

## MEETING SUMMARY

4-1-04  
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**CITY PLANNING COMMISSION**  
**Codes and Ordinances Committee**  
**Tuesday, March 2, 2004**  
**505 Barton Springs Road**  
**One Texas Center, 5th Floor Conference Room 500**  
**Austin, Texas**

**CALL TO ORDER –12:00pm**  
**COMMENCED 12:05PM, ADJOURNED 1:10PM**

**Codes and Ordinances Committee Members: ALL PRESENT**

(note: a quorum of the Planning Commission may be present at this meeting.)

Maggie Armstrong, Chair  
Cynthia Medlin  
Niyanta Spelman  
Matt Moore

**OTHERS PRESENT:**

<u>Name</u>	<u>Affiliation</u>
Tim Clark	Scenic Austin
Deborah Thomas	LAW
Marty Terry	LAW
Mike McGinnis	sign and property owner
Girard Kinney	Scenic Austin
Kate Meehan	Scenic Austin
Kristalee Guerra	
Luci Gallahan	WPDR
Donna Cerkan	WPDR
Gloria Aguilera	Councilmember Betty Dunkerley's Office

**A. MEETING CALLED TO ORDER**

1. Introduce members of the Committee and Staff
2. Inform audience of procedure

**B. REGULAR AGENDA**

1. **C2O-04-001. A proposal to amend section 25-10-152 of the City Code relating to the relocation of nonconforming off-premise signs; and to amend ordinance number 030908-04 to add a sign removal and relocation fee.**

City staff: Luci Gallahan, [luci.gallahan@ci.austin.tx.us](mailto:luci.gallahan@ci.austin.tx.us), 974-2669, and Donna Cerkan, [donna.cerkan@ci.austin.tx.us](mailto:donna.cerkan@ci.austin.tx.us), 974-3345.

Donna Cerkan, WPDR staff member, presented the three current ways a billboard can be replaced:

- The modification or replacement reduces the sign area by at least 25%
- The modified or replacement sign is constructed in the same location with the same type of materials and construction design as the original sign
- Billboard is removed from a scenic roadway, and size is reduced (referred to as 2 for 1 trade)

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The only way a billboard can be relocated is if a roadway is being widened and the billboard must be moved back on the same site.

Ms. Cerkar said there are 650 billboards total within the City. An inventory of billboards was done in 1998-99, and there were a total of 804 in the Austin area, with 708 in Austin and the ETJ. Since that inventory, 59 billboards have been removed.

Girard Kinney explained that the City prohibited billboards in 1983, and prohibited them in the ETJ in 1986.

Donna Cerkar explained that in the proposed ordinance, the sign may not be relocated to a tract that abuts property zoned as a residential base district, which includes MF, SF and MH zoning districts.

Girard Kinney said he had concerns about the word "abutting" because it does not include residential properties across the street from a residential property.

Mike McGinnis said that the ordinance is a response to move his sign off his property near the proposed federal courthouse downtown. He presented a matrix of how to determine appropriate new sign locations.

Commissioner Armstrong made a proposal to:

- Have criteria for determining where signs can be moved (like Mike McGinnis' matrix)
- Require notification for place A and place B
- Require a public process for approval by the Sign Review Board

Commissioner Ortiz said only with criteria, such as in McGinnis' matrix, would she even think about a relocation ordinance.

Girard Kinney expressed his support for a notification requirement for both place A and place B if the relocation ordinance is recommended, though he stressed he is opposed to the relocation ordinance.

Donna Cerkar said that replacement applications must be submitted before the sign is taken down. *Most landowners call too late about replacing a billboard, and once they realize it is too late to submit an application, do not reveal their site.*

Girard Kinney suggested requiring a demolition permit for a billboard. Ms. Cerkar, in response to Commissioner Spelman's question about enforcement, said that enforcement is done on a complaint-basis. There is only one sign inspector, and he receives about 100 complaints a day, and on a good day can check out 15 of the complaints. Most of the complaints are related to bandit signs or banner signs that are up too long.

Mike McGinnis suggested a trial period for small, specific districts to see the effect of the ordinance.

Commissioner Armstrong asked if it is possible to impose conditions on a sign relocation, such as

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not allowing advertisements of tobacco and alcohol products, or promoting adult-oriented businesses.

Marty Terry, a City attorney, said the City cannot impose those types of conditions because getting into first amendment free speech issues.

Commissioner Ortiz asked Councilmember Dunkerley at the Planning Commission meeting to define an area where they could be moved from, not just to.

Kate Meehan, with Scenic Austin, said the current ordinance does not allow replacement without conditions. The proposed ordinance is a 1:1 trade that allows construction of very sturdy new signs.

Girard Kinney added that attrition is the best, most effective way to remove signs.

Commissioner Moore asked if Council can pass a resolution to move one billboard. Ms. Terry said she has not looked into it, but suggested creating a class of billboards that could be relocated.

Mr. McGinnis agreed it is bad public policy to allow a free move for a sign company.

Girard Kinney added that in 2011, Houston will no longer have billboards. Since 1985, Houston has lost about 4,000 billboards. Natural attrition through redevelopment of a site will help buy out the signs in Austin.

Ms. Terry confirmed for Commissioner Spelman that criteria would establish the class of billboards that could be relocated. Ms. Terry added that after establishing criteria, reasons must be articulated as to why those class of billboards are egregious.

Deborah Thomas, also a City attorney, said that the term "renewal district" in the proposed will have to be defined.

Mr. McGinnis suggested establishing criteria, and limiting the number of sign relocation permits that can be issued.

Commissioner Spelman said she would also like to see spacing requirements. Mr. Kinney said that state law establishes minimum distance requirements. Ms. Cerkar clarified that those apply to state roads.

Mr. Kinney said that the Committee must think about billboards in terms of blocking view, not just on what property it is on. Some may say that Mike McGinnis' billboard is not egregious because it can't be seen very well.

Commissioner Armstrong offered the following suggestions to change the draft ordinance:

- Establish relocation criteria
- Require notification at the original site and the proposed site
- Require a public review process and Sign Review Board approval
- Require demolition permits for billboards

Ms. Thomas said that she would clarify in the ordinance the term "renewal district," that "abut" refers to the entire tract (not just the tract the sign actually sits on). She asked if "abut" should

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also include properties across the street.

Commissioner Ortiz said she does not think there needs to be a change to the current ordinance.

Commissioner Moore agreed with Commissioner Ortiz.

Commissioner Spelman said she is uncomfortable with creating a complicated process.

Commissioner Moore suggested the Committee recommend no change to the current ordinance.

Mr. McGinnis suggested that if the City wants to remove signs, they should buy down signs. The City could take hotel/motel tax money to buy down signs from property owners.

Girard Kinney said that Scenic Austin is not anti-sign, they are pro-responsible signage. He said he would like the City to work with the state to create blue state highway signs to reduce the number of billboards.

*The Committee did not vote on a motion. The Committee will not have a recommendation for the Planning Commission.*

### **C. OTHER BUSINESS**

#### Directives to Staff

For information, contact Katie Larsen, Transportation, Planning and Sustainability Department, 974-6413.

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