

AN ORDINANCE 2006-05-11-0573

AMENDING CHAPTER 28, SIGNS AND BILLBOARDS,
OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY
AMENDING THE SIGN PERMIT REQUIREMENTS;
THE DEFINITIONS OF "ON-PREMISE SIGN" AND
"RECOGNIZED COMMERCIAL OR INDUSTRIAL
ACTIVITIES"; AND THE SIGN PERMIT APPLICATION
PROCESS.

* * * * *

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SAN ANTONIO:

SECTION 1. Chapter 28, Article I, Section 28-6, Definitions, of the City Code of San
Antonio, Texas are hereby amended as follows:

Sec. 28-6 Definitions.

On-premises sign shall mean a sign that directs attention to a recognized
commercial or industrial activity pertaining to a business, product, service,
activity, person, organization, institution, event, place, or object that actually is
manufactured, conducted, sold, or offered upon the premises on which the sign is
located, except that:

- (a) ~~any~~ Any sign bringing more than mere incidental rental income to the
property owner in contrast to the rental of its corresponding
business/office space, shall not be considered an on-premises sign.
- (b) ~~Any sign with over fifty (50) percent of the area of its sign face
dedicated to a brand name or trade name other than that of the
primary entity conducting recognized commercial or industrial
activity on the premises shall not be considered an on-premises sign.~~

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

* * * * *

- (h) ~~Activities conducted in a building having less than three hundred (300) square
feet of floor space devoted to such activities;~~

- (h) ~~(i)~~ Activities not conducted by human beings;
- ~~(j)~~ Activities which have not existed at least ninety (90) days.
- ~~(k)~~ Activities that do not have at least one (1) person who is on the premises site, performing work for the business or activity an average of at least thirty (30) hours per week or activities that do not have at least one (1) person who is at the premises site performing work during regularly scheduled hours at least five (5) days per week.

SECTION 2. Chapter 28, Article III, Section 28-91, Sign permits required, of the City Code of San Antonio, Texas is hereby amended as follows:

Sec. 28-91. Sign permits required.

Unless specifically exempted, it shall be unlawful for any person to erect or demolish, or cause to be erected, or demolished, any billboard, or erect, re-face, or alter, or cause to be erected, re-faced, or altered, any commercial sign without obtaining the proper permit from the director of building inspections.

SECTION 3. Chapter 28, Article III, Section 28-93, Application for a permit, of the City Code of San Antonio, Texas is hereby amended as follows:

Sec. 28-93 Application for a permit.

* * * * *

- (d) The director of building inspections shall review an application for completeness within five (5) working days of application submittal. The director shall render a decision approving or denying the completed application within fifteen (15) days. If the director fails to render a decision within this time period, the application shall be deemed denied. An applicant may appeal a decision of the director in accordance with Section 28-247.
- (e) ~~(d)~~ An application for a relocation permit must be filed with the department of building inspections at least five (5) days before a regularly scheduled meeting of the electrical examining and supervising board. The application must identify two (2) demolition permit numbers for billboards removed after the effective date of this provision. Two (2) existing billboards must be removed for each relocation permit, and such permit shall be issued only after removal of two (2) billboards. The application for a relocation permit shall be immediately referred to the electrical examining and supervising board to review for compliance with provisions of this chapter. The board shall advise the director at the next regularly scheduled meeting whether the application for a relocation permit should be approved or denied. If the board fails to issue a recommendation in accordance with this subsection, the director shall either approve or deny the application for a relocation permit within ten (10) days after the date of said board meeting. If the board's recommendation is to deny

the application, then the board shall cause written notice to be sent by certified mail advising the applicant of such fact. The notice shall specify the reason(s) why denial is recommended. The applicant shall upon request be given an opportunity to be heard before the board at the following regularly scheduled meeting at which time the board shall affirm, reverse or modify its recommendation. The director shall, within ten (10) days after the board's recommendation, either approve or deny the application for a relocation permit. The decision of the director shall be sent by certified mail to the applicant.

An applicant who is denied a relocation permit by the director may appeal to the city council by filing written notice of appeal with the city clerk within seven (7) days after notice of denial is received. The site in question shall be preserved pending final disposition of said relocation permit.

SECTION 4. Chapter 28, Article IX, Section 28-247, Variance and appeal procedures, of the City Code of San Antonio, Texas is hereby amended as follows:

Sec. 28-247. Variance and appeal procedures.

- (a) Any person seeking a variance from the requirements of this article or requesting to appeal an interpretation off an inspector or a decision of the director of development services shall submit a written request along with a three hundred dollars (\$300) fee to the development services department. ~~A person requesting to appeal an interpretation of an inspector or a decision of the director of development services department must submit a written request and the fee within fifteen (15) days of the denial of the permit. If a person makes a written request to an inspector for a written denial of a permit, a written denial shall be issued. If a written denial is not so issued, then the board shall consider the permit to have been denied on the date the written request for denial was received by the inspector.~~ Upon receipt of the variance or appeal request and fee, the variance and appeal request shall be placed on the first open date on the board's docket.

SECTION 5. Chapter 28 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services by changing the term Building Official or Director of Building Inspections to Director of Development Services throughout Chapter 28.

SECTION 6. Chapter 28 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services by changing the term Building Department or Building Inspections Department to Department of Development Services throughout Chapter 28.

SECTION 7. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder

shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 8. All other provisions of Chapter 28, City Code of the City of San Antonio remain in full force and effect except as expressly amended and adopted by this Ordinance.

SECTION 9. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 10. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

SECTION 11. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper of general circulation published in the City of San Antonio, Texas as required by Section 17 of the Charter of the City of San Antonio.

SECTION 12. There is no financial impact as a result of the passage of this Ordinance.

SECTION 13. This Ordinance shall take effect immediately after passage upon the receipt of eight (8) affirmative votes; otherwise, it shall take effect on May 21, 2006.

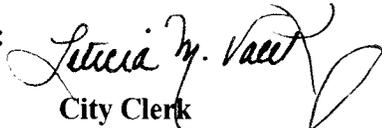
PASSED AND APPROVED this 11th day of May, 2006.



M A Y O R

PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:
City Attorney



Agenda item #11

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council
FROM: Florencio Peña III, Director, Development Services Department
SUBJECT: Ordinance changing Chapter 28 Signs and Billboards
DATE: May 11, 2006

SUMMARY & RECOMMENDATION

An Ordinance amending Chapter 28, Signs and Billboards, of the Code of the City of San Antonio, Texas, by modifying the definition of “on-premise” sign; deleting items not considered “recognized commercial or industrial activities”; altering sign permit requirements; and amending the sign permit application process.

Staff recommends approval.

BACKGROUND INFORMATION

The City Attorney’s office advised City Council in Executive Session on May 4, 2006 that certain amendments to Chapter 28, City Code, were needed in response to a recent court case. The amendments include a clarification of the definition of an “on-premises sign”, when a sign permit is required, and delineation of the sign permit application process. All other provisions of Chapter 28 remain.

The ordinance shall take effect immediately after passage upon the receipt of eight affirmative votes; otherwise, it shall take effect ten days after passage.

POLICY ANALYSIS

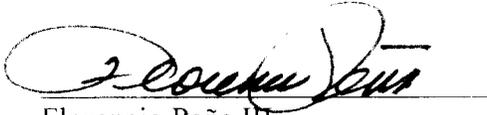
City Attorney’s office recommends the ordinance amending Chapter 28, Signs and Billboards.

FISCAL IMPACT

There is no fiscal impact associated with the ordinance amendments.

COORDINATION

This ordinance was coordinated with the City Attorney's Office.



Florencio Peña III
Director, Development Services Department

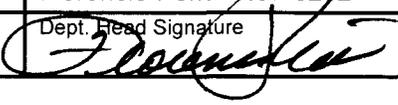


Jélynne LeBlanc Burley
Deputy City Manager

Approved for City Council Consideration:



Sheryl Sculley
City Manager

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO			
Approval		Request For Ordinance/Resolution		Consent <input type="checkbox"/> Individual <input type="checkbox"/>	
Finance	Budget			Item No. 11	
Legal	Coordinator			Ord. No.	
Date: May 3, 2006		Department: Development Services		Contact Person/Phone #: Florencio Peña 207-8232	
Date Council Consideration Requested: May 11, 2006		Deadline for Action:		Dept. Head Signature 	
SUMMARY OF ORDINANCE					
<p>An Ordinance amending Chapter 28, Signs and Billboards, of the Code of the City of San Antonio, Texas, by modifying the definition of "on-premise" sign; deleting items not considered "recognized commercial or industrial activities"; altering sign permit requirements; and amending the sign permit application process.</p> <p style="text-align: center;">Council Memorandum Must be Attached To Original</p>					
Other Depts., Boards, Committees Involved (please specify):					
City Attorney's office					
Contract signed by other party					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
FISCAL DATA (If Applicable)					
Amount Expended					
Fund	SAP GL Account				
*Cost Center		Funds/Staffing Budgeted	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
		Positions Currently Authorized	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
*Internal Order No.	*WBS (Capital Proj.)	Impact on future O & M			
*(Fill out only the field that is appropriate to your council action.)		If positions added, specify Class and Job No.			
Comments:		Please submit 3 copies with your original			

Affidavit of Publisher

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2006-05-11-0573**

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SIGN PERMIT APPLICATION
PROCESS.

• • •
PASSED AND APPROVED
this 11th day of May, 2006.
/s/PHIL HARDBERGER
Mayor

STATE OF TEXAS

COUNTY OF BEXAR

S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Helen I. Lut ATTEST:
by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a LETICIA M. VACEK
general circulation in the City of San Antonio, in the State and County aforesaid, and City Clerk
Ordinance 2006-05-11-0573 here to attached has been published in every issue of said 5/19
newspaper on the following days, to wit:

05/19/2006.

Helen I. Lut

Sworn to and subscribed before me this 19th day of of May, 2006.

Stella A. Orozco

