMBER
RODETRAPING BEFORE THAT BOARD
ON A MATTER, ARE REQUESTING
HIMSELF FROM ANY CASE IN
WHICH HE/SHR IS INVOLVED.

H/M

CITY OF SAN ANTONIO

BUILDING INSPECTIONS DEPARTMENT

Interdepartment Correspondence Sheet

TO: City Council thru the City Manager

FROM: Gene Camargo, Director of Building Inspections

COPIES TO: John German, Director of Public Works

SUBJECT: PROPOSED AMENDMENT TO CHAPTER 28 OF THE CITY CODE

DATE: August 11, 1995

SUMMARY AND RECOMMENDATION

At the request of City Council, the Department of Building Inspections has developed a proposed amendment to Chapter 28, Sections 28-246 and 247 of the City Code entitled "Signs and Billboards."

This amendment will require a 2/3 affirmative vote of the appointed Electrical Examining & Supervising Board members to approve a variance or appeal of an interpretation of the Director of Building Inspections. Present provisions provide for a simple majority of those present to approve these appeals.

POLICY ANALYSIS

The amendment would be consistent with City Council's policy of allowing for due process in hearing appeals and ensuring that a majority of appointed members are in attendance to make reasonable sound decisions.

FINANCIAL IMPACT

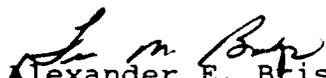
None.

SUPPLEMENTARY COMMENTS

Staff recommends approval of the proposed amendment.


Gene Camargo, Director
Building Inspections Dept.

APPROVED


Alexander E. Briseño
City Manager

Section 28-246. Appeals and variances to Article IX of Chapter 28 of the city code.

- a. Variance requests shall be made to the Electrical Examining and Supervising Board, hereinafter called the board, in accordance with Section 246/247. No variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative.
- b. Any decision interpreting Article IX made by the Director of Building Inspections can be appealed to the board. The board will hear the arguments in favor and against the decision by the director and by all concerned parties, after which the board shall render a decision to either uphold the decision of the Director to modify the director's decision. If the board votes to modify the director's decision it shall state its decision and its justification to the director, in writing.
- c. The board, in hearing requests for variances or appeals of interpretations, as outlined above, shall require 2/3 of the appointed positions vote in the affirmative to grant an interpretation or variance. In the hearing of interpretations or variances, the chairman shall vote as a regular member.

Voting on such matters may be by voice vote provided that a roll call vote shall be taken upon request of any board member.

Section 28-247. Variance Procedures

- a. ~~A/SINGLE/MAJORITY/OF/THE/ELECTRICAL/EXAMINING/AND/SUPERVISORY/BOARD/MAY/HEAR/AND/ACT/UPON/AN/APPEAL/OF/ANY/PERSON/AGGRIEVED/BY/A/DECISION/OF/A/CITY/OFFICIAL/WITH/RESPECT/TO/THIS/ARTICLE.~~
The board shall hear and act upon a variance by any person aggrieved by a decision of a city official with respect to this article, as outlined in Section 28-246(a), 28-246(c) and 28-247(b) below.
- b. The board may grant a variance from the application of this article if it finds that:
 1. the variance is necessary because strict enforcement of this article 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, long-standing active commercial use of the property; and

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL

INTERDEPARTMENTAL CORRESPONDENCE SHEET

95 AUG 10 PM 3:47

TO: Mayor and City Council
FROM: Councilman Robert Marbut, District 8
COPIES: City Manager; City Attorney; City Clerk; File
SUBJECT: INTERIM AMENDMENT TO SIGN AND BILLBOARD ORDINANCE

DATE: August 10, 1995

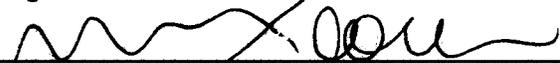
I request City Council concurrence to direct staff to bring forth an interim amendment to the Sign and Billboard Ordinance that would require a 2/3 vote of the appointed board to approve a variance or overrule a staff interpretation.

I ask that staff further amend this ordinance to add language that would allow the chair of the board to vote in the hearing of variances or interpretations.

Please indicate your approval by signing below.


ROBERT MARBUT
COUNCILMAN
DISTRICT 8

Mayor Bill Thornton



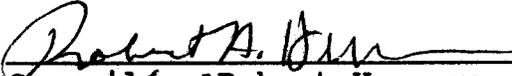
Councilman Roger Flores

Councilwoman Ruth Jones McClendon

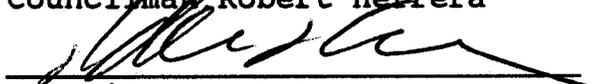
Councilwoman Lynda Billa Burke

Councilman Henry Avila

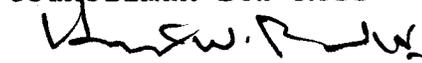
Councilman Juan Solis



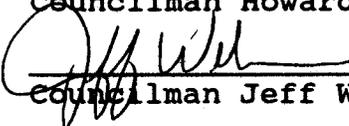
Councilman Robert Herrera



Councilman Bob Ross



Councilman Howard Peak



Councilman Jeff Webster

RM/vm

Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

8-17-95

PUBLIC NOTICE
AN ORDINANCE
 AMENDING THE SIGN AND BILLBOARD ORDINANCE TO REQUIRE A TWO-THIRDS VOTE OF THE APPOINTED BOARD TO APPROVE A VARIANCE OR OVERRULE A STAFF INTERPRETATION AND TO ADD A PROVISION TO ALLOW THE CHAIR OF THE BOARD TO VOTE IN THE HEARING OF VARIANCES OR INTERPRETATIONS, AS REQUESTED BY COUNCILMAN **ROBERT MARBUT**.

PASSED AND APPROVED
 /S/ WILLIAM E. THORNTON
 Mayor

ATTEST:
 /S/ RICHARD C. PORTER
 Assistant City Clerk
 8/22

Before me, the undersigned authority, on this day pe

Stella Orozco,

, who being by me duly sworn,

says on oath that she is Legal Editor of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance #82650

hereto attached has been published in every issue of said newspaper on the following days, to-wit: August 22, 1995.

Stella Orozco
Legal Editor

Sworn to and subscribed before me this 22nd day of August, 1995.

Estella M. Vasquez
Notary Public in and for Bexar County, Texas

