

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-10 RELATING TO REGULATIONS THAT APPLY TO SIGNS LOCATED IN THE PUBLIC RIGHT-OF-WAY AND REGULATIONS THAT ALLOW NON-CONFORMING SIGNS TO BE RELOCATED BECAUSE OF TRANSPORTATION IMPROVEMENTS; AND WAIVING CITY CODE SECTIONS 25-1-501 AND 25-1-502 RELATING TO INITIATING AMENDMENTS, PUBLIC HEARING NOTICE, AND PLANNING COMMISSION REVIEW FOR AMENDMENTS TO CITY CODE TITLE 25.

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

PART 1. City Council adopts the findings described in Exhibit A, which is attached to and incorporated into this ordinance.

PART 2. City Code Section 25-10-4 (*Definitions*) is amended to amend the definition of “Right-of-Way Installation” to read:

- (14) RIGHT-OF-WAY INSTALLATION means a legally permitted kiosk, bicycle kiosk, bus stop, or transit facility that is located in the public right-of-way.

PART 3. City Code Section 25-10-104 (*Signs Prohibited in Public Easements and Right-of-Way*) is amended to amend Subsection (H) to read:

(H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:

- (1) a sidewalk sign;
- (2) a projecting sign in the downtown sign district;
- (3) a street banner;
- (4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the façade of a building and into right-of-way; [ø]
- (5) a sign installed by a governmental agency for a governmental purpose; or
- (6) a sign that complies with Section 25-10-105 (*Signs Authorized on Right-of-Way Installations*).

PART 4. City Code Chapter 25-10, Article 5 (*Regulations Applicable to All Sign Districts*) is amended to add a new Section 25-10-105 to read:

§ 25-10-105 SIGNS AUTHORIZED ON RIGHT-OF-WAY INSTALLATIONS.

- 31 (A) A sign authorized by this section includes an off-premise sign.
- 32 (B) A sign may be installed on a right-of-way installation in accordance with this section.
- 33 (C) A sign installed on a right-of-way installation may not exceed 86 inches measured
34 diagonally.
- 35 (D) The director of Austin Transportation Public Works is authorized to adopt
36 administrative rules that apply to signs installed on a right-of-way installation. At a
37 minimum, these rules should address placement, orientation, lighting, and speed of
38 images.

39 **PART 5.** City Code Section 25-10-152 (*Nonconforming Signs*) is amended to amend
40 Subsection (B) to read:

- 41 (B) A person may not change or alter a nonconforming sign except as provided in this
42 subsection.
- 43 (1) The face of the sign may be changed.
- 44 (2) The sign may be changed or altered if the change or alteration does not:
- 45 (a) increase the degree of the existing nonconformity;
- 46 (b) change the method or technology used to convey a message; or
- 47 (c) increase the illumination of the sign.
- 48 (3) The sign may be relocated on a tract, if the building official determines that the
49 relocated sign will not be hazardous, and the sign is:
- 50 (a) located on a tract that is partially taken by condemnation or partially
51 conveyed under threat of condemnation; or
- 52 (b) moved to comply with other regulations.
- 53 (4) A nonconforming sign may be modified or replaced in the same location, if the
54 modification or replacement reduces:
- 55 (a) the sign area by at least 20 percent;
- 56 (b) the height of the sign by at least 20 percent; or
- 57 (c) both sign area and height of the sign by an amount which, combined, is
58 equal to at least 20 percent of the sign area and height.

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

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

62 (i) in the area bounded by Highway 183 from Burnet Road to Highway
63 71, Highway 71 from Highway 183 to Lamar Boulevard, Lamar
64 Boulevard from Highway 71 to 45th Street, 45th Street from Lamar
65 Boulevard to Burnet Road, and Burnet Road from 45th Street to
66 Highway 183, or on a tract that abuts the street right-of-way of a
67 boundary street;

68 (ii) in a scenic roadway sign district;

69 (iii) within 500 feet of:

70 1. a historic sign district; or

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

73 (iv) within the boundaries of a registered neighborhood association that
74 has requested removal of the sign; or

75 (v) on a tract that is partially or fully taken or conveyed under the
76 threat of condemnation for transportation improvements along core
77 transit corridors and future core transit corridors.

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

81 (c) Except for a sign described in Paragraph (5)(a)(v) or (5)(a)(vi), the [The]
82 relocated sign:

83 (i) must be in:

84 1. an expressway corridor sign district; or

85 2. for a sign with a sign area of 300 square feet or less, an
86 expressway corridor sign district or a commercial sign
87 district;

88 (ii) may not be on a tract located on a scenic roadway;

- 89 (iii) may not be within 500 feet of:
- 90 1. a historic sign district;
- 91 2. a residential dwelling unit;
- 92 3. a tract located in a zoning district, other than an interim rural
- 93 residence (RR) or commercial highway (CH) zoning district,
- 94 in which:
- 95 a. a single-family residential use, a multi-family
- 96 residential use, or a mixed use development is a
- 97 permitted use; and
- 98 b. if the tract is developed, the existing uses on that tract
- 99 include at least one dwelling unit; or
- 100 4. a residential lot in a residential subdivision in the
- 101 extraterritorial jurisdiction; and
- 102 (iv) if the sign is relocated within the zoning jurisdiction, it must be
- 103 within a commercial or industrial base zoning district.
- 104 (d) Sign district restrictions on sign height and face size otherwise applicable
- 105 to the relocation tract do not apply to the relocated sign, but the face size
- 106 of the relocated sign may not exceed that of the original sign, and the sign
- 107 height of the relocated sign may not exceed 42 feet above ground level
- 108 street pavement.
- 109 (e) A relocated sign must be permanently removed from the new location not
- 110 later than 25 years after the date the relocation application is approved
- 111 unless within the 25 year time period the sign owner permanently
- 112 removes and does not relocate a second nonconforming off-premise sign
- 113 from a location described in Paragraph (5)(a).
- 114 (f) The council may waive or modify, with or without conditions, a
- 115 requirement of Paragraph (5)(a) - (e) if the council determines that the
- 116 waiver or modification is justified by the aesthetic benefit to the City.
- 117 (i) In making the determination, the council may consider:
- 118 1. the number of nonconforming off-premises signs to be
- 119 removed;

- 120 2. the characteristics of the sites from which the signs are to be
121 removed;
- 122 3. the characteristics of the site on which the sign is to be
123 relocated; and
- 124 4. other relevant factors.
- 125 (ii) The council shall hold a public hearing before acting on a proposed
126 waiver or modification.
- 127 (iii) The director of Austin Development Services, or successor
128 department, [the Watershed Protection and Development Review
129 Department] shall give notice of the hearing in accordance with
130 Section 25-1-132(B) (*Notice Of Public Hearing*).
- 131 (g) A sign may not be relocated or removed under this paragraph unless the
132 sign is registered and all registration fees are paid as required by
133 Subsection (F).
- 134 (h) For each non-conforming off-premise sign relocated under this section,
135 the sign owner must install lighting that is energy efficient, as determined
136 by Austin Energy, and meets or exceeds International Dark Sky standards
137 for pollution reduction. The lighting required under this subsection must
138 be installed:
- 139 (i) no later than six months after the effective date of Ordinance No.
140 20080605-076, if the sign was relocated prior to that date;
- 141 (ii) upon installation of the relocated sign, if the relocation occurs after
142 the effective date of Ordinance No. 20080605-076; or
- 143 (iii) for all other off-premise signs, within 36 months after the sign is
144 registered in accordance with Subsection (F).
- 145 (i) An applicant must:
- 146 (i) be the owner of each sign to be relocated or removed;
- 147 (ii) file an application for sign relocation with the director at least 90
148 days before relocating the sign; and
- 149 (iii) include with the application:

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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.

(j) An applicant must relocate a sign not later than one year after the date the director of Austin Development Services, or successor department, [the Watershed Protection and Development Review Department] approves the application.

(k) A sign that is eligible to be relocated under Paragraph (5)(a)(v) may not be relocated to a tract:

- (i) located on a scenic roadway;
- (ii) with a residential base district if the sign is relocated within the zoning jurisdiction; or
- (iii) located within 150 feet of a dwelling unit.

PART 6. City Code Section 25-10-158 (*Identification Signs on Public of Right-of-Way Installations*) is repealed.

PART 7. City Council waives City Code Sections 25-1-501 (*Initiation of Amendment*) and 25-1-502 (*Amendment; Review*).

PART 8. The provisions of this ordinance are severable. If any provision of this ordinance or its applications to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of City Code Chapter 25-10 (*Signs*).

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PART 9. This ordinance takes effect on _____, 2026.

PASSED AND APPROVED

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_____, 2026

Kirk Watson
Mayor

APPROVED: _____
Deborah Thomas
City Attorney

ATTEST: _____
Erika Brady
City Clerk

