

AN ORDINANCE 2015-04-09-0291

AMENDING CHAPTER 28 AND CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADDING PROVISIONS AUTHORIZING THE TEMPORARY DISPLAY OF AN ON-PREMISES SIGN AND/OR AN ON-PREMISES DIGITAL DISPLAY ON PUBLIC PROPERTY AT PERMITTED EVENTS, AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

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

SECTION 1. The following sections of Chapter 28 and Chapter 35 of the City Code of San Antonio, Texas, are hereby amended by adding the language that is underlined (added), and deleting the language that is stricken through (~~deleted~~).

SECTION 2. Chapter 28, Article I, Section 28-6, *Definitions* of the City Code of San Antonio, Texas, is hereby amended to read as follows:

SECTION 28-6 – Definitions.

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

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Advertising bench shall mean any bench providing seating to the general public without charge, which may bear advertising.

Alamo Plaza Park shall mean that city park area bound by East Houston Street on the north, by the eastern portion of Alamo Plaza (Street) on the east, by Blum (Street) on the south, and the western portion of Alamo Plaza (Street) on the west.

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

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Pennant shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, and designed to move in the wind.

Permitted area shall mean the area that is authorized for use for a permitted event by the department exercising control of the public property.

Permitted event shall mean an event that is allowed to use public property by the issuance of a permit by the department exercising control over the use of the public property.

Person shall mean an individual, association, or corporation.

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Sign, window shall mean any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Simulcast shall mean a simultaneous live transmission of the permitted event from the permitted area to one or more permitted areas or to an area on private property.

Street Classification, Arterial Type A: Any street designated as a super primary or secondary arterial Type A in the city Major Thoroughfare Plan.

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Zone shall mean one (1) of the standard zoning classifications established in chapter 35 of this Code.

SECTION 3. Chapter 28, Article IX, Section 28-237, *Scope* of the City Code of San Antonio, Texas, is hereby amended to read as follows:

Sec. 28-237. - Scope.

(a) This article [Ordinance 81318] is intended to establish a comprehensive system for regulating signs within the city and its extraterritorial jurisdiction with reasonable standards and controls for the protection of the public and aesthetic qualities of the city, and to ensure the availability of adequate, quality signs in the community.

* * * * *

(b) The objectives and strategies of this article are as follows:

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(5) To allow the use of current technology because of broad appeal, ease of communication of historic tradition and cultural significance, or other public benefits provided by the technology.

SECTION 4. Chapter 28, Article IX, Section 28-242, *Temporary Displays* of the City Code of San Antonio, Texas, is hereby amended to read as follows:

Sec. 28-242. – Temporary Displays.

- (a) Inflatables. The temporary display of inflatables is permitted for a maximum period of twenty-one (21) days per calendar quarter per platted lot. Inflatables shall be limited to a height of thirty (30) feet for the inflatable device, not to include the height of any building or structure on which it might be placed.

(b) Public property.

(1) The temporary display of an on-premises sign and/or an on-premises digital display, as they are defined in Section 28-6, is permitted on public property for a permitted event for a maximum of thirty (30) days per event per calendar quarter. The temporary on-premises display must:

- a. be erected in the area specified in the permit for the event;
- b. be erected only for the period specified in the permit for the use of the public property;
- c. only contain an on-premises message related to the specific event;
- d. be permitted by the department exercising control of the public property; and
- e. be permitted by the Development Services Department if required by this chapter;

(2) Notwithstanding (1) above, on-premises digital displays shall not be authorized for events located in Alamo Plaza Park or in the Riverwalk Area.

(3) On-premises signs and/or on-premises digital displays shall be authorized for events hosted in Main Plaza, provided such events are permitted events approved by a Texas Non-Profit Corporation managing Main Plaza under a Management Agreement approved by the City Council.

(4) City department work programs such as "Movies in the Park", are authorized on-premises signs or on-premises digital displays on public property and are exempt from the permit requirements of this section.

(5) The event may only be simulcast from the permitted area to another area on public property permitted for the event or may only be simulcast from the permitted area to private property.

(6) This section does not apply to Public Art.

(7) To the extent that this section is in conflict with any other provision of the City Code, this section prevails or supersedes the provision in conflict.

(8) Nothing herein shall act as a limitation on City Council's authority to authorize on-premises signs or on-premises digital displays for specific events.

SECTION 5. Chapter 35, Section 35-612, *Signs and Billboards*, Subsection (a), *General Provisions* of the City Code of San Antonio, Texas, is hereby amended to add Subsection 35-612(a)(9) authorizing temporary displays as follows:

Sec. 35-612. - Signs and Billboards.

(a) General Provisions.

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(9) Temporary displays are authorized if in accordance with chapter 28 of the City Code of San Antonio, Texas.

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(n) Violations.

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(2) **Abandoned Signs.** A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises and such sign has been determined to be abandoned under the provisions of chapter 28. Such sign, if not removed within thirty (30) days from the determination of abandonment by such business shall be considered to be in violation of this chapter, and shall be removed at the owner's expense. This does not include signs that are currently approved as contributing structures.

SECTION 6. Chapter 35, Section 35-645, *Signs and Billboards on Public Property or Right-of-Way*, Subsection (a), *General Provisions* and Subsection (f), *Prohibited Signs* of the City Code of San Antonio, Texas, are hereby amended to authorize temporary displays as follows:

Sec. 35-645. - Signs and Billboards on Public Property or Right-of-Way.

(a) **General Provisions.** All non-regulatory signage on public property, on the public right-of-way, or overhanging the public right-of-way shall conform to all city codes and must be approved by the historic preservation officer prior to installation. Permits must be obtained following approval of the application. The historic preservation officer may submit an application under this section to the historic and design review commission for their recommendation prior to approving, denying, or approving with conditions the application. Memorials, markers, naming rights of public property, and recognition of charitable donations given to the City of San Antonio shall be additionally governed by existing policies for memorials and markers and/or any formal action passed by city council. Temporary displays approved by the department exercising control of the public property are authorized if in accordance with chapter 28 of the City Code of San Antonio, Texas.

(b) **Sign Definitions.** For signage definitions, refer to subsection 35-612(b) and chapter 28 of the City Code.

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(e) **Special Purpose Signs.** All special purpose signs may be approved by the historic preservation officer and shall be removed within thirty (30) days from the date of approval unless otherwise specified. If within the specified period the applicant feels there is a continued need for the special purpose sign, promotional sign or temporary sign, the applicant may file a new application to request additional display time. Non-governmental banners, pennants and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this chapter and are appropriate for advertising the event and for decoration only during special events or celebrations. No permanent advertising may be regulated in this way. Temporary displays approved by the department exercising control of the public property are authorized if in accordance with chapter 28 of the City Code of San Antonio, Texas.

(f) **Prohibited Signs.** Signs that ~~which~~ shall not be permitted include:

* * * * *

(3) Digital and/or LED lighted signs, not to include LED light sources that do not meet the definition of a sign, with or without rotating, flashing lettering, icons or images. Except as provided below:

* * * * *

E. Temporary displays for permitted events are authorized if in accordance with chapter 28 of the City Code of San Antonio, Texas.

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(g) **Violations.**

* * * * *

(2) **Abandoned Signs.** A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises and such sign has been determined to be abandoned under the provisions of chapter 28. Such sign, if not removed within thirty (30) days from the determination of abandonment by such business shall be considered to be in violation of this chapter, and shall be removed at the owner's expense. This does not include signs that are approved as contributing structures.

SECTION 7. Chapter 35, Section 35-678, *Signs and Billboards in the RIO*, Subsection (a), *General Provisions*, Subsection (j), *Allowable Temporary Signs*, and Subsection (k), *Prohibited Signs* of the City Code of San Antonio, Texas, are hereby amended to allow temporary displays as follows:

Sec. 35-678. - Signs and Billboards in the RIO.

(a) **General Provisions.**

- (1) This section governs all exterior signs and all interior signs hung within ten (10) feet of an exterior fenestration, or those signs intended to be read by exterior patrons.

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E. Temporary displays for permitted events are authorized if in accordance with chapter 28 of the City Code of San Antonio, Texas.

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- (j) **Allowable Temporary Signs.** If approved, the area of temporary signs shall not be included in the general allowable area for the specified property. No more than one (1) temporary sign will be allowed at any given time. Temporary signs may be approved administratively, shall be non-illuminated, and limited to the following types:

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(13) Temporary displays are authorized if in accordance with chapter 28 of the City Code of San Antonio, Texas.

- (k) **Prohibited Signs.** The following signs are prohibited:

* * * * *

- (9) Digital displays, digital and/or LED lighted signs, not to include LED light sources that do not meet the definition of a sign, with or without rotating, flashing lettering, icons or images.

Except as provided below:

* * * * *

E. Digital displays, digital and/or LED lighted signs are authorized in conjunction with a temporary display for a permitted event if in accordance with chapter 28 of the City Code of San Antonio, Texas.

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- (o) **Violations in River Improvement Overlay Districts and on the Riverwalk.**

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(3) **Abandoned Signs** - A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises and such sign has been determined to be abandoned under the provisions of chapter 28. Such sign, if not removed within thirty (30) days from the determination of abandonment by such business shall be considered to be in violation of this

chapter, and shall be removed at the owner's expense. This does not include signs that are approved as contributing structures.

SECTION 8. A person commits an offense if that person violates the provisions of this Ordinance. An offense under this ordinance is a Class C misdemeanor subject to the penalties and provisions of Chapter 28, Section 28-15, Violations; penalties; civil remedies; nuisance signs; removal; reclaiming or the penalties and provisions of Chapter 35, Division 11, Enforcement, Violations and Penalties.

SECTION 9. 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 10. 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.

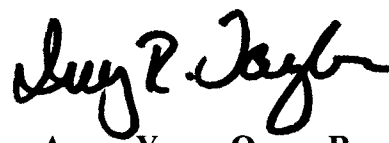
SECTION 11. The publishers of the City Code of San Antonio, Texas, are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

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

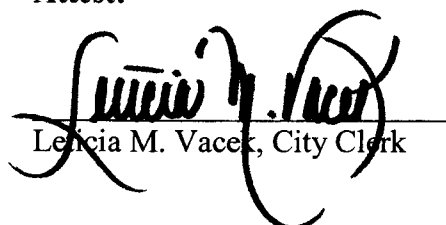
SECTION 13. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the Charter of the City of San Antonio.

SECTION 14. This ordinance is effective immediately upon receipt of eight affirmative votes; otherwise, it is effective 10 days after passage.

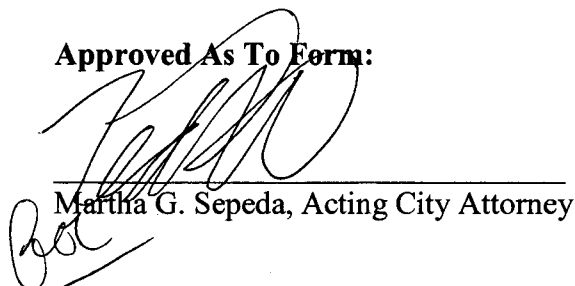
PASSED AND APPROVED this 9th day of April, 2015.


M A Y O R
Ivy R. Taylor

Attest:


Leticia M. Vacek, City Clerk

Approved As To Form:


Martha G. Sepeda, Acting City Attorney

Agenda Item:	23						
Date:	04/09/2015						
Time:	10:50:29 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapters 28 and 35 of the City Code of San Antonio, Texas, by adding provisions authorizing the temporary display of an on-premises sign and/or an on-premises digital display on public property at permitted events, and providing for penalties, publication and an effective date. [Erik Walsh, Deputy City Manager; Roderick Sanchez, Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				x
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	