

RESOLUTION R-2023-010

A RESOLUTION ADOPTING CITY POLICY NO. 24 – ENFORCEMENT OF SIGN STANDARDS IN COMMERCIAL ZONING DISTRICTS

WHEREAS, the City Council of the City of Shavano Park wishes to adopt a City Policy to clarify the enforcement of sign standards in commercial zoning districts based upon current ordinances and procedures; and

WHEREAS, the City Council of the City of Shavano Park believes the enforcement policy will facilitate the removal of illegal signs, which is a TxDOT requirement for certain signs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:

1. That City Policy No. 24 – Enforcement of Sign Standards in Commercial Zoning Districts is hereby created to read as described in Attachment A.
2. That the City Manager is authorized to make minor amendments to the Enforcement of Sign Standards in Commercial Zoning Districts Policy to stay aligned with TxDOT requirements.

PASSED AND APPROVED on by the City Council of the City of Shavano Park this the 26th day of June, 2023.

BOB WERNER, MAYOR

Attest:

KRISTEN M. HETZEL, City Secretary



CITY OF SHAVANO PARK
900 Saddletree Court
Shavano Park, TX 78231

CITY POLICY NO. 24

SUBJECT: Enforcement of Sign Standards along Federal-aid Primary Highways June 26, 2023

1. References.

- a) City of Shavano Park Code of Ordinances, Chapter 24, Signs
- b) Resolution R-2023-010 Commercial Maintenance Standards Sign Policy
- c) Highway Beautification Act of 1965 (Section 131 of Title 23, United States Code)
- d) Texas Federal-State Agreement for Outdoor Advertising (as amended)

2. Purpose. This policy regulates enforcement of sign standards in Commercial Zoning Districts.

3. Staff Point-of-Contact. The point of contact for this policy is the Code Compliance Officer, at 210.391.0412 or codecompliance@shavanopark.org.

4. Background. In commercial and industrial zones, the State may discharge its obligation under this agreement by a certification that a political subdivision has established and well enforce within its geographical jurisdiction standards and criteria for size, lighting and spacing of outdoor advertising signs consistent with the purposes of the Highway Beautification Act of 1965 and with customary use.

5. Definitions.

- a) ***Federal-aid Primary Highway*** means any highway within that portion of the State Highway System as established and maintained as a Primary Highway, including extensions of such system within municipalities, which has been approved pursuant to Subsection (b) of Section 103 of Title 23, United States Code. These roads in Shavano Park jurisdiction are NW Military Highway (FM-1535), Lockhill Selma, De Zavala, and Loop 1604.
- b) ***Commercial sign*** means any sign in zoning districts O-1, B-1 or B-2 that is not a safety or government sign.
- c) ***City Code Compliance Officer*** means one or more individuals duly appointed by the City Manager to enforce City Code violations.
- d) ***Dilapidation*** means any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.
- e) ***Safety signs*** means any sign on an office or business property which point or direct a person or vehicle to a specific place or along a specific course in order to ensure the safe and orderly passage of vehicles and persons around the premises of a building, such as "entrance," "exit," "handicap access," "employee access only" or "patient drop off."

6. Policy.

a) The City Manager is authorized by City Council to enforce all ordinances and this policy. The City Manager or the City Manager's designated Code Compliance Officer shall review sign regulations, permit applications, nonconforming uses and destruction, and other requests under the ordinance and is responsible for interpreting and administering the sign ordinance. (Ord. No. O-2021-012 Sec. 24-13(a))

b) Sections 24-10, 24-11, 24-13, 24-14, and 24-16 of the City of Shavano Park sign ordinance provide for the City's power to administer and enforce the sign ordinance and penalties for violations including, dilapidated signs, removal of illegal signs, criminal penalties and prosecution for violations.

c) The City Code Compliance Officer (or such other individual or classification of individuals as may be designated by the City Manager) may issue a citation requiring the removal, relocation, or reconstruction of any sign which does not meet the spacing, height, and size requirements of Chapter 24 and other City ordinances for which the installation began on or after the effective date of the ordinance from which this chapter is derived. All safety signs shall be approved by the City Code Compliance Officer. (Ord. No. O-2021-012 Sec. 24-13(b))

d) An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations for more than one year, unless the property is leased, in which case the sign shall be removed after two years. The responsible party shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business. A violation of this section is an offense. (Ord. No. O-2021-012 Sec. 24-11)

e) There are four highways and roads (or portions thereof) within the City of Shavano Park's jurisdiction that are also within TxDOT's jurisdiction. Sec. 24-3 lists prohibited signs. Sec. 24-5 - Non-nuisance signs in business and office districts provides for allowable signs. Article II – Urban Corridor Signage provides sign standards.

f) There are no active off-location commercial signs or non-conforming signs located along these roads.

g) Sign Lighting Enforcement. The City Code Compliance Officer shall give written notice of noncompliance to the owner/tenant or their agent or other person in control of the property on which an outdoor lighting violation exists. Service shall be made on the owner/tenant or their agent or other person in control of the property:

- (1) In person or by registered or certified mail, return receipt requested; or
- (2) If personal service cannot be obtained or the address of the owner/tenant or their agent or other person in control of the property is unknown, by posting a copy of the

notice on the premises on which the violation exists or by publishing the notice in a newspaper with general circulation in the City. (Ord. No. 100-02-09 Sec. 14-262)

(3) Property owners who fail to comply with outdoor lighting requirements will be cited under Chapter 24 of the City's Ordinances.

- h) Citizens may submit sign concerns through a form on the City of Shavano Park's website (<https://form.jotform.com/222286587053158>), call non-emergency dispatch at 210.804.0110 or text message 210.853.2003.
- i) Upon receiving a court order authorizing removal, the city may remove any sign not in compliance with this chapter at the sign or property owner's expense. The building official may also take necessary action to file a lien against the property to recover the cost of removal if the removal costs are not paid by the sign or property owner within 15 calendar days after the sign or property owner is billed.