

**ORDINANCE NO.**

1-13-05  
#71  
revised  
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**AN ORDINANCE AMENDING SECTION 25-10-152 OF THE CITY CODE RELATING TO THE RELOCATION OF NONCONFORMING OFF-PREMISE SIGNS; AND AMENDING ORDINANCE NUMBER 040913-05 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 removed is not included in a site plan that is pending approval.

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

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

(i) in an urban renewal or redevelopment area designated by council or the revitalization area described in Section 11-1-83(A) (Revitalization Area Program);

(ii) in a scenic roadway sign district;

(iii) within 500 feet of a historic sign district; or

(iv) within 200 feet of a residential structure in a residential base zoning district.

(b) The sign must be permanently removed from the original tract and may not be replaced.

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

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

(ii) may not be in an urban renewal or redevelopment area designated by the council or the revitalization area described in Section 11-1-83(A) (Revitalization Area Program);

(iii) may not be in a scenic roadway sign district;

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

(v) may not be within 200 feet of a residential structure located in a residential base zoning district; and

(vi) 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 and face size of the relocated sign may not exceed that of the original sign.

(e) An applicant must:

(i) 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

(ii) include with the application:

1. a statement from the owner of the 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 or permit issuance and providing that the city attorney may hire counsel for and shall direct the defense of the claims.

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

**PART 2.** The Fee Schedule in Ordinance Number 040913-05 is amended to add for the Watershed Protection and Development Review Department a "Sign Removal and Relocation Fee" in the amount of \$120.00.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005      §  
   §  
   § \_\_\_\_\_  
   Will Wynn  
   Mayor

**APPROVED:** \_\_\_\_\_  
                         David Allan Smith  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Shirley A. Brown  
                         City Clerk