

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE REGULATION OF SIGNS; AMENDING SECTION 25-10-3 OF THE CITY CODE TO ADD NEW DEFINITIONS FOR TRAVEL WAYS; AMENDING SECTION 25-10-102 TO PROHIBIT CERTAIN SIGNS ON VEHICLES; AMENDING SECTION 25-10-152 RELATING TO NON-CONFORMING SIGNS; ADDING A NEW SECTION 25-10-237 TO IMPOSE A PENALTY FOR VIOLATION OF REGISTRATION REQUIREMENTS; AND AMENDING SECTION 13-2-237 TO AUTHORIZE IMPOSITION OF A FEE FOR ADVERTISEMENTS ON TAXICABS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-10-3 (*Definitions*) of the City Code is amended to read to read:

§ 25-10-3 DEFINITIONS.

In this chapter:

(1) ADVERTISING SEARCHLIGHT means a searchlight used to direct beams of light upward for advertising purposes.

(2) COMMERCIAL FLAG means a piece of fabric or other flexible material displayed for commercial purposes, but excluding the official flag of a nation or of a state.

(3) ELEVATED TRAVEL WAYS and ELEVATED TRAVEL LANES means that portion of a public right-of-way that is structurally elevated or suspended above the nearest adjacent ground level street pavement, including the upper deck of a divided highway and decreases or increases in the grade of a ramp leading to or from a highway interchange or intersection.

(4)[(3)] FREESTANDING SIGN means a sign not attached to a building, but permanently supported by a structure extending from the ground and permanently attached to the ground.

(5) MAIN-TRAVELED WAY means the traveled portion of a highway that carries through traffic. In the case of a divided highway, the traveled portion of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not

1 include such facilities as frontage roads, turning roadways, entrance or exit ramps, or
2 parking areas.

3 (6)[(4)] MAINTENANCE means the cleaning, painting, repairing, or replacing of
4 defective parts of a sign in a manner that does not alter the basic copy, design, or
5 structure of the sign, but does not include changing the design of the sign's support
6 construction, changing the type of component materials, or increasing the illumination.

7 (7)[(5)] MULTI-TENANT CENTER SIGN means a sign advertising two or more
8 uses with common facilities.

9 (8)[(6)] NONCONFORMING SIGN means a sign that was lawfully installed at its
10 current location but does not comply with the requirements of this chapter.

11 (9)[(7)] OFF-PREMISE SIGN means a sign advertising a business, person, activity,
12 goods, products, or services not located on the site where the sign is installed, or that
13 directs persons to any location not on that site.

14 (10)[(8)] PROJECTING SIGN means a wall sign that extends over street right-of-
15 way for a distance of more than 18 perpendicular inches from the building facade.

16 (11)[(9)] PUBLIC RIGHT-OF-WAY means land dedicated or reserved for street
17 right-of-way, utilities, or other public facilities.

18 (12)[(10)] ROOF SIGN means a sign installed over or on the roof of a building.

19 (13)[(11)] SIDEWALK SIGN means a sign located on a sidewalk, either within
20 street right-of-way or on private property within a unified development, advertising the
21 business abutting the sidewalk where the sign is located.

22 (14)[(12)] STREET BANNER means a fabric sign hung over a street maintained by
23 the City.

24 (15)[(13)] STREET RIGHT-OF-WAY means the entirety of a public street right-of-
25 way, including the roadway and pedestrianway.

26 (16)[(14)] WALL SIGN means a sign attached to the exterior of a building or a
27 freestanding structure with a roof but not walls.

28 **PART 3.** Section 25-10-102 (*Signs Prohibited in All Sign Districts*) of the City Code is
29 amended to read:

30 **§ 25-10-102 SIGNS PROHIBITED IN ALL SIGN DISTRICTS.**

1 Unless the building official determines that the sign is a nonconforming sign, the
2 following signs are prohibited:

3 (1) an off-premise sign, unless the sign is authorized by another provision of this
4 chapter;

5 (2) a sign placed on a vehicle or trailer that is parked or located for the primary
6 purpose of displaying the sign;

7 (3) a festoon, including tinsel, strings of ribbon, small commercial flags, streamers,
8 and pinwheels;

9 (4) a sign not permanently affixed to a building, structure, or the ground that is
10 designed or installed in a manner allowing the sign to be moved or relocated without any
11 structural or support changes, excluding a sidewalk sign described in Section 25-10-153
12 (*Sidewalk Sign In Downtown Sign District*); [-]

13 (5) a tethered, pilotless balloon or other gas-filled device used as a sign; [~~and~~]

14 (6) a sign that uses an intermittent or flashing light source to attract attention,
15 excluding an electronically controlled changeable-copy sign; and [-]

16 (7) a sign installed or displayed on a motor vehicle operating on public right-of-way
17 within the City's full-purpose jurisdiction, if the vehicle is operated primarily for the
18 purpose of displaying advertising.

19
20 **PART 4.** Section 25-10-152(B) of the City Code is amended to read:

21 (B) A person may not change or alter a nonconforming sign except as provided in this
22 subsection.

23 (1) The face of the sign may be changed.

24 (2) The sign may be changed or altered if the change or alteration does not:

25 (a) increase the degree of the existing nonconformity;

26 (b) change the method or technology used to convey a message; or

27 (c) increase the illumination of the sign.

1 (3) The sign may be relocated on a tract, if the building official determines that
2 the relocated sign will not be hazardous, and the sign is:

3 (a) located on a tract that is partially taken by condemnation or partially
4 conveyed under threat of condemnation; or

5 (b) moved to comply with other regulations.

6 (4) Except as provided in Subsection (B)(5), a nonconforming sign may be
7 modified or replaced in the same location, if the modification or replacement reduces:

8 (a) the sign area by at least 20 percent;

9 (b) the height of the sign by at least 20 percent; or

10 (c) both sign area and height of the sign by an amount which, combined, is
11 equal to at least 20 percent of the sign area and height.

12 (5) A nonconforming off-premises sign may be replaced if:

13 (a) each owner of a property from which a sign is to be removed or on
14 which a sign is to be replaced agrees to the sign removal or replacement,
15 as applicable;

16 (b) each owner of a property from which a sign is to be removed
17 designates the person who is responsible for removing the sign; and

18 (c) the replacement sign:

19 (i) does not direct illumination onto a property zoned or used for a
20 residential use;

21 (ii) does not exceed the height of the sign it replaces; and

22 (iii) is constructed in the same location with same type of materials and
23 construction design as the sign it replaces, and:

24 1. the face height and width of the replacement sign are each at
25 least 25 percent less than the face height and width of the sign being replaced; or

26 2. the replacement sign is not located in, or within 500 feet of, a
27 historic sign district, its sign area is at least 25 percent smaller than the sign area of the
28 sign it replaces, and:

1 a. one other nonconforming off-premises sign is permanently
2 removed, the location of the sign to be removed is not included in a site plan that is
3 pending approval, and if, before removal, the sign to be removed is:

4 i. located in a scenic road-way sign district;

5 ii. located in, or within 500 feet of, a historic sign district; or

6 iii. of monopole construction; or

7 b. two other non-conforming off-premises signs are permanently
8 removed, and the location of a sign to be removed is not included in a site plan that is
9 pending approval.

10 (6) The owner of a nonconforming off-premise sign may relocate the sign to
11 another tract under these provisions if the requirements of this paragraph are met.

12 (a) The original location of the sign must be:

13 (i) in the area bounded by Highway 183 from Burnet Road to Highway 71,
14 Highway 71 from Highway 183 to Lamar Boulevard, Lamar Boulevard from Highway 71
15 to 45th Street, 45th Street from Lamar Boulevard to Burnet Road, and Burnet Road from
16 45th Street to Highway 183, or on a tract that abuts the street right-of-way of a boundary
17 street;

18 (ii) in a scenic roadway sign district;

19 (iii) within 500 feet of:

20 1. a historic sign district; or

21 2. a residential structure located in a residential base zoning district; or

22 (iv) within the boundaries of a registered neighborhood association that
23 has requested removal of the sign.

24 (b) The sign must be permanently removed from the original tract and may
25 not be replaced. If an off-premise sign is replaced, by installing a replacement sign on
26 the original tract after an off-premise sign has been relocated from the tract to another
27 location, the sign owner shall remove the replacement sign. Any tract upon which an
28 off-premise sign has been unlawfully replaced shall not be eligible as a site for a
29 relocated sign.

(c) The tract to which the sign is relocated:

(i) must be in ~~[1] an expressway corridor sign district[2] or a commercial sign district; [2. — for a sign with a sign area of 300 square feet or less, an expressway corridor sign district or a commercial sign district;]~~

(ii) may not be on a scenic roadway[3], except for:

1. At (c)(ii)(1)-(3), insert the names of scenic roadways on which relocated signs will be allowed

2. _____

3. _____

(iii) may not be within 500 feet of:

1. a historic sign district; or

2. a residential structure located in a residential base zoning district;

and

(iv) if the tract is within the zoning jurisdiction, it must be zoned as a commercial or industrial base district.

(d) Sign district restrictions on sign height ~~[and face size]~~ otherwise applicable to the relocation tract do not apply to the relocated sign, but the sign height of the relocated sign may not exceed:

(i) for signs not adjacent to elevated travel ways, an overall height of [42] 42.5 feet [above ground level street pavement] measured from the highest point of the sign to the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location; or

(ii) for a sign adjacent to an elevated travel way, 25 feet above the elevated travel lane of the main-traveled way, measured from the highest elevated point of the travel way within 500 feet of the sign, to the top of the sign face.

1. A sign is adjacent to an elevated travel way only if the sign face is oriented toward the travel way and the footing(s) of the sign is located no more than 500 feet away from the travel way at its closest point; and

2. A sign is not eligible for the increased height allowed under this section if the sign is located within 2,640 feet of an interchange or

1 intersection with elevated main-traveled lanes or elevated entrance or exit
2 ramps. For purposes of this subsection, 2,640 feet is measured along (the
3 outer edge of?) the highway from the nearest point of beginning or ending
4 pavement widening at the exit from, or entrance to, the main-traveled way.

5 (e) Sign district restrictions on sign face size otherwise applicable to the
6 relocation tract do not apply to the relocated sign, but the face size of the relocated sign
7 may not exceed that of the original sign, except that:

8 (i) the face size of a relocated sign may be increased up to the total
9 aggregate square footage of the face size of all signs removed as a part of a relocation
10 application, up to a maximum of 672 square feet; and

11 (ii) if the aggregate of the face sizes of multiple signs does not reach a
12 maximum of 672 square feet, the maximum sign face area shall be 10% less than the total
13 aggregate amount of square footage of all the signs removed as a part of relocation
14 application.

15 (f)[(e)] A relocated sign must be permanently removed from the new location
16 not later than 25 years after the date the relocation application is approved, unless within
17 the 25 year time period the sign owner permanently removes and does not relocate a
18 second nonconforming off-premise sign from a location described in Paragraph (6)(a).

19 (g)[(f)] The council may waive or modify, with or without conditions, a
20 requirement of Paragraph (6)(a) - (e) if the council determines that the waiver or
21 modification is justified by the aesthetic benefit to the City.

22 (i) In making the determination, the council may consider:

- 23 1. the number of nonconforming off-premises signs to be
24 removed;
- 25 2. the characteristics of the sites from which the signs are to be
26 removed;
- 27 3. the characteristics of the site on which the sign is to be
28 relocated; and
- 29 4. other relevant factors.

30 (ii) The council shall hold a public hearing before acting on a proposed
31 waiver or modification.

1 (iii) The director of the Watershed Protection and Development Review
2 Department shall give notice of the hearing in accordance with Section 25-1-132(B)
3 (*Notice Of Public Hearing*).

4 (h)[(g)] A sign may not be relocated or removed under this paragraph
5 unless the sign owner has [is] registered each sign he or she owns and all registration fees
6 for each sign he or she owns have been [are] paid, as required by Subsection (F).

7 (i) The sign owner must install energy-efficient, pollution reduction
8 lighting on each non-conforming off-premise sign:

9 (i) For nonconforming off-premise signs relocated before February 21,
10 2008, on or before August 31, 2008;

11 (ii) For nonconforming off-premise signs relocated after February 21,
12 2008, upon installation of the sign;

13 (iii) For all other nonconforming off-premise signs, within 36 months after
14 registration of the sign in accordance with Subsection (F).

15 (j)[(h)] An applicant must:

16 i. be the owner of each sign to be relocated or removed;
17 ii. file an application for sign relocation with the director of the
18 Watershed Protection and Development Review Department at least 90 days before
19 relocating the sign; and

20 iii. include with the application:
21 1. a statement from the owner of each tract from which the
22 sign is to be removed agreeing to the permanent removal of the sign; or
23 2. a document approved by the city attorney indemnifying
24 the city for all costs and claims arising from the sign relocation, sign removal, or permit
25 issuance and providing that the city attorney may hire counsel for and shall direct the
26 defense of the claims.

27 (k)[(i)] An applicant must relocate a sign not later than one year after the date
28 the director of the Watershed Protection and Development Review Department approves
29 the application.

1 (L)(j) An application under this paragraph supersedes an application under
2 Paragraph (5).

3
4 **PART 5.** Section 25-10-152(F) of the City Code is amended to read:

5 (F) This subsection applies to an off-premise sign.

6 (1) This paragraph prescribes registration requirements.

7 (a) The owner of the ~~[property on which the]~~ sign ~~[is located]~~ must register
8 the sign every year ~~[two years]~~ with the director.

9 (b) The sign ~~[property]~~ owner shall, on a form prescribed by the director,
10 provide:

11 (i) information regarding the sign location, height, size, construction type,
12 materials, setback from property boundaries, and illumination; and

13 (ii) the name and address of the sign owner~~[, if the sign is owned by a~~
14 ~~person other than the property owner]~~.

15 (c) The sign ~~[property]~~ owner shall initially register the sign by August 31,
16 2008 ~~[1999]~~, or within 180 days after the date the sign becomes subject to the City's
17 planning jurisdiction, as applicable, and shall pay a registration fee set by separate
18 ordinance.

19 (d) A person who fails to register a sign as required by this paragraph
20 commits an offense.

21 (e) A sign owner is prohibited from relocating a sign if that sign owner is
22 in violation of the registration requirements for any other sign owned by that sign owner
23 within the City's jurisdiction.

24 (f) The building official shall notify a sign owner of the pending
25 expiration of the registration of a sign, no earlier than 90 days and no later than 30 days
26 prior to the expiration. If the building official fails to provide such notice, the prohibition
27 in subsection (e) above does not apply to that sign owner, until such notice has been
28 provided.

29 (2) The director shall mail notice of an application to repair or replace a sign not
30 later than the 7th day after the application is filed to the:

- (a) applicant;
- (b) neighborhood organization; and
- (c) sign owner, if a sign owner is identified in accordance with Paragraph (1).

PART 6. Chapter 25-10 (*Sign Regulations*), Article 12, is amended to add a new section 25-10-237 to read:

§ 25-10-237 PENALTIES

A person who fails to register a sign as required by section 25-10-152(F) commits an offense punishable by a fine of up to \$500 per day for each day that the offense continues, and for each sign that is not registered. A person who violates section 25-10-152(B)(6)(b) commits an offense punishable by a fine of up to \$500 per day for each day the violation continues.

PART 7. Section 13-2-388 (*Advertising on Taxicabs Permitted*) is amended to read:

§ 13-2-388 ADVERTISING ON TAXICABS PERMITTED.

A franchise holder may affix an advertisement to a taxicab that does not obstruct the view of the driver, the visibility of signs, vehicle lights, or signal equipment required by this chapter. For each taxicab displaying an advertisement, the franchise holder shall pay a fee to be determined by ordinance.

PART 8. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

_____, 2008 § _____
 § _____
 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk