

# PETITION FOR DIGITAL BILLBOARDS IN THE CITY OF AUSTIN

A petition to amend the City of Austin code to add an ordinance permitting digital billboards; preserving the current City moratorium on the number of existing billboards; proposing regulations and limitations on relocating billboards and allowing the use of such billboards by Austin Police Department for emergency purposes.

If you circulated this petition beyond your household, please provide the following:

Your name: \_\_\_\_\_

Your phone number: \_\_\_\_\_

**ONLY REGISTERED VOTERS IN THE CITY OF AUSTIN MAY SIGN THIS PETITION. Please fill in ALL blanks that are NOT optional.**

DATE SIGNED	NAME (please print clearly) ----- SIGNATURE	STREET ADDRESS	COUNTY (check one)	D.O.B. or VOTER REGISTRATION	EMAIL (optional) ----- PHONE (optional)
____/____/____ 2017	Print name below: ----- Sign name below:	Street no. and name: _____ Austin, TX Zip code: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson	____/____/19____  OR Voter no. _____	
____/____/____ 2017	Print name below: ----- Sign name below:	Street no. and name: _____ Austin, TX Zip code: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson	____/____/19____  OR Voter no. _____	
____/____/____ 2017	Print name below: ----- Sign name below:	Street no. and name: _____ Austin, TX Zip code: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson	____/____/19____  OR Voter no. _____	
____/____/____ 2017	Print name below: ----- Sign name below:	Street no. and name: _____ Austin, TX Zip code: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson	____/____/19____  OR Voter no. _____	
____/____/____ 2017	Print name below: ----- Sign name below:	Street no. and name: _____ Austin, TX Zip code: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson	____/____/19____  OR Voter no. _____	

QUESTIONS? Contact IndyAustin at 512-535-0989 or contact@IndyAustin.org

Please print ALL FOUR PAGES, fill out all fields that are not optional, and mail to the following address ASAP:  
SignOnAustin, 1303 San Antonio Street, Suite 720, Austin, TX 78701

Additions are noted by <<>> and deletions by strikethroughs

Amendments to Article 8, of Chapter 25 of the City of Austin Code:

§ 25-10-152 NONCONFORMING SIGNS.

(A) A person may continue or maintain a nonconforming sign at its existing location.

(B) A person may not change or alter a nonconforming sign except as provided in this subsection <<or pursuant to Section 25-10-160>>.

(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 <<by the sign owner or sign registrant>>, 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.

(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) 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 <<, as measured along the same side of and fronting the same street,>> 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. <2> a single-family residential use, a <<or>> multi-family residential <<dwelling unit as>> use, or a mixed use development is a permitted use <, but not including residential units in mixed-use developments>; and~~

~~b. if the tract is developed, the existing uses on that tract include at least one dwelling unit; or~~

4. <3> a <<dwelling unit on a>> residential lot in a <<platted>> residential subdivision in the extraterritorial jurisdiction; and

(iv) if the sign is relocated within the zoning jurisdiction, it must be within a commercial, mixed, industrial, or special purpose ~~base zoning district~~ <classification>.

(v) may incorporate electronically controlled changeable copy technology pursuant to Section 25-10-160.

(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~~ <<the highest lanes of travel to which the sign is oriented>>.

~~(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) – (<<d>>) 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;

2. the characteristics of the sites from which the signs are to be removed;

3. the characteristics of the site on which the sign is to be relocated; and

4. other relevant factors.

(ii) The council shall hold a public hearing before acting on a proposed waiver or modification.

(iii) The director of the Watershed Protection and Development Review Department shall give notice of the hearing in accordance with Section 25-1-132(B) (Notice Of Public Hearing).

~~(g)~~ A sign may not be relocated or removed under this paragraph unless the sign is registered and all registration fees are paid as required by Subsection (F).

~~(h)~~ For each non-conforming off-premise sign relocated under this section, the sign owner must install lighting that is energy efficient, as determined by Austin Energy, and meets or exceeds International Dark Sky standards for pollution reduction. The lighting required under this subsection must be installed:

(i) no later than six months after the effective date of Ordinance No. 20080605-076, if the sign was relocated prior to that date;

(ii) upon installation of the relocated sign, if the relocation occurs after the effective date of Ordinance No. 20080605-076; or

(iii) for all other off-premise signs, within 36 months after the sign is registered in accordance with Subsection (F).

~~(i)~~ An applicant must:

(i) be the owner of each sign to be relocated or removed;

(ii) file an application, which shall be processed within 15 days, for sign relocation with the director at least 90 days before relocating the sign; and

(iii) include with the application:

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 the Watershed Protection and Development Review Department approves the application.

(C) This subsection applies to a nonconforming sign that is damaged by accident, natural catastrophe, or the intentional act of a person other than the sign owner or land owner.

(1) The sign owner or land owner may repair the damaged sign if the cost of repairing the sign does not exceed 60 percent of the cost of installing a new sign of the same type in the same location. Otherwise, the sign owner or land owner shall remove the sign.

(2) The sign owner or land owner:

(a) must apply to the building official for a repair permit not later than the 30th day after the date of damage, and shall finish the repairs not later than the 90th day after the date the building official approves the permit application; or

(b) shall remove the sign.

(D) This subsection applies to the replacement or relocation of a nonconforming sign under Subsections (B)(3) through (B)(5).

(1) The sign owner or land owner may not replace or relocate the sign if it is dismantled before an application for a permit authorizing the replacement or relocation is filed.

(2) The sign owner or land owner shall:

(a) finish the replacement or relocation of the sign not later than the 90th day following the date of dismantling; or

(b) remove the sign.

(E) The building official may not issue a permit for maintenance of a nonconforming sign if the maintenance cost exceeds 60 percent of the cost of installing a new sign of the same type in the same location.

(F) This subsection applies to an off-premise sign.

(1) This paragraph prescribes registration and identification requirements.

(a) The owner of the sign must register the sign every year with the director.

(b) The sign owner shall, on a form prescribed by the director, provide:

(i) information regarding the sign location, height, size, construction type, materials, setback from property boundaries, and illumination; and

(ii) the name and address of the sign owner.

(c) The sign owner shall initially register the sign by August 31, 1999, or within 180 days after the date the sign becomes subject to the City's planning jurisdiction, as applicable, and shall pay a registration fee set by separate ordinance.

(d) A person who fails to register a sign as required by this paragraph commits an offense.

(e) A sign owner is prohibited from relocating a sign if the sign owner is in violation of the registration requirements for any sign owned by that sign owner within the City's jurisdiction.

(f) The sign owner shall place identifying markers on the sign as required by the director. Such markers shall include, but not be limited to, the applicable registration number and measurement points to assist in verifying the height of a sign.

(g) A sign owner shall, in a manner prescribed by the director, provide an annual inventory of all signs owned by that sign owner, including but not limited to a description of the sign, the location of the sign, and the owner of the property on which the sign is located.

(h) The building official shall notify the property owner of the pending expiration of a sign registration, no earlier than 90 days and no later than 30 days prior to the expiration. The director shall provide the same notice to the sign owner if the inventory required under subsection (f) has been provided.

(2) The director shall mail notice of an application to repair or replace a sign not later than the 7th day after the application is filed to the:

(a) applicant;

(b) neighborhood organization; and

(c) sign owner, if a sign owner is identified in accordance with Paragraph (1).

~~<<25-10-160 ELECTRONICALLY CONTROLLED CHANGEABLE COPY SIGNS ON NONCONFORMING OFF-PREMISE SIGNS.~~

(A) Electronically Controlled Changeable Copy Signs are permitted as off-premise signs, including non-conforming off-premise signs, subject to the

following provisions:

- (1) Changes of message must comply with the following:
    - (a) Each message must be displayed for a minimum of six seconds.
    - (b) Changes of message must be accomplished within two seconds.
    - (c) Changes of message must occur simultaneously on the entire sign face.
    - (d) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.
  - (2) No message shall be configured to resemble a warning or danger signal or to cause a driver to mistake the electronically controlled changeable copy sign for a warning or danger signal.
  - (3) An electronically controlled changeable copy sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
  - (4) Electronically Controlled Changeable Copy Sign owners must respond to a malfunction or safety issue immediately after notification. In case of sign malfunction, the digital display must be either turned off or display full black until the malfunction is remedied.
  - (5) Notwithstanding any other provision of 25-10-152(B)(2) & B(4) the conversion of preexisting nonconforming off premise signs to an electronically controlled changeable copy sign, including structural improvements related thereto, is permitted, and shall not be considered an increase in the degree of nonconformity, a replacement, or modification.
  - (6) Display of emergency information. The city may, at the discretion of the chief of police or his designee, exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on electronically controlled changeable copy signs. Upon notification, the sign owners shall display: Amber Alerts, Silver Alerts, information regarding terrorist attacks, natural disasters, high profile criminal investigations, and other exigent emergency situations that create a substantial risk of harm to the public or first responders, in appropriate sign rotations.
- (B) The owner of an off premise sign must submit a sign permit application, which shall be processed within 15 days, for the installation of an electronically controlled changeable copy sign.>>