



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 49
AGENDA DATE: Thu 03/11/2004
PAGE: 1 of 1

SUBJECT: Conduct a public hearing to consider an ordinance amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed and approve an amendment of Ordinance No. 030908-04 (fee ordinance) to add a sign removal and relocation fee.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Luci Gallahan, 974-2669; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: To be reviewed by Planning Commission on March 9, 2004.

PURCHASING: N/A

MBE / WBE: N/A

The proposed ordinance amendment would accomplish the following:

It would allow a nonconforming off-premise sign in the City to be relocated to a tract that:

- Is located in a commercial, industrial, or commercial/mixed use zoning district.
- Is not in an urban renewal or redevelopment area designated by Council.
- Does not abut residential development.
- Is not located within 500 feet of a historic structure or district.
- Does not abut a scenic roadway as defined in Section 25-10-6 of the City Code.

The proposed ordinance would allow the face of the relocated sign to be the same size as the sign to be removed. It would also allow the height of the new sign face to be altered to take into account both positive and negative changes in grade (elevation).

The sign owner would be required to file a removal and relocation application with the Watershed Protection and Development Review Department at least 90 days before removing a sign. The sign owner would be required to notify the property owner of the tract where the sign is to be removed that a removal and relocation application has been filed.

The sign owner would be required to construct the relocated sign not later than three years from the date the removal/relocation application is approved by the Watershed Protection and Development Review Department.



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A new fee of \$120 is proposed for sign removal/relocation applications.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-10-152 OF THE CITY CODE RELATING TO THE RELOCATION OF NONCONFORMING OFF-PREMISE SIGNS; AND AMENDING ORDINANCE NUMBER 030908-04 TO ADD A SIGN REMOVAL AND RELOCATION FEE.

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

PART 1. Section 25-10-152(B) of the City Code 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 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:

i. 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

1 removed is not included in a site plan that is pending
2 approval.

3 (6) A nonconforming off-premise sign may be relocated to another tract if
4 the requirements of this paragraph are met.

5 (a) The sign must be permanently removed from the original tract.

6 (b) The tract to which the sign is relocated:

7 (i) must be in a expressway corridor sign district or commercial
8 sign district;

9 (ii) may not be in an urban renewal or redevelopment area
10 designated by the council;

11 (iii) may not be within 500 feet of a historic sign district;

12 (iv) may not abut property zoned as a residential base district;

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

15 (c) Sign district restrictions on sign face size otherwise applicable to
16 the relocation tract do not apply to the relocated sign, but the sign
17 face size of the relocated sign may not exceed that of the original
18 sign. The relocated sign must comply with sign district restrictions
19 on sign height.

20 (d) An applicant must:

21 (i) file an application for sign relocation with the director of the
22 Watershed Protection and Development Review Department at
23 least 90 days before relocating the sign; and

24 (ii) include with the application a statement from the owner of the
25 tract from which the sign is to be removed agreeing to the
26 permanent removal of the sign.

27 (e) An applicant must relocate the sign not later than three years after
28 the date the director of the Watershed Protection and Development
29 Review Department approves the application.

30 **PART 2.** The Fee Schedule in Ordinance Number 030908-04 is amended to add for the
31 Watershed Protection and Development Review Department a "Sign Removal and
32 Relocation Fee" in the amount of \$120.00.

1 **PART 3.** This ordinance takes effect on _____, 2004.

2
3 **PASSED AND APPROVED**

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5 §
6 §
7 _____, 2004 § _____
8 _____ M Will
9 _____ ayor

10
11
12 **APPROVED:** _____
13 David Allan Smith
14 City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk