

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-10 RELATING TO 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 Code Section 25-10-152 (*Nonconforming Signs*) is amended to amend Subsection (B) 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) 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) 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; or
- (v) on a tract that is partially or fully taken or conveyed under the threat of condemnation for transportation improvements along core transit corridors and future core transit corridors.

(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) Except for a sign described in Paragraph (5)(a)(v), the [The] relocated sign:

- (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 tract located on a scenic roadway;

(iii) may not be within 500 feet of:

1. a historic sign district;
2. a residential dwelling unit;
3. a tract located in a zoning district, other than an interim rural residence (RR) or commercial highway (CH) zoning district, in which:
 - a. a single-family residential use, a multi-family residential use, or a mixed use development is a permitted use; and
 - b. if the tract is developed, the existing uses on that tract include at least one dwelling unit; or
4. a residential lot in a residential subdivision in the extraterritorial jurisdiction; and

(iv) if the sign is relocated within the zoning jurisdiction, it must be within a commercial or industrial base zoning 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 face size of the relocated sign may not exceed that of the original sign, and 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).

(f) The council may waive or modify, with or without conditions, a requirement of Paragraph (5)(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;

- 90 2. the characteristics of the sites from which the signs are to be
91 removed;
- 92 3. the characteristics of the site on which the sign is to be
93 relocated; and
- 94 4. other relevant factors.
- 95 (ii) The council shall hold a public hearing before acting on a proposed
96 waiver or modification.
- 97 (iii) The director of Austin Development Services, or successor
98 department, [the Watershed Protection and Development Review
99 Department] shall give notice of the hearing in accordance with
100 Section 25-1-132(B) (*Notice Of Public Hearing*).
- 101 (g) A sign may not be relocated or removed under this paragraph unless the
102 sign is registered and all registration fees are paid as required by
103 Subsection (F).
- 104 (h) For each non-conforming off-premise sign relocated under this section,
105 the sign owner must install lighting that is energy efficient, as determined
106 by Austin Energy, and meets or exceeds International Dark Sky standards
107 for pollution reduction. The lighting required under this subsection must
108 be installed:
- 109 (i) no later than six months after the effective date of Ordinance No.
110 20080605-076, if the sign was relocated prior to that date;
- 111 (ii) upon installation of the relocated sign, if the relocation occurs after
112 the effective date of Ordinance No. 20080605-076; or
- 113 (iii) for all other off-premise signs, within 36 months after the sign is
114 registered in accordance with Subsection (F).
- 115 (i) An applicant must:
- 116 (i) be the owner of each sign to be relocated or removed;
- 117 (ii) file an application for sign relocation with the director at least 90
118 days before relocating the sign; and
- 119 (iii) include with the application:

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