

ORDINANCE 2023-06-01-0369

AMENDING CHAPTER 28 “SIGNS”, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING PROPOSED AMENDMENTS RECOMMENDED BY THE BUILDING-RELATED AND FIRE CODES APPEALS AND ADVISORY BOARD, AND CHAPTER 35, SECTION 35-339.01, UNIFIED DEVELOPMENT CODE OF THE CITY OF SAN ANTONIO TEXAS, BY AMENDING THE DESIGN CRITERIA OF THE ADOPTED CORRIDOR PLAN FOR “GC-1” HILL COUNTRY GATEWAY CORRIDOR 1, AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

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WHEREAS, in early 2022, the Building-Related and Fire Codes Appeals and Advisory Board (BRFCAAB) was charged with reviewing and making recommendations on potential amendments to Chapter 28, the City of San Antonio Sign Code; and

WHEREAS, as part of the review process, the BRFCAAB formed a sign code subcommittee and working group that held many public meetings and evaluated the proposed amendments, gave input and recommended revisions; and

WHEREAS, the results of these reviews were forwarded to the full BRFCAAB where a public meeting was conducted regarding the proposed amendments on March 15, 2023, and the BRFCAAB recommended approval and adoption of the amendments; and

WHEREAS, the BRFCAAB also reviewed a proposed amendment to Chapter 35, the City of San Antonio UDC site development standards for digital signs in the Hill Country Gateway Corridor 1 (GC-1), and recommended approval; and

WHEREAS, the proposed amendments were reviewed by the Planning and Community Development Committee on March 20, 2023, and the committee voted to approve sending the proposed amendments for City Council consideration; and

WHEREAS, the San Antonio Zoning Commission reviewed the proposed amendment to the site development standards of GC-1 on April 18, 2023, and approved an alternate recommendation for City Council consideration; and

WHEREAS, all prerequisites required by state statute and the City Charter for adoption of these amendments have been satisfied; **NOW THEREFORE**,

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

SECTION 1. Chapter 28, Signs, of the City Code of the City of San Antonio is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken through (~~deleted~~) as detailed in the attached and incorporated Attachment I.

SECTION 2. Chapter 35, Unified Development Code of the City Code of the City of San Antonio, Sec. 35-339.01, Hill Country Gateway Corridor 1 design criteria and site development standards is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken through (~~deleted~~) as detailed in the attached and incorporated Attachment II.

SECTION 3. All other provisions of the City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision in this ordinance 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 5. There is no financial impact as a result of the passage of this Ordinance.

SECTION 6. Violations of this ordinance shall be punished under the applicable provisions of Chapter 28, Chapter 35 and City Code.

SECTION 7. The City Clerk for the City of San Antonio is directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by Article 2, Section 17 of the City Charter of San Antonio, Texas.

SECTION 8. The publishers of the City Code of San Antonio are authorized to amend said Code to reflect the changes adopted in this Ordinance, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 9. This Ordinance is effective the 1st day of July, 2023.

PASSED AND APPROVED this 1st day of June, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

ATTACHMENT I

Amendments to Chapter 28 City of San Antonio Sign Code

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Sec. 28-6. Definitions.

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Maintenance as it pertains to structural integrity of on-premises signs ~~means regarding~~ the upkeep, care, refacing and servicing of equipment comprising sign components and sign structures. Any electrical work must be in compliance with chapter 10 regulations. However, it does not include any rebuilding, reconstructing or any reconfiguration of the existing sign cabinet.

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Sec. 28-6. Definitions.

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Sign-Face Area means the entire advertising area or "sign face" within the sign excluding any framing, bracing, trim, or molding and the supporting structure. ~~Also known as the "sign face."~~ A Matrix 2-D symbol is not part of the area.

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Sec. 28-11. Recorded sign easement agreements.

Any recorded private sign easement agreement or any other legal agreement that eliminates or purports to eliminate the distinctions between on-premises and off-premises sign types, single and multi-tenant sign types, or sign sizes by zoning district or street classification constitutes a violation of this chapter. This provision shall operate prospectively from ~~the effective date of the ordinance from which this chapter derives~~ July 3, 2017.

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Sec. 28-23. On-premises sign operator license.

- (a) *License required.* A person engaging in the business of erecting, ~~painting, servicing~~ or maintaining on-premises signs must be licensed to do business by the city. Such a license does

not authorize electrical work on any sign. A license holder shall supply the license to only one (1) firm or corporation doing business. Any permit issued to the license holder shall be for work being done by the license holder and this firm or corporation. Work shall be conducted by the license holder issued the permit; however, a new license holder is permitted to complete work under the issued permit. The licensing requirement is inapplicable to employees or subcontractors performing work under the supervision of the license holder.

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Sec. 28-26. Revocation and suspension.

(a) *Grounds.* The appeals and advisory board is authorized to uphold, modify or overrule the director's decision to suspend or revoke the city issued license of any person found to have:

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(5) Perform any contractor work for which a permit is required without having the permit or after the permit has been canceled.

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Sec. 28-30. Permit exceptions.

(a) On-premise signs not exceeding one (1) square foot of facing, and non-lit, attached to a residence, apartment or mixed use building used solely for home occupation purposes.

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit as defined in chapter 35.

(b) Non-Electric or Non-Illuminated Signs not exceeding thirty-two (32) square feet of facing, composed of durable material, situated wholly upon private property and securely affixed to a building, fence or wall and having a frame or trim not more than three (3) inches wide except said signs shall comply with applicable erection and maintenance permit regulations. This exception does not apply to any signs erected in the Riverwalk Area as defined in this chapter.

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Sec. 28-31. Permit application process.

(d) Considerations for issuing sign permits.

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- (2) Off premises relocation permit application considerations.
- a. Any off premises sign structure removed in the city within two (2) years prior to ~~the effective date of this chapter~~ July 3, 2017 may be credited as a required removal provided the development services department has previously identified the removed sign through a demolition permit application as such under then-existing regulations. Demolition permits must be issued by the development services department and structures demolished prior to issuance of a relocation permit. Once an application for a relocation permit is filed, such application shall not be amended except for adjustment of the location of the relocated off premises sign structure on the same property.

* * *

- (4) Height adjustment permits. A height adjustment permit can be issued if all of the following conditions are met for an existing billboard structure.
- a. The owner shall file an application with the development services department providing it with photographic evidence that the sign face is obstructed by a ramp, elevated roadway, traffic sign or similar highway structure.
 - b. The structure is not located within the following boundaries:
 1. Both sides of I.H. 10, an expressway, between Highway 90 to I.H. 35 for a distance of five hundred (500) feet from the street right-of-way.
 2. Both sides of I.H. 35, an expressway, between I.H. 10 to I.H. 37 for a distance of five hundred (500) feet from the street right-of-way.
 3. Both sides of I.H. 37, an expressway, between I.H. 35 I.H. 10/Highway 90 for a distance of five hundred (500) feet from the street right-of-way.
 4. Both sides of I.H. 10,/Highway 90, an expressway, between I.H.10/I.H. 35 and I.H. 37 for a distance of five hundred (500) feet from the street right-of-way.
 - c. The existing billboard structure was installed prior to the building or installation of the obstruction.
 - d. The existing billboard was not converted to a digital face in the previous three (3) years.
 - e. The existing billboard must retain the same basic structural configuration, including number of faces and lighting method after adjustment. The Building Official may allow minor alterations that do not affect the configuration.
 - f. The adjusted height would be coordinated with and approved by the development services department to create adequate sign face visibility for an existing obstructed billboard but may not exceed eighty-five (85) feet above the grade level at the base of the sign. The bottom of the sign face may not exceed ten (10) feet above the obstruction at the point nearest to the billboard.
 - g. All adjustments shall comply with the most recently adopted version of the International Building Code as adopted under Chapter 10.

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Sec. 28-43. Digital displays; general.

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(b) Existing signs. All digital displays, as defined, lawfully in existence prior to July 3, 2017 ~~the effective date of this chapter~~ shall conform to the provisions of this article within one (1) year of ordinance passage; provided however, that incandescent or monochrome LED signs using a single display color and which are used exclusively to display text is excluded from the requirements of this provision.

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Sec. 28-45. Sign height and area.

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(b) Sign area.

(1) Total-Sign *Area computation.* The area of a sign shall be computed on the actual area of the sign. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or other displays. Any border which forms an integral part of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual total -sign area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.

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Sec. 28-45. Sign height and area.

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Table 1
Maximum-Allowable Heights and Sizes for Freestanding Signs in Nonresidential Zoning Districts

| Street Classification | Height (Ft.) | Size (SF) |
|---|--------------|-----------|
| Local | 16 ft | 75 ft |
| Arterial Type B/ Commercial Collector | 24 ft | 150 ft |
| Arterial Type A | 40 ft | 240 ft |

| | | |
|------------|--------|--------|
| Expressway | 50 ft* | 375 ft |
|------------|--------|--------|

* Not to exceed fifty (50) feet in height above the adjacent street grade, measured from the grade level of the centerline of the main-traveled way, not including a frontage road or controlled access highway, closest to the sign at a point perpendicular to the sign location, not to exceed a maximum of sixty (60) feet above ground level.

** Note: Sign height and square footage may vary depending on special districts and overlays.

(d) Height and size limitation. Freestanding multiple tenant signs in nonresidential zoning districts shall be limited in height and size in accordance with Table 2.

Table 2
Maximum Allowable Heights and Sizes for Freestanding Multiple Tenant Signs in Nonresidential Zoning Districts

| Street Classification | Height (Ft.) | Size (SF) |
|---|----------------------|-----------------------|
| Local | 20 ft | 125 ft |
| Arterial Type B/ Commercial Collector | 32 ft | 250 ft |
| Arterial Type A | 50 ft | 500 ft |
| Expressway | 60 ft ⁽²⁾ | 650 ft ⁽¹⁾ |

⁽¹⁾ The maximum size for an individual tenant's portion of a freestanding multiple tenant sign in a nonresidential zoning district may not exceed the maximum size allowed for a freestanding sign in a nonresidential zoning district as specified in Table 1 of this section.

⁽²⁾ Not to exceed sixty (60) feet in height above the adjacent street grade, measured from the grade level of the centerline of the main-traveled way, not including a frontage road or controlled access highway, closest to the sign at a point perpendicular to the sign location, not to exceed a maximum of seventy (70) feet above ground level.

** Note: Sign height and square footage may vary depending on special districts and overlays.

(e) No single tenant shall exceed three hundred seventy-five (375) square feet of advertising on a multi-tenant sign at any given time. This provision is intended to address hybrid static and changeable copy multi-tenant signs.

(f) The expressway standards set out in Tables 1 and 2, excluding the 10 ft increase for adjacent grade allowance, shall also apply to lots, or any portion of lots, located within five hundred (500) feet of an expressway where said lot or lots do not have frontage on an expressway. If an expressway size sign is erected on a lot which does not have expressway frontage, said sign shall be setback a minimum of one hundred (100) feet from the nearest street easement or right-of-way and a minimum of two hundred (200) feet from the nearest residential zone. Said sign or signs shall be oriented to the expressway.

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Sec. 28-46. Provisions applicable to residential zoning districts.

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(b) The following signs are allowed in residential zones:

(1) One (1) attached, non-illuminated nameplate identifying a business authorized in that zoning district not to exceed one (1) square foot in sign area.

(2) Freestanding signs are allowed in accordance with Table 1 for residential R-2 and 3 occupancy types defined per the currently adopted International Building Code under Chapter 10. In addition, one (1) identification sign per entrance is allowed.

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Sec. 28-48. Digital displays and projections; on-premises.

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(2) *Standards.*

a. Use of digital projection and video is prohibited on displays greater than thirty-two (32) square feet.

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Sec. 28-49. Sign master plan development agreement.

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(d) **Changes To Sign Master Plan Development Agreement.** If changes or amendments to a sign master plan are being requested by a property owner whose property is subject to the respective sign master plan, then all property owners within that sign master plan shall have six (6) months to respond to the suggested changes or amendments made by the proposing property owner. A failure of the property owner(s) or their representatives to respond to no less than three (3) Building Official approved and documented attempts to inform the property owners of the proposed changes and allow feedback on the proposed change(s), shall result in a finding of no objection to the proposed changes to the plan. However, the sign master plan changes cannot negatively impact the party(s) that fail to respond to the proposed changes. Section d only applies to Sign Master Plans created after the effective date of this section of the sign ordinance, and reference to this section of the sign ordinance shall be included in future sign master plans for notice purposes.

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Sec. 28-52. - Sign specifications and maintenance.

Authorized off-premises signs shall comply with the following specifications:

(a) *Height.* All off-premises signs erected after July 3, 2017 ~~the effective date of this provision~~ shall not exceed forty-two and one-half (42½) feet in height above the adjacent street grade, measured from the grade level of the centerline of the main-traveled way, not including a frontage road or controlled access highway, closest to the sign at a point perpendicular to the sign location; not to exceed a maximum of sixty (60) feet above ground level.

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(f) *Construction ~~and maintenance~~ requirements.*

~~(1) Every off-premises sign shall be firmly and solidly constructed so as to withstand a windload of at least thirty (30) pounds per square foot of area.~~

~~(2) An open space of at least seven (7) feet shall be provided between the bottom of the off-premises sign and the ground. If necessary, support bracing for the sign may extend through the open space.~~

~~(3) All off-premises signs exceeding twenty-five (25) feet in height shall be of fireproof construction.~~

~~(4) Base aprons measuring not less than twenty-four (24) inches high shall be attached to the bottom of all off-premises signs with sign faces measuring ten (10) feet or more in height and forty (40) feet or more in width.~~

~~(5) All service platforms shall have a jack or support at each structural upright and shall have a minimum width of twenty (20) inches of walking surface. Service platforms shall be mandatory on all off-premises signs measuring more than twelve (12) feet between ground level and the bottom of the sign face.~~

~~(6) All exposed wood or metal surfaces, including treated but unpainted stringers, platforms, jacks or other supports, excepting galvanized metal, shall be painted, both front and back, upon installation of the off-premises sign.~~

~~(7) Off-premises signs shall be designed and emplaced not to create a traffic hazard near street intersections or railroad crossings. Off-premises signs shall not be positioned in a way which obscures, or physically interferes with, a traffic sign, signal device or a driver's view of approaching, merging, or intersecting traffic.~~

~~(8) Off-premises signs shall not be illuminated in a manner which interferes with the effectiveness of or obscures an official traffic sign, signal, or device; nor may the light emitted from any off-premises sign cause glare to, or impede the vision of, the driver of any motor vehicle.~~

~~(9) There shall be a distance of fourteen (14) feet between the ground and the bottom rung of any ladder which is permanently attached to the off-premises sign structure. The 14-foot separation is necessary to ensure public safety. Existing signs which do not meet this standard shall not be awarded nonconforming status. The city sign inspector is authorized to issue citations to any off-premises sign operator whose signs are in violation of this section.~~

~~(10) All off-premises signs must be maintained by a licensed off-premises sign operator.~~

(1) The following are considered to be routine maintenance activities that do not require an amended permit:

- a. the replacement of nuts and bolts;
- b. nailing, riveting, or welding;
- c. cleaning and painting;
- d. manipulation of the sign structure to level or plumb it;
- e. changing of the advertising message;
- f. the replacement of minor parts if the materials of the minor parts are the same type as those being replaced and the basic design or structure of the sign is not altered;
- g. changing all or part of the sign structure but only if materials similar to those of the sign structure being replaced are used; and
- h. upgrading existing lighting for an energy efficient lighting system.

(2) The following are considered to be customary maintenance activities that may be made but require an amended permit before the initiation of such an activity:

- a. replacement of poles, but only if not more than one-half of the total number of poles of the sign structure are replaced in any 12 month period and the same material is used for the replacement poles; and
- b. adding a catwalk to the sign structure.

(3) The following are examples of substantial changes that may be made but require an amended permit before the initiation of such an activity:

- a. adding lights to an un-illuminated sign
- b. changing the number of poles in the sign structure;
- c. adding permanent bracing wires, guy wires, or other reinforcing devices;
- d. changing the material used in the construction of the sign structure, such as replacing wooden material with metal material;
- e. adding faces to a sign or changing the sign configuration;
- f. increasing the height of the sign;
- g. changing the configuration of the sign structure, such as changing a "V" sign to a stacked or back to back sign, or a single face sign to a back-to back sign; and
- h. moving the sign structure or sign face

(4) To add a catwalk to a sign structure the catwalk must meet Occupational Safety and Health Administration guidelines.

Sec. 28-54. Digital displays; off-premise.

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(e) The owner of a sign qualifying for a second digital display under subsection (d) above that did not deploy the display during the allotted time may place a second display so long as all permits have been applied for within nine (9) months of the approval of this article. Such placement may only occur if all other applicable requirements of subsection (d) have been satisfied.

(f) Notwithstanding subsection (a) above, as of the latest date of this ordinance, for a three (3) year period, the owner of an existing legally permitted off-premises sign structure may place up to two digital displays of no more than six hundred seventy-two (672) square feet each on the structure, provided that the following conditions are met:

(1) The sign structure is not located within the following areas:

a. Downtown area within the following boundaries:

1. Both sides of I.H. 10, an expressway, between South Alamo Street to I.H. 35 for a distance of five hundred (500) feet from the street right-of-way.

2. Both sides of I.H. 35, an expressway, between I.H. 10 to I.H. 37 for a distance of five hundred (500) feet from the street right-of-way.

3. Both sides of I.H. 37, an expressway, between I.H. 35 to Carolina Street for a distance of five hundred (500) feet from the street right-of-way.

4. Both sides of I.H. 10,/Highway 90, an expressway, in the Mission Reach Overlay District for a distance of five hundred (500) feet from the street right-of-way.

b. Any street categorized as an Arterial Street or smaller, excluding locations where the structure is located on an arterial or smaller street but oriented toward the expressway and the structure is within one-hundred (100) feet from the expressway right-of-way.

c. A historic overlay district.

d. Both sides of I.H. 37, an expressway, between the south most intersection of I.H. 37 and Jones Maltsberger Road and I.H. 35 for a distance of five hundred (500) feet from the street right-of-way.

e. Within five hundred (500) feet of a structure located on a property zoned HL, HE, or HS.

f. Within two thousand (2000) feet of another digital off-premises sign.

g. Within two thousand (2000) feet of the city limits for City of San Antonio.

h. Within one thousand five hundred (1500) feet of another existing legally permitted off-premises sign structure.

i. Within ten (10) feet of the adjacent expressway.

k. Within the Hill Country Gateway Corridor, GC-1, as defined per the 2003 Ordinance 97656.

(2) The new digital display shall comply with the following:

a. Digital Sign lighting requirements per the MLOD Standards per the Uniform Development Code Section 35-339.04.

b. The orientation to the highway of the existing sign structure shall not be modified.

c. The height of the existing sign structure shall not be increased. And the structure was not changed in height under a Height Adjustment Permit within the past three (3) years.

d. A minimum of 40 hours of Public Service Announcement time shall be provided to the City of San Antonio each year, initially starting at the activation of the sign and renewing at the start of each calendar year.

(3) Takedown Credits, utilization and requirements.

a. Takedown Credits will be accrued through the removal of existing permitted billboards within the City of San Antonio at a per square footage of sign face removed at a one (1) for one (1) ratio. Billboards removed in the areas defined under Section 28-54(f)(1) will receive Takedown Credits at a per square footage of sign face removed at a one and a half (1.5) for one (1) ratio.

b. Relocation credits per Sections 28-56 and 28-57 can be converted to Takedown Credits at a ratio of one (1) square footage of sign face relocation credit to a half (0.5) square footage of Takedown Credit. A maximum of fifty percent (50%) of required Takedown Credits needed for the conversion of a digital face can be converted from relocation credits.

c. For each new digital display, the billboard owner shall need four (4) square feet of Takedown Credits for one (1) square foot of digital display.

d. The sign faces must be removed prior to receiving Takedown Credits and a permit for each digital display.

e. If a face is removed from a structure, the entire sign assembly must be removed.

f. No credit will be given for the area of the sign face removed to convert to a digital display.

g. Credits for a takedown to be utilized for digital conversion shall not be transferred from one licensed billboard operator to another.

(4) A maximum of eight (8) digital conversion permits will be issued per calendar year starting on January 1, 2024 and will conclude on December 31, 2026. Conversion permits are only good for the year issued and cannot be transferred to another calendar year. One (1) permit will be issued for each billboard structure to be converted to digital. The billboard owner will have the option to convert one or both faces of an existing dual face billboard. If the owner only converts one face of a dual face structure, then a new permit will be required to convert the second face in any future year. No new faces can be added to existing billboards under the digital conversion and no more than two digital faces can be added to an existing structure.

a. Licensed billboard operators with four-hundred (400) or more permitted billboards shall be allocated four (4) conversion permits per year.

b. Licensed billboard operators with twenty (20) to three-hundred ninety-nine (399) permitted billboards shall be allocated one (1) conversion permit per year.

c. Licensed billboard operators with less than twenty (20) permitted billboards shall be allocated the remaining allowable conversions using the following process:

1. A company wishing to participate in the digital conversion process during each calendar year must submit a completed application detailing the location to be converted, the number of faces to be converted, and billboards that will be removed to accrue the required Takedown Credits.

2. Development Services Department will conduct a drawing in the presence of participants.

3. The company selected by the drawing must submit a final application within sixty (60) days of the selection drawing date.

4. All demolition requirements need to be completed in six (6) months after the application has been issued and approved. The director is authorized to extend this time an additional ninety (90) days for good cause shown supported by written documentation stating the reasons why six (6) months was insufficient to complete the required demolitions.

5. If the company drawn to perform the conversion fails to meet the deadline, the next company in line will be awarded the right to perform a digital conversion.

6. Approval to receive a digital conversion permit cannot be transferred or sold.

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Sec. 28-64. Sign standards.

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(c) *Temporary signs within urban corridors.* Banners, pennants, streamers, and balloons one (1) foot or less in diameter may be used as temporary advertising for a maximum duration of thirty (30) days each six (6) months. Permits in accordance with the City Code and this chapter are required for signs over ~~fifteen (15)~~ thirty-two (32) square feet in size.

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Sec. 28-74. Temporary signs on nonresidential zoned properties and nonresidential uses.

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(b) Large Sign.

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(3) *Temporary placement.*

a. A licensed sign contractor is required to apply for and be issued a permit to place a temporary large sign.

b. The development services department must review the plan for conformity and perform necessary inspections prior to permit issuance.

c. Permit validity period. Duration of the temporary event for which the temporary sign is used for, but not more than ~~one (1)~~ five (5) years. The permit can be renewed up to four (4) times (maximum five (5) years) by the applicant upon and submission of evidence that the event is not yet over.

d. The sign erector shall certify in writing that the sign will not interfere with public safety.

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Sec. 28-75. Temporary signs on public right-of-way and city public property.

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(b) Temporary Placement on City Public Street Right of Way.

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(4) *Sign location.*

- a. Signs must be self-supporting and placed into the ground by one (1) to two (2) stakes. No off premises sign is permitted on a utility pole, guardrail, street light pole, sign pole, fence, tree or other manmade or natural feature unless authorized under this section.

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ATTACHMENT II

