

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2017-003 – Signs

Description: Consider an ordinance amending the Land Development Code, Chapters 25-10 and 25-2, relating to the regulation of signs.

Proposed Language: See attached draft language.

Summary of proposed code changes: See attached memo from staff.

Background: Initiated by City Council by Resolution 20170608-037 on June 8, 2017.

From Council’s initiating Resolution:

“WHEREAS, the City of Austin is currently in the process of considering the adoption of a new Land Development Code through the CodeNext process; and WHEREAS, in light of recent case law affecting municipal sign regulation, updates to the City's current sign regulations should be considered in advance of CodeNext;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- 1. The City Council initiates amendments to Title 25 {Land Development} of the City Code relating to the regulation of signs.*
- 2. The City Manager, in consultation with the Law Department, is directed to:*
 - (a) Develop proposed code amendments that are deemed appropriate to achieve consistency with federal and state case law affecting municipal sign regulation;*
 - (b) Include only those regulatory changes that are recommended based on recent case law; and*
 - (c) Present a proposed ordinance for Council to consider at its August 17, 2017 meeting.”*

Staff Recommendation: Recommended. Staff finds that the proposed amendments:

1. Retain the prohibition on new off-premise signs, which was adopted in 1983, as well as corresponding limitations on existing nonconforming off-premise signs.
2. Provides for a comparable level of restriction on the size, number, and location of noncommercial and on-premise signs as exists under current Chapter 25-10 (Sign Regulations). However, as detailed more fully in the Law Department’s memo, dated June 16, 2017, the regulations for noncommercial and on-premise signs are revised to remove references to sign content and to clarify key sections of Chapter 25-10 (Sign Regulations). These provisions of the ordinance respond to guidance from the Law

Department and are modeled after similar provisions in other municipal sign codes.

Board and Commission Actions:

June 27, 2017: Postponed by the Planning Commission.

July 11, 2017: To be reviewed by the Planning Commission.

Council Action:

August 17, 2017: A public hearing has been set.

Ordinance Number: NA

ORDINANCE NO. 2017_____**AN ORDINANCE AMENDING CITY CODE CHAPTER 25-10 RELATING TO SIGN REGULATION.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

PART 1. City Code Chapter 25-10, Article 1 (*General Provisions*) is amended to repeal Section 25-10-1 (*Applicability*) and replace it with a new Section 25-10-1 to read as follows; to add a new Section 25-10-2 to read as follows; and to renumber the remaining sections of Article 1 accordingly:

§ 25-10-1 PURPOSE AND APPLICABILITY.

- (A) This chapter establishes a comprehensive system for the regulation of signs within the City of Austin and its extraterritorial jurisdiction, to serve the following purposes:
- (1) To protect the health, safety, and general welfare of the City and its residents and to implement the policies of the City's Comprehensive Plan.
 - (2) To allow adequate opportunity for free speech in the form of messages or images displayed on signs, while balancing that interest against public safety and aesthetic concerns impacted by signs.
 - (3) To ensure that the design, location, construction, illumination, installation, repair, and maintenance of signs:
 - (a) Does not interfere with traffic safety or otherwise endanger public safety;
 - (b) Enhances and protects the aesthetic value of the City by reducing visual clutter that is potentially harmful to property values, economic development, and quality of life; and
 - (c) Is consistent with the character of districts in which the signs are located, including areas specially designated for historic, scenic or architectural value.

- (4) To protect the safety and efficiency of the City's transportation system by reducing confusion and distractions to pedestrians and motorists, while enhancing motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs.
 - (5) Recognizing the unique impact of off-premise advertising on public safety, visual aesthetics, and quality of life, to restrict new off-premise signs and minimize the impact of existing off-premise signs.
 - (6) To prevent the inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech based on its content.
- (B) The requirements of this chapter apply to signs within the planning jurisdiction.

§ 25-10-2 NONCOMMERCIAL MESSAGE SUBSTITUTION.

- (A) Signs containing noncommercial speech are permitted anywhere that signs regulated by this chapter are permitted, subject to the same regulations applicable to the type of sign used to display the noncommercial message. No provision of this chapter prohibits an ideological, political, or other noncommercial message on a sign otherwise allowed and lawfully displayed under this chapter.
- (B) The owner of any sign allowed and lawfully displayed under this chapter may substitute non-commercial speech in lieu of any other commercial or non-commercial speech, with no permit or other approval required from the City solely for the substitution of copy.
- (C) This section does not authorize the substitution of an off-premise commercial message in place of a noncommercial or on-premise commercial message.

PART 2. City Code Section 25-10-3 (*Definitions*) is amended to read:

§ 25-10-4[3] DEFINITIONS.

In this chapter:

~~[(1) ADVERTISING SEARCHLIGHT means a searchlight used to direct beams of light upward for advertising purposes].~~

- ~~[(2) COMMERCIAL FLAG means a piece of fabric or other flexible material displayed for commercial purposes, but excluding the official flag of a nation or of a state.]~~
- (1)~~[(3)]~~ CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).
- (2) FLAG means a piece of fabric attached to a flag pole or other support on one side, where the length at right angles to the support is at least as long as the length of the attached side.
- (3)~~[(4)]~~ FUTURE CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors, Future" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).
- (4)~~[(5)]~~ FREESTANDING SIGN means a sign not attached to a building, but permanently supported by a structure extending from the ground and permanently attached to the ground.
- (5)~~[(6)]~~ MAINTENANCE means the cleaning, painting, repairing, or replacing of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign, but does not include changing the design of the sign's support construction, changing the type of component materials, or increasing the illumination.
- [(7)] ~~MEMORIAL MARKER means a marker honoring a City of Austin public safety officer killed in the line of duty.]~~
- (6)~~[(8)]~~ MOBILE BILLBOARD means a sign installed or displayed on a motorized vehicle operating in the public right-of-way for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business. The term does not include a sign that is displayed or installed on:
- (a) a non-motorized vehicle, including but not limited to pedi-cabs;
 - (b) a bus that is used primarily for the purpose of transporting multiple passengers;

- (c) a taxicab or transportation network provider operator, if the sign complies with the requirements of City Code Section ~~[13-2-388]~~ 13-2-488 (*Advertising on Taxicabs Permitted*) ; or
 - (d) a vehicle operated in the normal course of the vehicle owner's business, if the sign contains advertising or identifying information directly related to the business and is not used to display advertising that is unrelated to the business.
- (8)[(9)] MULTI-TENANT CENTER SIGN means a sign ~~[advertising]~~ associated with two or more uses with common facilities.
- (9)[(10)] NONCONFORMING SIGN means a sign that was lawfully installed at its current location but does not comply with the requirements of this chapter.
- (10)[(11)] OFF-PREMISE SIGN means a sign that displays any message directing attention to ~~[advertising]~~ a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises ~~[person, activity, goods, products, or services not located on the site]~~ where the sign is located ~~[installed, or that directs persons to any location not on that site]~~. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic in accordance with Title 14 (Use of Streets and Public Property) shall be considered a single premises.
- (11) ON-PREMISE SIGN means a sign that is not an off-premise sign.
- (12) PROJECTING SIGN means a wall sign that extends over street right-of-way for a distance of more than 18 perpendicular inches from the building facade.
- (13) PROJECTED SPECIAL EVENT SIGN means an image or series of images displayed on a building façade and conveyed to the building façade via beams of light in connection with a special event ~~[for the purpose of identifying a special event]~~.
- (14) PUBLIC RIGHT-OF-WAY means land dedicated or reserved for street right-of-way, utilities, or other public facilities.

- (15) RIGHT-OF-WAY INSTALLATION means a legally permitted bicycle kiosk, bus stop, or transit facility that is located in the public right-of-way.
- (16) ROOF SIGN means a sign installed over or on the roof of a building.
- (17) SEARCHLIGHT SIGN means a sign consisting of a bright light source that projects a beam.
- (18)[(47)] SIDEWALK SIGN means a sign located on a sidewalk, either within street right-of-way or on private property within a unified development~~[-, advertising the business abutting the sidewalk where the sign is located]~~.
- (19) SIGN means a display surface, structure, light device, banner, plaque, poster, billboard, pennant, figure, painting, drawing, flag, or other thing, whether mounted on land, air, or water, that is designed, intended, or used to display or draw attention to a communicative visual or graphic image, whether or not the image includes lettering, and that is visible from any portion of the public right-of-way open to vehicular or pedestrian traffic. A sign includes both on- and off-premise signs, including billboards, and any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. Notwithstanding the generality of the foregoing definition, the following are not signs for purposes of this chapter:
- (a) An image displayed on the interior wall of a building;
 - (b) Decorative or architectural features of buildings or onsite landscape features which do not include lettering, trademarks, or moving parts and which do not perform a communicative function;
 - (c) Foundation stones and cornerstones which are permanent in nature and incapable or not intended for modification once installed;
 - (d) Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
 - (e) Identifying marks on tangible products that customarily remain attached to the product even after sale;
 - (f) Merchandise on public display and presently available for purchase on-site;

- (g) News racks and newsstands;
- (h) Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories, other than commercial mascots or hand-held placards or appliances worn for the principal purpose of holding a placard; or
- (i) Vending machines, product dispensing devices, and automated product intake devices which do not display off-premise commercial messages, including depositories for recycled materials, slots for returning lent books, media, or other material, laundry boxes, and similar depositories.
- ~~(20)~~~~(18)~~ SPECIAL EVENT means an event that:
- (a) has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;
- (b) impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closure*); or
- (c) is temporary, involves 100 or more attendees per day, and
- (i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and
- (ii) includes one of the following:
- Set up of temporary structures including, but not limited to tents, stages, or fences;
 - Sound equipment, as defined in Section 9-2-1 (*Definitions*); or
 - Consumption of food or alcohol.
- ~~(21)~~~~(19)~~ STREET BANNER means a fabric sign hung over a street maintained by the City.
- ~~(22)~~~~(20)~~ STREET RIGHT-OF-WAY means the entirety of a public street right-of-way, including the roadway and pedestrianway.

~~(23)~~~~(24)~~ WALL SIGN means a sign attached to the exterior of a building or a freestanding structure with a roof but not walls.

PART 3. City Code Chapter 25-10 (*Sign Regulations*) is amended to repeal Article 4 (*Removal of Certain Signs; Compensation*) and to renumber the remaining articles accordingly.

PART 4. City Code Chapter 25-10, Article 6 (*Regulations Applicable to All Sign Districts*) is renumbered as Article 5 and amended to repeal Section 25-10-101 (*Signs Allowed in All Sign Districts Without an Installation Permit*) and to add new Sections 25-10-101 and 25-10-102 to read:

§ 25-10-101 GENERAL ON-PREMISE SIGNS.

(A) ***Purpose and Applicability.*** This section establishes general requirements for on-premise signs associated with particular land uses. A sign allowed under this section:

- (1) must comply with all applicable regulations of this chapter and the Building Code, but may be installed or modified without obtaining a permit or other approval from the City; and
- (2) is in addition to other signs allowed by this section or by another provision of this chapter.

(B) ***Signs for Commercial, Multi-Family, Civic and Industrial Uses.*** Unless specifically limited to a particular use, the following signs are allowed on a site containing any lawfully permitted commercial, multi-family, civic, or industrial use:

- (1) A freestanding or wall sign, such as those typically used to direct the movement or placement of vehicular or pedestrian traffic, provided that:
 - (a) no more than one sign is allowed for each building or curb cut;
 - (b) sign area may not exceed 12 square feet; and
 - (c) sign height may not exceed:
 - (i) four feet, for a freestanding sign; or

- (ii) the height of the building facade, for a wall sign.
- (2) Outside of the low-density or multifamily residential sign districts, one or more small wall signs, such as emblems and decals typically associated with on-premise goods, services or facilities, which may not exceed a total of six square feet per site.
- (3) For a permitted restaurant use that includes drive-through service, no more than two signs for each drive-through lane that:
 - (a) may not exceed:
 - (i) 32 square feet in area per sign; or
 - (ii) a height of eight feet above grade; and
 - (b) must be located within or adjacent to a drive-through lane and substantially screened from view of the street right-of-way.
- (4) For a permitted retail use, a sign accompanying the display of an item for sale or affixed to a product dispenser.
- (5) For a civic use, one or more signs such as a bulletin board, directory, or other changeable copy sign, that may not exceed:
 - (a) a height of six feet above grade; or
 - (b) a total area of 32 square feet for all signs.
- (C) ***Signs for Residential Uses.*** Unless otherwise specified, the following signs are allowed on a site containing any lawfully permitted residential use:
 - (1) One or more non-illuminated signs that:
 - (a) have no moving parts; and
 - (b) may not exceed:
 - (i) a height of eight feet; or
 - (ii) a total area of 36 square feet for all signs.
 - (2) Within a single-family zoning district, flags that meet the following requirements:

- (a) The maximum number of flags may not exceed three flags per acre of site area, rounded up to the nearest whole acre.
 - (b) The maximum area of a flag may not exceed 15 square feet.
- (D) ***Signs for All Land Uses.*** Unless otherwise specified, the following signs are allowed on any property:
 - (1) Outside of the historic, low-density residential, or traditional neighborhood sign districts:
 - (a) One or more wall signs that:
 - (i) are non-electrical and are securely affixed to a building, fence, or wall;
 - (ii) may not exceed a total of 32 square feet in area for all wall signs associated with an individual building or, if a site contains no building, a total area of 32 square feet; and
 - (iii) may not exceed a thickness of 3 inches.
 - (b) One freestanding sign that:
 - (i) is non-electrical; and
 - (ii) may not exceed 20 square feet in area or a height of eight feet above grade.
 - (2) Outside of a single-family zoning district, flags that meet the following requirements:
 - (a) Except as provided in Paragraph (2)(b):
 - (i) the maximum number of flags may not exceed two flags per 25 feet of frontage up to a maximum of eight flags per premises; and
 - (ii) the maximum area of a flag may not exceed 25 square feet.
 - (b) For an automotive rentals or sales use, one small flag may be attached to each vehicle, provided that the flag may not exceed:
 - (i) one square foot in area; or

- (ii) a height of two feet above the vehicle or other item, measured as if it were displayed at grade level.
- (3) An engraved sign, such as those traditionally associated with building name, provided that the sign:
 - (a) is cut into a building surface or inlaid to become part of the building; and
 - (b) does not exceed an area of ten percent of the building's façade; and
 - (c) when aggregated with all other wall signs on the building, does not exceed a total area of 32 square feet.
- (4) One or more non-electrical electrical signs, such as those typically used to identify an address or occupant, which may not exceed a total of three square feet in area for each site associated with the address on which the sign is located.

§ 25-10-102 TEMPORARY ON-PREMISE SIGNS.

- (A) ***Purpose and Applicability.*** This section establishes general requirements for signs that are allowed on a temporary basis. A sign allowed under this section:
 - (1) must comply with all applicable regulations of this chapter and the Building Code, but may be installed or modified without obtaining a permit or other approval from the City; and
 - (2) is in addition to other signs allowed by this section or by another provision of this chapter.
- (B) ***Signs Associated with Activity Affecting Real Property.***
 - (1) For purposes of this subsection, an “activity affecting real property” means the construction, remodeling, improvement, development, sale, or lease of a building or the land on which the building is located.
 - (2) One freestanding or wall sign that meets the following requirements may be displayed no sooner than 30 days before an activity affecting real property begins and no later than 30 days after that same activity ends:

- (a) No more than one sign for each lot is allowed or, for a unified development, one sign for each access point.
- (b) For a freestanding sign, the maximum sign area is the lesser of:
 - (i) 128 square feet;
 - (ii) in a low-density residential sign district, 12 square feet; or
 - (iii) in a multifamily residential sign district, 48 square feet.
- (c) For a wall sign, the maximum sign area is ten percent of the area of the building façade.
- (d) The height of a freestanding or wall sign may not exceed:
 - (i) 22 feet above grade; or
 - (ii) for a low-density residential sign district, six feet above grade.
- (C) ***Decorative Signs.*** A decoration, such as those which displayed during a holiday season, that would otherwise not be allowed under this chapter may be displayed on a property for no more than 45 consecutive days or 90 days per year.
- (D) ***Signs Associated with Commercial Events, Sales, Products, and Services.*** A wall sign, such as those typically associated with a commercial event, sale, or similar activity that does not normally occur on a property, is allowed if:
 - (1) the property contains a commercial use;
 - (2) the sign is displayed for not more than 30 days, at least one of which must be a day on which a lawfully permitted special event, sale, or other activity that does not normally occur on the property is scheduled to occur; and
 - (3) limited to a maximum sign area of:
 - (a) 96 square feet, for a sign attached to a building; or
 - (b) 30 percent of the window area, for a sign displayed in a window.
- (E) ***Signs Associated with Residential Garage Sales and Neighborhood Meetings.*** A sign, such as those typically associated with a garage sale, yard sale, neighborhood meeting, or similar activity that does not normally occur on a property, is allowed if:

- (1) the property contains a residential use; and
 - (2) the sign is displayed for no more than seven consecutive days, at least one of which must be day on which a lawfully permitted activity or event that does not normally occur on the property is scheduled to occur.
- (F) ***Signs Associated with Political Elections.*** A freestanding or wall sign that meets the following requirements may be displayed no sooner than 60 days before, and no later than 10 days after, an election is held for any federal, state or local political office representing citizens of the City:
- (1) For each premise, the total sign area of the signs described in this subsection may not exceed 36 square feet.
 - (2) A sign described in this subsection may not:
 - (a) exceed eight feet in height;
 - (b) be illuminated; or
 - (c) have a moving part.
- (G) ***Signs Associated with School Events.*** A sign or banner located on a site containing a public primary or secondary educational facility may be placed on a lawfully permitted building or fence located on the facility's property, but may not be displayed for more than 150 consecutive days.

PART 5. City Code Section 25-10-102 (*Signs Prohibited in All Sign Districts*) is amended to read:

§ 25-10-103~~[102]~~ SIGNS PROHIBITED IN ALL SIGN DISTRICTS.

Unless the accountable ~~[building]~~ official determines that the sign is a nonconforming sign, the following signs are prohibited:

- (1) an off-premise sign, unless the sign is authorized by another provision of this chapter;
- (2) a sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign;

- (3) a festoon, including tinsel, strings of ribbon, small commercial flags, streamers, and pinwheels;
- (4) a sign not permanently affixed to a building, structure, or the ground that is designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes, excluding a sidewalk sign described in Section 25-10-153 (*Sidewalk Sign In Downtown Sign District*);
- (5) a tethered, pilotless balloon or other gas-filled device used as a sign;
- (6) a sign that uses an intermittent or flashing light source to attract attention, excluding an electronically controlled changeable-copy sign; and
- (7) a mobile billboard within the City's full-purpose jurisdiction~~[, except that a mobile billboard operator with an office located within the boundaries of the Capitol Area Metropolitan Planning Organization on the effective date of Ordinance No. 20080605-076 is not subject to the prohibition until two years after the effective date of the ordinance].~~

PART 6. City Code Section 25-10-103 (*Signs Prohibited in Public Right-of-Way*) is renumbered and recaptioned as Section 25-10-104 (*Signs Prohibited in Public Easements and Right-of-Way*) and Subsections (A) and (H) of that section are amended to read:

- (A) A person may not cause or authorize a sign to be installed, used, or maintained on or over [a] public right-of-way or other public property, including any public easement or other public encumbrance over private property ~~[or public right-of-way]~~, except as authorized by this chapter.
- (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 facade of a building and into right-of-way; or
 - (5) a sign installed by a governmental agency for a governmental purpose ~~[memorial marker]~~.

PART 7. Subsection (C) of City Code Section 25-10-121 (*Historic Sign District Regulations*) is amended to read:

- (C) A person may not place a handbill, poster, placard, or other temporary sign ~~[advertising device of a temporary nature]~~ on a structure in the historic sign district, except inside a window or on a bulletin board with the consent of the owner or tenant.

PART 8. Subsection (A) of City Code Section 25-10-122 (*Historic Landmark Commission Review*) is amended to read:

- (A) If a person files an application for a sign permit in the historic sign district and the application complies with all applicable regulations of this chapter and the Building Code, the building official shall immediately notify the historic preservation officer.

PART 9. Subsection (E) of City Code Section 25-10-123 (*Expressway Corridor Sign District Regulations*) is amended to read:

- (E) One ~~[commercial]~~ flag for each curb cut is permitted.

PART 10. Subsection (G) of City Code Section 25-10-124 (*Scenic Roadway Sign District Regulations*) is amended to read:

- (G) In addition to the sign setback requirements established by Section 25-10-191 (*Sign Setback Requirements*), a sign or sign support must be installed at least 12 feet from the street right-of-way, or at least 25 feet from street pavement or curb in the right-of-way, whichever setback is the lesser distance from the street. This subsection does not apply to a ~~[political]~~ sign permitted by Section 25-10-~~102(F)~~ ~~[101(L)]~~ (*Signs Associated with Political Elections* ~~[Allowed In All Sign Districts Without An Installation Permit]~~).

PART 11. Subsection (D) of City Code Section 25-10-127 (*Multifamily Residential Sign District Regulations*) is amended to read:

- (D) One ~~[commercial]~~ flag for each curb cut is permitted. The sign height may not exceed 30 feet.

PART 12. Subsection (D) of City Code Section 25-10-128 (*Neighborhood Commercial Sign District Regulations*) is amended to read:

- (D) One [~~commercial~~] flag for each curb cut is permitted.

PART 13. Subsection (E) of City Code Section 25-10-129 (*Downtown Sign District Regulations*) is amended to read:

- (E) One [~~commercial~~] flag for each curb cut is permitted. A [~~commercial~~] flag may be suspended over public right-of-way.

PART 14. Subsection (E) of City Code Section 25-10-130 (*Commercial Sign District Regulations*) is amended to read:

- (E) One [~~commercial~~] flag for each curb cut is permitted.

PART 15. Subsection (F) of City Code Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) is amended to read:

- (F) [~~A sign is prohibited above the second floor of a building, except for a sign that displays only the building name.~~] No more than one sign per building façade may be placed above the second floor of a building, except for any sign that is engraved, cut into the building surface or otherwise inlaid to become part of the building.

PART 16. City Code Section 25-10-151 (*Advertising Searchlights*) is amended to read:

§ 25-10-151 SEARCHLIGHT SIGNS [~~ADVERTISING SEARCHLIGHTS~~].

- (A) A person may use a searchlight sign [~~an advertising searchlight~~] if the building official issues a permit for the use.
- (B) Except as provided in Subsection (C), the building official shall issue a permit for the use of a searchlight sign [~~an advertising searchlight~~] if the applicant demonstrates compliance with this subsection.
- (1) Not more than four beams of light may be projected from a lot.
- (2) The aggregate light intensity of [~~the searchlights~~] searchlight signs on a lot may not exceed 1,600 million foot candles.

- (3) A searchlight sign located within 25 feet of street right-of-way may not project beams at an angle of less than 30 degrees above grade.
- (4) A searchlight sign may not:
 - (a) project a beam at a street right-of-way or adjoining property; or
 - (b) impair the vision of a driver of a vehicle.
- (5) A [~~An advertising~~] searchlight sign may not be operated between the hours of 1:00 a.m. and 7:00 a.m.
- (6) A [~~An advertising~~] searchlight sign may not be operated on a lot for more than 10 consecutive days.
- (C) The building official may not issue a permit to operate a searchlight sign [~~an advertising searchlight~~] at a location at which a searchlight sign [~~an advertising searchlight~~] was used within the two months preceding the date of the permit application.

PART 17. City Code Section 25-10-154 (*Subdivision Identification Sign*) is amended to read:

§ 25-10-154 SUBDIVISION [~~IDENTIFICATION~~] SIGN.

For each major entry to a multi-lot, master planned subdivision, two permanent [~~subdivision identification~~] signs with combined sign area of not more than 128 square feet are permitted.

PART 18. Subsection (A) of City Code Section 25-10-156 (*Home Occupation Signs*) is amended to read as follows:

- (A) A home occupation that is allowed under Section 25-2-900 (*Home Occupations*) may display one on-premise sign [~~bearing the name of the home occupation~~] if the following requirements are met:
 - (1) The home occupation sign and the principal structure associated with the home occupation must both directly front a Core Transit Corridor or Future Core Transit Corridor.
 - (2) The home occupation sign may not exceed:

- (a) for a sign that is placed on or attached directly to the ground, six square feet in area and three feet in height, as measured from the lower of natural or finished grade adjacent to the principal structure; or
- (b) for a sign attached to a monopole of four feet in height and up to 12 inches in diameter, three square feet in area and four feet in height, with the height of both the pole and the sign measured from the lower of natural or finished grade adjacent to the principal structure.

PART 19. City Code Chapter 25-10, Article 8 (*Special Signs*) is amended to repeal City Section 25-10-157 (*Memorial Markers*) and to renumber the remaining sections of Article 8 accordingly.

PART 20. City Code Section 25-10-158 (*Special Events Signs*) is renumbered Section 25-10-157, Subsections (B)(3) and (C)(2) thereof are repealed, and remaining Subsections (B)(4), (B)(5), and (C)(3) are renumbered accordingly.

PART 21. City Code Section 25-10-159 (*Identification Signs on Public Right-of-Way Installations*) is renumbered Section 25-10-158, and Subsection (A) thereof is amended to read:

- (A) A sign [~~identifying the owner, operator, or sponsor of a right-of-way installation~~] may be installed on a right-of-way installation in accordance with the requirements of this section.

PART 22. Subsection (G) of City Code Section 25-10-191 (*Sign Setback Requirements*) is amended to read:

- (G) This section does not apply to a [~~political~~] sign permitted by Section 25-10-102(F) [~~401(L)~~] (*Signs Associated with Political Elections [~~Allowed In All Sign Districts Without An Installation Permit~~]*).

PART 23. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017 §
 §
 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk

DRAFT

**LAW DEPARTMENT****MEMORANDUM**

To: Chair Oliver
Planning Commission

From: Brent Lloyd
Jennifer Ferri
Assistant City Attorneys

Date: June 16, 2017

Subject: **Sign Regulations – Proposed Code Amendments in Response to Resolution No. 20170608-037**

At your meeting on June 21st, 2017, the Codes & Ordinances Joint Committee will consider a proposed ordinance amending provisions of City Code Chapter 25-10 (*Sign Regulations*). The amendments, which Council initiated by Resolution No. 20170608-037 (copy attached), relate to recent court decisions affecting local sign regulation.

We will be available at the June 21st meeting to answer any legal questions the Committee may have regarding the proposed amendments, which are described more fully below.

Scope & Objective of Proposed Ordinance:

The proposed amendments, which were developed in consultation with City staff, seek to remove content as an element of the City's sign regulations, particularly with respect to noncommercial messages and signs advertising on-premise activity. The goal is to ensure that, except for the well-established ban on new "off-premise" advertising (i.e., billboards), the City's sign regulations can be administered and enforced without having to read the sign.

In order to achieve this objective, while retaining existing levels of restriction on the number, scale, and location of signs, the proposed amendments restructure several code sections and incorporate limitations similar to those used by several other Texas cities. Additionally, based on our review of other local ordinances, these amendments revise several existing definitions and add a “substitution clause” authorizing any lawfully installed sign to display noncommercial messages without obtaining a permit.

Summary of Ordinance Provisions:

- **§ 25-10-1 (*Purpose and Applicability*) @ pp. 1-2**

This section would replace the existing applicability provision of Chapter 25-10 with a new section that both specifies the overall scope of Chapter 25-10 (*Sign Regulations*) and describes in greater detail the purpose of the City’s sign regulations. It’s modelled after similar provisions found in other municipal sign codes and is intended to provide a stronger foundation for the City’s sign regulations.

- **§ 25-10-2 (*Noncommercial Messages and Message Substitution*) @ p. 2**

This section would authorize any noncommercial message to be displayed on a lawfully installed sign. It’s modelled after similar “substitution clauses” found in other municipal sign codes and central to the overall purpose of the ordinance. The result would be that a sign which meets the stated requirements could display any message other than an off-premise commercial message, which remains prohibited per existing Section 25-10-102 (*Signs Prohibited in All Districts*), or a message that is otherwise prohibited by state or federal law.

- **§ 25-10-3 (*Definitions*) @ pp. 2-7**

This section amends several existing definitions to remove references to sign content and adds new definitions that work in tandem with revisions to substantive regulations contained elsewhere in the ordinance. Of particular significance is the new definition of “sign,” which establishes the specific

types of message-conveying displays and installations that would be subject to the City's sign regulations.

Consistent with the approach used in most other municipal codes, the new definition casts a wide net for what constitutes a "sign," but then specifically exempts many types of displays and installations that have historically either not been regulated under Chapter 25-10 (*Sign Regulations*) or have been allowed unconditionally. In conjunction with the streamlined applicability clause in new Section 25-10-1(B) and other revisions to Chapter 25-10 (*Sign Regulations*), the new definition would provide a comprehensive and straightforward description of what is and isn't subject to the ordinance.

- **§ 25-10-101 (*General On-Premise Signs*) @ pp. 7-10**

This new section, which would replace existing Section 25-10-101 (*Signs Allowed in All Districts Without a Permit*), includes requirements for all the different categories of on-premise and noncommercial signs traditionally allowed under Chapter 25-10 (*Sign Regulations*) on a permanent basis. However, in order to ensure content neutrality, the rules for each type of sign are tied to land use rather than to the purpose of the sign.

In order to generally mirror the type of physical restrictions that exist under current code, the revised regulations carry forward specific numerical limits on area, height, and number of signs. Additionally, a few new limitations were added for those categories of signs that are currently regulated only by restrictions on content.

- **§ 25-10-102 (*Temporary Signs*) @ pp. 10-12**

This new section, which replaces an identically titled existing section, includes requirements for all the different categories of signs that are currently allowed on a temporary basis. Similar to the changes proposed for Section 25-10-101 (*General On-Premise Sign*), these requirements remove content as a basis for regulation and instead tie the restrictions to particular temporary activities and land uses.

- **§ 25-10-103 (*Signs Prohibited in All Sign Districts*) @ pp. 13-14**

The only amendments proposed to this existing section are renumbering it and deleting an outdated grandfathering provision for mobile billboards in Paragraph (7), which is no longer applicable.

- **§ 25-10-104 (*Signs Prohibited in Public Easements*) @ p. 13**

These amendments clarify what constitutes “public property” where certain restrictions on the placement of signs apply. These amendments also remove the content-based description of memorial markers, while continuing to permit governmental agencies to place those markers and other signs in the right-of-way.

- **Sign District Amendments in Parts 7-15 @ pp. 14-15**

These amendments remove references to content that appear sporadically throughout Article 7 (*Regulations Applicable to Certain Sign Districts*). No substantive changes are proposed, except that the allowance for “building names” under Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) is revised to include an engraving requirement that appears to further the intent of this provision.

- **Parts 16-22 @ pp. 15-17**

These amendments remove references to content that appear sporadically throughout Article 8 (*Special Signs*).

cc Members, Codes & Ordinances Joint Committee
 Greg Guernsey
 Director, Planning & Zoning Department
 Rodney Gonzales
 Director, Development Services Department

RESOLUTION NO. 20170608-037

WHEREAS, the City of Austin is currently in the process of considering the adoption of a new Land Development Code through the CodeNext process; and


WHEREAS, in light of recent case law affecting municipal sign regulation, updates to the City's current sign regulations should be considered in advance of CodeNext; **NOW, THEREFORE**,

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

1. The City Council initiates amendments to Title 25 (*Land Development*) of the City Code relating to the regulation of signs.
2. The City Manager, in consultation with the Law Department, is directed to:
 - (a) Develop proposed code amendments that are deemed appropriate to achieve consistency with federal and state case law affecting municipal sign regulation;
 - (b) Include only those regulatory changes that are recommended based on recent case law; and
 - (c) Present a proposed ordinance for Council to consider at its August 17, 2017 meeting.

ADOPTED: June 8, 2017

ATTEST:


Jannette S. Goodall
City Clerk