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**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

## AN ORDINANCE

**AMENDING CHAPTER 28, BILLBOARDS AND SIGNS, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY REVISING AND CLARIFYING VARIOUS PROVISIONS RELATED TO DEFINITIONS, BOARD AUTHORITY, SIGN MASTER PLANS, FEES, INSURANCE, VARIANCE AND APPEALS PROCEDURES, AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, on December 1, 2011 the San Antonio City Council adopted amendments to Chapter 10 to consolidate administrative regulations for all building-related code and consolidated four appellate boards into one appellate board known as the Building-Related and Fire Codes Appeals and Advisory Board; and

**WHEREAS**, various provisions of Chapter 28 have not been updated since ordinances from 1971, 1984, 1986 and 1994; and

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

**WHEREAS**, Chapter 28 of the City Code titled "Signs and Billboards" provides for appeals and variances to either the **Building-Related and Fire Codes Appeals and Advisory Board** or the Board of Adjustment; and

**WHEREAS**, Chapter 28 of the City Code is not consistent with Chapter 10 as amended on December 1, 2011 and must be revised to provide fair avenues for the consideration of appeals and variances from the requirements of the ordinance; and

**WHEREAS**, the stated public purposes and Master Plan Policies will be promoted by updating Chapter 28; **NOW THEREFORE**,

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

**SECTION 1.** Chapter 28, entitled "Signs and Billboards" of the City Code of San Antonio, Texas, is amended by adding the underlined (added) language and deleting the stricken (~~deleted~~) language:

*ARTICLE 1. IN GENERAL, Sections 28-1 Short Title, 28-4 Enforcement, 28-6 Definitions, Subsection 28-9 (c) Failure to remove signs on structures and natural features, and Subsection 28-15 (f), (g) and (h) are amended as follows:*

**Sec. 28-1. Short title.**

This chapter shall be known and may be referred to as the sign and billboard ordinance of the city. See also Articles I, II, III and XII of Chapter 10, Building-related Codes.

**Sec. 28-4. Enforcement.**

(a) *Jurisdiction.* The provisions of this chapter shall be applicable to the entire area within the corporate limits of the City of San Antonio and in the extraterritorial jurisdiction (ETJ) of the City of San Antonio as defined in the Municipal Annexation Act [~~(Article 970(a), Vernon's Texas Civil Statutes)~~].

(b) *Board authority*

(1) The Building-related and Fire Codes Appeals and Advisory Board, also known as the Appeals and Advisory Board ~~{electrical examining and supervising board}~~ shall have the authority to hear and decide appeals of orders, decisions or determinations made by the Director relative to the application and interpretation regarding licensing, off-premises signs and electrical considerations as explicitly set out in various sections of this chapter. The Appeals and Advisory Board shall act as an appellate and advisory board to the director regarding interpretations of this Chapter.

(2) The members of the board of adjustment shall have the authority to hear and grant ~~{act as an advisory board to the director of building inspections regarding requests for}~~ variances from regulations ~~{within Article IX (on-premises signs) and Article VII (urban corridors within the city's extraterritorial jurisdiction)}~~ not specifically reserved for the appeals and advisory board. ~~{Urban corridors within the city's corporate limits remain under the purview of the Unified Development Code. In addition, the board shall act as an advisory board to the director regarding any decision interpreting Article IX made by the chief electrical inspector.}~~

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

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

Approved shall mean acceptable to the director or authority having jurisdiction.

~~{Billboard shall mean a structure primarily erected to display an off-premises~~

~~sign.~~

~~Off-premises sign {Billboard} operator shall mean any person licensed by the Director {electrical examining and supervising board} to install, erect, service, maintain, alter, repair or demolish off-premises signs {billboards}.~~

~~Board or Appeals and Advisory Board, unless otherwise stated, shall mean the Building-Related and Fire Codes Appeals and Advisory Board {electrical examining and supervising board}.~~

City shall mean the City of San Antonio, TX.

~~On-premises {Commercial} sign operator shall mean any person licensed by the Director {electrical examining and supervising board} to install, erect, service, maintain, alter, repair or demolish on-premises {commercial} signs.~~

Director shall mean the director of development services or his duly authorized representative.

Dwell time shall mean the interval of change between each individual message. Dwell time shall not include the one second or less required to change a message.

Monument sign. See Section 35-A101 of the Unified Development Code.

Premises shall mean a single lot {all lots} or parcel {parcels} of land (platted and/or unplatted), together with all buildings, structures, yards areas and parking spaces as defined by the Unified Development Code; under the same ownership and {collectively} used for the same, general purpose or use as permitted by zoning.

~~{Sign, commercial shall mean a sign which directs attention to a business, product, service or activity which is conducted upon the premises where such sign is located.}~~

~~Sign operator means a "person, corporation or association with reasonable connection" [,] to an {a} "off-premises sign {billboard} operator", or an {a} "on-premises {commercial} sign operator".~~

Street Classification, Type A {commercial collector}: Any street designated as a super, primary or secondary Arterial Type A in the City of San Antonio Major Thoroughfare Plan.

Street Classification, Arterial Type B: Any street designated as super, primary or secondary Arterial Type B in the City of San Antonio Major Thoroughfare Plan.

Variance shall mean the right to use or to build on land in a way prohibited by strict application of Article IX of this Chapter.

## **Sec. 28-9. Posting signs on structures and natural features.**

- (c) *Failure to remove signs on structures and natural features.*
- (1) It shall be unlawful for any person with reasonable connection to knowingly fail to remove a sign on any structure or natural feature on public property within 10 ~~{ten (10)}~~ days after notice is received by registered mail from the director ~~{of building inspections}~~ or his designee.
  - (2) It shall be unlawful for any corporation or association with reasonable connection with criminal negligence to fail to remove a sign on any structure or natural feature on public property within 10 ~~{ten (10)}~~ days after notice is received by certified mail from the director ~~{of the planning and development services department}~~ or his designee.

**Sec. 28-15. Violations; penalties; civil remedies; nuisance signs; removal; re claiming.**

- (f) The director ~~{director of the planning and development services department his representative}~~ shall notify by certified mail the owner of an abandoned sign or of the premises where such sign is located, that such sign is subject to removal by the city if not corrected within six ~~{(6)}~~ months after receipt of notice. The affected party may request a hearing before the director ~~{director of the planning and development services department}~~ as provided herein below.
- (g) If the abandoned sign is removed by the city as permitted hereinabove, the director ~~{director of the planning and development services department}~~ shall mail notice of such removal to the owner of the sign or of the premises where such sign is located, if the owner and mailing address is known, and, if not known, said notice may be published in a newspaper of general circulation in the city. Said notice shall also notify the owner of the location where the stored or impounded sign may be claimed, the storage charges that must be paid, and if unclaimed for a period of 30 ~~{thirty (30)}~~ days after its removal, or if the storage costs are not paid within the 30-day ~~{thirty day}~~ period, the sign shall be destroyed, sold or otherwise disposed of.
- (h) During the pendency of any of the above actions, any affected sign owner or owner of the premises where such sign is located shall have the right to receive a hearing before the director ~~{director of the planning and development services department}~~ to offer proof that the property is being actively marketed or to protest any of the following:
- (1) The determination that the property is in violation of standards set out in this article;

- (2) The cost to rectify the violation;
- (3) The adequacy of the notice.

At the conclusion of such hearing, the director [~~director of the planning and development services department~~] may extend the time period for no more than two ~~{(2)}~~ years to correct the sign, or take other appropriate action to resolve the matter. During that time period, the display surface must be appropriately paneled. If the sign does not meet the standards of Chapter 28 and has no non-conforming status, the sign must be brought into compliance with Chapter 28 as a condition of obtaining a permit for reuse as a commercial sign.

*ARTICLE II. LICENSES, DIVISION 1 GENERALLY, Sections 28-33 Compliance bond, 28-34 Bond recovery and disposition, 28-35 insurance and indemnification, subsection (b), 28-38 revocation and suspension, and 28-40 Master sign electrician's license are amended to reflect the following changes:*

**Sec. 28-33. Compliance bond.**

Before a person holding an off-premises sign operator's or on-premises sign operator's [~~a billboard operator's or commercial sign operator's~~] license shall be issued a sign permit, he shall first post a compliance bond in the amount of \$45,000 [~~five thousand dollars (\$5,000.00)~~]. The licensee [~~licenses~~] shall provide a compliance bond annually to the City no later than 30 [~~thirty (30)~~] days prior to the expiration of the compliance bond currently in force. The compliance bond shall ensure the full and faithful compliance by the licensee of all the covenants, terms, and conditions of the construction codes of the City and stands as surety for payment [~~security for payment~~] by the licensee [~~license holder~~] of all valid claims by the City.

**Sec. 28-34. Bond recovery and disposition.**

The director [~~director of the planning and development services department~~] shall report each violation of this chapter to the City Attorney who shall immediately make demand on the compliance bond holder and his sureties for the amount of liability for each offense. Should the compliance bond holder default, the City Attorney 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.

**Sec. 28-35. Insurance and indemnification.**

- (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.

<i>Type</i>	<i>Amount</i>
(1) Workers compensation and employer's liability	Statutory amount of <u>\$500,000</u> [ <del>\$100,000</del> ] for each accident
(2) Comprehensive general (public) liability, to include, but not be limited to, the following: a. Premises/operations b. Independent contractors c. Personal injury d. Products/completed operations e. Contractual liability f. Explosion, collapse and underground property damage	Combined single limit for bodily injury or property damage: <u>\$1,000,000</u> [ <del>\$300,000</del> ] or its equivalent
(3) Comprehensive automobile liability, to include coverage for: a. Owned/leased automobiles. b. Non-owned automobiles. c. Hired cars.	Combined single limit for bodily injury or property damage: <u>\$1,000,000</u> [ <del>\$300,000</del> ] or its equivalent

**Sec. 28-38. Revocation and suspension.**

- (a) *Grounds.* The Appeals and Advisory Board [~~electrical examining and supervising board~~] shall have the authority to suspend or revoke the license of any person who is found guilty of:
- (1) Any fraud or deceit in obtaining a license.
  - (2) Securing sign permits in his name and thereafter allowing a person without a proper license to do the work.
  - (3) Gross negligence, incompetency, or misconduct in the performance of sign work.
  - (4) Intentionally making a false or misleading material statement on an application for a permit or registration form for non-conforming signs.
- (b) *Hearing.* In determining the validity of charges brought under this section, the Appeals and Advisory Board [~~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 further investigate the charges. A copy of the board order convening the hearing shall be provided the accused, by registered mail, not less than 15 [~~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 nine ~~{six (6)}~~ or more of its members, finds the charges to be true, the accused's license shall be suspended or revoked by the board. The hearing before the Appeals and Advisory Board ~~{electrical examining and supervising board}~~ shall provide the accused license holder due process with which to resolve the issue.

- (c) *Record.* When the board has completed its hearing, it shall file a record of its finding and decision with the City clerk and forward a certified copy of the finding and decision to the accused.
- (d) *Length of suspension.* If the board determines to suspend a license, it shall make a determination on the length of that suspension. In no case, however, may a suspension period exceed 180 ~~{one hundred eighty (180)}~~ days, nor be less than 30 ~~{thirty (30) days}~~.
- (e) *Appeal.* 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.
- (f) *Reapplication.* If a license is revoked, a new license may not be applied for, for a period of one ~~{(1)}~~ year.
- (g) *Operating while suspended or revoked.* It shall be unlawful for any person whose license has been suspended or revoked by the board to engage in or do sign work for which a permit is required under this article.

**Sec. 28-40. Master sign electrician's license.**

See Chapter 10, Building-related Codes ~~{the electrical code}~~ of the City Code of San Antonio, Texas.

*ARTICLE II. LICENSES, Division 2. BILLBOARD OPERATORS, Section 28-52, Examination required; application, Section 28-53 Qualifications, Section 28-54 Examination Fee, and Section 28-55 Test score; issuance of license are amended as follows:*

**Sec. 28-52. Examination required; application.**

Before the director may issue an off-premises sign operator's ~~{a billboard operator's}~~ license ~~{may be issued}~~ each person seeking such a license shall file an application for the license with the director and take and pass an examination given by an approved third party ~~{and file an application for the examination with the electrical examining and supervising board.}~~

**Sec. 28-53. Qualifications.**

As part of the application process, [Prior to taking the examination required by this division,] each applicant shall [demonstrate to the electrical examining and supervising board an ability to read and write English, and] show proof to the director of at least four [(4)] years of practical experience at the trade working under an off-premises sign [a billboard] operator. The applicant shall also submit to the director [board] an affidavit, duly sworn, setting forth and including proof of such his experience. [Proof of the applicant's experience shall be included with the affidavit.]

**Sec. 28-54. Examination Fee**

[(a)] An examination fee shall accompany the application for the examination required by this division. A schedule of the fees shall be posted in the offices of the Department of Development Services [building inspections]. An additional fee shall be charged any time a reexamination is necessary.

[(b)] [The fees for examination and reexamination for commercial sign operator's and billboard operator's licenses shall be as follows:]

	<i>License Examination Fee</i>	<i>License Reexamination Fee</i>
Commercial sign operator	\$75.00	\$37.50
Billboard operator	\$75.00	\$37.50

**Sec. 28-55. Test score; issuance of license.**

The director shall issue a license provided a minimum of score of 75% has been achieved on the off-premises sign operator's examination and the annual license fee has been paid.

[If the applicant for a license required by this division scores seventy-five (75) percent 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.]

*ARTICLE II. LICENSE. DIVISION 3. COMMERCIAL SIGN OPERATORS, Section 28-71 License required, Section 28-72 Examination required; application, Section 28-73 Qualifications, and 28-75 Test Score; Issuance of license is amended to read as follows:*

**Sec. 28-71. License required.**

Any person engaged in the business of erecting, painting, maintaining or servicing on- premises [commercial] signs must be licensed as a on-premises [commercial] sign operator by the director [electrical examining and supervising board].

**Sec. 28-72. Examination required; application.**

Before the director may issue an on-premises sign ~~{a commercial sign}~~ operator's license ~~{may be issued}~~, each ~~{the}~~ person seeking such a license ~~{must}~~ shall file an application for the license with the director and take and pass an examination given by an approved third party ~~{and file an application for the examination with the electrical-examining and supervising board.}~~

**Sec. 28-73. Qualifications.**

As part of the application process, each applicant shall ~~{No applicant for a license required by this division will be allowed to take the examination unless he has demonstrated to the electrical-examining and supervising board the ability to read and write in English, and can}~~ show proof to the director of a minimum of ~~{not less than}~~ two ~~{(2)}~~ years experience in on-premises ~~{commercial}~~ sign installation working under a licensed on-premises ~~{commercial}~~ sign operator, or a licensed on-premises ~~{commercial}~~ sign operator from another city provided that licensing qualifications and examinations are similar in design and quality to that of the City of San Antonio as determined by the director ~~{board}~~, or can show proof of a minimum of ~~{at least}~~ four ~~{(4)}~~ years experience in on-premises ~~{commercial}~~ sign installation, provided that verification of experience shall be determined by ~~{provided to}~~ the director. ~~{board in the manner established by written board policy.}~~ The applicant shall submit to the director ~~{board}~~ an affidavit, duly sworn, setting forth his experience. ~~{Proof of the applicant's experience shall be included with the affidavit.}~~

**Sec. 28-75. Test score; issuance of license.**

A license shall be issued the applicant provided a minimum of score of 75% has been achieved on the on-premises sign operator's examination and the annual license fee has been paid. ~~{If the applicant scores seventy five (75) percent or better on the billboard operator's examination and pays the annual license fee, he shall be issued a billboard operator's license.}~~

*ARTICLE III. PERMITS, Section 28-91 Sign permits required, Section 28-93 Application for a permit, Subsection 28-94 Fee schedule (1), (6), (8) and (9), Section 28-95 License required for permit, and Subsection 28-97 Conditions for issuing permits (d), (e) and (f) are 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 off-premises sign ~~{billboard}~~, or erect re-face, or alter, or cause to be erected, re-faced, or altered, any on-premises ~~{commercial}~~ sign without obtaining the proper permit from the director. ~~{director of development services.}~~

**Sec. 28-93. Application for a permit.**

- (a) Application for a permit required by this article shall be made upon forms provided by the director. ~~{director of development services.}~~
- (b) The application for on-premises and off-premises ~~{commercial and billboard}~~ sign permits shall contain all information, drawings and specifications necessary to fully advise the director ~~{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 an off-premises ~~{a billboard}~~ permit, the off-premises sign ~~{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, or other structure on the property.
  - (2) The building setback lines and the location of any easements on the property.
  - (3) The distance to the nearest off-premises sign ~~{billboard}~~.
  - (4) An affidavit from the property owner authorizing erection of the sign, or an executed lease agreement.
  - (5) The street address of the sign.
  - (6) An engineer's certification.
- (d) The director ~~{director of development services.}~~ shall review an application for completeness within five ~~{(5)}~~ working days of application submittal. The director ~~{Director}~~ shall render a decision approving or denying the completed application within 15 ~~{fifteen (15)}~~ days. If the director ~~{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 ~~{Director}~~ in accordance with Section 28-246 ~~28-247~~.
- (e) An application for a relocation permit must be filed with the director. ~~{department of development services 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 off-premises signs ~~{billboards}~~ removed after the effective date of this provision. Two ~~{(2)}~~ existing off-premises signs ~~{billboards}~~ must be removed for each relocation permit, and such permit shall be issued only after removal of two ~~{(2)}~~ off-premises signs ~~{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}~~ The director ~~{Director}~~ shall either approve or deny the application for a relocation permit within 10 ~~{ten (10)}~~ days after the date of application submittal. ~~{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 ~~[Director]~~ may appeal to the Appeals and Advisory Board in accordance with Section 10-14 of Chapter 10 of the City Code of San Antonio, Texas. ~~[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.

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

- (a) No permit shall be issued unless the applicant has paid the director ~~[director of the planning and development services department]~~ a sign inspection fee of \$50 ~~[twenty dollars (\$20.00)]~~ as well as other applicable fees.
- (b) A fee schedule detailing the fees charged for all examinations, reexaminations and various sign permits will be passed by Council under separate ordinance(s). A copy of the ordinance(s) will be posted in the offices of the Development Services Department ~~[of building inspections]~~ and in the office of the City clerk. In addition, the following fee schedule is applicable:

<u>Off-premises sign operator License examination fee</u>	<u>\$75.00</u>
<u>Off-premises sign operator License reexamination fee</u>	<u>\$37.50</u>
<u>Off-premises sign <del>[Billboard]</del> operator's license</u>	<u>\$375.00</u>
<u>Renewal of off-premises sign <del>[billboard]</del> operator's license</u>	<u>\$375.00</u>
<u>On-premises sign operator License examination fee</u>	<u>\$75.00</u>
<u>On-premises sign operator License reexamination fee</u>	<u>\$37.50</u>
<u>On-premises <del>[Commercial]</del> sign operator's license</u>	<u>\$100.00</u>
<u>Renewal of on-premises <del>[commercial]</del> sign operator's license.</u>	<u>\$100.00</u>

The fee for a duplicate of any license issued under this chapter for one which has been lost, destroyed or mutilated shall be \$5.00 ~~[five dollars (\$5.00)]~~.

- (1) Off- premises sign ~~[Billboard]~~ annual inspection fee
  - a. Less than 72 square feet \$ 50.00 ~~[\$ 25.00]~~
  - b. From 73 to 300 square feet \$ 50.00 ~~[\$ 45.00]~~
  - c. From 301 to 672 square feet \$ 75.00 ~~[\$ 60.00]~~

- (6) *Banner/ inflatable permits.*
- a. Sign inspection fee \$ 50.00 ~~[\$ 20.00]~~  
~~{Banner}~~
  - b. Banners, cloth ~~{Cloth,}~~ and other \$ 5.40
  - c. Street light-pole across street \$ 5.40
  - d. Flag lines \$ 1.60
- (8) *On-premise sign permits.*
- a. Sign inspection fee \$ 50.00 ~~[\$ 20.00]~~
    - Less than 32 sq. ft. \$ 10.80
    - Over 32 sq. ft. \$ 10.80 + \$0.22/ sq. ft. over 32 sq ft
  - b. Gas tube/electric \$ 10.80
  - c. Incandescent signs \$5.40 + \$0.22/socket
  - d. Sign height/per foot \$ 2.00
  - e. Digital Display/Electronic Message Center fee \$15.00

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

- (9) *Off-premise billboard permits.*
- a. Sign inspection fee \$ 50.00 ~~[\$ 20.00]~~
    - ~~{Less than}~~ 75 sq. ft. or less \$ 16.20
    - Over 75 sq. ft. \$16.20 + \$0.22/ sq ft.

**Sec. 28-95. License required for permit.**

- (a) Only those individuals who are properly licensed by the director ~~{director of planning and development services}~~ shall receive a permit to erect or alter ~~{after}~~ any on-premises sign or off-premises sign ~~{commercial sign or billboard}~~.
- (b) 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 bond and}~~ insurance required by this chapter.

**Sec. 28-97. Conditions for issuing permits.**

- (d) Should a license holder sever his connections with a business, the business 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 director ~~{board}~~ establishing the ability of the business to complete the work in the manner prescribed by this chapter.

- (e) The number of relocation permits issued to a licensed off-premises sign ~~[billboard]~~ operator shall be limited during a given calendar month to an amount not to exceed 1,344 ~~{one thousand three hundred forty four (1,344)}~~ square feet of advertising display area per off-premises sign ~~[billboard]~~ company. The square footage allowance of advertising display area must be utilized within a given calendar month and shall not be cumulative on a month-to-month basis. An off- premises sign ~~[A billboard]~~ erected pursuant to a relocation permit shall conform to all provisions of this chapter. In addition to the above limitations, relocation permits shall be issued on a one-for-two basis, i.e., one relocation permit will be issued for every two ~~{(2)}~~ off-premises signs ~~[billboards]~~ removed; provided, however, that relocation permits shall not be cumulative in the event more than 2,688 ~~{two thousand six hundred eighty eight (2,688)}~~ square feet of advertising display area is removed during any given calendar month. In addition to the restrictions set forth in § 28-142, the maximum size sign face area of a relocated off-premises sign ~~[billboard]~~ as viewed from one direction, shall be the average square footage of sign face area of two ~~{(2)}~~ prior removed off-premises signs ~~[billboards]~~, excluding embellishments, as viewed from one direction (i.e., adding the sign face areas of two ~~{(2)}~~ off-premises signs ~~[billboards]~~ to be removed as viewed from one direction and dividing by two ~~{(2)}~~).
- (f) An off-premises sign ~~[A billboard]~~ operator may receive upon application a relocation coupon which shall be effective for 90 ~~{ninety (90)}~~ days after the date of issuance within which time an application for a relocation permit must be filed in accordance with § 28-93(d); provided, however, if the application for a relocation permit is filed within five ~~{(5)}~~ days before a regularly scheduled meeting of the board ~~[Board]~~, the 90-day period shall cease to run until such day the board considers the application for a relocation permit in accordance with § 28-93(d). Once an application for a relocation permit is filed, such application shall not be amended except for adjustment of the location of the off-premises sign ~~[billboard]~~ on the same property.

For purposes of determining the monthly allocation of square footage of advertising display area, an application for a relocation permit shall be charged to the month within which the application is filed.

An application for a relocation coupon shall be filed with the director ~~[department of building inspections]~~ within five ~~{(5)}~~ days after the second off- premises sign ~~[billboard]~~ is removed. The application shall identify two ~~{(2)}~~ demolition permit numbers and the date the second off-premises sign ~~[billboard]~~ was removed. The application for a relocation coupon shall not be referred to the board for approval.

*ARTICLE IV. ERECTION AND MAINTENANCE REGULATIONS, DIVISION 1. GENERALLY, Section 28-110 Maintenance, Section 28-115 Electric wiring, Section 28-118 Wall Signs are amended as follows:*

**Sec. 28-110. Maintenance.**

- (a) All signs and components thereof shall be maintained in good repair and with the proper structural supports as determined by the director ~~{director of planning and development services}~~. All signs and their immediate surrounding area shall be kept free of weeds, trash and other refuse. The display surfaces of all signs shall be kept neatly painted or posted.
- (b) The director ~~{director planning and development services.}~~ may remove any sign along with its structural supports that violates the standard provided herein, if the owner of the sign or of the premises where such sign is located, fails to correct such violation within 60 ~~{sixty (60)}~~ days after notification to make such correction.

**Sec. 28-115. 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 10 of the City Code of San Antonio, Texas. The director ~~{electrical inspector}~~ shall have the right to check all wiring for compliance with this Code. 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 8 ½ ~~{eight and one-half (8 ½)}~~ feet shall exist between the lowest portion of any sign overhanging a public sidewalk and the sidewalk grade.

**Sec. 28-118. 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. ~~{director planning and development services.}~~ Approved ~~{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 on-premises ~~{commercial}~~ sign operator or building owner must ensure that the wall, when the sign is affixed to it, will be able to withstand a wind pressure load of at least 30 ~~{thirty (30)}~~ pounds per square foot.
- (b) Non-electric wall signs may not project more than 12 ~~{twelve (12)}~~ inches from the face of the building. Electric wall signs may extend no more than 18 ~~{eighteen (18)}~~ inches from the building face.
- (c) It shall be unlawful to attach, draw or paint off-premise advertising to the wall of a building.

*ARTICLE IV. ERECTION AND MAINTENANCE REGULATIONS, DIVISION 2. BILLBOARDS, Section 28-148 Residential developer/builder billboards, Section 28-151 Governmental action, and Subsection 28-152 Signs on roads and highways maintained by the city, (b)(6), (e), (g) and (g)(2) are amended as follows:*

**Sec. 28-148. Residential developer/builder off-premises sign ~~billboard~~.**

A maximum of four ~~four~~ residential developer and four ~~four~~ residential builder owned and operated off-premises signs ~~billboards~~, not to exceed a total number of eight ~~eight~~ per residential subdivision, may be erected which advertise only the name of the residential developer/builder and the name of and directions to a residential real estate development. A residential developer/builder off-premises sign ~~billboard~~ which advertises the names of the residential developer and builder on the same advertising copy shall be considered to be a part of one ~~one~~ off-premises sign ~~billboard~~. A double faced residential developer/builder off-premises sign ~~billboard~~ shall be counted as one ~~one~~ off-premises sign ~~billboard~~. A residential developer/builder off-premises sign ~~billboard~~ which is relocated from another site shall not be counted as part of the four ~~four~~ residential developer/builder off-premises signs ~~billboards~~ authorized under this section. In addition to the regulations set out in this chapter, the following restrictions shall apply:

\* \* \* \*

**Sec. 28-151. Governmental action.**

Notwithstanding section 28-97(e) and (f), a legally erected off-premises sign ~~billboard~~ may be relocated on the same premises ~~site~~ due to governmental action or eminent domain proceedings on a one-for-one basis (if the sign is nonconforming under the zoning ordinance, it shall continue to retain nonconforming status) in accordance with the following stipulations:

- (1) A permit shall be obtained by a licensed off-premises sign ~~billboard~~ operator prior to removal of the off-premises sign ~~billboard~~. Said permit shall not be referred to the Board for approval. An off-premises sign ~~A billboard~~ removed pursuant to this section shall not be credited to the two-for-one requirement for relocation permits provided in section 28-97(e). A permit issued pursuant to this section shall not affect the monthly limitation on square feet for advertisement display area per off-premises sign ~~billboard~~ company under section 28-97(e).
- (2) An off-premises sign ~~A billboard~~ relocated pursuant to this section shall comply with all construction, height, setback and other regulations set forth in this chapter unless specifically indicated otherwise in this section;
- (3) An off-premises sign ~~A billboard~~ relocated pursuant to this section shall be relocated to the same premises ~~site~~ as perpendicular to the right-of-way as practicable, such site to be approved by the director or his

designated representative prior to removal of the off-premises sign ~~[billboard]~~;

- (4) The size of the sign face of an off-premises sign ~~[a billboard]~~ relocated pursuant to this section shall not exceed the size of the sign face of the removed off- premises sign ~~[billboard]~~.

**Sec. 28-152. Signs on roads and highways maintained by the city.**

- (b) Temporary weekend signs are permitted to be placed on the right-of-way of a road or highway maintained by the city provided that the following regulation of time, place, and manner are observed and appropriate fees have been paid.

(6) *Map and listing required:* ~~[, listing, and state department of transportation approval:]~~

a. In addition to payment of the appropriate fees, the advertiser shall provide a map and listing identifying the street and block number where each sign shall be placed.

b. ~~[The Department of building inspections] shall submit the application for review by the Texas Department of Transportation to insure the location identified in the map and listing for sign placement is not within the state highway system. If the Department of Transportation fails to respond within ten ( ) working days after receipt of plan, it shall be assumed that the site plan is conforming to state law.]~~

Note: ~~[Application of section 28-152(b)(6)b. is contingent on the state department of transportation's cooperation in providing such confirmation.]~~ The director of ~~[the planning and]~~ development services ~~[department]~~ may accept confirmation from another governmental agency where appropriate.

- (e) Placement of unauthorized sign: Criminal offense, penalty. This subsection may be enforced by the departments of development services ~~[building inspections]~~, police, or other departments designated by the city manager against any violator of any provision of this section who is not a holder of a valid annual temporary sign permit.

- (g) Administrative penalties. The director ~~[director of development services]~~ shall apply the administrative procedures prescribed in this subsection, rather than bring criminal charges, where the alleged violation of any

provision of this section is by the holder of a valid annual temporary sign permit.

- (2) The director ~~{director of building inspections}~~ shall make his determination based on the submission of a written report submitted by the city employee (the “accuser”) alleging a violation has occurred by the accused permit holder (the “accused”).

*ARTICLE VII. URBAN CORRIDORS, DIVISION 1.GENERALLY, Subsection 28-216 Purpose (a), Section 28-221 Variances are amended and Sections 28-227 and 28-228 are added as follows:*

**Sec. 28-216. Purpose.**

- (a) Within the City’s ~~{extraterritorial}~~ jurisdiction, there are many roadway corridors which have been and/or will continue to be very significant to the City of San Antonio. Some of these corridors are important because they have shaped the sense of what individual neighborhoods of the City are in their role as historic entrances to the City. Other corridors are significant because they serve as new gateways to the City or because of surrounding natural, historic, cultural, and aesthetic areas. These corridors are amenities and assets of great value to the City, its inhabitants and its economy. The City Council aims to preserve, enhance, and perpetuate the value of these roadway corridors and hereby authorizes the establishment of urban corridors.

**Sec. 28-221. Variances.**

Appeals and variances from the requirements of Article VII of this Chapter shall follow Section 28-246, Variance and appeal procedures.

~~{(a) The director, upon recommendation of the board of adjustment, may grant variances to the sign standards adopted in an urban corridor in the extra territorial jurisdiction (ETJ) of the city in order to prevent undue hardship or inequitable application of the regulations or to preserve the public safety. The effect of a variance shall not be to grant a special privilege to any one property owner, but rather to assure fair and equitable treatment of properties with unusual locations, configurations or graphics communication problems. The director, upon recommendation of the Board of Adjustment, may make a final determination of any decision of the chief electrical inspector based on an interpretation of Article VII.~~

~~A hearing of variance, a final determination regarding an interpretation of article VII or an appeal to city council shall be in accordance with § 28-246(c) and the variance and appeal procedures as outlined in § 28-247.]~~

**Sec. 28-227. UC-5, Main Ave/McCullough Ave urban corridor district.**

See 35-3169 of the 1987 Unified Development Code.

**Sec. 28-228. UC-6, San Pedro urban corridor district.**

See 35-3170 of the 1987 Unified Development Code.

*ARTICLE IX. ON-PREMISES SIGNS, Subsection 28-238 General Provisions (c) Construction and "for sale" signs is amended to add Commercial Collector to Table 1 and "Table 1 Notes" and Section 28-240 is revised to add an exception to read as follows:*

**Sec. 28-238. General provisions.**

- (c) *Construction and "for sale" signs.* Freestanding or attached signage is limited to the heights and sizes listed in Table 1 below for the purpose of advertising a construction project or the sale or lease of the property on which the sign is located. Construction and for sale signs shall be removed within 15 ~~fifteen (15)~~ days following completion of the construction or the sale, rental, or lease of the property involved.

**TABLE 1**

	Height (Per sign)	Area
Expressway	30 feet	425 sq ft
Arterial Type A & B, <b>Commercial Collector</b>	30 feet	128 sq ft
Local	30 feet	64 sq ft

Table 1 Notes: The area represents the total square footage of all signs per street frontage. For instance, on a local street, one 64 square foot sign would be allowed or two 32 square foot signs, four 15 square foot signs, etc.

- (1) Signs located in residential zoning districts shall not exceed 32 ~~[thirty-two (32)]~~ square feet in area or eight ~~[(8)]~~ feet in height.
- (2) Standards for subdivision identification sign and for sale signs for residences are specified in subsection 35-389 ~~[35-398(d)]~~ ~~[35-3304(d)]~~.

*Section 28-240 Provisions applicable to residential zoning districts is amended to add an exception to read as follows:*

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

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

- (b) The following signs are allowed in residential zones:
- (1) One attached, nonilluminated nameplate identifying a home occupation or bed and breakfast establishment not to exceed one ~~{(1)}~~ square foot in sign area.
  - (2) Apartment or condominium complex freestanding signs are allowed in accordance with Table 2. In addition, one identification sign per entrance is allowed.
  - (3) For nonresidential uses on local streets, one ~~{(1)}~~ freestanding sign and one attached sign, each not to exceed 36 ~~{thirty-six (36)}~~ square feet in sign area is allowed. For nonresidential uses with primary frontage on arterials/commercial collectors and expressways, freestanding signs are allowed in accordance with Table 2 and digital displays are permitted in accordance with §28-241.
- (c) Special regulations for local streets and residential collectors in residential zones:
- (1) Freestanding signs shall have a maximum height limit of eight ~~{(8)}~~ feet and shall be set back 15 ~~{fifteen (15)}~~ feet from any public right-of-way and a minimum of ten ~~{(10)}~~ feet from side and rear lot lines abutting residential uses.
  - (2) No portion of an illuminated sign shall have a luminance greater than 200 ~~{two hundred (200)}~~ foot candles as measured within six ~~{(6)}~~ inches of the sign face.
  - (3) No sign nor part of any sign in a residential zoning district shall move, flash, rotate, or change its illumination.
  - (4) Digital displays shall not be permitted except as provided in subsection (5) below.
  - (5) Digital displays shall be permitted on-premises for a school, church or neighborhood recreation facility as defined in Chapter 35, Section 35-A101 subject to the following conditions:
    - (a) No more than one two-sided digital display may be installed at any individual school, church or recreation facility premises.
    - (b) The school, church or recreation facility has a minimum of 250 feet of continuous linear street frontage.

- (c) The permitted digital display shall not include animation or full motion video as defined, will have a 30 second display dwell time, and further provided that such text or logos shall be at least five inches or greater in height when shown on the digital display.
- (d) The sign shall meet all other applicable requirements of Section 28-241 (e)(7) and any additional requirements of the applicable zoning district established pursuant to Chapter 35 of the City Code of San Antonio, Texas.

*ARTICLE IX. ON-PREMISES SIGNS, Subsection 28-244 Sign master plan development agreement (c) submittal requirements and Subsection 28-245 Nonconforming sign abatement (a)(1) freestanding signs, Section 28-246 Appeals and variances and Section 28-247 Variance and appeal procedures are revised to read as follows:*

**Sec. 28-244. Sign master plan development agreement**

- (c) *Submittal requirements*
  - (1) A Sign Master Plan must be submitted to the director ~~{director of planning and development services}~~ for consideration ~~{approval}~~.
  - (2) All land owners included in the Sign Master Plan must submit:
    - a. A letter signed by all the property owners in the plan area agreeing to the terms of the plan and that they and their successors will abide by the plan.
    - b. A site plan showing the Sign Master Plan area boundaries.
    - c. A site plan showing the location of all signage.
    - d. A table showing the square footage and heights of all signs throughout the plan by lot.
  - (3) The director ~~{director of the planning and development services}~~ may approve the Sign Master Plan (SMP), approve the SMP with conditions, or deny the SMP. ~~{shall forward the SMP Sign Master Plan Development Agreement to the board for final approval.}~~
  - (4) Appeals shall be considered in accordance with Section 28-246 of this Chapter.

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

- (a) *Continuance.* Any nonconforming sign may be continued in operation and maintained after the effective date of this division; provided, however, that no such sign shall be changed in any manner that increases its noncompliance with the provisions of this division; and, provided further, that the burden of establishing such a sign to be nonconforming under this section rests entirely upon the person claiming nonconforming status.
- (1) *Freestanding signs.* Freestanding pole signs that are nonconforming due to square footage, height, or spacing requirements may be refaced and/or have general maintenance performed as defined in this chapter. In general, whenever the sign cabinet is removed it shall, at that time, lose its nonconforming status; however, the sign cabinet, if of exceptional height, size or unusual shape, may be lowered to the ground to facilitate the above mentioned general maintenance and/or refacing due to property or personnel safety consideration considerations, if first approved by the director [~~Director of the planning and development services department~~]. The contractor shall submit a written request, prior to removal of the sign cabinet, outlining the proposed work to be performed, dates for accomplishment of same and property or personnel safety considerations involved. If approved, the contractor shall be issued a basic sign inspection permit and shall request an inspection on said permit when the sign cabinet is first taken down and again just prior to re-installation. When the sign cabinet is first lowered to the ground, the license holder of record for the company shall submit a written assessment to the director [~~Director of the planning and development services department~~] as to the structural integrity of the sign cabinet and its structural supports. If it is determined that the sign cabinet or structural supports are not structurally sound, the sign shall, at that time, lose its nonconforming status as outlined in section 28-245 (c) [(b)] (3). In addition, failure to gain approval and have the sign inspection permit issued prior to the sign cabinet being taken down shall cause the sign to lose its nonconforming status. Replacement of structural supports, poles, cabinet sheet metal, etc., that could be considered rebuilding the sign shall be prohibited.

**Sec. 28-246. Variance and appeal procedures.** [~~Appeals and variances to Article IX of Chapter 28 of the City Code.~~]

- (a) Appeals [~~Variance requests shall be made in accordance with section 247 of chapter 28. No variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative.~~]
- (1) A decision by the director regarding an interpretation of this

Chapter may be appealed within five days to the Appeals and Advisory Board. The board may hear the arguments in favor and against the interpretation from any interested party.

- (2) A party who seeks to appeal an interpretation shall submit a written request along with a \$150.00 fee to the department of development services. The director shall review the notice of appeal for completeness within three (3) working days. The appellate agency for purposes of completeness review shall be the Appeals and Advisory Board. Upon receipt of a complete application for an appeal and the fee, the appeal shall be placed on the first open date on the board's docket that meet the requirements of the Texas Open Meetings Act. The board may reverse or affirm, in whole or in part, or modify the director's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination in accordance with Chapter 10 of the City Code. The applicant shall be notified of such decision by certified mail.
- (3) Within seven days after the Appeals and Advisory Board has made a final decision, an appeal may be made to the City Council in accordance with Chapter 10 of the City Code. An appeal to the City Council shall be initiated by filing a written notice of appeal and a \$155.00 fee with the city clerk. The City Council shall make its determination by simple majority vote. If the City Council has not acted on the appeal on or before the 60th calendar day after the date the request was filed with the City clerk, the decision of the Appeals and Advisory Board shall be final.
- (4) Public notice of an appeal of an interpretation of this Chapter to the Appeals and Advisory Board shall be given by publication one time in a paper of general circulation in the City, stating the time and place of the appeal which shall not be earlier than 10 days from the first date of such publication.
- (b) ~~Variances [Any decision based on an interpretation of article IX made by the chief electrical inspector, hereinafter called the inspector, may be appealed. The board of adjustment hereinafter called the board, may hear the arguments in favor and against the decision made by the inspector, from the party requesting the on-premises sign permit, or any interested party. After hearing the parties, the board shall make a recommendation to the director of the planning and development services department, hereinafter called the director, to either uphold or to modify the inspector's decision. If the board decides to recommend modification of the inspector's decision, it shall submit the basis for the recommendation to the director in writing. The director shall then make a final determination whether to uphold or modify the inspector's decision.]~~

(1) Any person seeking a variance from the requirements of this article

shall submit a written request on an application form approved by the director along with a \$600 fee to the development services department. The director shall review the variance application for completeness within three (3) working days. The appellate agency for purposes of completeness review shall be the Appeals and Advisory Board. Upon receipt of the complete variance application and fee, the application shall be placed on the first open date of the docket of the Board of Adjustment that meets the requirements of the Texas Open Meetings Act.

- (2) The director shall not forward a variance application to the Board of Adjustment for consideration that would eliminate the distinctions between on-premises and off-premises sign types, single and multi-tenant sign types, nor sign sizes by zoning district, street classification or like areas of legislative prerogative. An applicant may appeal the director's decision to the Appeals and Advisory Board pursuant to subsection (a).
- (3) The Board of Adjustment may grant a variance if it finds that:
- a. The variance is necessary because strict enforcement of the regulation prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or
  - b. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and
  - c. After establishing that one or more of the findings set forth in subparagraphs (a) or (b) have been met, the board finds that:
    1. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and
    2. Granting the variance will not have a substantially adverse impact upon neighboring properties; and
    3. Granting the variance will not substantially conflict with the stated purposes of Chapter 28.
- (4) The Board of Adjustment shall not grant a variance if that variance would eliminate the distinctions between on-premises and off-premises sign types, single and multi-tenant sign types, sign sizes by zoning district, street classification or like areas of legislative prerogative.
- (5) The Board of Adjustment shall conduct its review and render a decision in accordance with the procedures contained in Chapter

35 of the City Code of San Antonio, Texas. In making its decision, the board shall consider the director's recommendation and apply the factors delineated in (b)(3). The action taken by the board shall be in the form of a motion to grant the variance. Such motion shall require a three-fourth (3/4) vote by the appointed members of the board.

(6) The person seeking the variance or the owners or lessees of property lying 1,000 feet of any point of the lot or portion thereof on which a variance is desired may appeal the decision of the Board of Adjustment. Within seven days after the Board of Adjustment's final action an appeal to the City Council may be made. The appeal shall be initiated by filing a letter indicating that the applicant seeks to appeal the decision of the board to the City Council. The appeal shall be accompanied with a \$300.00 fee and delivered to the city clerk. The City Council shall consider all the circumstances of the variance request, including the factors outlined in this section, and make its determination by majority vote. If the City Council has not acted on the appeal on or before the 60th calendar day after the date the letter of appeal was filed with the City clerk, the decision of the Board of Adjustment shall be final.

(7) Public notice of such variance request to the Board of Adjustment or further appeal to City Council shall be in accordance with Chapter 35 of the City Code of San Antonio, Texas.

(c) Voting Procedures [~~The recommendation to grant or the recommendation to modify the interpretation of the inspector, or the recommendation to grant a variance shall require a three fourth (3/4) vote in favor of the appellant by the appointed members of the board. In no event shall the board conduct business with less than nine (9) appointed members present.~~]

(1) The Board of Adjustment shall vote in accordance with Chapter 35, Article 8 of the City Code of San Antonio, Texas.

(2) The Appeals and Advisory Board shall vote in accordance with Chapter 10 of the City Code of San Antonio, Texas.

~~(d) The board may vote on both variance and interpretations by voice vote provided that a roll call vote shall be taken upon the request of any board member. The board member presiding shall vote on all such matters unless otherwise prohibited by law.~~

**Sec. 28-247. Reserved. [Variance and appeals procedures.]**

- ~~(a) — Any person seeking a variance from the requirements of this article or requesting to appeal an interpretation of an inspector or a decision of the director of the planning and development services department shall submit a written request along with a six hundred dollar (\$600.00) fee to the development services department. 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.~~
- ~~(b) — The board may recommend that a variance be granted from the application of this article if it finds that:~~
- ~~(1) — The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or~~
- ~~(2) — A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and~~
- ~~(3) — After seeking one or more of the findings set forth in subparagraphs (1) or (2), the board finds that:~~
- ~~a. — Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and~~
- ~~b. — Granting the variance will not have a substantially adverse impact upon neighboring properties; and~~
- ~~c. — Granting the variance will not substantially conflict with the stated purposes of this article.~~
- ~~(e) — Upon hearing the variance or appeal request, the board shall either grant or deny the variance. The board shall then consider the director's recommendation and the factors delineated in subsection 28-247(b) and then make a final determination whether to grant or deny the variance.~~
- ~~(d) — Reserved.~~
- ~~(e) — The party seeking the variance or appealing a decision of the director of the planning and development services department, or the owners or lessees of property lying within one thousand (1,000) feet of any point of the lot or portion thereof on which a variance is desired, may appeal the decision to grant or deny a variance. An appeal to the city council shall be initiated by filing a letter and a three hundred dollar (\$300.00) fee with the city clerk within five (5) working days after a decision of the board~~

~~indicating that the applicant seeks to appeal the decision of the board to the city council. The city council shall consider all the circumstances of the variance request, including the factors outlined in this variance provision, and make its determination by simple majority vote. If the city council has not acted on the appeal on or before the 60th calendar day after the date the request was filed with the city clerk, the decision of the board of adjustment shall be final.~~

- ~~(f) — Public notice of variance request before the board or an appeal before city council shall be given by publication one time in a paper of general circulation in the city, stating the time and place of such variance request or appeal which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto, notice of such variance request or appeal shall be mailed to the applicant and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variance is desired, as well as to all other persons deemed by the board to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.~~
- ~~(g) — A party who seeks to appeal an interpretation of article IX shall submit a written request along with a \$150.00 fee to the department of building inspections. Upon receipt of the appeal request and the fee, the appeal shall be placed on the first open date on the board's docket. An appeal to the city council shall be initiated by filing a written notice and a \$150.00 fee with the city clerk within five (5) working days after the board of adjustment makes a final determination. The city council shall make its determination by simple majority vote. If the city council has not acted on the appeal on or before the 60th calendar day after the date the request was filed with the city clerk, the decision of the board shall be final.~~
- ~~(h) — Public notice of an appeal of an interpretation of article IX to either the board of adjustment or city council shall be given by publication one time in a paper of general circulation in the city, stating the time and place of the appeal which shall not be earlier than ten (10) days from the first date of such publication.~~

**SECTION 2.** 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 3.** All Chapter 28 references to the Director of the Planning and Development Services Department shall be changed to the Director of the Development Services Department.

**SECTION 4.** All Chapter 28 references to the Planning and Development Services Department shall be changed to the Development Services Department.

**SECTION 5.** All Chapter 28 references to billboard shall be changed to off-premises sign.

**SECTION 6.** All Chapter 28 references to commercial sign shall be changed to on-premises sign.

**SECTION 7.** All Chapter 28 references to the electrical examining and supervising board shall be changed to Building-Related and Fire Codes Appeals and Advisory Board.

**SECTION 8.** There is no financial impact realized through passage of this Ordinance.

**SECTION 9.** All other provisions of Chapter 28, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

**SECTION 10.** The publishers of the City Code of San Antonio 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 11.** This Ordinance becomes effective immediately upon receipt of eight affirmative votes; otherwise, it becomes effective on the xx of xxxxxxxx, 2012.

**PASSED AND APPROVED this xx day of xxxxxxxx, 2012.**

**M A Y O R**  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
Michael D. Bernard, City Attorney