

AN ORDINANCE 58486

REVISING THE BILLBOARD REGULATIONS OF THE CITY OF SAN ANTONIO; RE-INDEXING ALL SECTIONS OF CHAPTER 34 OF THE CITY CODE; ESTABLISHING NEW PROVISIONS FOR INSURANCE AND BOND REQUIREMENTS; SETTING OUT THE REQUIREMENTS FOR OBTAINING A LICENSE AND A PERMIT; DETAILING A VARIANCE PROCEDURE; AND ESTABLISHING A FINE NOT TO EXCEED \$200.00 A DAY FOR EACH AND EVERY DAY THAT THE PROVISIONS OF THIS ORDINANCE AND ACCOMPANYING ATTACHMENTS ARE VIOLATED.

* * * * *

WHEREAS, in December 1982, Council directed Staff to revise the City's billboard regulations; and

WHEREAS, in February 1983, Staff formed a Committee composed of private citizens representing both neighborhood and sign industry interests to assist in the revision; and

WHEREAS, Council has considered the amendments to Chapter 34 of the City Code; and

WHEREAS, it is in the best interests of the City of San Antonio to revise the Sign and Billboard Ordinance; and

WHEREAS, Staff and the Citizens who worked on the document recommend its approval, NOW THEREFORE:

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

SECTION 1. The attached revisions and approved amendments thereto to Chapter 34 of the San Antonio City Code which revise the billboard regulations of the City, re-index all sections of the Chapter, establish new provisions for insurance and bond requirements, set out requirements for obtaining a license and permit, and detail variance procedures, are hereby adopted in full.

SECTION 2. Any person violating any of the provisions of this ordinance and accompanying attachments shall, upon conviction, be fined a sum not exceeding Two Hundred Dollars (\$200.00); and each day and every day that the provisions of this ordinance and accompanying attachments are violated shall constitute a separate and distinct offense. This penalty is in addition to and cumulative of, any other remedies available at law and equity.

SECTION 3. Ordinance 57937 which extends Ordinance 57337 limiting the number of billboard permits which can be issued to billboard companies employing licensed billboard operators on a monthly basis, expires March 22, 1984; therefore an emergency is hereby declared requiring this ordinance to become effective at once. Upon passage of this Ordinance by a vote of at least (8) members of the City Council of the City of San Antonio it shall be effective from and after the date of its passage as made and provided by the City Charter of the City of San Antonio.

PASSED AND APPROVED on this the 22nd day of March, 1984.

Henry Cisneros
M A Y O R

ATTEST: *Anna S. Rodriguez*
City Clerk

APPROVED AS TO FORM: *Tom G. [Signature]*
City Attorney

**3 PM -
REVISING
CH. 34:
BILLBOARDS**

ITEM NO. 4
DATE: MAR 22 1984

MEETING OF THE CITY COUNCIL

MOTION BY: EURESTE SECONDED BY: BOB THOMPSON

ORD. NO. 58486 ZONING CASE _____

RESOL. _____ PETITION _____

AVIATION	
BUDGET & RESEARCH	
BUILDING INSPECTIONS	1
BUILDING INSPECTIONS-HOUSE NUMBERING	
CITY WATER BOARD	
COMMERCIAL RECORDER	1
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	
CONTROLLER	
TREASURY DIVISION	
GRANTS SECTION	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE CHIEF	
HEMISFAIR PLAZA	
HUMAN RESOURCES & SERVICES	
INFORMATION RESOURCES	
LEGAL-CITY ATTORNEY (LUIS GARCIA)	1
LIBRARY DIRECTOR	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	1
PARKS & RECREATION	
PERSONNEL DIRECTOR	
PLANNING	1
POLICE CHIEF	1
PUBLIC UTILITIES	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIVISION	
ENGINEERING DIVISION-CENTRAL MAPPING	
WASTEWATER ENGINEERING	
REAL ESTATE DIVISION	
TRAFFIC ENGINEERING DIVISION	
PURCHASING	
ZONING ADMINISTRATION	
MUN. CODE CORP.	1

Amended

	ROLL CALL	AYES	NAYS
MARIA A. BERRIOZABAL PLACE 1		✓	X
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
BERNARDO EURESTE PLACE 5		✓	
BOB THOMPSON PLACE 6		✓	
JOE ALDERETE, JR. PLACE 7		✓	
G.E. "ED" HARRINGTON PLACE 8		✓	
VAN ARCHER PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

REVISES CH. 34 of CITY CODE!

*Amend. 34-10 (eff. date. 5/1/84?)
Call all municipal prints.*

84-13

MUN. CODE CORP.

Chap 34

AVIATION
BUDGET & RESEARCH
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY WATER BOARD
COMMERCIAL RECORDER
CONVENTION & VISITORS BUREAU
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ENGINEERING DIVISION-CENTRAL MAPPING
WASTEWATER ENGINEERING
REAL ESTATE DIVISION
TRAFFIC ENGINEERING DIVISION
PURCHASING
ZONING ADMINISTRATION

Amendments ①
 ITEM NO. 4
 MEETING OF THE CITY COUNCIL DATE: 3-22-84
 MOTION BY: Hasslocher SECONDED BY: Hasslocher
 ORD. NO. _____ ZONING CASE _____
 RESOL. _____ PETITION _____

Xavier

	ROLL CALL	AYES	NAYS
MARIA A. BERRIOZABAL PLACE 1			<i>absent</i>
JOE WEBB PLACE 2			X
HELEN DUTMER PLACE 3			X
FRANK D. WING PLACE 4			X
BERNARDO EURESTE PLACE 5			X
BOB THOMPSON PLACE 6			X
JOE ALDERETE, JR. PLACE 7		✓	
G.E. "ED" HARRINGTON PLACE 8			X
VAN ARCHER PLACE 9			X
JAMES C. HASSLOCHER PLACE 10			X
HENRY G. CISNEROS PLACE 11 (MAYOR)			X

(Amend. memo) - "RESOLUTION" -

AVIATION
BUDGET & RESEARCH
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY WATER BOARD
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ENGINEERING DIVISION-CENTRAL MAPPING
WASTEWATER ENGINEERING
REAL ESTATE DIVISION
TRAFFIC ENGINEERING DIVISION
PURCHASING
ZONING ADMINISTRATION

Amendment ②

ITEM NO. 4.

MEETING OF THE CITY COUNCIL DATE: 3-22-84

MOTION BY: Thompson SECONDED BY: Wing

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

	ROLL CALL	AYES	NAYS
MARIA A. BERRIOZABAL PLACE 1		<i>absent</i>	
JOE WEBB PLACE 2		<i>/</i>	
HELEN DUTMER PLACE 3		<i>/</i>	
FRANK D. WING PLACE 4		<i>/</i>	
BERNARDO EURESTE PLACE 5		<i>✓</i>	
BOB THOMPSON PLACE 6		<i>✓</i>	
JOE ALDERETE, JR. PLACE 7		<i>✓</i>	
G.E. "ED" HARRINGTON PLACE 8		<i>✓</i>	
VAN ARCHER PLACE 9		<i>✓</i>	
JAMES C. HASSLOCHER PLACE 10		<i>✓</i>	
HENRY G. CISNEROS PLACE 11 (MAYOR)		<i>/</i>	

Severability Clause to be included

AVIATION
BUDGET & RESEARCH
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY WATER BOARD
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TRAFFIC ENGINEERING DIVISION
PURCHASING
ZONING ADMINISTRATION

ITEM NO. 4
DATE: 3-22-84

MEETING OF THE CITY COUNCIL
MOTION BY: Eureste SECONDED BY: Hassloch

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

	ROLL CALL	AYES	NAYS
MARIA A. BERRIOZABAL PLACE 1		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
JOE WEBB PLACE 2		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HELEN DUTMER PLACE 3		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FRANK D. WING PLACE 4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BERNARDO EURESTE PLACE 5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BOB THOMPSON PLACE 6		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
JOE ALDERETE, JR. PLACE 7		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
G.E. "ED" HARRINGTON PLACE 8		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VAN ARCHER PLACE 9		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
JAMES C. HASSLOCHER PLACE 10		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HENRY G. CISNEROS PLACE 11 (MAYOR)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

*Approved the Committee
on Billboard Regulations*

CITY OF SAN ANTONIO
CHAPTER 34
SIGNS & BILLBOARDS

ORDINANCE No. 58486

APPROVED ON 3/22/84

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CHAPTER 34

ARTICLE I GENERAL PROVISIONS

Section 34-1 Title

This Chapter of the City Code shall be known and may be referred to as the Sign and Billboard Ordinance of the City of San Antonio.

Section 34-2 Purpose

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

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 ordinance. They are intended as a guide to the administration and interpretation of the ordinance, and shall be treated in that fashion.

C. This ordinance serves a dual purpose:

1. To protect the public health, safety and welfare by setting standards for:
 - a. The construction and erection of billboards and other types of signs.
 - b. Insuring the safe construction, electrical connection and safety of all signs covered under this ordinance.
 - c. Carrying or transporting signs over public thoroughfares.
 - d. Ascertaining that all billboard and commercial sign operators are properly licensed, insured, and bonded; and
2. To enhance the aesthetics and attractiveness of the City of San Antonio for its citizens and visitors by:
 - a. Establishing standards for the spacing of billboards, maximum sign facings, and maximum billboard height.

- b. Relating billboards to the approved Major Thoroughfare Plan.
- c. Protecting Historic Districts and the ambiance of municipal parks (and those County Parks within the City limits) from further intrusion by billboards.

Section 34-3 Jurisdiction

The provisions of this chapter shall be applicable to the entire area within the corporate limits of the City of San Antonio. Letters or figures on a window, door or awning are not addressed by this ordinance.

Section 34-4 Classification of Signs

The following classes of signs, as defined in Article II, are governed by this chapter.

Temporary Signs

Wall Signs

Projecting Signs

Pole Signs

Roof Signs

Billboards

Portable Signs

Special Signs

Electric Signs

Commercial Signs

Official Signs

Back to back Signs

V-type signs

Section 34-5 Posting Signs, Bills, etc., On Public Property

No person shall affix a sign or bill by any means whatsoever to any public building, property, or thing belonging to the City or to any other public entity without the approval of that authority. This prohibition shall extend also to posting bills within City parks or to trees on public rights of way. However, this section shall not be construed to prevent any public official from posting a governmental sign or bill for a public purpose.

Section 34-6 Posting Bills, etc., On Private Premises

No person shall affix a sign or bill by any means whatsoever to any private property without having first obtained the written permission of the owner or his or her agents.

Section 34-7 Carrying Or Transporting Signs

It shall be unlawful to carry or transport by any means, or cause to be so carried or transported, any sign in excess of thirty-two (32) square feet in area, without the approval of the Director of Building Inspections. This provision shall not apply to a sign on a vehicle which is used principally for a purpose other than advertising.

Commentary: Company-owned vehicles which have the organization's name, logo, slogan, license no., etc., painted on them are primarily means of transportation, not a advertising medium. Therefore, the provisions of Section 34-7 do not apply to the automobile, truck, or van per se.

Section 34-8 Violations; Penalties; Nuisance Signs; Removal; Reclaiming

- (A) Violations: failure to comply with the provisions of this Chapter shall constitute a violation of the City Code of the City of San Antonio. Each day a violation exists shall constitute a separate violation and, consequently, a separate offense.
- (B) Penalties: Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed two hundred dollars (\$200.00).
- (C) Nuisances; Removal; Reclaiming: Any sign erected, altered, used, or maintained in violation of this chapter shall constitute a public nuisance. If the owner or operator fails to remove the sign within three (3) days after being notified in writing to do so, it may be removed by the City at the expense of the owner or the person erecting, using, or maintaining it. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within the thirty day period, the City may destroy, sell, or otherwise dispose of the sign.

Section 34-9 Signs Posted at Commercial Parking Areas

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

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

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

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

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

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

Section 34-10 Severability

If for any reason, any one or more Sections 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 part of this Chapter held legally invalid.

ARTICLE II
DEFINITIONS

Section 34-11 Definition of Terms

(A) When used in this chapter, the following terms shall have the meanings indicated below:

- (1) Advertising Benches - Any bench providing seating to the general public without charge, which may bear advertising. Advertising benches are not regulated by this Chapter.
- (2) Bill - Advertising poster or handbill.
- (3) Billboard Operator - Any person licensed by the Electrical Examining and Supervising Board to install, erect, service, maintain, alter, repair or demolish billboards.
- (4) Board - Unless otherwise stated, the term "Board" when used in this Chapter shall refer to the Electrical Examining and Supervising Board.
- (5) Commercial Sign Operator - Any person licensed by the Electrical Examining and Supervising Board to install, erect, service, maintain, alter, repair or demolish commercial signs.
- (6) Cultural Facilities - 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 non-profit and are principally funded through public expenditures, foundation grants, and/or donations.

- (7) Cutouts - An industry term referring to reproductions of that portion of the graphic elements of a Billboard which project beyond the normal limits of the advertising face to dramatize the copy and the advertising message.
- (8) Developer, Residential - One who is engaged in the business of assembling, preparing, and promoting land for residential real estate development. A developer may, or may not, actually be involved in residential construction; i.e., homebuilding.
- (9) Director - For purposes of this Chapter the term "Director" shall refer to the Director of Building Inspections.
- (10) Embellishments - Any feature such as a cutout, neon or plastic letters, clock, electric device, and space extension, which is added to an outdoor advertising structure.
- (11) Fireproof Structure - 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.
- (12) Historic Area - A district or zone designated by 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.

- (13) Historical Building - Any building or structure which is officially designed as historically or architecturally significant by a unit of local, state, or federal government.
- (14) Park - A publicly owned tract of land designated and used by the public for active and/or passive recreation.
- (15) Practical Experience - The term "practical experience" when used in this ordinance shall be defined as performing work with, but not limited to, the following: hand tools and equipment, welding equipment, hole diggers, cranes, and other equipment used in the installation of and/or the construction of signs.
- (16) May - when the word "May" is used in the Chapter it implies permissiveness and connotes a non-mandatory action.
- (17) Neighborhood - 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.
- (18) Shall - Where the word "shall" is used within this chapter it connotes a mandatory action.
- (19) Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location 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.

Commentary: This definition excludes all national or state flags, non-electric window displays, graffiti, athletic scoreboards, and the official announcements or signs of government.

- (20) Sign, Animated or Moving - Any sign, or part of a sign, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
- (21) Sign Area - The entire advertising area of a sign excluding any framing, trim, or moulding and the supporting structure.
- (22) Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by ordinance.
- (23) Sign, Back to Back - A structure containing two (2) parallel signs whose faces are oriented in opposite directions and are spaced no more than 10 feet apart.
- (24) Sign, Billboard - Any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, structure or thing, except those advertisements placed on benches provided for the convenience of public transit patrons, which directs the

attention of the traveling public to a business, commodity, service, or entertainment, conducted, sold or offered at a location other than the premises on which the sign is located.

(25) Sign Commercial - A sign which directs attention to a business, product, service or activity which is conducted upon the premises where such sign is located.

(26) Sign, Electric - 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, all outside building outlining, and interim decorative displays and gas tube window outlining.

Commentary: Signs illuminated by electric lights which are not attached to the sign, and signs which are lighted by flood lights 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 ordinance pertaining to electric signs shall apply.

(27) Sign, Face - The area or display surface used for the message.

(28) Sign, Flashing - Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

- (29) Sign, Governmental - A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
- (30) Sign, Nonconforming - A sign which was lawful prior to the adoption or revision, or amendment of this ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of this Chapter.
- (31) Signs, Overhanging - A sign which is suspended over a sidewalk, street, or other public right of way. An overhanging sign may or may not be a projecting sign.
- (32) Sign, Pole - A sign that is mounted on a free standing pole or other support.
- (33) Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.
- (34) Sign, Portable - Any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign. The term "nonelectric portable sign" shall mean any portable sign which does not have any electrical components.

- (35) Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.
- (36) Sign, Real Estate - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- (37) Sign, Roof - 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 eave line of a building with a gambrel, gable, or hip roof; or the deck of a building with a mansard roof.
- (38) Sign, Temporary - Any noncommercial, not for private profit sign, the use of which is limited to a period of sixty (60) consecutive days, and which meets the requirements set forth in Section 34-33. Signs utilized for a longer period must conform to all requirements set forth by this Chapter for permanent signs.
- (39) Sign V-Type - 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 direction.
- (40) Sign, Wall - A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve (12) inches from such building or structure.
- (41) Zone - The term "zone" as used in this chapter shall refer to one

of the standard Zoning Classifications established in Chapter 42
(Zoning Ordinance) of the City Code.

ARTICLE III
LICENSING

Section 34-12 Billboard Operator's License

- (A) All persons engaging in the business of erecting, installing, servicing or maintaining billboards or any other off-premise advertising sign shall, for purposes of this chapter, be considered Billboard Operators and must be licensed to do business by the City of San Antonio.
- (B) Before a Billboard Operator's License may be issued, each person seeking such a license shall be required to file an application for examination with the Electrical Examining and Supervising Board; therequired examination fee shall accompany the application.
- (C) Prior to taking the examination, each applicant must demonstrate to the Electrical Examining and Supervising Board an ability to read and write English, and show proof of at least four (4) years practical experience at the trade workdsfing under a Billboard Operator. The applicant shall also submit to the Board an affidavit, duly sworn, setting forth his experience; proof of that experience shall be included with the affidavit.
- (D) The examination fee for a Billboard Operator's License shall be as established by City Council, a schedule of fees shall be posted in the offices of the Department of Building Inspections. An additional fee shall be charged any time a re-examination is necessary.
- (E) If the applicant scores seventy five percent (75%) or better on the Billboard Operator's examination he shall be awarded a certificate by

the Electrical Examining and Supervising Board. After he has paid an annual license fee, the Board may issue the applicant a Billboard Operator's License.

Commentary: With the effective date of passage of this ordinance the "Special Billposter's License" is eliminated. Any individual holding a valid Special Billposters License when this revision is enacted shall be granted a Billboard Operator's License upon the expiration of the Billposter's License.

Section 34-13 Commercial Sign Operator License

- (A) Any person engaged in the business of erecting, painting, maintaining or servicing commercial signs must be licensed as a Commercial Sign Operator by the Electrical Examining and Supervising Board.
- (B) Before a Commercial Sign Operator's License may be issued, the person seeking such license must file an application for examination with the Electrical Examining and Supervising Board; the required examination fee shall accompany the application.
- (C) No applicant will be allowed to take the test unless he has demonstrated to the Electrical Examining and Supervising Board the ability to read and write English, and can show proof of not less than four (4) years practical experience working under a Commercial Sign Operator at the trade. The applicant shall also submit to the Board an affidavit, duly sworn, setting forth his experience; proof of that experience shall be included with the affidavit.

(D) The fee for the Commercial Sign Operator's License shall be as established by City Council for the initial examination; re-examinations, if necessary, will also require a separate fee each time the test is administered.

(E) If the applicant scores seventy-five percent (75%) or better on the Commercial Sign Operator's Examination he shall be awarded a certificate by the Electrical Examining and Supervising Board. After he has paid an annual license fee, the Board may issue the applicant a Commercial Sign Operator's License.

Commentary: The previously used term "Commercial Sign Erector" has been changed to "Commercial Sign Operator." All requirements for the license remain unchanged.

Section 34-14 Term of Licenses

All licenses covered by 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. The license holder must renew his or her 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 re-examination.

Section 34-15 Performance Bond Required

(A) Before a person holding a Billboard Operator's or Commercial Sign Operator's license (i.e., the licensee) shall be issued a sign permit, he or she must have first posted a Performance Bond in the amount of \$5,000. The licensee agrees that a Performance Bond will be provided

annually to the City no later than thirty (30) days prior to the expiration of the Performance Bond currently in force. The Performance Bond shall insure the full and faithful performance by the licensee of all the covenants, terms, and conditions of the Building Code of the City of San Antonio, and stands as security for payment by the license holder of all valid claims by the City.

Section 34-16 Insurance and Indemnification

- (A) All persons holding a Billboard or Commercial Sign Operator's License shall agree to indemnify and hold harmless, the City of San Antonio, 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 include the issuance of the Billboard Operator's or Commerce Sign Operator's License. The license holder shall pay all expenses incurred in defending against any such claims made against the City; provided, however, that 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) 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.

<u>Type</u>	<u>Amount</u>
A. <u>Worker' Compensation and Employers' Liability</u>	Statutory \$ <u>100,000</u> Each Accident
B. <u>Comprehensive General (Public) Liability</u> - to include (but not limited to) the following:	Combined Single Limit for Bodily Injury or Property Damage: \$ <u>300,000</u> (or its equivalent)
1) Premises/Operations	
2) Independent Contractors	
3) Personal Injury	
4) Products/Completed Operations	
5) Contractual Liability	
6) Explosion, Collapse and Underground Property Damage	
C. <u>Comprehensive Automobile Liability</u> - to include coverage for:	Combined Single Limit for Bodily Injury or Property Damage: \$ <u>300,000</u> (or its equivalent)
1) Owned/Leased Automobiles	
2) Non-Owned Automobiles	
3) 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 Building Inspections 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) Insurance that cancels or renews at periods other than the annual license renewal date will require new evidence to show that the license holder is maintaining proper coverage.

Section 34-17 Bond Recovery and Disposition

The Director of Building Inspections shall report each violation of this Chapter to the City Attorney who shall immediately make demand on the performance bond holder and his sureties for the amount of liability for each offense. Should the performance bond holder default, the City Attorney shall file suit upon the bond for recovery of any amount due the City. All sums of money collected under the provisions of this section shall be deposited in the General Fund of the City of San Antonio.

Section 34-18 Licenses Nontransferable

No license covered by this Chapter shall be transferable, nor shall a license holder allow his name to be used by any other party for the purposes of doing work or obtaining a permit. Violations of this provision shall result in revocation of the license, and the holder shall be subject to all other penalties as established in the City Code.

Section 34-19 License Revocation or Suspension

- (A) The Electrical Examining and Supervising Board shall have the authority to suspend or revoke the certificate of license of any person who is found guilty of:
- (1) Any fraud or deceit in obtaining such license;
 - (2) Securing sign permits in his or her name as a person authorized by law to do sign work and thereafter allowing a person without proper license to do the work, or
 - (3) Gross negligence, incompetency, or misconduct in the performance of sign work which is addressed under the provisions of this chapter.
- (B) In determining the validity of such charges, the Electrical Examining and Supervising Board shall proceed upon the sworn information furnished by any individual who is of sound mind and legal age. The Board, whenever it deems the information sufficient to support further action on its part, shall convene a hearing to investigate the charges further. A copy of the Board's order convening the hearing shall be provided the accused, by registered mail, not less than fifteen (15) days prior to the date of the hearing. The accused may appear in person or be represented by counsel, or both, and present his defense to the Board. The City Attorney shall provide counsel to the Board. If the accused fails, or refuses, to appear, the Board may proceed to hear and determine the charge in his absence. If the accused pleads guilty, or if the Board, by a vote of six (6) or more of its members, find the charges to be true, the accused's license shall be suspended or revoked by the Board.

- (C) 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) Any license granted under this chapter may be revoked or suspended by the Electrical Examining and Supervising Board if the holder of such license violates any provision of this code relating to the manufacture, installation, maintenance, demolition, or repair of any sign. If a license is revoked, the ex-license holder may not reapply for a license for a period of one (1) year. 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 180 days, nor be less than thirty (30) days.
- (E) 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 Chapter.
- (F) The hearing before the Electrical Examining and Supervising Board provides the accused license holder due process with which to resolve the issue. Any appeal from the decision of the Board shall be made to City Council by petition submitted to the City Clerk within seven (7) days of the date of approval of the minutes of the hearing.

ARTICLE IV
PERMITS

Section 34-20 Sign Permits Required

(A) Unless specifically exempted, it shall be unlawful for any person to erect or alter any billboard or commercial sign without obtaining the proper permit from the Director of Building Inspections.

(B) Exceptions to the permit requirement are:

(1) Signs, not exceeding one (1) square foot of facing, attached to a residence or apartment building, stating only the name and occupation (if applicable) of the occupant.

(2) 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, wall, or other permanent structure and having a frame or trim not more than three inches wide. This exemption shall not apply to any signs erected in the Riverwalk Area as defined in Article VII of this chapter.

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

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

(5) Governmental signs

- (6) Temporary signs as defined and regulated in this chapter, other than cloth banner signs, not exceeding forty-eight (48) square feet.

Section 34-21 Application For A Permit

- (A) Application for sign permits shall be made upon forms provided by the Director of Building Inspections.
- (B) The application for commercial and billboard sign permits will contain all information, drawings, specifications, etc. necessary to fully advise the Director of the type, size, shape, location, zone, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed.
- (C) When applying for a billboard permit, the billboard operator shall, in addition to the above, furnish the following information at the time of permit application.
 - (1) The location of the proposed sign in relation to the property lines and any building, fence, etc. on the property.
 - (2) Building setback lines and the location of any easements on the property.
 - (3) Distance to the nearest billboard.
 - (4) Affidavit from the property owner authorizing erection of the sign, or an executed lease agreement.
 - (5) Street address of the sign.

(6) Engineer's Certification.

(See Section 34-49).

Section 34-22 License Required For A Permit

- (A) Only those individuals who are properly licensed by the Director of Building Inspections shall receive a permit to erect or alter any commercial sign or billboard.
- (B) It shall be unlawful for anyone licensed under the provisions of this ordinance to obtain a permit on behalf of, or for the benefit of, any person whose business activities are such that he or she would need a license to obtain a permit.

Section 34-23 Permits for Electric Signs

Permits for the installation, erection, or alteration of any electric sign shall be issued only to those individuals who hold a Master Sign Electrician's License or Master Electrician's License and who have filed the required bond and insurance. (See Chapter 12 of the City Code).

Section 34-24 Conditions for Issuing Permits

- (A) No permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building, shall be issued to any person except with the condition that it may be withdrawn at any time; in which case such sign shall be immediately removed by the owner thereof.
- (B) When a billboard permit is issued, the applicant shall be made aware of the stipulation that if, within one hundred and eighty (180) days

of the date the permit is issued, a final inspection of the billboard has not been requested, the permit shall become void. However, one (1) ninety (90) day extension period may be granted if the billboard operator so desires. The request for 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 permit becomes invalid. Should the operator still desire to place a billboard at the site in question, he or she must apply for a new permit and pay all required fees.

- (C) If a license holder supplying his license for a firm or corporation doing business under this code severs his connections with that firm or corporation and desires to use his license in connection with another firm or corporation, the latter company must furnish the City with a performance bond and comply with the requirements of Section 34-16.

- (D) Should a license holder sever his connections with a firm or corporation, that company will be allowed to complete all work for which permits were issued prior to the severance of the license holder, provided an interim bond and insurance are posted with the City. Additionally, sufficient evidence shall be submitted to, and approved by, the Board, establishing the ability of the firm to complete the work in the manner prescribed by this Chapter.

Section 34-25 Permits Issued in Violation of this Chapter

Any permit which is issued in violation of any provision of this chapter shall be absolutely void and no rights whatever shall be accrued.

Section 34-26 Serial Numbers and Sign Information

- (A) Each permit issued shall bear a date and serial number.
- (B) Each sign requiring a permit shall have the name of the license holder clearly displayed on the sign trim.
- (C) All billboards erected within the City of San Antonio shall have the permit number affixed to the structure below the sign face. The number must be visible for a distance of fifty (50) feet from the pole.
- (D) If a licensed billboard operator operates a billboard for a client who does not have license, the license number and name of the license holder shall be clearly displayed on the structure alongside the billboard permit number. If the owner of the structure changes operators, the name and license number of the new operator shall replace the old operator's number on the billboard structure.

Section 34-27 Fee Schedule

- (A) No permit shall be issued unless the applicant has paid the Director of Building Inspections a sign inspection fee of as established by Council, as well as other applicable fees.
- (B) A fee schedule detailing the fees charged for all examinations, re-examinations and various sign permits will be passed by Council under Separate ordinances(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.

ARTICLE V
ERECTION AND MAINTENANCE REGULATIONS

Division I. General Regulations

Section 34-28 Preventing Obstructions

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

Section 34-29 Creating Hazards

No signs shall be erected on or over public property in a manner which interferes with any fire hydrant, traffic light, fire alarm box or street light. Similarly, billboards and commercial 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.

Section 34-30 Attachment and Wind Loads

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

Section 34-31 Materials Used

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

Section 34-32 Electric Wiring

Electrically illuminated signs, or signs which are equipped in any way with electrical devices or appliances, shall conform to the provisions of Chapter 12 of the City Code. The Electrical Inspector shall have the right to check all wiring for Code compliance.

Section 34-33 Overhanging Signs

All permanent signs shall be erected so as not to overhang any street, alley, or plaza. Signs may be hung over a sidewalk and/or over that space between the curb and sidewalk provided the space is not used for, or designed to be used for, vehicular ingress and egress to a building. Further, the outer edge of the sign shall remain at least two (2) feet inside the curb line, and shall not begin beyond a distance of three (3) feet from the property line. A minimum space of eight and one-half (8 1/2) feet shall exist between the lowest portion of any sign overhanging a public sidewalk and the sidewalk grade.

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

Section 34-34 Temporary Signs

- (A) Temporary signs may be constructed of cloth or wallboard, may be framed, and shall, with the exception of banner signs, be staked to the ground or securely affixed to a structure. Unframed cloth banner signs may project over a public street subject to approval by the Director of Building Inspections. The sign erector shall certify that such sign will not interfere with the public safety. All other temporary signs must be located at least two (2) feet inside private property lines.
- (B) Cloth banner signs projecting over and across street rights of way must meet the following criteria:
- (1) The sign must advertise or promote a noncommercial, not for private profit event, a community charitable drive or a community announcement.
 - (2) No part of the banner sign shall be closer to the street grade than fourteen and one-half (14 1/2) feet.
 - (3) Standard sign hooks, lag screws or expansion bolts and shields shall be used where required to support the sign.

Section 34-35 Wall Signs

- (A) The frames and panels of all signs which are to be attached to the wall of a building shall be constructed of wood, metal, or other durable materials approved by the Director of Building Inspections. Standard sign hooks, expansion bolts, or through bolts with washers on the inside of the wall shall be used depending upon the weight and

area of the sign, and the condition of the wall to which it is to be attached. Before the sign can be installed, the commercial sign operator or building owner must insure that the wall, when the sign is affixed to it, will be able to withstand a wind pressure load of at least thirty (30) pounds per square foot.

- (B) Non-electric wall signs may not project more than twelve (12) inches from the face of the building; electric wall signs may extend no more than eighteen (18) inches from the building face.

Section 34-36 Projecting Signs

Projecting signs may not extend more than nine (9) feet from the property line. Additionally, the outer edge of the sign shall remain at least two (2) feet inside the curb line, and shall not begin beyond a distance of three (3) feet from the property line. A clear space of not less than eight and one-half (8 1/2) feet shall be provided between the bottom of the sign and the sidewalk grade or ground level.

Section 34-37 Projecting Signs Installed on a Pipe

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

- (A) The pipe may be 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 may 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 must be surrounded by curbing as specified by the Director of Public Works.

- (B) Projecting signs must comply with the regulation clearances over sidewalks and distances from curb lines.
- (C) 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.
- (D) All pipes must be set at least three (3) feet in the ground and be embedded in concrete. However, this section does not apply to any existing sign hung under the auspices of a still-valid Special Permit issued by the Director of Housing and Inspections (now Building Inspections) before April 11, 1940.
- (E) 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.
- (F) 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.
- (G) All pipes must be of sufficient diameter and strength to properly support the weight of the signs which are to be installed on them:

MINIMUM SIZE

Signs weighing up to 175 lbs. ----- 3" pipe required.
 Signs weighing from 175 to 250 lbs. ----- 4" pipe required.
 Signs weighing from 250 to 325 lbs. ----- 5" pipe required.
 Signs weighing from 325 to 400 lbs. ----- 6" pipe required.

(H) All pipes used for signs weighing in excess of one hundred (100) pounds must be well casing 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, however, may a sign be supported by a pipe less than three (3) inches in diameter.

Section 34-38 Pole Signs

No pole, post or standard, used to support any sign or floodlight shall be set in or upon any sidewalk, street or other public property. The construction and design of all pole signs shall conform to the requirements of Section 34-36.

Section 34-39 Roof Signs

(A) Roof signs may be used for on-premise advertising only.

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

(C) As of the effective date of passage of this revision, roof signs shall no longer be used as a medium for off-premise advertising. All existing billboards classified as roof signs shall be awarded non-conforming status by the Director of Building Inspections, provided that the billboard operator registers the sign within one hundred eighty (180) days of the effective date of passage of this ordinance. The non-conforming status will remain valid as long as the sign is used solely for off-premise advertising. If the sign message changes to a Commercial, i.e., on-premise category, the non-conforming status shall be immediately revoked.

Section 34-40 Marquee Signs

Marquee signs not more than four (4) feet tall, excluding any top ornament supported directly by the marquee or awning, may extend around three (3) sides of a marquee or awning. An overhanging sign may be suspended under a marquee, provided that the lowest part of the sign is eight and one-half (8 1/2) feet above the sidewalk and at right angles to the building line.

Section 34-41 Electric Signs

All electric signs must comply with the applicable provisions of this chapter, and with Chapter 12 of the City Code.

Section 34-42 Sign Inspections

The City Sign Inspector and his duly authorized inspectors shall have the right to visit any site where a sign is being erected, or enter any building where a sign is being constructed for installation within the City, during reasonable hours, in the discharge of their official

duties, for the purpose of making any inspection necessary.

Division II. Billboard Regulations

Section 34-43 Spacing Requirements

- (1) Billboards, excepting those which are owned and operated by a residential developer, shall not be erected along interstate or expressway systems closer than one thousand (1000) feet apart on the same side of the highway. Those billboards which are owned and operated by a residential developer, and are used to advertise a residential real estate development (i.e. a subdivision) may adhere to the spacing standards established in the State Highway Beautification Act (i.e. 500 feet apart on the same side of the highway).
- (2) Billboards greater than seventy-five (75) square feet shall not be erected along arterial streets closer than five hundred (500) feet apart along the same side of the road. Billboards equal to or less than seventy-five (75) square feet shall not be permitted closer than three hundred (300) feet along the same side of the street.
- (3) Collector and local access streets - Only billboards measuring seventy-five (75) square feet or less shall be permitted on local access and collector streets. These signs shall not be erected closer than three hundred (300) feet along the same side of the street.

Commentary - The allowable distance between billboards along any particular street or roadway is determined by that street's designation in the current version of the approved Major Thoroughfare Plan of the City of San Antonio. The separation between signs increases as a function of greater traffic flow and right-of-way widths in order to assure traffic safety.

Placing billboards too closely together along a thoroughfare would yield a jumble of messages which, while negatively impacting the viewscape, would probably not be absorbed by the majority of drivers passing by. While allowing billboards along local access and collector streets may cause concern among neighborhood groups, their fears were carefully considered in the development of this ordinance. Accordingly, it must be noted that regardless of a street's classification under the Major Thoroughfare Plan, no billboard can be erected unless the site is appropriately zoned. A billboard will be considered to be "along" a street or road if its sign face is oriented such that its message can be read by drivers using that road; regardless of how far from the public right-of-way it is physically located.

Section 34-44 Height Limitations

All billboards erected within the City of San Antonio shall conform to the following height limitations.

- (1) Expressways - Sixty (60) feet above the adjacent expressway grade; not to exceed a maximum of eighty (80) feet above ground level.
- (2) Primary Arterial - fifty (50) feet above the adjacent street grade.
- (3) Secondary Arterial - thirty-five (35) feet above the adjacent street grade.
- (4) Collector and Local Access Streets - fifteen (15) feet above the adjacent street grade.

Commentary - Maximum height limitations, like spacing, have been oriented

to the Major Thoroughfare Plan. The heights listed are measured from street grade to the top of the structure. Expressways pose a unique problem, in that they are frequently elevated. In those instances where the expressway grade is above ground level, a billboard may be erected to a maximum height of sixty (60) feet above the adjacent expressway grade; in no case, however, may the billboard height surpass eighty (80) feet above ground level.

Section 34-45 Setback Requirements

- A. Billboards in excess of seventy-five (75) square feet shall adhere to all property setback lines established in Chapter 42 (Zoning Ordinance) for the applicable zoning category. Additionally, these billboards shall be set back a minimum of thirty (30) feet from adjacent residential zones. Billboards 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.
- B. A billboard may be installed on a side or rear property line provided the lot is zoned to permit zero setbacks, and the adjoining zoning classification are not residential. No part of the sign, its support structure, light fixtures, or catwalks may overhang the property line. A billboard 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.

C. Additionally, all billboards in excess of seventy-five (75) square feet are to be setback from the following facilities, districts, and parks as specified below:

- (1) Large Urban Park = one thousand (1000) foot radius from the park boundaries. (Exception for Brackenridge Park see Section 34-45.
- (2) Publicly-owned & Operated Sports Complex = five hundred (500) foot radius from the complex boundaries.
- (3) Community Park = three hundred (300) foot radius from the park boundaries.
- (4) Neighborhood Park = two hundred (200) foot radius from park boundaries.
- (5) Cultural Facilities = five hundred (500) foot radius from the facility boundary.
- (6) Historic Building/Structure = two hundred (200) foot radius from building/structure
- (7) Historic District = five hundred (500) foot radius from the district boundary. Additionally, no billboards in excess of seventy-five (75) square feet may be erected within Historic Districts.
- (8) Universities and Colleges - Billboards in excess of seventy-five (75) square feet shall not be permitted on the oposite side of a public street bordering a university or college.

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 billboard which no longer conforms to the provisions of this ordinance 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 34-46.

As of the effective date of passage of this ordinance, billboards are no longer permitted within Historic Districts. Existing billboards in Historic Districts shall be awarded nonconforming status in accordance with the provisions of Section 34-46.

- D. All billboards 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.

Section 34-46 Nonconforming Rights

- A. Any legally-erected billboard which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded non-conforming status by the Director of Building Inspections if the operator registers the billboard with the Director within one hundred eighty (180) days of the effective date of passage of the revisions. After that time, the Director may order any unregistered nonconforming billboard removed at the operator's expense.

- B. Any non-conforming billboard structure which is damaged beyond fifty percent (50%) of its replacement value shall be removed at the operator's expense.

Commentary: Any existing billboard which meets the size, height, setback, and spacing requirements established in this Chapter shall be considered a conforming structure. In order to assist the Department of Building Inspections in developing a thorough billboard inventory, these boards shall be registered as "conforming". It is incumbent upon individual billboard operators, however, to insure that all billboards in their inventory on the date this ordinance takes effect either meet the new requirements, or are properly registered as non-conforming.

- C. As indicated in Section 34-46A, non-conforming rights shall be awarded to those billboards which, while once legally erected, no longer conform to the provisions of this Chapter. Such rights shall further be allowed to run with the site for a period of sixty (60) days following the removal of the non-conforming billboard. During that sixty (60) day period, a billboard may be erected on that site, provided that the new sign shall be made to conform to all construction and height requirements of this ordinance. The new sign shall have the same size sign face as the previous billboard, within the limits of Section 34-49. If the square footage of the existing sign exceeds the standards set out in this ordinance, the new sign must conform to the provisions of Section 34-49.

- D. A billboard operator may apply for a special permit to rebuild a non-conforming billboard which fails to meet the construction

requirements set out in Section 34-53 of this ordinance. After receiving the special permit, the operator has one hundred eighty (180) days within which to re-build the billboard to meet all the currently established construction requirements. The new sign shall have the same size sign face as the previous billboard, within the limits of Section 34-49. If the square footage of the existing sign exceeded the standards set out in the ordinance, the new sign must conform to the provisions of Section 34-49.

- E. Valid Billboard Permits issued by the City of San Antonio prior to the effective date of passage of this ordinance shall be considered to have vested rights, and the billboard may be erected even though it might not conform to the spacing setback, and/or construction requirements of this Chapter. As set out in Section 34-46A, the billboard operator must insure that the billboard is properly registered within the prescribed time limit. Vested rights shall not be awarded to permits issued by the State of Texas for a billboard along interstate highways, if the site in question cannot comply with the spacing requirements set out in this ordinance.

Commentary: The City of San Antonio shall honor all valid billboard permits it has issued prior to the effective date of passage of this ordinance. State billboard permits, however, shall not be honored unless the locations in question can comply with the setback and spacing standards established in this ordinance. Specifically, State issued permits shall not be considered to have "vested rights" under this ordinance. A billboard shall not be erected at a location which does not meet the municipal requirements, even though it complies with

the less-stringent State specifications.

Section 34-47 Brackenridge Park; Special Setback and Height Requirements

The park setbacks specified in Section 34-45 shall not apply Broadway and Hildebrand streets in the vicinity of Brackenridge Park. Billboards may be sited along Broadway and Hildebrand, subject to the linear spacing requirements detailed in Section 34-43. To protect the ambiance of the park, a height limitation of thirty (30) feet above ground shall be observed for billboards erected along:

- (1) Broadway between Hildebrand and Josephine; and
- (2) Hildebrand between Broadway and the McAllister Freeway.

Commentary: Brackenridge Park presents a unique problem in the application of the setback requirements. Prohibiting billboards within one thousand (1000) feet of the major thoroughfares bordering the Park would unduly burden the industry. Accordingly, different regulations have been devised for this area to safeguard the park atmosphere and address the industry's concerns.

Section 34-48 Scenic Corridor

The McAllister Freeway between its intersections with Sunset Road and Josephine street is established as a Scenic Corridor. Accordingly, no billboards shall be erected along that portion of the freeway. For purposes of this ordinance, a billboard shall be considered to be "along" the McAllister Freeway if it is erected within six hundred and sixty (660) feet of the public right-of-way.

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, billboards have not become commonplace along it. Prohibiting billboards along the McAllister Freeway is intended to enhance an especially striking view of the downtown, Trinity University, the large trees in Olmos & Brackenridge Parks, and the Incarnate Word Property.

Section 34-49 Maximum Size of Sign Face

A. The maximum size of the sign face, as viewed from one direction, for any billboard shall be:

1. Twelve hundred (1200) square feet along expressways and interstate highways for residential developer-owned and operated signs, which specifically advertise that person's (or corporation's) residential real estate developments.
2. Six hundred seventy-two (672) square feet along expressways and interstate state highways for non-residential developer owned and operated billboards.
3. Six hundred seventy-two (672) square feet along primary arterials.
4. Three hundred and seventy-eight (378) square feet along secondary arterials.
5. Seventy-five (75) square feet along collectors and local access streets.

B. The square footage requirements specified in paragraph A (1) through (4) pertain to the sign face per se. Embellishments and cutouts, may be utilized on billboards as long as these extensions do not measure more than twenty percent (20%) of the allowable square footage for the sign face.

Section 34-50 Animation

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

Section 34-51 Engineer Certifications

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

(B) If an operator requests a permit for a billboard measuring less than three hundred (300) square feet of sign face and which is under fifty (50) feet high, he or she may utilize an engineer-certified chart in lieu of the drawing referenced in paragraph A. This chart shall specify the pipe diameter needed for various sizes of signs, as well

as the foundation requirements for the signs according to general soil conditions. The chart must be certified by a structural engineer registered in the State of Texas. A copy of the Chart shall be submitted to the Department of Building Inspections with each permit application. At the time an application for a permit is made, the operator shall note on the application what specific type of soil is prevalent at the site.

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

Section 34-52 Billboards on Public Property

No billboard, or any part thereof, shall be located on or above any public property or street right-of-way.

Section 34-53 Construction Requirements

- A. Every billboard shall be firmly and solidly constructed so as to withstand a wind load of at least thirty (30) pounds per square foot of area.
- B. An open space of at least seven (7) feet shall be provided between the bottom of the billboard and the ground; if necessary, support bracing

for the sign may extend through the open space.

- C. All billboards exceeding twenty-five (25) feet in height shall be of fireproof construction.
- D. Base aprons measuring not less than twenty-four (24) inches high shall be attached to the bottom of all billboards with sign faces measuring ten (10) feet or more in height and forty (40) feet or more wide.
- E. All service platforms shall have a jack or support at each structural upright and shall have a minimum width of twenty (20) inches of workman's walking surface. Service platforms shall be mandatory on all billboards measuring more than twelve (12) feet between ground level and the bottom of the sign face.
- F. All exposed wood or metal surfaces, including treated but unpainted stringers, platforms, jacks or other supports, excepting galvanized metal, shall be painted, both front and back, upon installation of the billboard.
- G. Billboards shall be designed and emplaced not to create a traffic hazard near street intersections or railroad crossings. Billboards shall not be positioned in a way which obscures, or physically interferes with, a traffic sign, signal device or a driver's view of approaching, merging, or intersecting traffic.
- H. Billboards shall not be illuminated in a manner which interferes with the effectiveness of or obscures an official traffic sign, signal, or device; nor may the light emitted from any billboard cause glare to, or impede the vision of, the driver of any motor vehicle.

I. (1) There shall be a distance of fourteen (14) feet between the ground and the bottom rung of any ladder which is permanently attached to the billboard structure.

(2) The fourteen (14) foot separation between the bottom rung of the ladder and the ground is necessary to insure public safety. Accordingly, existing signs which do not meet this standard shall not be awarded non-conforming status. Rather, the City Sign Inspector is authorized to issue citations to any billboard operator whose signs are in violation of this section.

Section 34-54 Vehicle Identification

Any contractor engaged in erecting, installing, servicing, or maintaining a billboard shall insure 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.

Section 34-55 Maintenance

All billboards must be kept in good repair. If the lot on which the billboard is located is undeveloped, the area between the billboard and the street or highway to which it is oriented, as well as a twenty-five (25) around the support pole, must be kept free of all sign materials, weeds debris, trash and other refuse.

ARTICLE VI
PORTABLE SIGNS

Section 34-56 Requirements

- (A) All portable electric signs now in use must be inspected by a master electrician or master sign electrician to ensure proper electrical component connections. The master shall place date and license number at the time of certification. All portable electric signs must be wired by and certified by a master electrician or master sign electrician or must carry the label of a testing company or organization named in Section 12-29(a) of the City Code. Wiring at the premises where the sign is displayed must be by a master electrician or master sign electrician. As used in this chapter, the term "premises" means and includes that certain street address where a portable sign is displayed.
- (B) No portable sign, whether electric or nonelectric, shall be placed on any sidewalk, street or other public thoroughfare or public property but such signs must be located at least two (2) feet inside of private property lines.
- (C) No portable signs, whether electric or nonelectric, shall be permitted on any premises for more than one hundred twenty (120) days in total in any twelve-month period. Provided, however that:
- (1) The one hundred twenty-day total may be utilized in increments, but not exceeding three (3) separate periods in any twelve-month period.

- (2) No single permit shall issue for the display of a portable electric sign for more than sixty (60) consecutive days.
- (3) Upon the expiration of the permit period, the sign must be removed from the premises within three (3) days or must be brought into compliance with all requirements set forth in this chapter for permanent signs.

(D) Reserved

(E) No portable sign shall be displayed on any premises other than at the properly zoned storage area of one properly licensed under the provisions of this chapter, without a permit for such display from the department of building inspections. The applicant for such permit shall furnish the following information upon the application for a permit:

- (1) That the applicant is licensed under the provisions of this chapter, or is applying for a permit as the owner of the sign for use on his own premises only;
- (2) That the portable sign is either electric or nonelectric;
- (3) The premises where the sign is to be located while in use;
- (4) The person utilizing the sign, if the sign is one to be leased from a person licensed under the provisions of this chapter. The term "person" as used herein is defined as any individual, business organization, church, civic organization, or any other organized grouping of individuals;
- (5) The consecutive number of days for which the permit is requested.

Upon completion of the application, tender of permit fees, and upon investigation and inspection for conformance with the requirements of this chapter and the applicable zoning provisions of the City Code, a permit-decal shall issue which must be prominently affixed upon the sign while it is in use. The permit-decal shall show thereon the date of issuance, the period for which it is effective, the owner of the sign and the business address of the sign's owner.

- (F) On and after April 1, 1982, no permit shall issue for any portable sign if:
- (1) The top of the sign, including decorative trim, is more than eight (8) feet above the ground.
 - (2) The sign has built within it, or affixed to it, any type of rotating beacon electric light.
 - (3) The sign has bulbs that cause a flash of light in red or blue.
- (G) No permit shall issue for any portable electric sign which utilizes exposed electric bulbs and is found, upon inspection, to be missing one ore more bulbs, thus exposing a socket.
- (H) Nothing contained herein shall in any way alter or amend any zoning requirements of the City of San Antonio, but such zoning requirements shall be considered in addition to the requirementss set forth herein regarding the issuance of permits.
- (I) The following penalties are provided for the violation of this section:

- (1) The owner of a portable sign who intentionally displays said sign without a permit or in excess of the time limits prescribed in this Chapter shall, upon conviction, be punished by a fine not to exceed two hundred dollars (\$200.00)

- (2) Wherever the foregoing sections require the performance of an act or where an act is prohibited thereby, and no penalty is prescribed therefor elsewhere in this ordinance, then an intentional violation hereof shall, upon conviction, be punished by a fine not to exceed two hundred dollars (\$200.00).

ARTICLE VII
SIGN RESTRICTIONS ALONG THE SAN ANTONIO RIVERWALK

Commentary: The already developed, as well as the developing sections of the San Antonio River provide the citizens of San Antonio, and visitors to the City, an atmosphere unmatched within the Southwestern United States. Because it is such a unique, as well as culturally and historically significant, segment of San Antonio, the Riverwalk Area cannot adequately be protected under the general provisions of this Chapter. Therefore, this special, more restrictive, article has been developed to preserve the integrity of the river and its environs and promote the general welfare of the citizens of San Antonio.

Section 34-57 Area Defined

The San Antonio River Walk Area is that area along the San Antonio River, between its Villita Street crossing and its Sixth Street crossing, from the water's edge to the flood retaining wall, or, if there is no retaining wall, to private property lines; all private and public property abutting thereon; and La Villita. Said River Walk Area also includes Crockett Street from the San Antonio River to Alamo Plaza.

Section 34-58 General Regulations

- A. The display of signs and other graphics along the riverwalk shall not be permitted unless provided for in this ordinance. This prohibition specifically includes placement of billboards, credit card decals, and other signs of a miscellaneous character.

- B. No signs shall be displayed from the parapet or roof of any building along the San Antonio Riverwalk.
- C. No sign, visual display, or graphic shall be placed in the Riverwalk Area unless the sign relates to the Riverwalk Area or advertises a bona fide business conducted in, or on premises adjacent to, the Riverwalk Area; such business must have an entrance, which is in use, to the Riverwalk.
- D. Only one sign shall be allowed for each store, shop, or place of business in the Riverwalk Area. In addition to a sign, establishments serving food or beverages may erect a menu board.

Commentary: To be eligible to display a menu board, an establishment must derive seventy-five percent (75%) or more of its gross revenue from the sale of food or beverages.

- E. Directory signs may be erected in addition to individual signs as outlined in the procedures section.
- F. The maximum allowable size for any sign in the riverwalk area shall be eight (8) square feet per side. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet.

Sec. 34-59 Procedures

- A. Application for permits shall be made upon forms provided by the Director of Parks and Recreation. The application shall be accompanied by plans, drawings and specifications as necessary to fully advise the Director and the Riverwalk Commission of the type, size, shape,

location, and construction of the proposed sign. The applicant shall also note what type of materials will be used to make the sign, and the building, structure, or premises where it is to be placed.

B. Upon receipt of an application for a sign permit, the Director of Parks and Recreation shall refer it to the Riverwalk Commission for consideration. The Commission shall review the details of the application and file a written recommendation with the Director. If the Director has not received the Commission's recommendation within sixty (60) days of the date it was filed with the Parks and Recreation Department, he shall assume that the Commission has no objection to granting the permit.

C. Before any sign, picture, or other graphic may be erected, emplaced or, altered along the Riverwalk, a permit must be obtained from the Director of Building Inspections. The existence of a sign, picture or other graphic within the Riverwalk shall be prima facie evidence that it was erected or altered by the person or company advertised thereon.

Section 34-60 Illumination

A. No flashing lights shall be permitted.

B. The face of an illuminated sign shall be standard opaque glass or other substance of equal or smaller light transmission factor.

C. The light source for exterior illumination shall be a steady light concealed by a hood or other acceptable method of indirect lighting approved by the Director of Building Inspections.

D. Exterior neon signs are prohibited.

Section 34-61 Non-Conforming Rights

As of the effective date of passage of this ordinance any legally-erected sign which, by reason of revisions to this ordinance, no longer complies with its provisions, shall be awarded non-conforming status by the Director of Building Inspections if the operator registers the sign within one hundred eighty (180) days of the effective date of passage of the revisions. After that time, the Director may order any unregistered non-conforming sign to be removed at operator's expense.

Section 34-62 Building Code Applicability

All signage along the Riverwalk shall be subject to the other provisions of this Chapter as well as the Building and Electrical Codes of the City of San Antonio.

ARTICLE VIII
VARIANCE PROCEDURES

Section 34-63. Authority of the Electrical Examining and Supervising Board

A. In cases where a billboard operator, billboard owner, or property owner contends that strict compliance with the provisions of this ordinance which pertain to Billboard Regulations will inflict extreme hardship upon him, the Board may grant a variance to the height, spacing, and setback requirements of this ordinance. The Board is not empowered to grant variances to those provisions of Chapter 34 which prohibit billboards from being sited in specifically designated areas (e.g., scenic corridors, historic districts, etc.), or to the requirements relating to the maximum size of the sign face.

Commentary: The Board may grant a variance only to those setback established in this ordinance. If a variance to property line setbacks established in the Zoning Ordinance is being sought, the application must be filed with the Zoning Board of Adjustments.

B. When an application for a variance is made to the Board, a public hearing on the issue shall be held, and all property owners within two hundred (200) feet of the site shall be notified by mail, of the hearing and proposed variance. It shall be the responsibility of the applicant for the variance to supply the Director with a list of the names and addresses of all property owners within two hundred feet of the site in question as listed on the last approved Tax Roll.

C. Any appeal from the decision of the Board must be made, in writing, to the City Council within thirty (30) days of the date the minutes of the meeting were approved.

- D. The Electrical Examining and Supervising Board is not empowered to grant any variances to properties located within the Riverwalk. Any variance requested in that are a must be forwarded to the Director of Parks and Recreation and the Riverwalk Commission.
- E. The fee for filing an application for a variance shall be one hundred and fifty-five (\$155) dollars.

Section 34-64. Findings of the Board

Before the Board may grant a variance to the billboard provisions of this ordinance it must insure that:

1. The variance will not be contrary to the public interest.
2. The variance will not alter the essential character of the area in which it is located, or the property for which the variance is sought.
3. The variance will be in keeping with the spirit and general purposes of this chapter.
4. The plight of the owner or billboard operator seeking the variance is due to unique circumstances existing on the property, and that these circumstances were not created by the landowner or billboard operator. Further, the circumstances must not be merely financial, and shall not be due to or the result of general conditions in the district in which the property is located.
5. The variance will not adversely affect the public health safety and welfare.

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: City Council through the City Manager

FROM: Gene Camargo, Director of Building Inspections

COPIES TO: Alexander E. Briseno, Assistant City Manager; Files

SUBJECT: POSSIBLE AMENDMENTS TO CHAPTER 34 OF THE CITY CODE

Date March 21, 1984

During the "B" Session held on March 15, 1984, to consider the draft revisions to Chapter 34, Council requested that Staff meet with Mr. Dic McGoon and Mr. Frank Manupelli to try and resolve their concerns. Mr. McGoon met with the Electrical Examining and Supervising Board on Monday, March 19th, and, as Chairman Sandoval's letter indicates, the Board does not wish to regulate bench advertisements through Chapter 34. Accordingly, Staff has suggested an amendment to the definition of billboards which would specifically exclude bench advertisements.

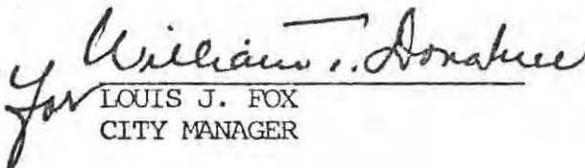
Attached to this memorandum are some revisions to Sections 34-10, 34-41, and 34-47 of the proposed draft which would meet Mr. Manupelli's needs.

Staff does not endorse these changes, but presents them to Council for its consideration.



Gene Camargo, Director
Department of Building Inspections

APPROVAL:


LOUIS J. FOX
CITY MANAGER

GC/CP:bg
Attachments

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: City Council through the City Manager

FROM: Gene Camargo, Director of Building Inspections

COPIES TO: Alexander E. Briseno, Assistant City Manager; Files

SUBJECT: CHAPTER 34 OF THE CITY CODE

Date March 21, 1984

SUMMARY AND RECOMMENDATIONS

The attached revision of Chapter 34 of the City Code is the result of a full year's effort by the Committee on Billboard Regulations, and reflects the agreements reached by the Committee's members. Major changes effected in this ordinance concern height, spacing, and setback requirements for billboards; establishing maximum square footage allowances for sign faces; and providing for a "scenic corridor" along the McAllister Freeway.

The Committee hosted a public forum on February 27th, to receive public input on the proposed document. A synopsis of the citizen comments received at that forum has been provided to Council.

When the proposed ordinance was reviewed during "B" session on March 15th, Staff informed the Council that the Electrical Examining and Supervising Board would not be able to review the draft until March 19th. Accordingly, a list of the changes proposed by the Board, the Committee, and Staff has been attached to this memorandum.

In November, 1983, Council passed Ordinance #57937 which, as an interim measure, limited billboard permits to one per licensed operator per month. That ordinance was extended by Ordinance #57937 on November 22, 1983. These limitations expire today.

Staff recommends that Council approve the proposed ordinance with the amendments suggested by the Electrical Examining and Supervising Board, the Committee, and Staff.

BACKGROUND

In December, 1982, Council directed Staff to revise the City's billboard regulations. In February, 1983, staff informed Council that it intended to ask several private citizens, representing the viewpoints of the sign industry and neighborhood associations, to participate in a committee which would draft the revisions. That committee began its work in March, 1983.

The attached ordinance represents the two requirements which the Committee imposed on itself: (1) To develop workable regulations that safeguard neighborhood interests while providing a reasonable atmosphere within which the billboard industry can do business; and (2) To produce a concise, easily readable document.

The billboard regulations represent a substantial change from present requirements. Spacing, height, and square footage requirements have been developed for billboards according to the street classifications established in the Major Thoroughfare Plan (i.e, Interstates and Expressways; Arterials; Collectors and Local Access Streets).

Setback requirements have also developed from such areas as parks, cultural facilities, and historic districts. The attached ordinance also prohibits new billboards within historic districts, and establishes the McAllister Freeway between its intersection with Sunset Road and Josephine Street as a scenic corridor. Within that corridor no billboards may be erected within six hundred and sixty (660) feet of the public right-of-way.

The Committee, the Department of Building Inspections and the Department of Planning hosted a public forum to receive citizen comment on February 27th. Twenty-two speakers addressed the Committee that evening, and a synopsis of their comments has been provided to Council.

At "B" session on March 15, 1984, Staff informed Council that the Electrical Examining and Supervising Board would not review the ordinance until March 19th, and that a list of their recommended changes would be made available to Council. The Board's suggestions, as well as others made by the Staff Committee and by Staff are submitted as attachments to this memo. The Board's comments are directed primarily toward the technical aspects of licensing and permitting. The Committee's modifications focus on items that had been agreed upon earlier but were inadvertently left out of the final, printed, draft, and Staff's proposal concerns an addition to the definition of billboards.

At Council's request Staff also met with Mr. Dic McGoon and representatives of Ellison Industries. The results of those meetings have been forwarded to Council under separate cover.

FINANCIAL IMPACT

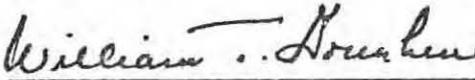
Two sign inspector positions currently exist. In order to adequately enforce these new regulations and a more aggressive inspection program, which includes on-premise and portable signs, four (4) additional sign inspectors and four (4) vehicles will be required. The total annual cost would be \$78,240.00 for personnel and an initial cost of \$24,800 for equipment and maintenance. Additional staff and equipment will be considered during the budget process. Revenue to fund these positions and equipment will come from an increase in fees and in the number of permits purchased as a result of the more aggressive inspection program. Until such time as the new personnel are hired, the ordinance will be enforced with the staff available.

CONCLUSION

The attached ordinance is a substantial improvement over the current Chapter 34. It reflects the concerns of both individual citizens and the sign industry, and fairly addresses the needs of both groups. It is staff recommendation that Council adopt the proposed ordinance and the revisions thereto.


Gene Camargo, Director
Department of Building Inspections

APPROVED:

for 
LOUIS J. FOX
CITY MANAGER

GC/CP:bg
Attachment

(MANUPELLI)

Sec. 34-10

Developer - One who is engaged in the business of assembling, preparing, and promoting land for residential real estate development. A developer may, or may not, actually be involved in residential construction; i.e., homebuilding.

p. 34 Sec. 34-41

- (1) Billboards, excepting those which are developer-owned and developer-operated, ... same side of the highway. Those billboards which are owned and operated by a developer, and are used to advertise a residential real estate development (i.e. a subdivision) may adhere to the spacing standards established in the State Highway Beautification Act (i.e., five hundred (500) feet apart along the same side of the highway).

p. 42 Sec. 34-47

- A. (1) Twelve hundred (1200) square feet along expressways and interstate highways for developer owned and operated signs which specifically advertise that person's (or corporation's) residential real estate developments.
- (2) Six hundred seventy-two (672) square feet along expressways and interstate highways for ~~non-developer~~ owned and operated billboards.
- (3) Six hundred seventy-two (672) square feet along primary arterials.
- (4) Three hundred and seventy-eight (378) square feet along secondary arterials.
- (5) Seventy-five (75) square feet along collectors and local access streets.

~~FOR RESIDENTIAL DEVELOPERS~~

p. 2 34-2 (C) (1) This paragraph would be re-written to read as follows:

(b) Insuring the safe construction, electrical connection, and safety of all signs covered under this ordinance.

(c) Carrying or transporting signs over public thoroughfares.

(d) Ascertaining that all billboard and commercial sign operators are properly licensed, insured, and bonded; and

p. (7) Sec. 34-10 (2)

Definition of Billboards - moved to item no. 22 and defined as "Sign, Billboards". All other definitions to be renumbered accordingly.

The Term "Director of Building Inspections" is changed to read "Electrical Examining and Supervising Board" in the following Sections:

p. 7 Sec 34-10 (3); p. 7 Sec. 34-10 (5); p. 14 Sec 34-11 (B); p. 14 Sec. 34-11 (E); p. 15 Sec. 34-12 (A) & (B); p. 16 Sec. 34-12 (E).

p. 9 Sec 34-10 (17)

Sign - New paragraph to be inserted between the existing definition and the Commentary.

- 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.

p. 11 Section 34-10 (29)

Sign, Pole - changed to read - "A sign that is mounted on a free standing pole or other support." The phrase "... so that the bottom of the sign face is eight and one half (8 1/2) feet or more above grade." is deleted.

p. 14 Sec. 34-11

(C) The existing paragraph is changed to read... "Prior to taking the examination, each applicant must demonstrate to the Electrical Examining and Supervising Board an ability to read and write English and show proof of at least four (4) years practical experience at the trade working under a Billboard Operator. The applicant shall also submit to the Board an affidavit, duly sworn, setting forth his experience; proof of that experience shall be included with the affidavit.

p. 15 Sec. 34-12

- (C) This paragraph is changed to read "no applicant will be allowed to take the test unless he has demonstrated the ability to read and write English, and can show proof of not less than four (4) yers practical experience working under a Commercial Sign Operator at the trade. The applicant shall also submit to the Board an affidavit, duly sworn, setting forth his experience; proof of that experience shall be included with the affidavit.

p. 16 Sec. 34-13

The following sentence is added.

The license holder must renew his or her 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 re-examination.

p. 20 Sec. 34-18

- (B) Delete and re-designate the remaining sections accordingly.
- (C) last sentence is changed to "..., or if the Board, by a vote of two-thirds (2/3) or more of its members present..."

p. 24 Sec. 34-22

The term "Master Electrician's Bond" is changed to "bond and insurance."

p. 24 Sec. 34-23

- (A) Changed to read "no permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building, shall be issued to any person except with the condition that it may be withdrawn at any time; in which case such sign shall be immediately removed by the owner thereof.

p. 25 Sec. 34-23 (B)

The fourth sentence is changed to "If an inspection has not been requested..." rather than "...not been performed..."

- (C) The following section is added:

If a license holder supplying his license for a firm or corporation doing business under this code severs his connections with that firm or corporation, and desires to use his license in connection with another firm or corporation, the latter company must furnish the City with a performance bond and comply with the requirements of Section 34-15.

(D) The following section is added:

Should a license holder sever his connections with a firm or corporation, that company will be allowed to complete all work for which permits were issued prior to the severance of the license holder, provided an interim bond and insurance are posted with the City. Additionally, sufficient evidence shall be submitted to, and approved by, the Board, establishing the ability of the firm to complete the work in the manner prescribed by this Chapter.

p. 26 Sec. 34-26 (B)

The following phrase is added to the last sentence "... posted in the offices of the Department of Building Inspections and in the Office of the City Clerk.

p. 31 Sec. 34-36

(C) The second sentence is changed to add the term "galvanized" e.g., "... Only sound, straight, steel, galvanized, or iron pipes...

(G) The caption "Minimum Size" is added above the list of pipe sizes and sign weights.

p. 32 Sec. 34-38 (B)

The first sentence is changed to read "Roof signs, except electrical signs, shall not exceed thirty-two (32) feet in total height..."

p. 39 Sec. 34-44

(C) The last sentence is changed to read: "During that sixty (60) day period, a billboard may be erected on that site, provided that the new sign shall conform to all construction and height requirements of this ordinance. The new sign shall have the same size sign face as the previous billboard, within the limits of Section 34-47. If the square footage of the existing sign exceeded the standards set out in the ordinance, the new sign must conform to the provisions of Section 34-47.

- Also the Commentary is deleted.

(D) The first sentence is changed to read: "A billboard operator may..." and the following sentence has been added:

The new sign shall have the same size sign face as the previous billboard, within the limits of Section 34-47. If the square footage of the existing sign exceeded the standards set out in the ordinance, the new sign must conform to the provisions of Section 34-47.

The following paragraph would become the new Section 34-41, and other Sections would be renumbered accordingly.

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

In addition, the following amendments have been recommended by the Committee. These changes had been approved earlier but were inadvertently left out of the final printed draft.

p. 7 Sec. 34-10 (A)(2)

The phrase "... which directs the attention of the traveling public to a business..." is inserted in the definition of billboards.

p. 36 Sec. 34-43 (C)

Change the sentence to read "Additionally, all billboards in excess of seventy-five (75) square feet are to be set back from the following facilities, districts, and parks as specified below:

- (C) (7) "Additionally, no billboards in excess of seventy-five (75) square feet..."
- (C) (8) "Billboards in excess of seventy-five (75) square feet shall not..."
- (D) This paragraph is changed to read: "All billboards 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."

Staff further recommends that the following addition be made to the definition of Billboards p. 7 Sec. 34-10 (2) "... or thing, except those advertisements placed on the back of benches provided for the convenience of public transit patrons,..."

+ 34-43 (A)

5.
KBC:lc
3/22/84

In addition to the other amendments the following is to be added to the end of the Chapter.

SEVERABILITY

If for any reason, any one or more Sections 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 part of this Chapter held legally invalid.

Sec. 34-10

Developer, Residential - One who is engaged in the business of assembling, preparing, and promoting land for residential real estate development. A developer may, or may not, actually be involved in residential construction; i.e., homebuilding.

p. 34 Sec. 34-41

- (1) Billboards, excepting those which are residential developer-owned and operated, : ... same side of the highway. Those billboards which are owned and operated by a residential developer, and are used to advertise a residential real estate development (i.e. a subdivision) may adhere to the spacing standards established in the State Highway Beautification Act (i.e., five hundred (500) feet apart along the same side of the highway).

p. 42 Sec. 34-47

- A. (1) Twelve hundred (1200) square feet along expressways and interstate highways for residential developer owned and operated signs which specifically advertise that person's (or corporation's) residential real estate developments.
- (2) Six hundred seventy-two (672) square feet along expressways and interstate highways for non-residential developer owned and operated billboards.
- (3) Six hundred seventy-two (672) square feet along primary arterials.
- (4) Three hundred and seventy-eight (378) square feet along secondary arterials.
- (5) Seventy-five (75) square feet along collectors and local access streets.

FLOOR AMENDMENT TO CHAPTER 34 OF THE CITY CODE

SECTION 34-10 DEFINITION OF TERMS

ADVERTISING BENCHES- ANY BENCH PROVIDING SEATING TO
THE GENERAL PUBLIC WITHOUT CHARGE, WHICH MAY BEAR
ADVERTISING. ADVERTISING BENCHES ARE NOT REGULATED
BY THIS CHAPTER.

p. 2 34-2 (C) (1) This paragraph would be re-written to read as follows:

(b) Insuring the safe construction, electrical connection, and safety of all signs covered under this ordinance.

(c) Carrying or transporting signs over public thoroughfares.

(d) Ascertaining that all billboard and commercial sign operators are properly licensed, insured, and bonded; and

p. (7) Sec. 34-10 (2)

Definition of Billboards - moved to item no. 22 and defined as "Sign, Billboards". All other definitions to be renumbered accordingly.

p. (7) Sec. 34-10 (3) - Delete the word Commercial.

The Term "Director of Building Inspections" is changed to read "Electrical Examining and Supervising Board" in the following Sections:

p. 7 Sec 34-10 (3); p. 7 Sec. 34-10 (5); p. 14 Sec 34-11 (B); p. 14 Sec. 34-11 (E); p. 15 Sec. 34-12 (A) & (B); p. 16 Sec. 34-12 (E).

p. 9 Sec 34-10 (17)

Sign - New paragraph to be inserted between the existing definition and the Commentary.

- 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.

p. 11 Section 34-10 (29)

Sign, Pole - changed to read - "A sign that is mounted on a free standing pole or other support." The phrase "... so that the bottom of the sign face is eight and one half (8 1/2) feet or more above grade." is deleted.

p. 14 Sec. 34-11

(C) The existing paragraph is changed to read... "Prior to taking the examination, each applicant must demonstrate to the Electrical Examining and Supervising Board an ability to read and write English and show proof of at least four (4) years practical experience at the trade working under a Billboard Operator. The applicant shall also submit to the Board an affidavit, duly sworn, setting forth his experience; proof of that experience shall be included with the affidavit.

p. 15 Sec. 34-12

- (C) This paragraph is changed to read "no applicant will be allowed to take the test unless he has demonstrated the ability to read and write English, and can show proof of not less than four (4) yers practical experience working under a Commercial Sign Operator at the trade. The applicant shall also submit to the Board an affidavit, duly sworn, setting forth his experience; proof of that experience shall be included with the affidavit.

p. 16 Sec. 34-13

The following sentence is added.

The license holder must renew his or her 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 re-examination.

p. 20 Sec. 34-18

- (B) Delete and re-designate the remaining sections accordingly.
- (C) last sentence is changed to "..., or if the Board, by a vote of two-thirds (2/3) or more of its members present..."

p. 24 Sec. 34-22

The term "Master Electrician's Bond" is changed to "bond and insurance."

p. 24 Sec. 34-23

- (A) Changed to read "no permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building, shall be issued to any person except with the condition that it may be withdrawn at any time; in which case such sign shall be immediately removed by the owner thereof.

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Staff further recommends that the following addition be made to the definition of Billboards p. 7 Sec. 34-10 (2) "... or thing, except those advertisements placed benches provided for the convenience of public transit patrons,..."



CITY OF SAN ANTONIO

P. O. BOX 9066

SAN ANTONIO, TEXAS 78285

March 21, 1984

Honorable Mayor Henry G. Cisneros
and Members of the City Council
City of San Antonio
P. O. Box 9066
San Antonio, Texas 78285

Dear Mayor Cisneros and Members of the City Council:

On Monday, March 19, 1984, the Electrical Examining and Supervising Board reviewed the draft of Chapter 34 of the City Code which you will consider on Thursday, March 22, 1984. Our recommended changes to the ordinance are being forwarded to you by Mr. Camargo under separate cover.

At our meeting, the Board members spoke with Mr. Dic McGoon regarding his concerns over the regulation of bus bench advertisements through Chapter 34. We understand, and share, Mr. McGoon's concern over this issue; but we do not believe that this particular advertising medium should be addressed in this document.

Accordingly, the Board suggests that bench advertisements be the subject of a separate ordinance which would end confusion on the matter. The Electrical Examining and Supervising Board will establish a committee to review the subject. We hope that our work will meet community needs as well as Council's intentions.

Sincerely,

Tom Sandoval, Chairman
Electrical Examining &
Supervising Board

TS/CP/ar

cc: Dic McGoon
Board Members

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO	For CMO use only
Approval		Request For Ordinance/Resolution <div style="text-align: right; font-size: x-small; opacity: 0.5;"> CITY OF SAN ANTONIO MAR 23 AM 9:54 </div>	Date Considered
Finance	Budget		Consent <input type="checkbox"/> Individual <input type="checkbox"/>
Legal	Coordinator		Item No. Ord. No.

Date: March 21, 1984	Department: Building Inspections	Contact Person/Phone # Gene Camargo 299-8232
Date Council Consideration Requested: March 22, 1984	Deadline for Action:	Dept. Head Signature:

SUMMARY OF ORDINANCE

The attached revision of Chapter 34 of the City Code is the result of a full year's effort by the Committee on Billboard Regulations, and reflects the agreements reached by the Committee's members. Major changes effected in this ordinance concern height, spacing, and setback requirements for billboards; establishing maximum square footage allowances for sign faces; and providing for a "scenic corridor" along the McAllister Freeway.

The Committee hosted a public forum on February 27th, to receive public input on the proposed document. A synopsis of the citizen comments received at that forum has been provided to Council.

When the proposed ordinance was reviewed during "B" session on March 15th, Staff informed the Council that the Electrical Examining and Supervising Board would not be able to review the draft until March 19th. Accordingly, a list of the changes proposed by the Board, the Committee, and Staff has been attached to this memorandum.

In November, 1983, Council passed Ordinance #57937 which, as an interim measure, limited billboard permits to one per licensed operator per month. That ordinance was extended by Ordinance #57937 on November 22, 1983. These limitations expire today.

Staff recommends that Council approve the proposed ordinance with the amendments suggested by the Electrical Examining and Supervising Board, the Committee, and Staff.

Other Depts., Boards, Committees Involved (please specify):

Contract signed by other party Yes No

FISCAL DATA (If Applicable)	Budgetary Implications
Fund No. _____ Amt. Expended _____	Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/>
Activity No. _____ SID No. _____	Positions Currently Authorized
Index Code _____ Project No. _____	Impact on future O & M _____
Object Code _____	If positions added, specify class and no.
Comments:	

Coordinator — White
 Legal — Green
 Budget — Canary
 Finance — Pink
 Originator — Gold

CITY OF SAN ANTONIO

"B" SESSION ITEM NO. 1

Interdepartment Correspondence Sheet

TO: City Council through the City Manager

FROM: Gene Camargo, Director of Building Inspections

COPIES TO: Alexander E. Briseno, Assistant City Manager; Files

SUBJECT: CHAPTER 34 OF THE CITY CODE

Date March 9, 1984

SUMMARY AND RECOMMENDATIONS

The attached revision of Chapter 34 of the City Code is the result of a full year's effort by the Committee on Billboard Regulations, and reflects the agreements reached by the Committee's members. Major changes effected in this ordinance concern height, spacing, and setback requirements for billboards; establishing maximum square footage allowances for sign faces; and providing for a "scenic corridor" along the McAllister Freeway.

The Staff Committee hosted a public forum on February 27th, to receive public input on the proposed document. A synopsis of the citizen comments received at that forum are provided to Council in Tab 2.

It is recommended that the City Council conduct a public hearing and adopt the attached ordinance as an amendment to Chapter 34 of the City Code.

BACKGROUND

In December, 1982, Council directed Staff to revise the City's billboard regulations. In February, 1983, staff informed Council that it intended to ask several private citizens, representing the viewpoints of the sign industry and neighborhood associations, to participate in a Staff Committee which would draft the revisions. That Committee began its work in March, 1983.

The attached ordinance represents the two requirements which the Committee imposed on itself: (1) To develop workable regulations that safeguard neighborhood interests while providing a reasonable atmosphere within which the billboard industry can do business; and (2) To produce a concise, easily readable document.

The billboard regulations represent a substantial change from present requirements. A synopsis of the major changes is found in Tab 1. Spacing, height, and square footage requirements have been developed for billboards according to the street classifications established in the Major Thoroughfare Plan (i.e., Interstates and Expressways; Arterials; Collectors and Local Access streets).

Setback requirements have also developed from such areas as parks, cultural facilities, and historic districts. The attached ordinance also prohibits new billboards within historic districts, and establishes the McAllister Freeway between its intersection with Sunset Road and Josephine Street as a scenic corridor. Within that corridor no billboards may be erected within six hundred and sixty (660) feet of the public right-of-way.

The Committee, the Department of Building Inspections and the Department of Planning hosted a public forum to receive citizen comment on February 27th. Twenty-two speakers addressed the Committee that evening, and a synopsis of their comments have been included in the Council's packet. Each of the comments was carefully considered and several were incorporated in this draft.

FINANCIAL IMPACT

Two sign inspector positions currently exist. In order to adequately enforce these new regulations and a more aggressive inspection program, which includes on-premise and portable signs, four (4) additional sign inspectors and four (4) vehicles will be required. The total annual cost would be \$78,240.00 for personnel, and an initial cost of \$24,800 for equipment and maintenance. Additional staff and equipment will be considered during the budget process. Revenue to fund these positions and equipment will come from an increase in fees and in the number of permits purchased as a result of the more aggressive inspection program. Until such time as the new personnel are hired, the ordinance will be enforced with the staff available.

CONCLUSION

The attached ordinance is a substantial improvement over the current Chapter 34. It reflects the concerns of both individual citizens and the sign industry, and fairly addresses the needs of both groups.



Gene Camargo, Director
Department of Building Inspections

APPROVAL:



LOUIS J. FOX
CITY MANAGER

GC/CP:bg
Attachment

COMMITTEE ON
BILLBOARD REGULATIONS

MEMBERSHIP

Gene Camargo - Director of Building Inspections

Roland A. Lozano - Director of Planning

Rebecca Quintanilla Cedillo - Assistant Director of Planning

George Gutierrez - Assistant Director of Building Inspections

Dan Bratton - Bratton Sign Company

Mike Garcia - Neighborhood Coalition

Gerald Maddox - Cedar Creek Fabrications

June Kachtik - Zoning Commission

William Kaufman - Holbrook, Kaufman and Becker (Attorneys)

Cathy Powell - Neighborhood Interests