

# Late Backup

## Motion Sheet for Agenda Item No. 76 (Ordinance Amending Sign Regulations)

June 5, 2008

2nd & 3rd reading

### Motion

To amend the ordinance approved on 1<sup>st</sup> reading, posted as backup Exhibit B, as follows

- 1 Delete City Code Section 25-10-152(B)(5), which allows replacement of existing non-conforming signs, and renumber the remaining sections accordingly. Also delete any references to this provision elsewhere in the code, including all of Section 25-10-152(B)(6)(j). This amendment is consistent with the Planning Commission's recommendation to eliminate the replacement provisions.

add

- 2 Make the following clarifications

- A In order to discourage illegal replacement, add the following language (from the original resolution) to Section 25-10-152(B)(5)(b)

add

Any tract upon which an off-premise sign has been unlawfully replaced shall not be eligible as a site for a relocated sign



- B In order to strengthen the registration requirements, add the following language (from the original resolution) to Section 25-10-152(F)(1)(e)

A sign owner is prohibited from relocating a sign if the sign owner is in violation of the registration requirements for any sign owned by that sign owner within the City's jurisdiction

### Exhibit

The legislative language for these amendments is included as Exhibit A to this motion

## EXHIBIT A TO MOTION SHEET FOR ITEM NO. 76

The draft ordinance included as backup Exhibit B (*Draft Ordinance on First Reading*) is amended as follows

### Amendments 1 and 2.A

Replace Part 4 of the ordinance with the following

**PART 4.** Subsection (B) of City Code Section 25-10-152 is amended to read

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

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

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

(a) increase the degree of the existing nonconformity,

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

(c) increase the illumination of the sign

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

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

(b) moved to comply with other regulations

(4) [~~Except as provided in Subsection (B)(5), a~~] A nonconforming sign may be modified or replaced in the same location, if the modification or replacement reduces.

(a) the sign area by at least 20 percent,

- (b) the height of the sign by at least 20 percent, or
- (c) both sign area and height of the sign by an amount which, combined, is equal to at least 20 percent of the sign area and height

~~[(5) — A nonconforming off-premises sign may be replaced if~~

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

~~(b) — each owner of a property from which a sign is to be removed designates the person who is responsible for removing the sign, and~~

~~(c) — the replacement sign:~~

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

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

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

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

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

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

~~1 — located in a scenic road-way sign district,~~

~~ii — located in, or within 500 feet of, a historic sign district, or~~

~~iii — of monopole construction, or~~

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

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

(a) The original location of the sign must be

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

(ii) in a scenic roadway sign district;

(iii) within 500 feet of

1 a historic sign district; or

2 a residential structure located in a residential base zoning district, or

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

(b) The sign must be permanently removed from the original tract and may not be replaced. Any tract upon which an off-premise sign has been unlawfully replaced shall not be eligible as a site for a relocated sign

(c) The tract to which the sign is relocated

(i) must be in.

1 an expressway corridor sign district, or

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,

(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 42 feet above ground level street pavement

(e) A relocated sign must be permanently removed from the new location not later than 25 years after the date the relocation application is approved unless within the 25 year time period the sign owner permanently removes and does not relocate a second nonconforming off-premise sign from a location described in Paragraph (5)(a) [~~(6)(a)~~]

(f) The council may waive or modify, with or without conditions, a requirement of Paragraph (5)(a)-(e) [~~(6)(a)-(e)~~] if the council determines that the waiver or modification is justified by the aesthetic benefit to the City

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

1. the number of nonconforming off-premises signs to be removed,

2. the characteristics of the sites from which the signs are to be removed,

3 the characteristics of the site on which the sign is to be relocated, and

4 other relevant factors.

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

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

(g) A sign may not be relocated or removed under this paragraph unless the sign is registered and all registration fees are paid as required by Subsection (F)

(h) For each non-conforming off-premise sign relocated under this section, the sign owner must install lighting that is energy efficient, as determined by Austin Energy, and meets or exceeds International Dark Sky standards for pollution reduction. The lighting required under this subsection must be installed

(i) no later than six months after the effective date of Ordinance No \_\_\_\_\_, if the sign was relocated prior to that date,

(ii) upon installation of the relocated sign, if the relocation occurs after the effective date of Ordinance No \_\_\_\_\_, or

(iii) for all other off-premise signs, within 36 months after the sign is registered in accordance with Subsection (F)

(1)(h) An applicant must

(1)(+) be the owner of each sign to be relocated or removed,

(1)(+) file an application for sign relocation with the director ~~[of the Watershed Protection and Development Review Department]~~ at least 90 days before relocating the sign, and

(1)(+) include with the application.

1 a statement from the owner of each tract from which the sign is to be removed agreeing to the permanent removal of the sign, or

2 a document approved by the city attorney indemnifying the city for all costs and claims arising from the sign relocation, sign removal, or permit issuance and providing that the city attorney may hire counsel for and shall direct the defense of the claims.

(1)(+) An applicant must relocate a sign not later than one year after the date the director of the Watershed Protection and Development Review Department approves the application

~~[(+) An application under this paragraph supersedes an application under Paragraph (5)]~~

### **Amendment 2.B**

Replace Part 5 of the ordinance with the following.

**PART 5.** Subsection (F) of City Code Section 25-10-152 is amended to read

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

(1) This paragraph prescribes registration and identification requirements

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

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

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

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

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

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

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

(f) The sign owner shall place identifying markers on the sign as required by the director. Such markers shall include, but not be limited to, the applicable registration number and measurement points to assist in verifying the height of a sign.

(g) A sign owner shall, in a manner prescribed by the director, provide an annual inventory of all signs owned by that sign owner, including but not limited to a description of the sign, the location of the sign, and the owner of the property on which the sign is located

(h) The building official shall notify the property owner of the pending expiration of a sign registration, no earlier than 90 days and no later than 30 days prior to the expiration. The director shall provide the same notice to the sign owner if the inventory required under subsection (f) has been provided

(2) The director shall mail notice of an application to repair or replace a sign not later than the 7<sup>th</sup> 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).