

No. 20-1029

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In The  
**Supreme Court of the United States**

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CITY OF AUSTIN, TEXAS,

*Petitioner,*

v.

REAGAN NATIONAL  
ADVERTISING OF AUSTIN, INC., *et al.*,

*Respondents.*

—◆—  
**On Writ Of Certiorari To The  
United States Court Of Appeals  
For The Fifth Circuit**

—◆—  
**JOINT APPENDIX**

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**Petition For A Writ Of Certiorari Filed: Jan. 20, 2021  
Certiorari Granted: June 28, 2021**

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**RELEVANT DOCKET ENTRIES FOR THE  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS,  
AUSTIN DIVISION**

**1:17-cv-00673-RP**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/13/2017	1	NOTICE OF REMOVAL by City of Austin
07/19/2017	4	<i>Amended</i> ANSWER to Complaint (Notice of Removal) by City of Austin.
09/07/2017	8	MOTION for Leave to File Motion to Intervene by Lamar Advantage Holding Company, LP's.
10/04/2017	9	ORDER GRANTING 8 Motion for Leave to File.
10/05/2017	10	Intervenor COMPLAINT against City of Austin, Texas, filed by Lamar Advantage Holding Company, LP's.
10/11/2017	11	<i>Defendant's</i> ANSWER to Complaint <i>in Intervention</i> by City of Austin.
10/27/2017	13	AMENDED COMPLAINT <i>IN INTERVENTION</i> against City of Austin amending, filed by Lamar Advantage Holding Company, LP's.
10/30/2017	14	<i>Defendant City of Austin's</i> ANSWER to 13 Amended Complaint <i>in Intervention</i> by City of Austin.

- 02/28/2018 19 AMENDED COMPLAINT  
*Plaintiff's First Amended Complaint* against City of Austin amending, filed by Reagan National Advertising of Austin, Inc.
- 03/08/2018 20 ANSWER to 19 Amended Complaint, by City of Austin.
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- 05/24/2018 25 TRIAL BRIEF *of Plaintiff and Intervenor* by Lamar Advantage Holding Company, LP's, Reagan National Advertising of Austin, Inc.
- 06/05/2018 26 STIPULATION *Amended Joint Stipulations of Fact and Evidence* by City of Austin, Lamar Advantage Holding Company, LP's, Reagan National Advertising of Austin, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B)
- 06/07/2018 30 TRIAL BRIEF by City of Austin.
- 06/14/2018 34 RESPONSE *Reply Brief of Plaintiff and Intervenor* to 30 Trial Brief by Lamar Advantage Holding Company, LP's, Reagan National Advertising of Austin, Inc.
- 06/26/2018 36 EXHIBITS FROM BENCH TRIAL. (dl) (Additional attachment(s) added on 6/28/2018: # 1 Exhibit 1-2,

# 2 Exhibit 4-5, # 3 Exhibit 6-7, # 4 Exhibit 9-11, # 5 Exhibit 12, # 6 Exhibit 13, # 7 Exhibit 14, # 8 Exhibit 15, # 9 Exhibit 16, # 10 Exhibit 17, # 11 Exhibit 18-20, # 12 Exhibit 21-22) (dl). (Additional attachment(s) added on 5/21/2019: # 13 Ex 3 Part 1, # 14 Ex 3 Part 2, # 15 Exhibit 3 Part 3, # 16 Ex 3 Part 4, # 17 Ex 3 Part 5, # 18 Ex 3 Part 6, # 19 Ex 3 Part 7, # 20 Ex 8) (lt). (Additional attachment(s) added on 5/21/2019: # 21 Ex 3 Part 8, # 22 Ex 3 Part 9) (lt).

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regulation of speech. ORDER DENYING Reagan and Lamar's request for declaratory judgment that the City of Austin Sign Code is invalid and unenforceable. ORDER DENYING Reagan and Lamar's request for declaratory judgment allowing them to install digital sign-faces without approved permits from the City.

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RELEVANT DOCKET ENTRIES FOR THE  
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FOR THE FIFTH CIRCUIT

19-50354

04/25/2019	PRIVATE CIVIL FEDERAL CASE docketed. NOA filed by Appellant Reagan National Advertising of Austin, Incorporated [19-50354].
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06/14/2019	SUPPLEMENTAL ELECTRONIC RECORD ON APPEAL FILED.
07/09/2019	APPELLANT'S BRIEF FILED by Lamar Advantage Outdoor Company, L.P. and Appellant Reagan National Advertising of Austin, Incorporated.
07/09/2019	RECORD EXCERPTS FILED by Appellant Lamar Advantage Outdoor Company, L.P. and Appellant Reagan National Advertising of Austin, Incorporated.
08/22/2019	APPELLEE'S BRIEF FILED
09/11/2019	APPELLANT'S REPLY BRIEF FILED by Appellants Lamar Advantage Outdoor Company, L.P. and Reagan National Advertising of Austin, Incorporated.
02/06/2020	ORAL ARGUMENT HEARD before Judges Elrod, Southwick, Haynes.

08/25/2020 PUBLISHED OPINION FILED.

08/25/2020 JUDGMENT ENTERED AND FILED.

09/23/2020 MANDATE ISSUED.

01/29/2021 SUPREME COURT NOTICE that petition for writ of certiorari [9493741-2] was filed by Appellee City of Austin on 01/20/2021.

06/29/2021 SUPREME COURT ORDER received granting petition for writ of certiorari filed by Appellee City of Austin in 19-50354 on 06/28/2021.

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IN THE U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

REAGAN NATIONAL	§	
ADVERTISING OF	§	
AUSTIN, INC.	§	
Plaintiff,	§	CIVIL ACTION NO.
v.	§	1:17-CV-00673-LY
CITY OF AUSTIN,	§	
Defendant.	§	

**AMENDED COMPLAINT IN INTERVENTION**

(Filed Oct. 27, 2017)

Intervenor, Lamar Advantage Outdoor Company, L.P. files this Amended Complaint in Intervention as a party-plaintiff, as authorized by Federal Rule of Civil Procedure 24.

**Parties**

1. Intervenor was misnamed in the Complaint in Intervention as Lamar Advantage Holding Company, L.P. Intervenor’s correct name is Lamar Advantage Outdoor Company, L.P. d/b/a The Lamar Companies (“Lamar”), a Delaware limited partnership, registered to do business in Texas, with its principal place of business at 5321 Corporate Boulevard., Suite 2A, Baton Rouge, Louisiana 70808.

2. Plaintiff is Reagan National Advertising of Austin, Inc. (“Reagan”). Defendant is the City of Austin, Texas (“City”).

### **Original Lawsuit**

3. Reagan sued the City in the 200th Judicial District Court of Travis County, Texas seeking to invalidate Chapter 25-10 of the City of Austin Code of Ordinances (“Sign Regulations”) as an unconstitutional restriction of speech. Specifically, Reagan asserts that the City’s Sign Regulations is unconstitutional because the City’s prohibition of off-premise digital signs is a content based regulation of speech that cannot survive strict scrutiny. Reagan seeks declarations that the City’s Sign Regulations are unenforceable and Reagan is allowed to convert its outdoor advertising signs to digital signs without the City’s approval.

4. The City removed the suit to this Court and filed its answer denying the Sign Regulations are an unconstitutional restriction of speech.

### **Lamar’s Claims**

5. Lamar is in the business outdoor advertising business in and around the City of Austin.

6. On or about June 29, 2017, Lamar submitted 23 permit applications along with the required fees to the City of Austin for the installation of digital sign faces on existing sign structures. A true and correct copy of Lamar’s June 29, 2017 letter with the

applications submitted to the City is attached as Exhibit 1 and incorporated herein by reference.

7. On or about August 10, 2017, the City denied all 23 permit applications and returned the applications and accompanying documents to Lamar. The City specifically stated that the applications could not be approved under Section 25-10-152 of the Sign Regulations because the applications sought to change or alter nonconforming off-premise signs by changing the method or technology used to convey a message on the signs. A true and correct copy of the City's August 10, 2017, denial letter is attached as Exhibit 2 and incorporated herein by reference.

8. Lamar asserts that the City's Sign Regulations are unconstitutional, as of the date Lamar submitted its permit applications, because they are content-based government regulations of speech that cannot survive strict scrutiny in violation of the First Amendment to the United States Constitution. Specifically, the Sign Regulations impermissibly distinguish between various types of signs based on the message content and provide different regulations according to the type of message. For example, the Sign Regulations distinguish between on-premise signs (which advertise something located on the sign site) and off-premise signs (which advertise something not located on the sign site or directs persons to a location not on the sign site). AUSTIN, TEX., CODE § 25-10-03(11). The only way to determine whether a sign is an on-premise or off-premise sign is to consider the content of the sign and determine whether that content is sufficiently related

to the business or service offered on the sign site. *See Thomas v. Schroer*, 127 F. Supp. 3d 864, 873, 75 (W.D. Tenn. 2015).

9. Moreover, not only do the Sign Regulations distinguish types of signs based on the content of the message, the Sign Regulations then apply different rules to signs based on that distinction. For instance, the Sign Regulations allow new on-premise signs to be built, but new off-premise signs are prohibited and existing off-premise are deemed to be nonconforming signs that are not allowed to change. *See AUSTIN, TEX.*, CODE §§ 25-10-3(10), 25-10-102(1), 25-10152. Moreover, digital sign faces can be used for on-premises, but are prohibited on off-premise signs. *See id.* at §§ 25-10-102(6), 25-10-152(B)(2)(b).

10. The U.S. Supreme Court recently held “[a] law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of animus toward the ideas contained in the regulated speech.” *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2228 (2015). Following the reasoning of the *Reed* opinion, the Third Court of Appeals likewise found the Texas Highway Beautification Act to be unconstitutional because its regulation of outdoor advertising based on the content of the message on the sign was a content based regulation that could not pass strict scrutiny. *Auspro Enter., L.P. v. Texas Dep’t of Transp.*, 506 S.W.3d 688 (Tex. App.—Austin 2016, pet. filed).

11. Similarly, the Sign Regulations' distinction between on-premise versus off-premise signs is a content-based regulation of speech that must pass strict scrutiny; otherwise, the Sign Regulations are unconstitutional and void. If the Sign Regulations are void and unenforceable, then the City had no authority to either require Lamar to obtain the City's approval to install digital sign faces on its sign structures, or to deny Lamar's permit applications.

12. Accordingly, Lamar asks the Court for declaratory judgment pursuant to Texas Civil Practice & Remedies Code §§ 37.003 and 37.004 as to Lamar's rights in regards to the City's Sign Regulations in effect as of June 29, 2017, when Lamar submitted its permit applications. Specifically, Lamar seeks declarations that the City's Sign Regulations are unconstitutional content-based regulations of speech, and are thus invalid and enforceable. Further, Lamar asks the Court to declare that Lamar is allowed to install digital sign faces on its sign structures without approved permits from the City.

### **Attorneys' Fees and Costs**

13. Lamar is entitled to recover reasonable and necessary attorney fees and costs under Texas Civil Practice and Remedies Code section 37.009 because this is a suit for declaratory relief as to the validity of a municipal ordinance and Lamar's rights and status under the ordinance.



### **Conditions Precedent**

14. Lamar pleads that all conditions precedent to Lamar's claim for relief have been performed or have occurred.

### **Prayer**

For these reasons, Lamar respectfully requests that upon final trial of this action Lamar have judgment against the City for the following:

- a. declaratory judgment that Chapter 25-10 (or any relevant part of Chapter 25-10) of the City of Austin Code of Ordinances is an unconstitutional content-based regulation of speech;
- b. declaratory judgment that Chapter 25-10 (or any relevant part of Chapter 25-10) of the City of Austin Code of Ordinances is invalid and unenforceable;
- c. declaratory judgment that Lamar is allowed to install digital sign faces on its sign structures without approved permits from the City;
- d. attorneys' fees and court costs; and
- e. such other and further relief to which Lamar may be justly entitled.

Respectfully submitted,

*/s/ J. Allen Smith*

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ADVANTAGE OUTDOOR

COMPANY, L.P.

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>REAGAN NATIONAL</b>	§	
<b>ADVERTISING OF</b>	§	
<b>AUSTIN, INC.,</b>	§	
<b>Plaintiff,</b>	§	<b>CIVIL ACTION NO.</b>
<b>v.</b>	§	<b>1:17-CV-00673-LY</b>
<b>CITY OF AUSTIN,</b>	§	
<b>Defendant.</b>	§	

**PLAINTIFF’S FIRST AMENDED COMPLAINT**

(Filed Feb. 28 2018)

Plaintiff Reagan National Advertising of Austin, Inc. (“Reagan”) files this First Amended Complaint against the City of Austin (“City”) to invalidate Chapter 25-10 of the City of Austin Code of Ordinances (“City Code”) as an unconstitutional restriction of speech.

**I. PARTIES**

1. Plaintiff is Reagan National Advertising of Austin, Inc., a corporation incorporated in Delaware and doing business in Travis County, Texas.

2. Since this lawsuit was filed, Lamar Advantage Holding Company filed a motion to intervene, which was granted.

3. Defendant City of Austin, Texas, is an incorporated municipality located in Travis County, Texas and may be served by serving the mayor, Mayor Steve Adler, at Austin City Hall, 301 W. 2nd Street, 2nd Floor, Austin, Texas 78701, or the City Clerk at 301 W. 2nd Street, Suite 1120, Austin, Texas 78701. *See* TEX. CIV. PRAC. & REM. CODE § 17.024(b). The City of Austin was previously served and has answered.

4. Because this suit challenges the constitutionality of an ordinance, Warren Kenneth Paxton, Jr., Attorney General of Texas, was previously notified of the suit pursuant to Tex. Civ. Prac. & Rem. Code 104.002(a)(2). A copy of the original petition was served on the Office of the Attorney General at 209 West 14th Street, Austin, Texas 78701.

## II. JURISDICTION AND VENUE

5. This case was initially filed in Travis County, which had jurisdiction pursuant to Chapter 37 of the Texas Civil Practice & Remedies Code and where venue was proper under Section 15.0151 of Texas Civil Practice & Remedies Code. Defendant City of Austin removed the case to the Western District based on a federal question.

## III. FACTS

6. Reagan is in the business of outdoor advertising.

7. On or about April 17, 2017, Reagan applied to the City for forty-nine permits for the installation of digital sign faces on existing sign structures. The cover letter for the applications, which identified the applicable locations, is attached as **Exhibit A**. Reagan remitted the required fees for each application with its submission on April 17, as indicated in the letter.

8. Forty-three addresses were applications for permits for conversion of existing signs to digital copy. In six instances, the existing sign structures are currently electronically controlled changeable copy signs, as they are tri-vision signs.<sup>1</sup>

9. On May 25, 2017 the City denied all forty-nine permit applications. A copy of the denial letter is attached as **Exhibit B**. In the letter, the City said that the applications could not be approved under Section 25-10-152 and Chapter 25-10 of the City Code.

10. Additionally, on or about June 7, 2017, Reagan applied to the City for another eleven permits for the installation of digital sign faces on existing sign structures. The cover letter for the applications, which identified the applicable locations, is attached as **Exhibit C**. Reagan remitted the required fees for each application with its submission on June 7, as indicated in the letter.

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<sup>1</sup> While an application to convert those six may not have been necessary, they were included to keep the City of Austin informed about the intended activity with respect to those signs.

11. On July 20, 2017 the City denied all eleven permit applications. A copy of the denial letter is attached as **Exhibit D**. In the letter, the City said that the applications could not be approved under Section 25-10-152 and Chapter 25-10 of the City Code.

12. In some instances, the City allows and/or does not enforce against (a) on premise signs that have digital copy and/or (b) on premise signs that advertise for off-premise businesses, events or activities. *See e.g.* Chapter 25-10-102(6) (Unless the building official determines that the sign is a nonconforming sign, the following signs are prohibit: . . . (6) a sign that uses an intermittent or flashing light source to attract attention, excluding an *electronically controlled changeable-copy sign* . . .”) (emphasis added).

13. Reagan brings this lawsuit to challenge the constitutionality and validity of Chapter 25-10 of the City Code, in whole or in part. A copy of Chapter 25-10 of the City Code, as was in effect on both April 17, 2017 and on June 7, 2017, is attached as **Exhibit E**.

14. Reagan seeks a finding under *Reed v. Town of Gilbert, Arizona*, 135 S. Ct. 2218 (2015) and *Auspro Enterprises, LP v. Texas Dep’t of Transp.*, 506 S.W.3d 688 (Tex. App.—Austin 2016, pet. filed) that the ordinances contained in the City Code as of the date of Reagan’s applications were unconstitutional as content-based restrictions of speech. In the absence of a valid City Code with respect to outdoor advertising, the City is not able to restrict Reagan’s conversion of its outdoor advertising signs to digital copy. Additionally, Reagan

seeks a finding that the ordinances contained in the City Code were unconstitutional as applied to Reagan. In the absence of a valid application of the City Code to Reagan with respect to outdoor advertising, the City is not able to restrict Reagan's conversion of its outdoor signs to digital copy.

#### **IV. CAUSES OF ACTION**

##### **A. DECLARATORY JUDGMENT (FACIAL CHALLENGE) AS TO CHAPTER 25-10 OF THE CITY CODE**

15. Reagan asks the Court for declaratory judgment pursuant to Tex. Civ. Prac. & Rem. Code §§ 37.003 and 37.004(a) setting out Reagan's rights with regard to the ordinances in effect as of April 17, 2017, when Reagan filed its applications for forty-nine permits, and as was in effect as of June 7, 2017, when Reagan filed its application for eleven permits. The version of Chapter 25-10 of the City Code that was in effect on April 17, 2017 is the same as the version that was in effect on June 7, 2017.<sup>2</sup>

16. In *Reed*, the United States Supreme Court found that the Sign Code of Gilbert, Arizona restricted signs depending upon the "communicative content of the sign." 135 S.Ct. at 2227. Gilbert's sign ordinances made a distinction between on-premises signs and off-premises signs that the Court said depended on what

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<sup>2</sup> If the ordinances differ between April 17, 2017 and June 7, 2017, then Reagan seeks declaratory judgment as to the ordinances as they existed on each of those dates.

the signs said. *Id.* at 2222. Because Gilbert was regulating signs based upon what the signs said, those regulations were unconstitutional as a violation of the First Amendment protection of speech and were struck. *Id.* at 2232. In *Auspro*, the Austin Court of Appeals found that two subchapters of the Texas Highway Beautification Act were severed from that Act as unconstitutional because those subchapters regulated outdoor advertising based on the content of the advertising. 506 S.W.3d at 707. In essence, these cases indicate that, if you have to read the sign to determine whether the sign is legal, then the regulation is content-based.

17. Chapter 25-10 of the City Code requires a person to read the content of any sign to determine which City ordinances apply to that particular sign. For example, Chapter 25-10 distinguishes between on-premise and off-premise signs and applies a different set of rules to each. An off-premise sign is one that advertises something not located on the site where the sign is installed or that directs persons to a location not on that site.<sup>3</sup> *See* Chapter 25-10-3(11) (defining

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<sup>3</sup> Other aspects of Chapter 25-10 are similarly problematic. By further example, a “sidewalk” sign is defined as a sign located on a sidewalk that advertises the business abutting the sidewalk where the sign is located. *See* Section 25-10-3(17). The City Code has rules that apply only to “Sidewalk Signs.” *See* Section 25-10-153. Chapter 25-10 also has separate rules for “Urban Farm and Market Signs” (Section 25-10-155), “Home Occupation Signs” (Section 25-10-156), “Memorial Markers” (Section 25-10-157), “Special Event Signs” (Section 25-10-158) and more. In each instance, one must read the sign to know what rules apply.



off-premise signs). To decide whether something is an off-premise or on-premise sign, one must read the sign. Only then can a person know what rules apply.

18. Off-premise signs are prohibited, unless a building official determines they are a non-conforming sign, meaning a sign that was lawful when installed by that does not comply with Chapter 25-10. *See* Section 25-10-102(1) (prohibiting off-premise signs) and 25-10-3(10) (defining nonconforming signs). Additionally, on-premise signs can be digital, while off-premise signs cannot. *See* Section 20-10-102(6) (allowing electronically controlled changeable-copy signs for on-premise signs) and Section 25-10-152(B)(2)(b) (disallowing a change in the method or technology used to convey a message on a nonconforming sign).

19. Under *Reed* and *Auspro*, Chapter 25-10 of the City's Code is a content-based regulation of speech to which strict scrutiny must apply.

20. If the City is not able to show that the restrictions further a compelling interest and are narrowly tailored to achieve that interest, the regulations must be deemed unconstitutional.

21. If the City's ordinances, which are based upon the content of the signs, are unconstitutional, those ordinances—including the requirement that Reagan needs permits—are invalid and unenforceable. *See e.g., In re Hinterlong*, 109 S.W.3d 611, 636 (Tex. App.—Fort Worth 2003, orig. proceeding) (“An unconstitutional statute is void and cannot provide a basis for any right or relief.”).

## **B. DECLARATORY JUDGMENT (AS-APPLIED CHALLENGE) AS TO CHAPTER 25-10 OF THE CITY CODE**

22. The City of Austin's denial of Reagan's permit applications, while allowing similar, if not identical, digital off-premise advertising by on-premise users, is unconstitutional as applied against Reagan. Furthermore, the City's continued reliance on its purported ban on all off-premise uses of digital means that Reagan any and all permit applications for off-premise uses of digital signage will be denied by the City.

23. The City's disparate treatment of signage through its application of the permit process results in an unconstitutional restriction on Reagan's First Amendment rights. Reagan, as an off-premise user is prohibited from any speech through the digital medium, while on-premise users are effectively allowed to speak without restriction through the same medium.

## **C. SPECIFIC REQUESTS SOUGHT**

24. If the City's ordinances are invalid, then the City had no authority to require Reagan to obtain permits for the conversion of off-premise signs to digital copy.

25. For these reasons, Reagan seeks the following declarations:

- a. That Chapter 25-10 (or any relevant part of Chapter 25-10) is an unconstitutional content-based regulation of speech;

- b. That Chapter 25-10 (or any relevant part of Chapter 25-10) is invalid and unenforceable;
- c. That Chapter 25-10 (or any relevant part of Chapter 25-10) is invalid as applied to Reagan; and
- d. That Reagan is allowed to convert its outdoor advertising signs to digital copy without having permits issued.

**V. CLAIM FOR  
ATTORNEYS' FEES AND COSTS**

26. Reagan seeks fees pursuant to Tex. Civ. Prac. & Rem. Act §§ 37.009.

**VI. CONDITIONS PRECEDENT**

27. All conditions precedent to Reagan's claim for relief have been performed or have occurred.

**PRAYER**

For these reasons, Plaintiff Reagan National Advertising of Austin, Inc. asks that, on final trial, that Reagan be awarded a judgment against the City for the following:

- a. Declaratory judgment that Chapter 25-10 (or any relevant part of Chapter 25-10) of the City Code is an unconstitutional content-based regulation of speech;

- b. Declaratory judgment that Chapter 25-10 (or any relevant part of Chapter 25-10) of the City Code is invalid and unenforceable;
- c. Declaratory judgment that Chapter 25-10 (or any relevant part of Chapter 25-10) is invalid as applied to Reagan;
- d. Declaratory judgment that Reagan is allowed to convert its outdoor advertising signs to digital copy without having permits issued;
- e. Attorneys' fees and costs; and
- f. All other relief to which Reagan is entitled.

Respectfully submitted,

/s/ B. Russell Horton

B. Russell Horton

State Bar No. 10014450

Taline Manassian

State Bar No. 24007596

GEORGE BROTHERS

KINCAID & HORTON, L.L.P.

114 West 7th Street, Ste. 1100

Austin, Texas 78701

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[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 19-1 Filed 02/28/18 Page 1 of 2]

**gbkh**

GEORGE BROTHERS  
KINCAID & HORTON LLP

**B. Russ Horton**

1100 Norwood Tower |  
114 West 7th St. | Austin,  
TX 78701 | 512-495-1400  
| FAX 512-499-0094 |  
RHorton@gbkh.com |  
WWW.GBKH.COM

April 14, 2017

**Via Hand Delivery**

City of Austin – Development Services Department  
Development Assistance Center – One Texas Center  
505 Barton Springs Road  
Austin, Texas 78704

Re: Applications for Sign Permits/Digital Sign  
Face 49 Property Addresses Listed in  
Attached Exhibit A

Dear Sir or Madam:

I write on behalf of Reagan National Advertising of Austin, Inc. to request that the City issue permits for the installation of digital sign faces on the above listed existing sign structures. Enclosed are the permit applications for these locations, which are being submitted in administratively complete form. Reagan has included a separate check with each application. Each of the forty-nine checks is in the amount of \$85.28. If the City determines that the enclosed applications are

not administratively complete, I request that you notify me immediately of such determination and allow a statutorily compliant opportunity to complete the applications.

We note that in six instances noted on the applications, the existing sign structures are currently electronically controlled changeable copy signs, as they are tri-vision signs. While an application made not be necessary to convert these to digital signs, we have included these six in an effort to keep the city informed about the intended activity with respect to these signs.

Reagan further asserts, in light the recent authorities of *Reed v. Town of Gilbert, Arizona*, 135 S. Ct. 2218 (2015) and *Auspro Enters, LP v. Texas Dept. of Transp.*, 506 S.W.3d 688 (Tex. App.—Austin, 2016, pet. filed), that the City review these applications in conformity with the Constitutional constraints precluding the City from limiting my client's rights of free speech and expression.

Reagan asks that the City review and approve these permit applications in a prompt and reasonable manner. If you have any questions or would like to discuss this issue, please call.

Yours sincerely,

George Brothers Kincaid &  
Horton, L.L.P.

/s/ B. Russ Horton  
B. Russ Horton

Enclosures

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**EXHIBIT A - LOCATIONS**

12200 1/2 Mo-Pac	11999 1/2 Research Blvd
7203 1/2 N FM 620	12593 1/2 Research Blvd
1905 RR 620 N	13775 Research Blvd
220 1/2 S Congress Ave	1603 1/2 E SH 71
2828 1/2 Guadalupe St	1221 1/2 W Ben White Blvd
1418 Barton Springs Rd	2428 1/2 W Ben White Blvd
2906 & 2908 San Gabriel St	2217 1/2 W Ben White Blvd
501 1/2 Oakland Ave	4707 1/2 Burnet Rd
1608 1/2 W 35th St	2902 1/2 Duval St
1306 S Congress	6843 1/2 W US Hwy 290
306 N Congress	9023 W US Hwy 71
10019 S IH - 35	9611 1/2 FM 2244 Rd
8301 1/2 IH -35	3430 1/2 Braker Ln
16381/2 S IH - 35	1602 1/2 S Lamar Blvd
503 1/2 N IH - 35	2825 1/2 Guadalupe St
1112 1/2 N IH -35	11323 1/2 RR 2222 Rd
4030 1/2 N IH -35	1806 1/2 S Congress Ave
5301 1/2 N IH -35	3411 1/2 N FM 620 Rd
8502 1/2 N IH - 35	5003 1/2 Burnet Rd
15705 1/2 N IH - 35	1906 1/2 E 7th St
3400 1/2 Ed Bluestein Blvd	7604 1/2 W SH 71
7811 Clocktower Dr	3501 N Lamar
607 1/2 E Anderson Ln	5011 E Cesar Chavez
8105 1/2 Research Blvd	5020 E 7th St
9201 1/2 Research Blvd	

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[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 19-2 Filed 02/28/18 Page 1 of 1]

CITY OF AUSTIN  
**Development** [SEAL]  
SERVICES DEPARTMENT  
*Building A Better Austin Together*

---

505 Barton Springs Road Austin, TX 78704 |  
512-978-4000 | DevelopmentATX.com

May 25, 2017

**Sent via Email and By Certified Mail (w/ Enclosures)**

B. Russ Horton  
George Brothers Kincaid & Horton, LLP  
114 West 7th Street, Suite 1100  
Austin, Texas 78701

Re: **Applications to Install Digital Sign Faces on  
Nonconforming Off-Premise Signs**

Dear Mr. Horton:

On behalf of the Development Services Department, I am writing in response your letter and accompanying permit applications dated April 14, 2017, which request approval for the installation of “digital sign faces” on 49 non-conforming off-premise signs owned or operated by your client, Reagan National Advertising of Austin, Inc..

These applications cannot be approved under Section 25-10-152 (*Nonconforming Signs*) because they would change the existing technology used to convey



off-premise commercial messages and increase the degree of nonconformity with current regulations relating to off-premise signs. This conclusion applies to all of the 49 applications submitted, including those pertaining to both static non-electrical signs and “electronically controlled changeable copy” signs. None of the 49 off-premise signs were permitted as digital signs and cannot now be replaced, modified, or altered to include digital sign faces.

The cases cited in your letter do not concern the regulation of off-premise commercial advertising, nor are we aware of any legal authority that prohibits the municipal regulation of off-premise commercial signs. Therefore, based on consultation with the Law Department, the applicable provisions of Chapter 25-10 (*Sign Regulations*) prohibiting approval of your client’s applications are valid and controlling.

For these reasons, the above-referenced applications are *disapproved*. Additionally, since you have requested no other potentially approvable modifications to any of the 49 signs, I am returning the applications and accompanying documents to you via certified mail.

Sincerely,

/s/ Andrew J. Linseisen  
Andrew J. Linseisen, P.E., Assistant Director  
Development Service Department

cc: J. Rodney Gonzales, Director  
Christopher Johnson, Division Manager –  
Development Assistance Center  
Development Services Department  
Brent Lloyd, Assistant City Attorney  
City of Austin Law Department

---

[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 19-3 Filed 02/28/18 Page 1 of 2]

**gbkh**

GEORGE BROTHERS  
KINCAID & HORTON LLP

**B. RUSS HORTON**

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114 WEST 7TH ST. | AUSTIN,  
TX 78701 | 512.495.1400 |  
FAX 512.499.0094 |  
RHORTON@GBKH.COM |  
WWW.GBKH.COM

June 7, 2017

**Via Hand Delivery**

City of Austin – Development Services Department  
Development Assistance Center – One Texas Center  
505 Barton Springs Road  
Austin, Texas 78704

Re: Applications for Sign Permits/  
Digital Sign Face

The Following Addresses:

3405 S Congress  
7301 Burleson Rd  
1527 1/2 SH 71 E  
2355 1/2 SH 71 E  
9127 1/2 IH 35 N  
13443 N FM 620  
13301 1/2 US Hwy 183 N  
1809 Manor Rd  
308 1/2 IH 35 N  
400 1/2 IH 35 N  
410 W 18th St

Dear Sir or Madam:

I write on behalf of Reagan National Advertising of Austin, Inc. to request that the City issue permits for the installation of digital sign faces on the above listed existing sign structures. Enclosed are the permit applications for these locations, which are being submitted in administratively complete form. Reagan has included a separate check with each application. Each of the eleven checks is in the amount of \$85.28. If the City determines that the enclosed applications are not administratively complete, I request that you notify me immediately of such determination and allow a statutorily compliant opportunity to complete the applications.

Reagan further asserts, in light of the recent authorities of *Reed v. Town of Gilbert, Arizona*, 135 S. Ct. 2218 (2015) and *Auspro Enters, LP v. Texas Dep't. of Transp.*, 506 S.W.3d 688 (Tex. App.—Austin, 2016, pet. filed), that the City review these applications in conformity with the Constitutional constraints precluding the City from limiting my client's rights of free speech and expression.

Reagan asks that the City review and approve these permit applications in a prompt and reasonable

manner. If you have any questions or would like to discuss this issue, please call.

Yours sincerely,

George Brothers Kincaid &  
Horton, L.L.P.

/s/ B. Russ Horton  
B. Russ Horton

Enclosures

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[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 19-4 Filed 02/28/18 Page 1 of 1]

CITY OF AUSTIN  
**Development** [SEAL]  
SERVICES DEPARTMENT  
*Building A Better Austin Together*

---

505 Barton Springs Road Austin, TX 78704 |  
512-978-4000 | DevelopmentATX.com

July 20, 2017

**Sent By Certified Mail (w/ Enclosures)**

B. Russ Horton  
George Brothers Kincaid & Horton, LLP  
114 West 7th Street, Suite 1100  
Austin, Texas 78701

Re: **Applications to Install Digital Sign Faces on  
Nonconforming Off-Premise Signs**

Dear Mr. Horton:

On behalf of the Development Services Department, I am writing in response your letter and accompanying permit applications dated June 7, 2017, which request approval for the installation of “digital sign faces” on 11 non-conforming off-premise signs owned or operated by your client, Reagan National Advertising of Austin, Inc..

These applications cannot be approved under Section 25-10-152 (*Nonconforming Signs*) because they would change the existing technology used to convey

off-premise commercial messages and increase the degree of nonconformity with current regulations relating to off-premise signs. This conclusion applies to all of the 11 applications submitted, including those pertaining to both static non-electrical signs and “electronically controlled changeable copy” signs. None of the 11 off-premise signs were permitted as digital signs and cannot now be replaced, modified, or altered to include digital sign faces.

The cases cited in your letter do not concern the regulation of off-premise commercial advertising, nor are we aware of any legal authority that prohibits the municipal regulation of off-premise commercial signs. Therefore, based on consultation with the Law Department, the applicable provisions of Chapter 25-10 (*Sign Regulations*) prohibiting approval of your client’s applications are valid and controlling.

For these reasons, the above-referenced applications are *disapproved*. Additionally, since you have requested no other potentially approvable modifications to any of the 11 signs, I am returning the applications and accompanying documents to you via certified mail.

Sincerely,

/s/ Andrew J. Linseisen  
Andrew J. Linseisen, P.E., Assistant Director  
Development Service Department

cc: J. Rodney Gonzales, Director  
Christopher Johnson, Division Manager –  
Development Assistance Center  
Development Services Department  
Brent Lloyd, Assistant City Attorney  
City of Austin Law Department

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>REAGAN NATIONAL</b>	§	
<b>ADVERTISING OF</b>	§	
<b>AUSTIN INC.,</b>	§	
<b>Plaintiff,</b>	§	<b>CIVIL ACTION NO.</b>
	§	<b>1:17-CV-00673-RP</b>
<b>v.</b>	§	(Filed Jun. 5, 2018)
<b>CITY OF AUSTIN,</b>	§	
<b>Defendant.</b>	§	

**AMENDED JOINT STIPULATIONS**  
**OF FACT AND EVIDENCE**

The parties submit these amended stipulations, to modify those that were previously submitted in accordance with paragraph 4 of the Scheduling Order that was entered by the Court on January 29, 2018.

**I. FACTS**

**A. Background**

1. Jurisdiction and venue are proper in this Court.
2. Plaintiff Reagan National Advertising of Austin, Inc. d/b/a Reagan National Advertising (“Reagan”) is a Delaware corporation doing business in Austin, Travis County, Texas, and the surrounding areas.

3. Intervenor Lamar Advantage Outdoor Company, L.P. (“Lamar”) is a Delaware limited partnership doing business in Austin, Travis County, Texas and the surrounding areas.
4. The City of Austin, Texas (“City”) is a home-rule municipality located in Travis, Hays, and Williamson Counties.
5. The City does not have sovereign immunity, either immunity from suit or from liability, in this case.
6. Reagan and Lamar are in the business of outdoor advertising, which includes the ownership and operation of billboards. Reagan and Lamar engage in outdoor advertising within the City of Austin and in the surrounding areas.
7. Reagan and Lamar have standing to bring this suit.

B. The City’s Sign Code

8. The City regulates off-premise signs in Chapter 25-10 of the Austin City Code (“Sign Code”).
9. Billboards are off-premise signs.
10. The Sign Code allows new on-premise signs to be built, but new off-premise signs are prohibited and existing off-premise signs are deemed to be nonconforming signs that are not allowed to change.

11. Non-conforming signs are those that were lawful when installed but that do not comply with the Sign Code.
12. The Sign Code allows digital sign faces to be used for on-premise signs, but digital sign faces are prohibited on off-premise signs. *See e.g.*, Section 25-10-102(6) (allowing electronically controlled changeable copy signs for on-premise signs) and Section 25-10-152(B)(2)(b) (disallowing a change in the method of technology used to convey a message on a non-conforming sign).
13. The City's stated general purpose in adopting its sign regulations, including the sign regulations at issue in this lawsuit, is to protect the aesthetic value of the city and to protect public safety.

C. Reagan's Applications

14. On or about April 17, 2017, Reagan submitted fifty<sup>1</sup> permit applications, along with the required fees, to the City for installation of digital sign faces on existing sign structures.
15. Forty-three addresses applied for on April 17, 2017, were applications for permits for conversion of existing signs to digital copy. In seven<sup>2</sup> instances, the existing sign structures

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<sup>1</sup> Reagan's First Amended Complaint says forty-nine applications were submitted. That was an error. In fact, fifty were submitted.

<sup>2</sup> Reagan's First Amended Complaint says six. That was an error. In fact, seven were tri-vision signs.

are currently electronically controlled changeable copy signs, as they are tri-vision signs.

16. On May 25, 2017 the City denied all fifty permit applications.
17. Additionally, on or about June 7, 2017, Reagan submitted another eleven permit applications, along with the required fees, to the City for installation of digital sign faces on existing sign structures.
18. On July 20, 2017 the City denied all eleven permit applications.
19. The addresses of Reagan's sign structures that were the subject of its sixty-one permit applications are listed in the attached **Exhibit A**.
20. The version of Chapter 25-10 of the Austin City Code ("Sign Code") that is stipulated to as Exhibit J-1 was in effect at all times relevant to the applications submitted by Reagan.

D. Lamar's Applications

21. On or about June 29, 2017, Lamar submitted twenty-three permit applications, along with the required fees, to the City for installation of digital sign faces on existing sign structures.
22. On or about August 10, 2017, the City denied all twenty-three permit applications.
23. The addresses of Lamar's Sign structures that were the subject of its twenty-three permit

applications are listed in the attached **Exhibit B**.

24. The version of Chapter 25-10 of the Austin City Code that is stipulated to as Exhibit J-1 was in effect at all times relevant to the applications submitted by Lamar.

E. Photographs of Signs

25. Exhibit J-10 depicts exemplar signs of Reagan's billboards within the City of Austin and in the surrounding areas.
26. Exhibit J-11 depicts exemplar signs of Lamar's billboards within the City of Austin and in the surrounding areas.

F. Revisions to the Sign Code

27. Chapter 25-10 of the City Code was amended on August 17, 2017, after all the Reagan and Lamar permit applications were received and denied by the City.

## II. TABLE OF EVIDENCE

The following documents are offered jointly by the parties and carry the "J" designation, pursuant to Local Rule CV-16(g) and the coordination of the assignment of unique identification sequences with the judge's courtroom deputy clerk. Hard copies of these documents will be presented at trial, unless requested otherwise by the Court.

NO.	EVIDENCE	DESCRIPTION
J-1	Chapter 25-10 of the City Code (applicable version from time of applications)	Exhibit 1 to Plaintiff's Complaint
J-2	Reagan's April 14, 2017 <sup>3</sup> cover letter transmitting applications	RNA 000001-000002
J-3	Reagan's April permit applications	RNA 000007-000299
J-4	City's May 25, 2017 denial letter to Reagan	RNA 000003
J-5	Reagan's June 7, 2017 cover letter transmitting applications	RNA 000004-000005
J-6	Reagan's June permit applications	RNA 000300-000366
J-7	City's July 20, 2017 denial letter to Reagan	RNA 000006
J-8	Lamar's June 29, 2017 letter with applications	LAMAR 00001-00028
J-9	City's August 10, 2017 denial letter to Lamar	LAMAR 00029-00031
J-10	Photographs of Reagan Signs	RNA 000401-000412
J-11	Photographs of Lamar Signs	LAMAR 00032-00034

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<sup>3</sup> The letter was delivered on or about April 17, 2017.

J-12	City's Review Comments (Reagan applications)	COA 0402-0433 <sup>4</sup>
J-13	City's Review Comments (Reagan applications)	COA 0434-0473
J-14	City's Review Comments (Reagan applications)	COA 0473-0508
J-15	City's Land Development Code Presentation (January 31, 2017)	COA 0537-0641
J-16	Chapter 23-8 revision document	RNA 000372-000397
J-17	8/17/17 City Council Material (Item 72): Backup (Memo Planning Commission)	RNA 000367-000371
J-18	8/17/17 City Council Material (Item 72): Recommendation for Council Action	RNA 000400
J-19	8/17/17 City Council Material (Item 72): Staff Report	RNA 000398-000399
J-20	City of Austin Ordinance No. 20170817-071	COA 0152-0168 <sup>5</sup>

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<sup>4</sup> The parties stipulate to the authenticity of Documents J-12 through J-19, but the City reserves the right to assert relevance or other objections.

<sup>5</sup> The parties stipulate to the authenticity of Documents J-20 through J-21, but Reagan and Lamar reserve the right to assert relevance or other objections.

J-21	Chapter 25-10 of the City Code (current version)	COA 0118-0151
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At trial, Plaintiffs exhibits will be designated “P”; Intervenor’s exhibits will be designated “I”; and the City’s exhibits will be designated “G.”

### III. ATTORNEYS’ FEES

Pursuant to Local Rule CV-7(j), attorneys’ fees information will be submitted after the trial of this cause.

Respectfully Submitted,

By: /s/ B. Russell Horton

B. Russell Horton

State Bar No. 10014450

Taline Manassian

State Bar No. 24007596

GEORGE BROTHERS KINCAID &  
HORTON, LLP

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Email: tmanassian@gbkh.com

**ATTORNEYS FOR PLAINTIFF  
REAGAN NATIONAL ADVERTISING  
OF AUSTIN, INC.**



By: /s/ J. Allen Smith

J. Allen Smith  
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amith@settlepou.com  
Bradley E. McLain  
Texas Bar I.D. 24041453  
bmclain@settlepou.com  
SETTLEPOU  
3333 Lee Parkway, Eighth Floor  
Dallas, Texas 75219  
(214) 520-3300  
(214) 526-4145 (Facsimile)

**ATTORNEYS FOR INTERVENOR  
LAMAR ADVANTAGE OUT-  
DOOR COMPANY, L.P.**

ANNE L. MORGAN, CITY  
ATTORNEY MEGHAN L. RILEY,  
LITIGATION DIVISION CHIEF

By: /s/ H. Gray Laird III

H. GRAY LAIRD III  
State Bar No. 24087054  
City of Austin  
P.O. Box 1546  
Austin, Texas 78767-1546  
gray.laird@austintexas.gov  
Telephone (512) 974-1342  
Facsimile (512) 974-1311

**ATTORNEYS FOR DEFENDANT  
CITY OF AUSTIN**

[Certificate Of Service Omitted]

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**EXHIBIT A - REAGAN'S SIGN LOCATIONS**

12200 1/2 Mo-Pac	11999 1/2 Research Blvd	3405 S Congress
7203 1/2 N FM 620	12593 1/2 Research Blvd	7301 Burleson Rd
1905 RR 620 N	13775 Research Blvd	1527 1/2 SH 71 E
220 1/2 S Congress Ave (northern)	1603 1/2 E SH 71	2355 1/2 SH 71 E
220 1/2 S Congress Ave (southern)	1221 1/2 W Ben White Blvd	9127 1/2 IH 35 N
2828 1/2 Guadalupe St	2428 1/2 W Ben White Blvd	13443 N FM 620
1418 Barton Springs Rd	2217 1/2 W Ben White Blvd	13301 1/2 US Hwy 183 N
2906 & 2908 San Gabriel St	4707 1/2 Burnet Rd	1809 Manor Rd
501 1/2 Oakland Ave	2902 1/2 Duval St	308 1/2 IH 35 N
1608 1/2 W 35th St	6843 1/2 W US Hwy 290	400 1/2 IH 35 N
1306 S Congress	9023 W US Hwy 71	410 W 18th St
306 N Congress	9611 1/2 FM 2244 Rd	
10019 S IH - 35	3430 1/2 Braker Ln	
8301 1/2 IH - 35	1602 1/2 S Lamar Blvd	
1638 1/2 S IH - 35	2825 1/2 Guadalupe St	

503 1/2 N IH - 35	11323 1/2 RR 2222 Rd	
1112 1/2 N IH -35	1806 1/2 S Congress Ave	
4030 1/2 N IH -35	3411 1/2 N FM 620 Rd	
5301 1/2 N IH -35	5003 1/2 Burnet Rd	
8502 1/2 N IH - 35	1906 1/2 E 7th St	
15705 1/2 N IH - 35	7604 1/2 W SH 71	
3400 1/2 Ed Bluestein Blvd	3501 N Lamar	
7811 Clocktower Dr	5011 E Cesar Chavez	
607 1/2 E Ander- son Ln	5020 E 7th St	
8105 1/2 Re- search Blvd		
9201 1/2 Re- search Blvd		

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**EXHIBIT B - LAMAR'S SIGN LOCATIONS**

3800 Hudson Bend Road  
8641 ½ Research Blvd. NB  
9205 ½ Research Blvd. NB  
2403 ½ S. IH 35 NB  
12434 ½ Research Blvd. SB  
10710 ½ Research Blvd. SB  
8010 ½ Research Blvd.  
9620 ½ Manchaca Road  
1221 ½ N. Lamar Blvd.  
5613 Avenue F, Unit B  
3217 ½ N. IH 35 NB  
13724 ½ N. IH 35 SB  
8507 ½ N. IH 35 NB  
12131 ½ N. IH 35 NB  
10401 ½ N. IH 35 NB  
1907 ½ E. SH 71 WB  
5184 ½ W. US 290 WB  
6908 ½ W. US 290 WB  
8410 ½ E. US 290 WB  
13187 ½ N. US 183 NB  
5335 ½ Burnet Road  
7715 ½ E. Ben White Blvd.  
715 ½ S. Lamar

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[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 36-1 Filed 06/26/18 Page 1 of 35]

Austin, TX Code of Ordinances

CHAPTER 25-10. – SIGN REGULATIONS.

ARTICLE 1. – GENERAL PROVISIONS.

§ 25-10-1 – APPLICABILITY.

- (A) Except as otherwise provided in this section, this chapter applies to a sign that is:
  - (1) located in the planning jurisdiction;
  - (2) visible from a street right-of-way; and
  - (3) used for advertising.
- (B) Except as provided in Subsection (C), this chapter does not apply to the official flag of a nation or of a state.
- (C) Section 25-10-23 (*Hazardous Signs Described And Prohibited*), Section 25-10-24 (*Abatement Of A Hazardous Sign*), and Section 25-10-103 (*Signs Prohibited In Public Right-Of-Way*) apply to all signs in the planning jurisdiction.

Source: Section 13-2-850, 13-2-851(a), and 13-2-851(d);  
Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-2 – COMPLIANCE REQUIRED.

- (A) A person may not install, move, structurally alter, structurally repair, maintain, or use a sign except in accordance with the provisions

of this chapter and other applicable Code provisions.

- (B) The primary beneficiary of a sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this Code is presumed to have authorized the installation, movement, structural alteration, structural repair, maintenance, or use of the sign in violation of this Code.
- (C) A person who violates Subsection (A) or (B) commits an offense.

Source: Section 13-2-851; Ord. 990225-70; Ord. 031211-11.

#### § 25-10-3 – 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.
- (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*).
- (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*).

- (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.
- (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.
- (8) MOBILE BILLBOARD means a sign installed or displayed on a 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, if the sign complies with the requirements of City Code Section 13-2-388; or
  - (d) a vehicle operated in the normal course of the vehicle owners 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.
- (9) MULTI-TENANT CENTER SIGN means a sign advertising two or more uses with common facilities.
  - (10) NONCONFORMING SIGN means a sign that was lawfully installed at its current location but does not comply with the requirements of this chapter.
  - (11) OFF-PREMISE SIGN means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.
  - (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 facade and conveyed to the building facade via beams of light 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) 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.
- (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.

(19) STREET BANNER means a fabric sign hung over a street maintained by the City.

(20) STREET RIGHT-OF-WAY means the entirety of a public street right-of-way, including the roadway and pedestrianway.

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

Source: Sections 13-2-850, 13-2-854(a), 13-2-869(b), 13-2-873(a), 13-2-874(a), and 13-2-875(a); Ord. 990225-57; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20080605-076; Ord. 20090827-032; Ord. 20100610-064; Ord. 20140213-088, Pt. 2, 2-24-14; Ord. No. 20140828-146, Pt. 1, 9-8-14.

§ 25-10-4 – SIGN AREA CALCULATIONS.

(A) For a wall sign, the sign area is the lesser of:

- (1) the area of the smallest rectangle within which the face of the sign can be enclosed; or
- (2) the smallest area of not more than three contiguous rectangles enclosing different sections of the sign.

- (B) For a single sign having two faces with only one face visible from any point, the sign area is measured using only one face.
- (C) For a three-dimensional sign, the sign area is the smallest rectangle within which the largest silhouette of the sign can be enclosed.
- (D) Sign area includes a sign apron or similar feature and an area displaying a sign company name or symbol. Sign area does not include a supporting structure, pole cover, or landscape feature unless used to convey a message.
- (E) A door surface sign is not included in calculating maximum allowable sign area.
- (F) For a sign on a corner site whose allowable sign area is based on linear feet of street frontage, the maximum sign area is calculated using only the single largest street frontage.

Source: Sections 13-2-885 and 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. 040205-29.

§ 25-10-5 – CLEARANCE AND HEIGHT CALCULATIONS.

- (A) Sign clearance is calculated by measuring the smallest vertical distance between the grade of the adjacent street pavement or curb and the lowest point of the sign. Sign framework and embellishment are included in the measurement, and sign supports are excluded.

- (B) Sign height is calculated by measuring the vertical distance above grade, street pavement, or building facade to the highest point of the sign.

Source: Section 13-2-850; Ord. 990225-70; Ord. 031211-11.

§ 25-10-6 – SCENIC ROADWAYS DESCRIBED.

The following are scenic roadways:

- (1) Arterial 8 (Adelaide Drive/Forsythia Drive);
- (2) Barton Springs Road;
- (3) Loop 1 (MoPac);
- (4) Loop 360 (Capital of Texas Highway), south of US 183;
- (5) RM 620, from SH 71 to Anderson Mill Road (FM 2769);
- (6) RM 2222, west of MoPac only;
- (7) RM 2244;
- (8) Lake Austin Boulevard;
- (9) West Cesar Chavez Street;
- (10) Riverside Drive;
- (11) Spicewood Springs Road, from Mesa Drive to Loop 360;
- (12) William Cannon Drive, from Brodie Lane to Southwest Parkway;

- (13) Escarpment Boulevard, from William Cannon Drive to Arterial 11 (SH 45);
- (14) Arterial 5 (McKinney Falls Parkway) from US 183 to William Cannon Drive;
- (15) FM 973 from SH 71 to US 183;
- (16) SH 71 east of IH-35;
- (17) US 183 south of SH 71;
- (18) Cameron Road, north of US 183;
- (19) Parmer Lane, except for the area between Loop 1 (MoPac) and IH-35;
- (20) Stassney Lane, east of IH-35;
- (21) Slaughter Lane;
- (22) Old Spicewood Springs Road, from Loop 360 to Old Lampasas Trail; and
- (23) SH 130.

Source: Section 13-2-1; Ord. 990225-70; Ord. 000511-110; Ord. 031211-11; Ord. 20060112-058.

## ARTICLE 2. – ENFORCEMENT.

### § 25-10-21 – ENFORCEMENT AND IMPLEMENTATION.

The building official shall:

- (1) enforce and implement this chapter;
- (2) issue permits and collect fees required by this chapter;
- (3) conduct inspections to insure compliance with this chapter;

- (4) institute legal proceedings to insure compliance with this chapter, including suits for injunctive relief; and
- (5) investigate complaints of alleged violations of this chapter.

Source: Section 13-2-852(a); Ord. 990225-70; Ord. 031211-11.

§ 25-10-22 – AUTHORIZATION TO EXCEED SIZE OR HEIGHT RESTRICTION.

- (A) The building official may authorize installation of a sign that exceeds the applicable size or height restriction by up to 20 percent of the maximum size or height prescribed by this chapter after determining that:
  - (1) the sign owner or user has demonstrated the existence of practical difficulties in complying with this chapter;
  - (2) a unique circumstance exists that makes compliance with the requirements of this chapter impractical;
  - (3) the modification is in conformity with the purposes of this chapter; and
  - (4) the modification does not lessen public safety requirements.
- (B) The building official shall record the details of a modification authorized under this section in the City files.

Source: Section 13-2-852(b); Ord. 990225-70; Ord. 031211-11.

§ 25-10-23 – HAZARDOUS SIGNS DESCRIBED AND PROHIBITED.

- (A) A sign installed, maintained, or used in violation of Subsection (B) is a hazardous sign.
- (B) A person may not install, maintain, or use a sign that:
  - (1) obstructs a fire escape, required exit, window, or door used as a means of escape;
  - (2) interferes with a ventilation opening, except that the sign may cover a transom window if the window and the sign comply with the Building Code and Fire Code;
  - (3) substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility control device;
  - (4) contains or uses a supporting device placed on public right-of-way or other public area within the full purpose boundaries of the city, unless the use of the public right-of-way or other public area has been approved by city council;
  - (5) is illuminated in a manner that creates a hazard to pedestrian or vehicular traffic;
  - (6) creates a traffic hazard by restricting visibility at a curb cut;
  - (7) has less than nine feet of clearance and is located within a triangle formed by

connecting the intersection point of two streets and the points 45 feet from the intersection point on the street frontage property line of each intersecting street;

- (8) violates a requirement of the Electric Code;
- (9) does not comply with a requirement of Section 25-10-191 (*Sign Setback Requirements*); or
- (10) is determined by the building official to be dangerous because of a condition or defect described in Section 302 of the Dangerous Buildings Code.

Source: Section 13-2-888; Ord. 990225-70; Ord. 031211-11.

§ 25-10-24 – ABATEMENT OF A HAZARDOUS SIGN.

- (A) The building official shall give notice that abatement of a hazardous sign is required to the sign owner, sign user, or property owner. The notice must:
  - (1) be sent by certified mail, return receipt requested, or hand-delivery; and
  - (2) include a statement that the building official may exercise the powers granted by Subsection (C) if the hazardous sign is not abated.
- (B) The recipient of a notice described in Subsection (A) shall remove, modify, or repair the hazardous sign and abate the hazardous



condition within a reasonable period of time established by the building official, not to exceed 10 days after receipt of the notice.

- (C) If the hazardous condition is not abated in accordance with Subsection (B), the building official may enter the premises and abate the hazardous condition. The reasonable cost of abating the hazardous sign, together with interest on the unpaid balance at an interest rate of six percent, shall be taxed as a lien against the record owner of the property on which the sign is located.
- (D) If the building official removes a sign under Subsection (C), the building official shall retain the sign for at least 10 days before disposing of the sign. If during this period the sign owner pays the storage fee established by the city council, the building official shall return the sign to its owner.

Source: Section 13-2-853; Ord. 990225-70; Ord. 031211-11.

### ARTICLE 3. – VARIANCES.

#### § 25-10-41 – BOARD OF ADJUSTMENT POWERS.

The Board of Adjustment may grant a variance in accordance with this article.

Source: Section 13-2-921(a); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. No. 20141211-204, 7-1-15.

§ 25-10-42 – FILING; REVIEW.

- (A) To apply for a variance a person must file an application for a variance with the building official.
- (B) The Board of Adjustment may establish guidelines for its review of variances.

Source: Sections 13-2-921(d) and (e); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-43 – ACTION ON VARIANCE.

- (A) The Board of Adjustment may grant a variance from a requirement of this chapter after determining that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and
  - (1) the variance is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
  - (2) granting the variance will not have a substantially adverse effect on neighboring properties; or
  - (3) granting the variance will not substantially conflict with the purposes of this chapter.

- (B) The Board of Adjustment shall hold a public hearing on an application for a variance not later than the 45th day after the date the application is filed.

Source: Sections 13-2-921(b) and (c); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. 20050804-044; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-44 – APPEAL TO CITY COUNCIL.

An interested party may appeal to the city council the Board of Adjustment’s action under Section 25-10-43 (*Action On Variance Or Appeal*).

Source: Section 13-2-921(f); Ord. 990225-70; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

ARTICLE 4. – REMOVAL OF CERTAIN SIGNS; COMPENSATION.

§ 25-10-61 – REQUIRED REMOVAL OF FESTOONS AND PORTABLE SIGNS.

The owner of a lawfully installed festoon or portable sign shall remove the festoon or portable sign if compensation is available and notice is given in accordance with this article.

Source: Section 13-2-927; Ord. 990225-70; Ord. 031211-11.

§ 25-10-62 – DETERMINATION OF COMPENSATION.

- (A) The Sign Control Board shall determine the amount of compensation that the owner of a festoon or portable sign is entitled to be paid by the City.
- (B) The Sign Control Board may make a determination under Subsection (A) only after a public hearing at which the sign owner has an opportunity to be heard.
- (C) Notice of the public hearing shall be given in accordance with the requirements of Section 25-1-132(A) (*Notice Of Public Hearing*), except that notice of the public hearing is required to be given only to the sign owner.
- (D) The Sign Control Board may establish rules, procedures, and guidelines consistent with this article and applicable law to exercise its powers under this section.

Source: Section 13-2-926; Ord. 990225-70; Ord. 031211-11.

§ 25-10-63 – COMPENSATION APPROVAL; NOTICE; REMOVAL DEADLINE.

- (A) After the Sign Control Board has determined the amount of compensation to which a sign owner is entitled under Sec 62 (*Determination Of Compensation*), the city council may approve payment of the compensation by a method autho Local Government Code Chapter 216 (*Regulation Of Signs By Municipalities*).

- (B) If the requirements of Subsection (A) are satisfied, the building official shall notify the owner that the compensation is available and will be paid on removal of the sign. Notice shall be given under Section 25-1-133(B) (*Notice Of Applications And Administrative Decisions*).
- (C) The sign owner shall permanently remove the sign not later than the 10th day after notice is given in accordance with Subsection (B).

Source: Section 13-2-927; Ord. 990225-70; Ord. 031211-11.

#### ARTICLE 5. – SIGN DISTRICTS.

##### § 25-10-81 – SIGN DISTRICTS DESCRIBED; HIERARCHY ESTABLISHED.

Sign districts are described and established in the following hierarchy, with the historic sign district as the first district and the commercial sign district as the last district.

- (1) The historic sign district includes land in:
  - (a) a designated historic landmark or historic district; or
  - (b) a National Register District.
- (2) The expressway corridor sign district includes land within 200 feet of the street right-of-way of:
  - (a) IH-35; and

- (b) those portions of U.S. Highway 183, U.S. Highway 290, and State Highway 71 that are developed as a limited access highway, or have been designated by the Texas Department of Transportation as a limited access highway and for which there is a construction contract.
- (3) The scenic roadway sign district includes:
- (a) land in a Hill Country Roadway corridor;
  - (b) land that would be in a Hill Country Roadway corridor if it were in the zoning jurisdiction;
  - (c) land within 200 feet of a scenic arterial; and
  - (d) land in a tract that is partially within 200 feet of a scenic roadway and that has frontage on and direct access to the scenic roadway.
- (4) The neighborhood sign district includes land located:
- (a) in a traditional neighborhood zoning district; or
  - (b) in a neighborhood plan combining district, and that is used for:
    - (i) a corner store special use;
    - (ii) a neighborhood mixed use building special use;

- (iii) a residential infill special use; or
  - (iv) a neighborhood urban center special use.
- (5) The low-density residential sign district includes land in a zoning district that is more restrictive than a townhouse and condominium residence (SF-6) zoning district.
- (6) The multifamily residential sign district includes land in the following zoning districts:
  - (a) townhouse and condominium residence (SF-6);
  - (b) multifamily residence limited density (MF-1);
  - (c) multifamily residence low density (MF-2);
  - (d) multifamily residence medium density (MF-3);
  - (e) multifamily residence moderate-high density (MF-4);
  - (f) multifamily residence high density (MF-5);
  - (g) multifamily residence highest density (MF-6);
  - (h) mobile home residence (MH);
  - (i) neighborhood office (NO);
  - (j) agricultural (AG); and
  - (k) development reserve (DR).

- (7) The neighborhood commercial sign district includes land in the LO, LR, CR, or W/LO zoning districts.
- (8) The downtown sign district includes land in the CBD and the DMU zoning districts.
- (9) The commercial sign district includes land that is not in any other sign district.

Source: Section 13-2-861; Ord. 990225-70; Ord. 000406-81; Ord. 030306-48A; Ord. 031030-11; Ord. 031211-11.

§ 25-10-82 – DETERMINATION OF APPLICABLE SIGN DISTRICT.

- (A) Except as otherwise provided in this section, the sign regulations for a sign district apply to all land in the sign district.
- (B) If a sign is located in more than one sign district, the regulations for the sign district that first appears in the hierarchy described in Section 25-10-81 (*Sign Districts Described And Established*) apply to the sign.
- (C) A nonconforming use is in the sign district that would apply if that nonconforming use were located in the most restrictive zoning district in which that nonconforming use is a permitted use.



- (D) For property that is not permanently zoned, the building official shall:
  - (1) determine the use or proposed use and determine which base zoning district would be the most restrictive base zoning district in which that use would be a permitted use; and
  - (2) designate the property as a sign district in accordance with the determination under Subsection (D)(1).

Source: Sections 13-2-860 and 13-2-861(b) and (c); Ord. 990225-70; Ord. 031211-11.

ARTICLE 6. – REGULATIONS APPLICABLE TO ALL SIGN DISTRICTS.

§ 25-10-101 – SIGNS ALLOWED IN ALL SIGN DISTRICTS WITHOUT AN INSTALLATION PERMIT.

- (A) Except as otherwise provided in this chapter, a person may install or modify a sign described in this section without first obtaining a sign installation permit from the building official.
- (B) This subsection applies to a temporary free-standing or wall sign advertising the construction, remodeling, development, sale, or lease of a building or the land on which the sign is located.
  - (1) One sign is permitted on each lot, or for a single use or unified development, one sign for each major access point is permitted.

- (2) A sign may only be displayed from the 30th day before the activity begins until the 30th day after the activity ends.
  - (3) The sign area of a freestanding sign may not exceed:
    - (a) 128 square feet;
    - (b) for a low density residential sign district, 12 square feet; or
    - (c) for a multifamily residential sign district, 48 square feet.
  - (4) The sign area of a wall sign is may not exceed an area equal to 10 percent of the building facade.
  - (5) A sign may not exceed a height of:
    - (a) 22 feet above grade; or
    - (b) for a low density residential sign district, six feet above grade.
- (C) This subsection applies to a sign directing the movement or placement of vehicular or pedestrian traffic.
- (1) One freestanding or wall sign for each building or curb cut is permitted.
  - (2) The sign area may not exceed 12 square feet.
  - (3) The height of a sign may not exceed:
    - (a) for a freestanding sign, four feet above grade; and
    - (b) for a wall sign, the height of the facade.

- (D) The following governmental signs are permitted:
  - (1) a sign installed, maintained, or used by the city, county, state, or federal government;
  - (2) a sign required or authorized for a public purpose under city, county, state, or federal government regulations; and
  - (3) a sign installed in a public right-of-way by a government agency to regulate traffic.
- (E) A decoration that displays or depicts a national, local, or religious holiday or season is permitted if installed, maintained, or used for not more than 45 consecutive days.
- (F) This subsection applies to small signs, emblems, and decals informing the public of goods, facilities, or services available on the premises, including credit card signs and hours of operation signs.
  - (1) A sign described in this subsection is not permitted in the low density residential or multifamily residential sign districts.
  - (2) For each premise, the total sign area of the signs described in this subsection may not exceed six square feet.
- (G) This subsection applies to a bulletin board, changeable copy directory, or a sign relating solely to a public, religious, or charitable institution, and intended for use by the institution on which the sign is located.

- (1) One sign is permitted for each institution.
  - (2) The sign area may not exceed 32 square feet.
  - (3) A sign may not exceed a height of six feet above grade.
- (H) Memorial signs or tablets are permitted, including:
- (1) freestanding historical markers; and
  - (2) building names or construction dates, if cut into the building surface or inlaid to become part of the building.
- (I) This subsection applies to a free-standing or wall sign used to inform patrons of food that may be purchased on the premises.
- (1) Not more than two menu boards are permitted for each drive-through lane at a business.
  - (2) The sign area may not exceed 32 square feet.
  - (3) The sign may not exceed a height of eight feet above grade.
  - (4) The sign must be landscaped and substantially screened from the street right-of-way.
- (J) A nonelectrical, on-premise sign that communicates only the name of the occupant or the address of the premises is permitted if the sign area does not exceed three square feet.

- (K) A sign advertising a retail item accompanying its display, including an advertisement on a product dispenser, is permitted.
- (L) Except as otherwise provided in this subsection, a sign that contains primarily a political message and that is located on private real property with the consent of the property owner is permitted. "Private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.
  - (1) The sign may not:
    - (a) have a sign area greater than 36 square feet;
    - (b) be more than eight feet high;
    - (c) be illuminated; or
    - (d) have a moving part.
  - (2) This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.
- (M) A flag, banner, or other similar emblem that is not a commercial flag is permitted if suspended entirely over private property.
- (N) A temporary on-premise wall sign advertising a special event, sale, product, or service:

- (1) may be displayed for not more than 30 days;
  - (2) must include the date it was installed; and
  - (3) is limited to a sign area of not more than:
    - (a) 30 percent of the window area, if in a window; or
    - (b) 96 square feet, if attached flat against a building.
- (O) A sign installed on or in a window or door is permitted. The total sign area of all window and door signs are included in and limited by the maximum sign area permitted under this chapter.
- (P) A sign on private property that advertises a garage sale, yard sale, neighborhood meeting, or similar events is permitted. The sign:
- (1) must include the installation date; and
  - (2) may be displayed for not more than:
    - (a) three consecutive days; or
    - (b) for a sign concerning a lost or found pet, 30 consecutive days.
- (Q) A wall sign or freestanding sign that complies with the requirements of this subsection is permitted in a sign district other than the historic, low density residential, or traditional neighborhood sign districts.

- (1) A wall sign must be securely affixed to a building, fence, or wall, and the sign may not exceed:
    - (a) 32 square feet of sign area; or
    - (b) three inches of thickness.
  - (2) A freestanding sign may not exceed:
    - (a) a height of eight feet above grade;  
or
    - (b) 20 square feet of sign area.
  - (3) The sign:
    - (a) may not be an electrical sign;
    - (b) must be composed of durable materials; and
    - (c) must comply with applicable sign district regulations concerning the type, maximum number, maximum height, and maximum size of signs.
- (R) A sign or banner installed by a public educational facility on a legally permitted building or fence located on the facility's property is permitted, except that the sign may not be displayed for more than 150 days consecutively.
- (S) A sign installed on the interior wall of a building is permitted.

Source: Section 13-2-862; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. 20140828-147, Pt. 1, 9-8-14.

§ 25-10-102 – SIGNS PROHIBITED IN ALL SIGN DISTRICTS.

Unless the 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.

Source: Section 13-2-863; Ord. 990225-57; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20080605-076.

§ 25-10-103 – SIGNS PROHIBITED IN PUBLIC RIGHT-OF-WAY.

- (A) A person may not cause or authorize a sign to be installed, used, or maintained on or over a public property or public right-of-way, except as authorized by this chapter.
- (B) The primary beneficiary of any sign installed in violation of this section is presumed to have authorized or caused the installation, use, or maintenance of the sign in violation of this section and commits an offense.
- (C) Proof of a culpable mental state is not required for conviction of an offense under this section.
- (D) An offense under this section is punishable by a fine of not less than:
  - (1) \$ 50 for a first conviction;
  - (2) \$ 200 for a second conviction within any 24-month period; and

- (3) \$ 400 for a third or subsequent conviction within any 24-month period.
- (E) To determine the minimum fine under Subsection (D), one or more fines assessed during a 24-hour period beginning at midnight and ending at 11:59 p.m. constitute a single conviction.
- (F) A person who commits an offense under Subsection (A) shall remove the object. In addition to other enforcement remedies, a person who fails to remove an object within 48 hours after being notified of the offense in writing by an authorized City representative is subject to a civil penalty of \$200 per day for every day or part of a day the object is in place.
- (G) The city manager may remove a sign or other advertising device installed, used, or maintained on or over any public property or public right-of-way in violation of this chapter. Notice is not required to be given to the owner or beneficiary of a sign removed under this section, either before the removal or before the disposition or destruction of the sign.
- (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 memorial marker.
- (I) A sign installed, used, or maintained on or over public property or public right-of-way is presumed to be abandoned, unless the sign is authorized by this chapter. Chapter 9-1 (*Abandoned Property And Vehicles*) does not apply to a sign abandoned under this section.
- (J) The remedies authorized under this section are cumulative. If the City files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

Source: Section 13-2-864; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 040422-49; Ord. 20100610-064.

ARTICLE 7. – REGULATIONS APPLICABLE TO CERTAIN SIGN DISTRICTS.

§ 25-10-121 – HISTORIC SIGN DISTRICT REGULATIONS.

- (A) Notwithstanding any other provision in this chapter, a person may not install a sign in the historic sign district, except:
- (1) for a sidewalk sign; or
  - (2) in compliance with the requirements of Section 25-10-122 (*Historic Landmark Commission Review*).

- (B) The following are prohibited in the historic sign district:
  - (1) a sign, or any portion of a sign, that rotates; and
  - (2) a roof sign.
- (C) A person may not place a handbill, poster, placard, or other 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.

Source: Section 13-2-866; Ord. 990225-70; Ord. 031211-11.

§ 25-10-122 – HISTORIC LANDMARK COMMISSION REVIEW.

- (A) If a person files an application for a sign permit in the historic sign district, the building official shall immediately notify the historic preservation officer.
- (B) The historic preservation officer shall review the application and determine whether it complies with the historic sign district guidelines described in Subsection (F), if any. If the application complies with the guidelines, the historic preservation officer shall approve the application. Otherwise, the historic preservation officer shall:
  - (1) immediately notify the presiding officer of the Historic Landmark Commission of the application; and

- (2) give at least 10 days' written notice to the applicant and land owner of the date, time, and place of the meeting at which the Landmark Commission will consider the application.
- (C) The applicant or land owner may waive the 10 day notice of the hearing.
- (D) In reviewing a sign permit application, the Historic Landmark Commission shall consider:
- (1) the proposed size, color, and lighting of the sign;
  - (2) the material from which the sign is to be constructed;
  - (3) the proliferation of signs on a building or lot;
  - (4) the proposed orientation of the sign with respect to structures; and
  - (5) other factors that are consistent with the Historic Landmark Preservation Plan, the character of the National Register District, and the purpose of historic landmark regulations.
- (E) The Historic Landmark Commission shall approve a sign permit application if it determines that the proposed sign:
- (1) will not adversely affect a significant architectural or historical feature of the historic sign district; and
  - (2) as applicable, is consistent with the Historic Landmark Preservation Plan,

the character of the National Register District, and the purpose of the historic landmark regulations.

- (F) The Historic Landmark Commission may adopt historic sign district guidelines that describe typical signs that comply with the criteria prescribed by Subsections (D) and (E).
- (G) If the Historic Landmark Commission does not review a sign permit application by the 40th day after the date the application is filed, the application is considered approved by the Historic Landmark Commission.
- (H) The applicant or land owner may appeal a decision of the Historic Landmark Commission under this section to the city council in accordance with Chapter 25-1, Article 7, Division 1 (*Appeals*).

Source: Section 25-10-866; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16.

§ 25-10-123 – EXPRESSWAY CORRIDOR SIGN DISTRICT REGULATIONS.

- (A) This section applies to an expressway corridor sign district.
- (B) This subsection prescribes regulations for freestanding signs.
  - (1) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 2510-131 (*Additional Freestanding Signs Permitted*).

- (2) The sign area may not exceed:
  - (a) on a lot with not more than 86 linear feet of street frontage, 60 square feet; or
  - (b) on a lot with more than 86 linear feet of street frontage, the lesser of:
    - (i) 0.7 square feet for each linear foot of street frontage; or
    - (ii) 300 square feet.
- (3) The sign height may not exceed the greater of:
  - (a) 35 feet above frontage street pavement grade; or
  - (b) 20 feet above grade at the base of the sign.
- (C) A roof sign may be permitted instead of a freestanding sign under Section 25-10-132 (*Roof Sign Instead Of Freestanding Sign*).
- (D) Wall signs are permitted.
- (E) One commercial flag for each curb cut is permitted.
- (F) For signs other than freestanding signs or roof signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11.

§ 25-10-124 – SCENIC ROADWAY SIGN DISTRICT REGULATIONS.

- (A) This section applies to a scenic roadway sign district.
- (B) One freestanding sign is permitted on a lot.
  - (1) The sign area may not exceed the lesser of:
    - (a) 0.4 square feet for each linear foot of street frontage; or
    - (b) 64 square feet.
  - (2) The sign height may not exceed 12 feet.
- (C) Wall signs are permitted.
- (D) For signs other than freestanding signs, the total sign area for a lot may not exceed 10 percent of the facade area of the first 15 feet of the building.
- (E) In a Hill Country Roadway corridor, a spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- (F) Internal lighting of signs is prohibited, except for the internal lighting of individual letters.
- (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 25-10-101(L) (*Signs Allowed In All Sign Districts Without An Installation Permit*).

Source: Sections 13-2-867 and 13-2-868; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-125 – NEIGHBORHOOD SIGN DISTRICT REGULATIONS.

- (A) Except as otherwise provided in this chapter, a sign in a neighborhood sign district must comply with this section.
- (B) A sign may be a wall sign, an awning sign, a berm sign, or a hanging sign.
- (C) The area of a hanging sign may not exceed eight square feet, and there must be not less than eight feet clearance between the bottom of the sign and the finished grade.
- (D) A building in a Neighborhood Center Area of a traditional neighborhood zoning district or used for a neighborhood urban center special use in a neighborhood plan combining district may have not more than three signs with a total sign area of not more than 24 square feet.
- (E) A commercial building in a Mixed Residential Area of a traditional neighborhood zoning district or used for a residential infill special use in a neighborhood plan combining district may have not more than two

signs with a total sign area of not more than 12 square feet.

- (F) A townhouse, condominium, or multifamily building within a Mixed Residential Area of a traditional neighborhood zoning district or used for a residential infill special use in a neighborhood plan combining district may have not more than two signs with a total sign area of not more than eight square feet.
- (G) A spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- (H) Internal lighting of a sign is prohibited, except for the internal lighting of individual letters.

Source: Section 13-2-867.1; Ord. 990225-70; Ord. 000406-81; Ord. 031211-11.

#### § 25-10-126 – LOW DENSITY RESIDENTIAL SIGN DISTRICT REGULATIONS.

The only signs permitted in a low density residential sign district are those authorized under Section 25-10-101 (*Signs Allowed In All Sign Districts Without An Installation Permit*) and Articles 8 (*Special Signs*) and 9 (*Street Banners*) of this chapter.

Source: Section 13-2-865; Ord. 990225-70; Ord. 031211-11.

§ 25-10-127 – MULTIFAMILY RESIDENTIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a multifamily residential sign district.
- (B) One freestanding sign for each curb cut is permitted.
  - (1) The sign height may not exceed six feet.
  - (2) The sign area may not exceed 35 square feet.
- (C) Wall signs are permitted.
- (D) One commercial flag for each curb cut is permitted. The sign height may not exceed 30 feet.
- (E) For signs other than freestanding signs, the total sign area for a lot may not exceed the lesser of:
  - (1) 0.5 square feet for each linear foot of street frontage; or
  - (2) 35 square feet.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11.

§ 25-10-128 – NEIGHBORHOOD COMMERCIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a neighborhood commercial sign district.
- (B) One freestanding sign is permitted on a lot.
- (C) Wall signs are permitted.

- (D) One commercial flag for each curb cut is permitted.
- (E) This subsection prescribes the maximum sign area.
  - (1) For a freestanding sign, the total sign area for a lot may not exceed the lesser of:
    - (a) 0.3 square feet for each linear foot of street frontage; or
    - (b) 100 square feet.
  - (2) For signs other than freestanding signs, the sign area may not exceed 10 percent of the facade area of the first 15 feet of building height.
- (F) The sign height may not exceed the greater of:
  - (1) 20 feet above frontage street pavement grade; or
  - (2) six feet above grade at the base of the sign.

Source: Section 13-2-867; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-10-129 – DOWNTOWN SIGN DISTRICT REGULATIONS.

- (A) This section applies to a downtown sign district.
- (B) One freestanding sign is permitted on a lot. Additional freestanding signs may be

permitted under Section 25-10-131 (*Additional Freestanding Signs Permitted*).

- (C) Wall signs are permitted.
- (D) A wall sign may be a projecting sign if the sign complies with this subsection.
  - (1) One projecting sign for each building facade is permitted.
  - (2) The sign area of a projecting sign may not exceed 35 square feet.
  - (3) A sign may extend from the building facade not more than the lesser of:
    - (a) six feet; or
    - (b) a distance equal to two-thirds the width of the abutting sidewalk.
  - (4) For a sign that projects over state right-of-way, the state must approve the sign.
- (E) One commercial flag for each curb cut is permitted. A commercial flag may be suspended over public right-of-way.
- (F) This subsection prescribes the maximum sign area.
  - (1) For signs other than freestanding signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.
  - (2) For a freestanding sign, the sign area may not exceed the lesser of
    - (a) 0.5 square feet for each linear foot of street frontage; or

(b) 200 square feet.

- (G) The sign height may not exceed:
- (1) for a freestanding sign, six feet; or
  - (2) for a commercial flag, 30 feet.

Source: Sections 13-2-867 and 13-2-869; Ord. 990225-70; Ord. 031211-11.

§ 25-10-130 – COMMERCIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a commercial sign district.
- (B) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (*Additional Freestanding Signs Permitted*).
- (C) A roof sign may be permitted instead of a freestanding sign under Section 25-10-132 (*Roof Sign Instead Of Freestanding Sign*).
- (D) Wall signs are permitted.
- (E) One commercial flag for each curb cut is permitted.
- (F) This subsection prescribes the maximum sign area.
  - (1) For signs other than freestanding signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.
  - (2) For a freestanding sign, the sign area may not exceed the lesser of

- (a) 0.7 square feet for each linear foot of street frontage; or
  - (b) for a sign other than a multi-tenant sign, 200 square feet; or
  - (c) for a multi-tenant sign, 250 square feet.
- (G) The sign height may not exceed the greater of:
- (1) 30 feet above frontage street pavement grade; or
  - (2) 6 feet above grade at the base of the sign.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11.

**§ 25-10-131 – ADDITIONAL FREESTANDING SIGNS PERMITTED.**

- (A) This section applies in the expressway corridor, downtown, and commercial sign districts.
- (B) In this section, “lot” includes contiguous lots used for a single use or unified development.
- (C) For a lot with total street frontage of more than 400 feet, two freestanding signs are permitted.
- (D) For a lot fronting on two streets, one freestanding sign is permitted on each street.

- (E) For a pad site within a unified development, one freestanding sign is permitted in addition to the other freestanding signs permitted by this chapter.

Source: Section 13-2-870; Ord. 990225-70; Ord. 031211-11.

§ 25-10-132 – ROOF SIGN INSTEAD OF FREE-STANDING SIGN.

- (A) This section applies in the expressway corridor and commercial sign districts.
- (B) A roof sign may be substituted for a freestanding sign.
- (C) A roof sign may not exceed the lesser height of:
  - (1) five feet above the building facade; or
  - (2) five feet above the maximum height permitted for a freestanding sign.

Source: Section 13-2-871; Ord. 990225-70; Ord. 031211-11.

§ 25-10-133 – UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT SIGNS.

- (A) This section applies to property that is:
  - (1) within the university neighborhood overlay (UNO) zoning district; and
  - (2) outside a historic sign district.



- (B) This section supersedes the other provisions of this article to the extent of conflict.
- (C) A sign may not exceed 100 square feet of sign area, except that this limitation does not apply along the following roadways:
  - (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street;
  - (2) West 24th Street, from Guadalupe Street to Leon Street;
  - (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and
  - (4) West 29th Street, from Guadalupe Street to Rio Grande Street.
- (D) A freestanding sign is prohibited.
- (E) A roof sign is prohibited.
- (F) A sign is prohibited above the second floor of a building, except for a sign that displays only the building name.
- (G) A wall sign may be a projecting sign if the sign complies with this subsection.
  - (1) One projecting sign for each building facade is permitted.
  - (2) The sign area of a projecting sign may not exceed 35 square feet.
  - (3) A sign may extend from the building facade not more than the lesser of:
    - (a) six feet; or

- (b) a distance equal to two-thirds the width of the abutting sidewalk.
- (4) For a sign that projects over state right-of-way, the state must approve the sign.

Source: Ord. 20070726-132.

#### ARTICLE 8. – SPECIAL SIGNS.

##### § 25-10-151 – ADVERTISING SEARCHLIGHTS.

- (A) A person may use 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 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 on a lot may not exceed 1,600 million foot candles.
  - (3) A searchlight 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 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) An advertising searchlight may not be operated between the hours of 1:00 a.m. and 7:00 a.m.
- (6) An advertising searchlight may not be operated on a lot for more than 10 consecutive days.
- (C) The building official may not issue a permit to operate an advertising searchlight at a location at which an advertising searchlight was used within the two months preceding the date of the permit application.

Source: Section 13-2-873; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 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.
  - (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.
- (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 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;
    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 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 removal, or permit issuance and providing that the city attorney may hire counsel for and shall di
  - (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).

Source: Section 13-2-854; Ord. 990225-57; Ord. 990225-70; Ord. 010419-11; Ord. 020207-35; Ord. 031211-11; Ord. 040205-29; Ord. 20051117-041; Ord. 20080605-076; Ord. 20091217-141.

§ 25-10-153 – SIDEWALK SIGNS.

- (A) A sidewalk sign is permitted in accordance with the requirements of this section.
- (B) A sidewalk sign may be installed without a permit, but must comply with the requirements of this subsection.
  - (1) The sign must be located:
    - (a) on a sidewalk at least 10 feet in width;
    - (b) directly in front of a building that is not set back from street right-of-way, if the sign is located in the street right-of-way;

- (c) for a unified development, on a sidewalk directly in front of the business associated with the sign;
  - (d) no closer than 20 feet from a driveway or pedestrian crosswalk; and
  - (e) in coordination with other permitted right-of-way uses, as determined by the building official.
- (2) The sign must not:
- (a) narrow the sidewalk to less than 6 feet in width;
  - (b) obstruct the line of sight for oncoming traffic;
  - (c) be more than four feet high; or
  - (d) be wider than the lesser of one-third the width of the sidewalk, or 30 inches.
- (C) The owner or operator of the sign must, upon request, provide the building official with proof of:
- (1) an insurance policy protecting the City from liability arising from installation, use, or maintenance of the sign, in accordance with the requirements of Section 25-10-235 (*Insurance*); and
  - (2) indemnification of the City for liability arising from the installation, use or maintenance of the sign.

- (D) A sign may be displayed at a designated location on the sidewalk only during the hours the business it advertises is open to the public.
- (E) A business may not use more than one sidewalk sign.
- (F) Notwithstanding any other provision of this Code to the contrary:
  - (1) a sidewalk sign may contain or use a supporting device placed on street right-of-way; and
  - (2) approval by the city council of a license agreement for the use of street right-of-way is not required for a sidewalk sign.

Source: Section 13-2-875; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20070726-132.; Ord. 20090423-090; Ord. No. 20140828-148, Pt. 1, 9-8-14.

§ 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.

Source: Section 13-2-872; Ord. 990225-70; Ord. 031211-11.



§ 25-10-155 – URBAN FARM AND MARKET GARDEN SIGNS.

- (A) For an urban farm use, a non-electrified sign is permitted that:
  - (1) is not more than eight square feet in size;
  - (2) is not more than four feet above grade.
- (B) For a market garden use, a non-electrified sign is permitted that:
  - (1) is not more than four square feet in size; and
  - (2) is not more than four feet above grade.

Source: Ord. 000406-86; Ord. 031211-11; Ord. 20131121-105, Pt. 6, 3-21-14.

§ 25-10-156 – HOME OCCUPATION SIGNS.

- (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.
- (3) If an electric home occupation sign is used, the sign must be:
- (a) non-illuminated or externally illuminated;
  - (b) energy efficient, as determined by Austin Energy; and
  - (c) compliant with International Dark Sky standards for pollution reduction.
- (B) A home occupation sign permitted under this section must be removed if the home occupation ceases to be used or fails to comply with the requirements of this section or Section 25-2-900 (*Home Occupations*).

Source: 20090827-032.

## § 25-10-157 – MEMORIAL MARKERS.

- (A) A memorial marker is permitted in the public right-of-way in accordance with the requirements of this section.
- (B) The building official shall issue a sign installation permit for a memorial marker if the following requirements are met:
  - (1) The memorial marker must be placed in coordination with other permitted right-of-way uses, as determined by the building official.
  - (2) The memorial marker may not:
    - (a) be placed within:
      - (i) 20 feet of a driveway or pedestrian crosswalk; or
      - (ii) an ADA accessible sidewalk;
    - (b) narrow an existing or planned pedestrian travel way, including a sidewalk or crosswalk;
    - (c) obstruct the line of sight for oncoming traffic;
    - (d) be taller than 5 feet, 4 inches or wider than 20 inches;
    - (e) block an entrance or doorway;
    - (f) extend onto an abutting property without written approval of the landowner; and
    - (g) interfere with the maintenance of existing utilities, infrastructure,

or amenities that lawfully occupy the right-of-way, including but not limited to lamp posts, parking meters, mail boxes, traffic signal stanchions and control boxes, fire hydrants, trees, benches, planters, bus shelters, or traffic control devices.

- (3) At least 10 days prior to issuing an installation permit for a memorial marker under this section, the building official shall provide mailed notice of the proposed memorial marker to the owners of property within 25 feet of the proposed memorial marker.

Source: Ord. 20100610-064.

§ 25-10-158 – SPECIAL EVENTS SIGNS.

- (A) A permit may be issued under this section only for a sign to be used at a permitted special event that meets the criteria specified in Paragraphs (b) and (c) of Section 25-10-3(17) (*Definitions*) and includes public streets that have been closed to traffic in accordance with Title 14 (*Use of Streets and Public Property*).
- (B) For a special event occurring in the downtown sign district, the director shall issue a permit to install a projected special event sign in accordance with the requirements of this subsection.

- (1) No more than two projected special event signs are permitted per special event.
- (2) A projected special event sign may only be displayed on a single facade of a legally permitted building and may not exceed the lesser of:
  - (a) 50% of the area of the façade, or
  - (b) 6,000 square feet.
- (3) A projected special event sign may be used to identify the special event and provide directions to activities occurring at the special event. Advertising of a business, person, activity, goods, products, or services that are located within the boundaries of the permitted special event may appear on no more than 50% of the sign area.
- (4) An application for a projected special event sign must be submitted by the special event permit holder and must include letters of approval from the owners of the building where the projected image will appear and the property where the projected image will originate.
- (5) A projected special event sign may not:
  - (a) shine, either fully or partially, on any property, building, or public right-of-way, including a street or sidewalk other than the building where the image will appear;

- (b) impair the vision of or distract a driver of a vehicle;
  - (c) be controlled through social media or by any person other than the applicant; or
  - (d) be displayed at any time outside the hours of 7:00 a.m. to 2:00 a.m. during the approved duration of the special event.
- (C) A special event permit holder may install a non-projected special event sign in accordance with the requirements of this subsection.
- (1) A non-projected special event sign:
    - (a) may not exceed 96 square feet; and
    - (b) must be attached to:
      - (i) a fence located at the boundaries of the special event venue; or
      - (ii) the wall of a legally permitted permanent or temporary structure included within the boundaries of a : owner of the building or structure has agreed to placement of the sign.
  - (2) A non-projected special event sign may be used to identify the special event and provide directions to activities occurring at the special event.

Advertising of a business, person, activity, goods, products, or services that are located within the boundaries of the permitted special event may appear on no more than 20% of the sign area.

- (3) A non-projected special event sign may not impair the vision of or distract a driver of a vehicle.
- (D) The director may revoke a permit for a special event sign approved under this section if operation of the sign is deemed to constitute a threat to public health and safety.

(Ord. 20140213-088, Pt. 3, 2-24-14)

§ 25-10-159 – IDENTIFICATION SIGNS ON PUBLIC RIGHT-OF-WAY INSTALLATIONS.

- (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.
- (B) Signage installed under Subsection (A) of this section must:
  - (1) face away from portions of the right-of-way that are open to automobile traffic;
  - (2) not contain electronic images or lighting; and
  - (3) be limited in total area to the lesser of:

- (a) 30% of the area of the face of the installation on which it is installed; or
- (b) 4 square feet.

Source: Ord. No. 20140828-146, Pt. 2, 9-8-14.

ARTICLE 9. – STREET BANNERS.

§ 25-10-171 – PERMITS.

- (A) The building official may issue a permit for display of a street banner advertising a non-commercial or nonpolitical event, including a:
  - (1) charitable, humanitarian, or eleemosynary event;
  - (2) educational, scholastic, or artistic event;
  - (3) community or public interest activity; and
  - (4) the sale of goods or services in conjunction with an event the proceeds of which will primarily benefit a charitable, humanitarian, scholastic, or eleemosynary cause.
- (B) The building official shall issue a street banner display permit after determining that:
  - (1) the street banner advertises an event described in Subsection (A);



- (2) the proposed display location has been approved under Section 25-10-173 (*Location*):
  - (3) the street banner and the manner of installation comply with the requirements established by the Electric Utility Department; and
  - (4) installation of the street banner complies with all other applicable requirements of this Code.
- (C) The building official may issue a street banner display permit subject to reasonable conditions concerning the location, mounting, duration, or manner of display.
- (D) For a street banner proposed to be displayed at a location not previously approved under Section 25-10-173 (*Location*):
- (1) the application to display the street banner must be accompanied by payment of an evaluation fee established b
  - (2) after evaluation of the location and before the building official may issue a street banner display permit, the applicant shall pay the City a non-refundable fee established by ordinance to reimburse the expenses of labor, materials, and equipment incurred to establish a street banner location.
- (E) The building official may suspend or revoke a street banner display permit for a violation

of this Code, the conditions of the permit, or other applicable law.

Source: Sections 13-2-874(b), (c), (d), (h), and (I); Ord. 990225-70; Ord. 031211-11.

§ 25-10-172 – RESTRICTIONS.

- (A) An event or activity may not be advertised at more than three locations. A street banner for an event or activity may not be displayed more than 14 days at one location during a 12 month period.
- (B) A street banner display permit is a license that does not confer a property right on the permittee with respect to occupancy of street right-of-way. A person may not assign or transfer a street banner display permit.

Source: Sections 13-2-874(f) and (d); Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-173 – LOCATION.

- (A) The building official, in consultation with the Electric Utility Department, may establish a location for display of a street banner if the building official determines that:
  - (1) display at the proposed location is feasible considering the placement of utility poles, installation of mounting brackets, or other necessary fixtures;
  - (2) display at the proposed location will not produce a public safety hazard;

- (3) display at the proposed location is consistent with existing land uses in the area;
- (4) display at the proposed location is consistent with other applicable laws and ordinances, including those regarding scenic views or historic preservation;
- (5) the Electric Utility Department has inspected the proposed site and has not found a technical, logistical, or safety problem with display at the proposed location; and
- (6) the applicant has agreed in writing that all accessions or improvements added to establish a display location shall be the property of the Electric Utility Department.

Source: Section 13-2-874(g); Ord. 990225-70; Ord. 031211-11.

§ 25-10-174 – INSTALLATION.

- (A) The Electric Utility Department shall install a street banner after:
  - (1) the applicant delivers the street banner to the Electric Utility Department; and
  - (2) the Electric Utility Department verifies that:
    - (a) the building official has approved the street banner display permit; and

- (b) the street banner complies with street banner specifications.
- (B) An improvement or accession installed at a display location becomes the property of the Electric Utility Department.

Source: Section 13-2-874(e) and (j); Ord. 990225-70; Ord. 031211-11.

§ 25-10-175 – REMOVAL; DESTRUCTION.

- (A) The building official or the Electric Utility Department may remove a street banner that:
  - (1) is displayed after expiration of the street banner display permit; or
  - (2) in the opinion of the building official or the Electric Utility Department, creates a public safety hazard;
  - (3) was installed in the public right-of-way without a permit; or
  - (4) is illegal.
- (B) The building official may destroy a street banner:
  - (1) after the 10th day following the expiration of the street banner display permit, if the street banner is removed under Subsection (A)(1) or (A)(2) and not reclaimed by the permittee; or
  - (2) immediately, if the street banner is removed under Subsection (A)(3) or (A)(4).

Source: Sections 13-2-874(k) and (I); Ord. 990225-70; Ord. 031211-11.

ARTICLE 10. – SETBACK AND STRUCTURAL REQUIREMENTS.

§ 25-10-191 – SIGN SETBACK REQUIREMENTS.

- (A) A sign installed in compliance with this section is not required to comply with building setback requirements established elsewhere in this title.
- (B) A sign support 12 inches or less in diameter is not required to be set back from a street right-of-way.
- (C) A sign support more than 12 inches and not more than 24 inches in diameter must be set back at least three feet from a street right-of-way.
- (D) A sign support more than 24 inches and not more than 36 inches in diameter must be set back at least five feet from the street right-of-way.
- (E) A sign support more than 36 inches in diameter must be set back at least 12 feet from the street right-of-way.
- (F) Except for a wall sign, a sign within 12 feet of a street right-of-way must have either:
  - (1) a height of not more than 30 inches;  
or
  - (2) a clearance of at least nine feet.
- (G) This section does not apply to a political sign permitted by Section 25-10-101(L)

*(Signs Allowed In All Districts Without An Installation Permit).*

Source: Section 13-2-886; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-192 – STRUCTURAL REQUIREMENTS.

- (A) Except for a wall sign, a sign must be designed, installed, and maintained so that it will withstand a horizontal pressure of 30 pounds per square foot of exposed surface.
- (B) A lighted sign:
  - (1) may not produce glare visible to vehicle drivers; and
  - (2) must be visually separated from traffic signs, signals, and devices.

Source: Section 13-2-887; Ord. 990225-70; Ord. 031211-11.

ARTICLE 11. – INSTALLATION PERMITS.

§ 25-10-211 – SIGN INSTALLATION PERMIT REQUIRED.

- (A) A person may not install, move, structurally alter, or structurally repair a sign unless the building official has issued a sign installation permit. This prohibition does not apply to:
  - (1) a sign described in Section 25-10-101 (*Signs Allowed In All Sign Districts Without An Installation Permit*); or

- (2) routine maintenance, nonstructural repair, or re-facing of an existing sign.
- (B) The fee for a sign installation permit is established by separate ordinance and is non-refundable.
- (C) For an electrical sign, an electric permit is required before:
  - (1) a person may install, move, structurally alter, or structurally repair the sign; or
  - (2) the building official may issue an installation permit for the sign.
- (D) For a sign to be replaced under Section 25-10-152(B)(5) (*Nonconforming Signs*), the building official may not issue an installation permit until the required sign removal is completed.

Source: Section 13-2-900; Ord. 990225-70; Ord. 020207-35; Ord. 031211-11.

§ 25-10-212 – EXPIRATION AND EXTENSION OF SIGN INSTALLATION PERMIT.

- (A) Except as provided in Subsection (B), a sign installation permit expires on the 180th day after the permit is granted unless the applicant requests a final inspection before the permit expires.
- (B) The building official may grant a single 90 day extension of a sign installation permit if the applicant requests an extension before the permit expires.

- (C) If an extension is granted under Subsection (B), the permit expires on the 270th day after the permit is granted unless the applicant requests a final inspection before the permit expires.

Source: Section 13-2-902; Ord. 990225-70; Ord. 031211-11.

## ARTICLE 12. – REGISTRATION.

### § 25-10-231 – REGISTRATION REQUIRED.

- (A) Except as provided in this section, a person may not install, move, structurally alter, structurally repair, or maintain a sign unless the person is registered with the building official in accordance with this article.
- (B) The registration requirement of Subsection (A) does not apply to:
  - (1) an employee of a person who is registered; or
  - (2) a person who:
    - (a) paints or refaces an existing sign;
    - (b) installs or maintains a sign authorized under Section 25-10-101 (*Signs Allowed In All Sign Districts Without An Installation Permit*);
    - (c) installs individual components of a wall sign not attached to each other as part of a larger sign, if each component is less than 32 square feet in size, securely



affixed to a building, fence, or wall, and not more than three inches thick;

- (d) installs or maintains a freestanding sign that is not more than eight feet in height; or
- (e) installs a sidewalk sign.

Source: Sections 13-2-905 and 13-2-875(d)(2); Ord. 990225-70; Ord. 031211-11.

§ 25-10-232 – REGISTRATION FEE.

An applicant must pay a registration fee in the amount established by separate ordinance when the applicant files an application for the registration required by this article.

Source: Section 13-2-910; Ord. 990225-70; Ord. 031211-11.

§ 25-10-233 – PREREQUISITES; EXPIRATION; NONTRANSFERABLE.

- (A) The indemnification agreement and proof of insurance required by this article is a prerequisite to registration.
- (B) Registration expires on December 31 of each calendar year.
- (C) Registration under this article is not transferable.

Source: Section 13-2-906; Ord. 990225-70; Ord. 031211-11.

§ 25-10-234 – INDEMNIFICATION.

A registrant shall:

- (1) indemnify the City from all liability arising from the person's activities or operations; and
- (2) pay all expenses incurred in defending against a claim made against the City.

Source: Section 13-2-907; Ord. 990225-70; Ord. 031211-11.

§ 25-10-235 – INSURANCE.

A registrant shall purchase and maintain at all times insurance for bodily injury and property damage liability in amounts and with the coverages, terms, and conditions required by rules promulgated by the city manager in accordance with Chapter 1-2 Adoption Of Rules) of the Code.

Source: Section 13-2-908; Ord. 990225-70; Ord. 031211-11.

§ 25-10-236 – REVOCATION AND SUSPENSION.

- (A) The Board of Adjustment may suspend or revoke the registration of a person after determining that the person is guilty of:
  - (1) fraud or deceit in registering under this article;
  - (2) allowing a person other than the registrant who obtained the sign installation

permit, or an employee acting under the direct supervision of that person, to perform work for which that permit is required;

- (3) gross negligence, incompetency, or misconduct in the performance of sign work;
  - (4) intentionally making a false or misleading material statement on the application for a sign installation permit or in providing facts to support the building official's determination that a particular sign is a nonconforming sign;
  - (5) installing, moving, or structurally altering or repairing a sign in violation of this chapter; or
  - (6) failing to maintain the insurance required by this article.
- (B) This subsection prescribes the procedure by which the Board of Adjustment shall determine whether a registrant has violated a provision of Subsection (A).
- (1) If the Board of Adjustment receives sworn information alleging a violation from a person of sound mind and legal age, the Board of Adjustment shall determine whether the information is sufficient to support further action in its part.
  - (2) If the Board of Adjustment determines that the information supports further

action, it shall schedule a public hearing on the allegation.

- (3) Notice of the date, time, and place of the hearing shall be mailed to the registrant by registered mail, not less than 15 days before the date of the hearing.
  - (4) The registrant may appear in person or be represented by counsel to present a defense to the Board of Adjustment. If the registrant does not appear, the Board of Adjustment may hear evidence and make a determination on the allegation in the registrant's absence.
  - (5) If the registrant admits the violation, or if the Board of Adjustment, by at least a two-thirds vote, determines that the allegation is true, the Board of Adjustment shall suspend or revoke the registration. A suspension shall be for a period of not less than 30 days and not more than 180 days.
  - (6) When the Board of Adjustment has completed its hearing, it shall file a record of its determination with the city clerk and forward a certified copy of its finding and decision to the registrant.
- (C) The Board's decision may be appealed to the city council in accordance with Chapter 25-1, Article 7, Division 1 Appeals).

- (D) A person whose registration is revoked may not register for a period of one year after the revocation.

Source: Section 13-2-909; Ord. 990225-70; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-237 – PENALTY FOR FAILURE TO REGISTER.

A person who fails to register a sign as required by Section 25-10-152(F) commits an offense punishable by a fine of up to \$500 per day for each day that the offense continues, and for each sign that is not registered. A person who violates Section 25-10-152(B)(6)(b) commits an offense punishable by a fine of up to \$500 per day for each day the violation continues.

Source: Ord. 20080605-076.

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[IN THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP Document 36-4 Filed 06/26/18]





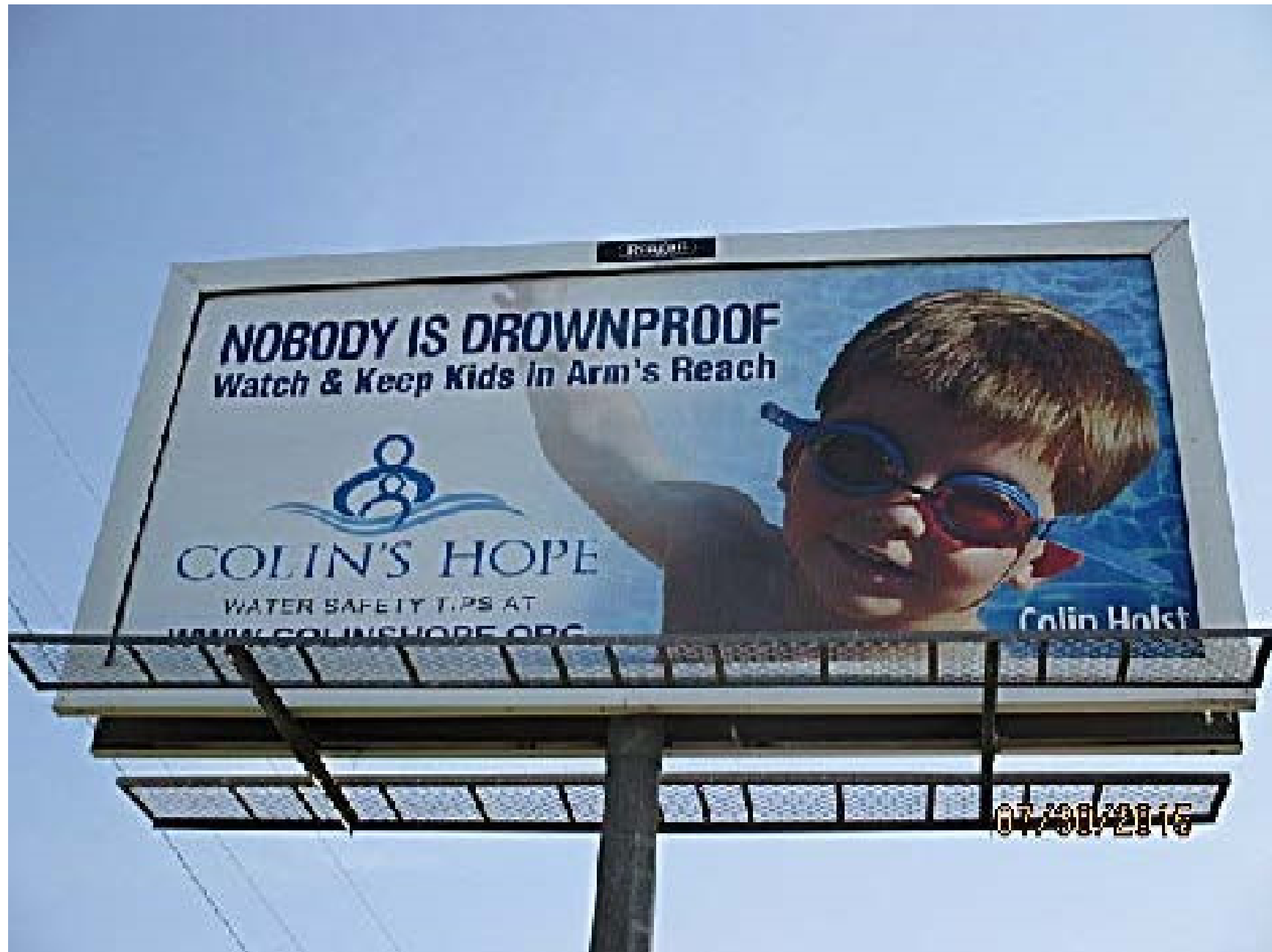






























[IN THE U.S. DISTRICT COURT FOR THE WESTERN  
DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 36-6 Filed 06/26/18]





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[IN THE U.S. DISTRICT COURT FOR THE WESTERN  
DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 36-7 Filed 06/26/18]



[IN THE U.S. DISTRICT COURT FOR THE WESTERN  
DISTRICT OF TEXAS, AUSTIN DIVISION  
Case 1:17-cv-00673-RP  
Document 36-10 Filed 06/26/18]

[SEAL]

**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 Amend-  
ments in Response to Resolution No.  
20170608-037**

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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 25-10102 (*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

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**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:** /s/ Jannette S. Goodall  
Jannette S. Goodall  
City Clerk

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[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

Case 1:17-cv-00673-RP

Document 36-13 Filed 06/26/18 Page 36 of 40]

 <p align="center"><b>Development Services Department</b> <b>APPLICATION FOR SIGN PERMIT</b> (PLEASE PRINT) ONLY COMPLETE APPLICATIONS WITH ALL REQUIRED DOCUMENTS WILL BE ACCEPTED</p>		APPLICATION DATE:		
		CASE NUMBER:		
ADDRESS OF SIGN: 1418 Barton Springs Rd., Austin, TX 78704		LEGAL DESCRIPTION TAX PARCEL I.D.#: 104386	LOT 4,5	BLOCK 2
SIGN OWNER: Reagan National Advertising of Austin, Inc.		SUBDIVISION:		
SIGN COMPANY: Reagan National Adv.		CONTACT: Doug Lister		PHONE: (512) 926-7740
SIGN COMPANY'S ADDRESS: (ADDRESS/CITY/ST/ZIP) 7301 Burleson Rd, Austin, Tx 78744		FAX:		
PROPOSED ADVERTISEMENT:		EMAIL: dlister@reaganusa.com		
DESCRIPTION OF WORK TO BE DONE: Conversion to electronically controlled changeable-copy sign		ELEVATION (CIRCLE ONE): NORTH SOUTH EAST WEST North		
----- WALL SIGN (BUILDING, CANOPY, AWNING) -----				
SIGN FACE DIMENSIONS:		TOTAL SIGN FACE AREA OF THIS PERMIT:		TOTAL AREA OF EXISTING SIGNS ON FACADE:
DIMENSIONS OF BUILDING FAÇADE (WIDTH X HEIGHT):		ELECTRIC SIGN: YES/NO		(NOTE: IF YES, ELECTRIC PERMIT IS REQUIRED BEFORE ISSUANCE OF SIGN INSTALLATION PERMIT)
----- FREESTANDING SIGN, ROOF SIGN, PROJECTING SIGN -----				
SIGN FACE DIMENSIONS: 14' x 48'		TOTAL SIGN FACE AREA OF THIS PERMIT: 672 sq. ft.		TOTAL HEIGHT OF SIGN: As existing
SETBACK OF SIGN? (DISTANCE FROM SIGN TO PROPERTY LINE): 25'		CLEARANCE ABOVE GRADE: As existing		NUMBER OF OTHER FREESTANDING SIGNS ON THIS PROPERTY: 1
IS THIS A PAD SITE? YES/NO NO		ROOF SIGN? YES/NO NO		SIZE OF EACH SIGN SUPPORT? (POLE, COLUMN, ETC.): 42"
REGISTERED BILLBOARD (OFF-PREMISE) SIGN? YES/NO YES		ELECTRIC SIGN: YES/NO YES		(NOTE: IF YES, ELECTRIC PERMIT IS REQUIRED BEFORE ISSUANCE OF SIGN INSTALLATION PERMIT)
WILL PROPOSED SIGN BE LOCATED WITHIN A P.U.E.? YES/NO IF YES, THE HOLDER OF THE PUBLIC EASEMENT MUST BE CONTACTED FOR CLEARANCE NO				
<b>NOTE: SIGNS MUST MAINTAIN HORIZONTAL AND VERTICAL CLEARANCE OF ALL OVERHEAD ELECTRICAL CONDUCTORS IN ACCORDANCE WITH SPECIFICATIONS OF THE NATIONAL ELECTRICAL CODE, LOCAL CODE AMENDMENTS, AND ALL OTHER APPLICABLE LAWS</b>				
(SIGNATURES IN THESE BLANKS INDICATE THAT THE PROPERTY OWNER IS AWARE OF THE APPLICATION FOR A SIGN PERMIT AND THAT ALL OF THE ABOVE INFORMATION IS TRUE AND CORRECT)				
SIGNATURE OF SIGN COMPANY REPRESENTATIVE		SIGNATURE OF LICENSE ELECTRICIAN (REQUIRED FOR ELECTRICAL SIGNS) AUTHORIZATION FOR SIGN COMPANY TO PULL ELECTRIC PERMIT? YES/NO		
DEPARTMENT USE ONLY				
PERMIT FEE:	ELECTRIC PERMIT FEE:	PLAN REVIEW FEE:	DATE:	RECEIPT#
GRID:	ZONING:	ENGINEERING SEAL REQUIRED? YES/NO	SIGN DISTRICT:	
REMARKS:				
<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE		ZONING REVIEW ANALYST:		DATE:
UPDATE SUBMITTAL DATE:		ZONING REVIEW ANALYST:		DATE:
<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE				

09/14/00cr



Development Services Department  
**SIGN PERMIT PROCESS**

**SUBMITTAL REQUIREMENTS:**

1. A completed "**APPLICATION FOR SIGN PERMIT**", including legal description\* (one application for each sign).  
\*Travis County Appraisal District 834-9317
2. For all **FREESTANDING SIGNS, ROOF SIGNS & PROJECTING SIGNS:**
  - a. Construction drawing of the sign bearing the seal of an architect or engineer licensed by the State of Texas verifying the structural requirements of SECTION 25-10-192(A). The drawing **MUST** include:
    - 1) HEIGHT of sign
    - 2) DETAILS & DIMENSIONS of all structural and nonstructural members to include sign supports,
    - 3) DETAILS & DIMENSIONS of foundations and footing members, and
    - 4) ADVERTISING AREA of all sign facades
  - b. Complete site drawing **TO SCALE** that **MUST** include:
    - 1) LOCATION of proposed sign and **SETBACK DISTANCES** from sign supports to property lines fronting on a street,
    - 2) **LINEAR FEET** street frontage dimensions
    - 3) **LOCATIONS** of all existing **FREESTANDING** signs on the same property,
    - 4) **LOCATIONS** of **ALL** easements and/or utility lines within twenty feet of the proposed sign location.
3. For all **WALL and AWNING\* SIGNS:**
  - a. Construction drawing of the sign. The drawing **MUST** include:
    - 1) DETAILS & DIMENSIONS of structural and nonstructural methods of attachment or anchoring to the building,
    - 2) ADVERTISING AREA of the sign.
  - b. A drawing or photograph of the building façade that **MUST** include:
    - 1) DIMENSIONS of the façade and
    - 2) LOCATIONS and SIZES of all other signs on the building.

\*Building permit for awning must be existing before issuance of awning sign
4. **SIGN REVIEW FEE** (*MUST be paid at time of submittal*):  
Wall Signs, Freestanding Signs, Roof Signs:  
See Commercial Review and Permit Fees at <http://www.austintexas.gov/department/fees>
5. **SIGN PERMIT FEE** (*paid at the time of permit issuance*):  
Sign Permit, Electric Permit, Dev. Svcs. Surcharge:  
See Commercial Review and Permit Fees at <http://www.austintexas.gov/department/fees>

**SIGN PERMIT INFORMATION:**

1. Sign permits may only be issued to Outdoor Advertisers registered and insured with the City of Austin, except as noted in LDC Section 25-10-231.
2. Electrical signs must be permitted in accordance with all applicable codes before the structural sign permit can be finalized (*electrical permits are required for connection of electrical signs*).
3. Any electrical sign permit applications must have the signature of the Master Electrician licensed with the City of Austin.



VENDOR: REMIT TO:		VCI21 CITY OF AUSTIN		CHECK: COMMENT:	0000459851	DATE:	3/21/2017
03202017007	3/20/2017	0000074699	DIGITAL POSTER CONVERSION PERMIT FEE	85.28	0.00	85.28	
				85.28	0.00	85.28	

THIS CHECK IS VOID WITHOUT A BLUE & RED BACKGROUND AND A WATERMARK - HOLD UP TO THE LIGHT TO VERIFY

**Reagan National Advertising of Austin, Inc.**  
 1775 North Warm Springs Road  
 Salt Lake City, Utah 84116

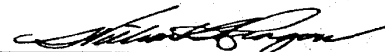
**usbank.**  
 US Bank  
 97-215/1243

**0000459851**

DATE	3/21/2017
AMOUNT	**85.28

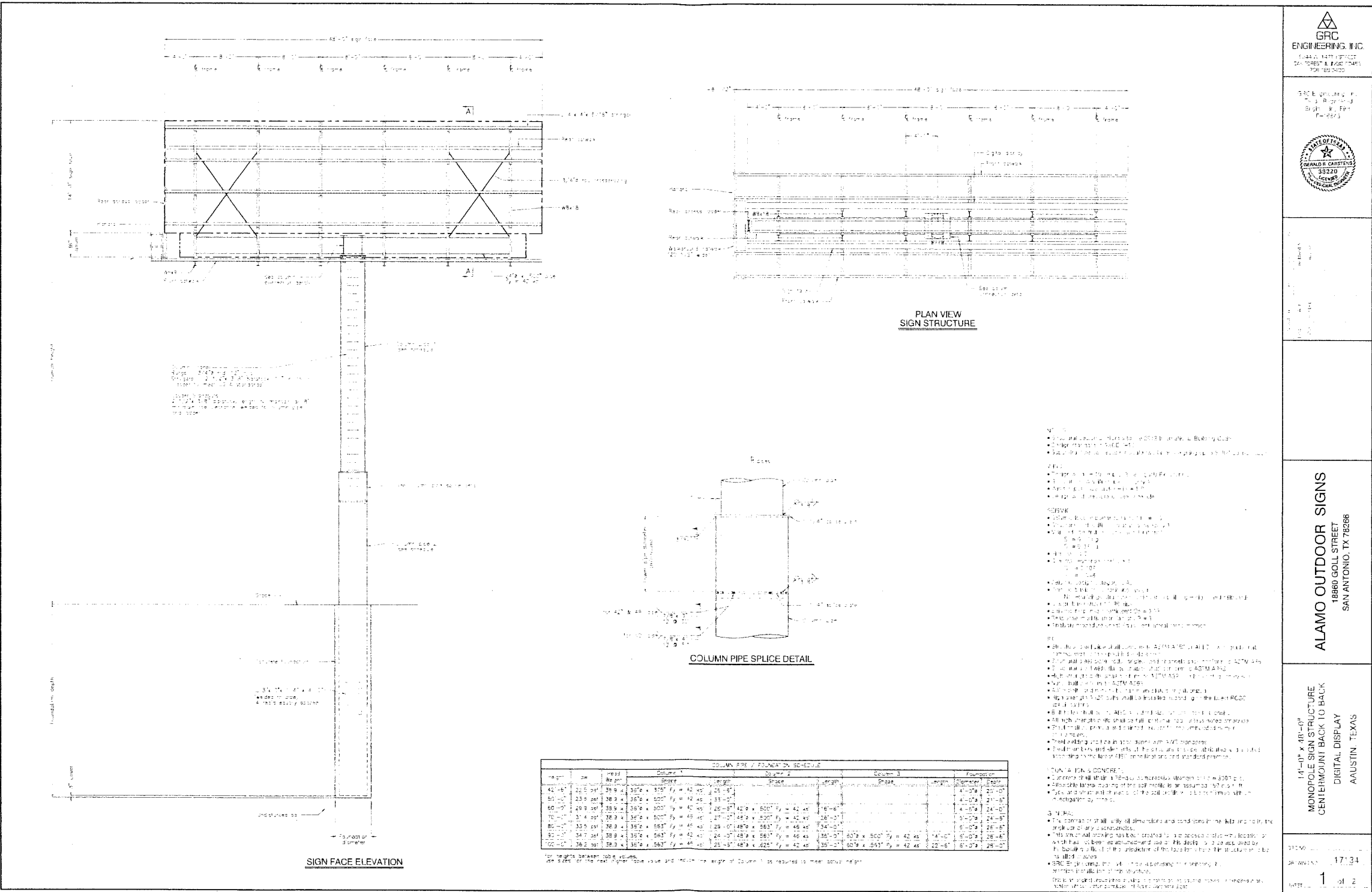
PAY Eighty-five and 28 / 100 U.S. Dollar

TO THE  
 ORDER  
 OF  
 CITY OF AUSTIN  
 P.O. BOX 1088  
 Austin, TX 78767  
 USA



CHECK IS PRINTED ON SECURITY PAPER WHICH INCLUDES A MICROPRINT BORDER & FLUORESCENT FIBERS

⑈459851⑈ ⑆124302150⑆



COLUMN PIPE / FOUNDATION SCHEDULE											
Pipe ID	OD	Wall Thickness	Column 1		Column 2		Column 3		Foundation		
			Splice Length	Splice Length	Splice Length	Splice Length	Splice Length	Splice Length			
42" OD	42.000	0.375	30'0"	30'0"	30'0"	30'0"	30'0"	30'0"	30'0"	30'0"	
60" OD	60.000	0.500	42'0"	42'0"	42'0"	42'0"	42'0"	42'0"	42'0"	42'0"	
72" OD	72.000	0.625	48'0"	48'0"	48'0"	48'0"	48'0"	48'0"	48'0"	48'0"	
84" OD	84.000	0.750	54'0"	54'0"	54'0"	54'0"	54'0"	54'0"	54'0"	54'0"	
96" OD	96.000	0.875	60'0"	60'0"	60'0"	60'0"	60'0"	60'0"	60'0"	60'0"	
108" OD	108.000	1.000	66'0"	66'0"	66'0"	66'0"	66'0"	66'0"	66'0"	66'0"	
120" OD	120.000	1.125	72'0"	72'0"	72'0"	72'0"	72'0"	72'0"	72'0"	72'0"	

See notes for splice details. Splice length is based on the length of column pipe as required to meet actual height.



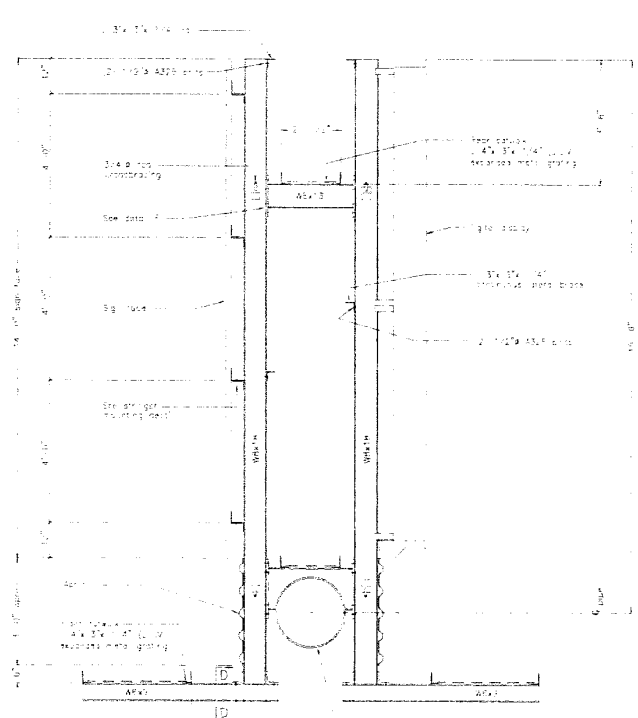
GRC ENGINEERING, INC.  
1544 S. 14TH STREET  
SAN ANTONIO, TEXAS 78204  
781-858-0400



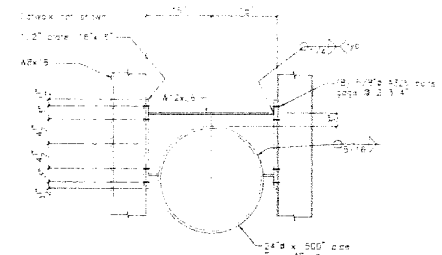
**ALAMO OUTDOOR SIGNS**  
18860 GULL STREET  
SAN ANTONIO, TX 78266

**14"Ø x 48'-0" MONOPOLE SIGN STRUCTURE CENTERMOUNT BACK TO BACK DIGITAL DISPLAY**  
AUSTIN, TEXAS

DATE: 11/17/24  
DRAWING NO: 17734  
PAGE: 1 of 2



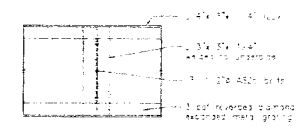
**SECTION A-A  
FRAME DETAIL**



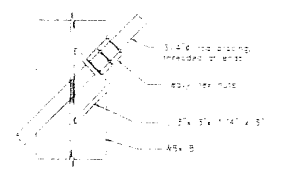
**FRAME MOUNTING DETAIL**



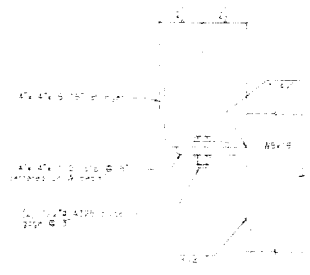
**DETAIL F**



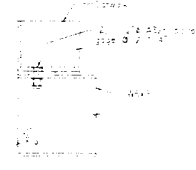
**CATWALK SPLICE DETAIL**



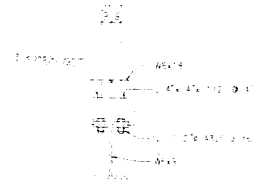
**CROSSBRACING DETAIL**



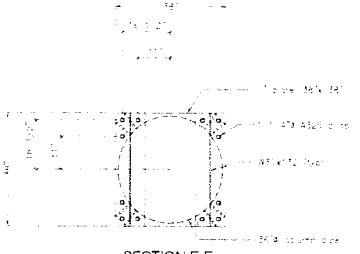
**STRINGER MOUNTING DETAIL**



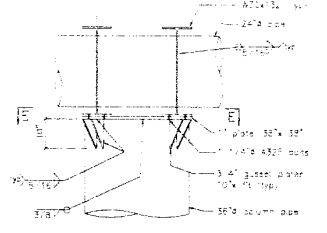
**CATWALK MOUNTING DETAIL**



**SECTION D-D**



**SECTION E-E**



**COLUMN CONNECTION DETAIL**



GRC ENGINEERING, INC.  
14441 NITEL STREET  
SAN ANTONIO, TEXAS 78238  
TEL: 214-343-1111

**ALAMO OUTDOOR SIGNS**  
18860 GOLL STREET  
SAN ANTONIO, TX 78286

14'-0" x 48'-0"  
MONOPILE SIGN STRUCTURE  
CENTERMOUNT BACK TO BACK  
DIGITAL DISPLAY  
AUSTIN, TEXAS

DATE: 17'34  
SHEET: 2 OF 2



Google Earth


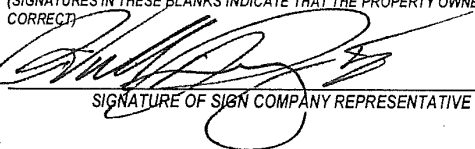
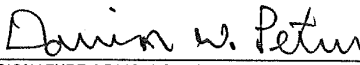
feet  
meters



[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

Case 1:17-cv-00673-RP

Document 36-14 Filed 06/26/18 Page 8 of 40]

 <p><b>Development Services Department</b> <b>APPLICATION FOR SIGN PERMIT</b> <i>(PLEASE PRINT)</i> <small>ONLY COMPLETE APPLICATIONS WITH ALL REQUIRED DOCUMENTS WILL BE ACCEPTED</small></p>		APPLICATION DATE:	
		CASE NUMBER:	
ADDRESS OF SIGN: 501 1/2 Oakland Ave, Austin, TX 78703		LEGAL DESCRIPTION TAX PARCEL ID.#: 106715	LOT 12 BLOCK
SIGN OWNER: Reagan National Advertising of Austin, Inc.		SUBDIVISION: Z Woodland	
SIGN COMPANY: Reagan National Adv.	CONTACT: Doug Lister	PHONE: (512) 926-7740	FAX:
SIGN COMPANY'S ADDRESS: (ADDRESS/CITY/ST/ZIP) 7301 Burseson Rd, Austin, Tx 78744		EMAIL: dlister@reaganusa.com	
PROPOSED ADVERTISEMENT:		ELEVATION (CIRCLE ONE): NORTH SOUTH EAST WEST North	
DESCRIPTION OF WORK TO BE DONE: Conversion to electronic controlled changeable-copy sign			
----- WALL SIGN (BUILDING, CANOPY, AWNING) -----			
SIGN FACE DIMENSIONS:	TOTAL SIGN FACE AREA OF THIS PERMIT:	TOTAL AREA OF EXISTING SIGNS ON FACADE:	
DIMENSIONS OF BUILDING FAÇADE (WIDTH X HEIGHT):	ELECTRIC SIGN: YES/NO (NOTE: IF YES, ELECTRIC PERMIT IS REQUIRED BEFORE ISSUANCE OF SIGN INSTALLATION PERMIT)		
----- FREESTANDING SIGN, ROOF SIGN, PROJECTING SIGN -----			
SIGN FACE DIMENSIONS: 14' x 48'	TOTAL SIGN FACE AREA OF THIS PERMIT: 672 sq. ft.	TOTAL HEIGHT OF SIGN: As existing	
SETBACK OF SIGN? (DISTANCE FROM SIGN TO PROPERTY LINE): 9'	CLEARANCE ABOVE GRADE: As existing	LINEAR FEET OF STREET FRONTAGE: 260 ft.	NUMBER OF OTHER FREESTANDING SIGNS ON THIS PROPERTY: 0
IS THIS A PAD SITE? YES/NO NO	ROOF SIGN? YES/NO NO	ELEC? YES NO YES	SIZE OF EACH SIGN SUPPORT? (POLE, COLUMN, ETC.): 36"
REGISTERED BILLBOARD (OFF-PREMISE) SIGN? YES/NO YES	ELECTRIC SIGN: YES/NO YES (NOTE: IF YES, ELECTRIC PERMIT IS REQUIRED BEFORE ISSUANCE OF SIGN INSTALLATION PERMIT)		
WILL PROPOSED SIGN BE LOCATED WITHIN A P.U.E.? YES/NO IF YES, THE HOLDER OF THE PUBLIC EASEMENT MUST BE CONTACTED FOR CLEARANCE NO			
<b>NOTE: SIGNS MUST MAINTAIN HORIZONTAL AND VERTICAL CLEARANCE OF ALL OVERHEAD ELECTRICAL CONDUCTORS IN ACCORDANCE WITH SPECIFICATIONS OF THE NATIONAL ELECTRICAL CODE, LOCAL CODE AMENDMENTS, AND ALL OTHER APPLICABLE LAWS</b>			
<small>(SIGNATURES IN THESE BLANKS INDICATE THAT THE PROPERTY OWNER IS AWARE OF THE APPLICATION FOR A SIGN PERMIT AND THAT ALL OF THE ABOVE INFORMATION IS TRUE AND CORRECT)</small>			
 SIGNATURE OF SIGN COMPANY REPRESENTATIVE		 LIC# 19879 SIGNATURE OF LICENSE ELECTRICIAN (REQUIRED FOR ELECTRICAL SIGNS) AUTHORIZATION FOR SIGN COMPANY TO PULL ELECTRIC PERMIT? YES/NO	
<b>DEPARTMENT USE ONLY</b>			
PERMIT FEE:	ELECTRIC PERMIT FEE:	PLAN REVIEW FEE:	DATE: RECEIPT#
GRID:	ZONING:	ENGINEERING SEAL REQUIRED? YES/NO	SIGN DISTRICT:
REMARKS:			
<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE		ZONING REVIEW ANALYST:	DATE:
UPDATE SUBMITTAL DATE:		ZONING REVIEW ANALYST:	DATE:
<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE			

09/14/00cr



Development Services Department

**SIGN PERMIT PROCESS**

**SUBMITTAL REQUIREMENTS:**

1. A completed "**APPLICATION FOR SIGN PERMIT**", including legal description\* (one application for each sign).  
\*Travis County Appraisal District 834-9317
2. For all **FREESTANDING SIGNS, ROOF SIGNS & PROJECTING SIGNS:**
  - a. Construction drawing of the sign bearing the seal of an architect or engineer licensed by the State of Texas verifying the structural requirements of SECTION 25-10-192(A).  
The drawing **MUST** include:
    - 1) HEIGHT of sign
    - 2) DETAILS & DIMENSIONS of all structural and nonstructural members to include sign supports,
    - 3) DETAILS & DIMENSIONS of foundations and footing members, and
    - 4) ADVERTISING AREA of all sign facades
  - b. Complete site drawing **TO SCALE** that **MUST** include:
    - 1) LOCATION of proposed sign and **SETBACK DISTANCES** from sign supports to property lines fronting on a street,
    - 2) **LINEAR FEET** street frontage dimensions
    - 3) **LOCATIONS** of all existing **FREESTANDING** signs on the same property,
    - 4) **LOCATIONS** of **ALL** easements and/or utility lines within twenty feet of the proposed sign location.
3. For all **WALL and AWNING\* SIGNS:**
  - a. Construction drawing of the sign. The drawing **MUST** include:
    - 1) DETAILS & DIMENSIONS of structural and nonstructural methods of attachment or anchoring to the building,
    - 2) ADVERTISING AREA of the sign.
  - b. A drawing or photograph of the building façade that **MUST** include:
    - 1) DIMENSIONS of the façade and
    - 2) LOCATIONS and SIZES of all other signs on the building.

\*Building permit for awning must be existing before issuance of awning sign
4. **SIGN REVIEW FEE** (*MUST be paid at time of submittal*):  
Wall Signs, Freestanding Signs, Roof Signs:  
See Commercial Review and Permit Fees at <http://www.austintexas.gov/department/fees>
5. **SIGN PERMIT FEE** (*paid at the time of permit issuance*):  
Sign Permit, Electric Permit, Dev. Svcs. Surcharge:  
See Commercial Review and Permit Fees at <http://www.austintexas.gov/department/fees>

**SIGN PERMIT INFORMATION:**

1. Sign permits may only be issued to Outdoor Advertisers registered and insured with the City of Austin, except as noted in LDC Section 25-10-231.
2. Electrical signs must be permitted in accordance with all applicable codes before the structural sign permit can be finalized (*electrical permits are required for connection of electrical signs*).
3. Any electrical sign permit applications must have the signature of the Master Electrician licensed with the City of Austin.

VENDOR: REMIT TO: VCI21 CITY OF AUSTIN		CHECK: COMMENT: 0000459853	DATE: 3/21/2017			
03202017009	3/20/2017	0000074701	DIGITAL POSTER CONVERSION PERMIT FEE 85.28	0.00	85.28	
				85.28	0.00	85.28

THIS CHECK IS VOID WITHOUT A BLUE & RED BACKGROUND AND A WATERMARK - HOLD UP TO THE LIGHT TO VERIFY

**Reagan National Advertising of Austin, Inc.**  
 1775 North Warm Springs Road  
 Salt Lake City, Utah 84116

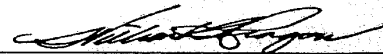
**usbank.**  
 US Bank  
 97-215/1243

**0000459853**

DATE	3/21/2017
AMOUNT	\$**85.28

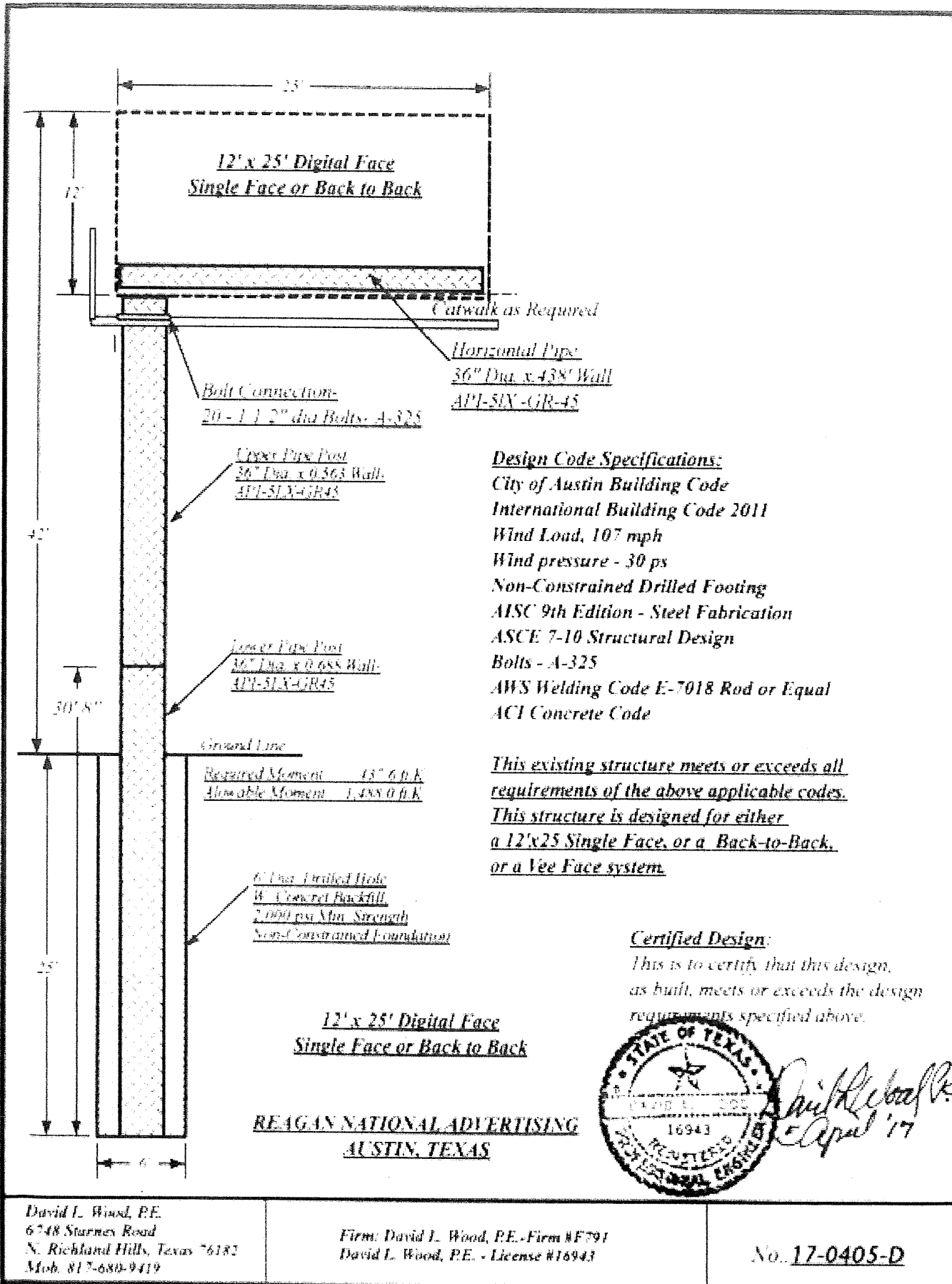
PAY Eighty-five and 28 / 100 U.S. Dollar

TO THE ORDER OF CITY OF AUSTIN  
 P.O. BOX 1088  
 Austin, TX 78767  
 USA



CHECK IS PRINTED ON SECURITY PAPER WHICH INCLUDES A MICROPRINT BORDER & FLUORESCENT FIBERS

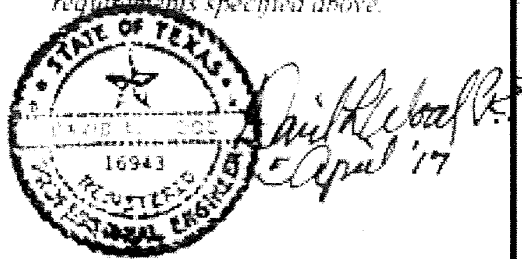
⑈459853⑈ ⑆124302150⑆



**Design Code Specifications:**  
 City of Austin Building Code  
 International Building Code 2011  
 Wind Load, 107 mph  
 Wind pressure - 30 ps  
 Non-Constrained Drilled Footing  
 AISC 9th Edition - Steel Fabrication  
 ASCE 7-10 Structural Design  
 Bolts - A-325  
 AWS Welding Code E-7018 Rod or Equal  
 ACI Concrete Code

*This existing structure meets or exceeds all requirements of the above applicable codes. This structure is designed for either a 12'x25' Single Face, or a Back-to-Back, or a Vee Face system.*

**Certified Design:**  
 This is to certify that this design, as built, meets or exceeds the design requirements specified above.



**12' x 25' Digital Face  
 Single Face or Back to Back**  
**REAGAN NATIONAL ADVERTISING  
 AUSTIN, TEXAS**

David L. Wood, P.E.  
 6748 Starnes Road  
 N. Richland Hills, Texas 76182  
 Mob. 817-680-9419

Firm: David L. Wood, P.E. - Firm #F791  
 David L. Wood, P.E. - License #16943

No. 17-0405-D





Google Earth

feet  
meters



[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

Case 1:17-cv-00673-RP


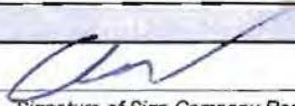
Document 36-20 Filed 06/26/18 Page 26 of 28]

 <p><b>CITY OF AUSTIN</b> <b>Development</b> <b>SERVICES DEPARTMENT</b></p> <p>Development Assistance Center – One Texas Center 505 Barton Springs Road, Austin, TX 78704; (512) 978-4000</p>	<h2 style="margin:0;">Sign Permit Application</h2> <p style="margin:0;"><i>For Office Use Only</i></p> <p>Application Date: _____</p> <p>Case Number: _____</p>
--	---

**Please Print or Type. Only complete applications with all required documents will be accepted.**

**Note that one application is required for EACH sign.**

*To complete this form electronically: Open with Internet Explorer, then [Click Here to Save and continue.](#)*

Sign Address: <u>5335 1/2 Burnet Rd. Permit 2007-129205 OP</u>	
Legal Description: <u>ABS 697 SUR Spear G W ACR 1.08</u>	
Parcel Number or Property ID: <u>22763</u>	Sign Owner: <u>Lamar Advertising</u>
Sign Company: <u>Lamar Advertising</u>	Contact: <u>Alan Reeder</u>
Phone: <u>(512) 451-1945</u> Fax: <u>(512) 451-6645</u> Email: <u>Areeder@Lamar.com</u>	
Sign Company Address/City/Zip: <u>7020 U.S. Hwy. 290 East, Austin, TX 78723</u>	
Proposed Advertisement: <u>Various</u>	Elevation (select one): <input type="checkbox"/> North <input type="checkbox"/> South <input checked="" type="checkbox"/> East <input type="checkbox"/> West
Description of Work to be Done: <u>Convert existing static face to digital</u>	
<b>Wall Sign (Building, Canopy, Awning)</b>	
Sign Face Dimensions (width x height): _____	Total Sign Face Area of This Permit: _____
Building Facade Dimensions (width x height): _____	Total Area of Existing Signs on Facade: _____
Electric Sign: <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, an electric permit and inspection will be required to finalize the sign permit.)	
<b>Freestanding Sign, Roof Sign, Projecting Sign</b>	
Sign Face Dimensions (width x height): <u>14' x 48'</u>	Total Sign Face Area of This Permit: <u>672</u>
Total Height of Sign: <u>42'</u>	Setback (distance from sign to property line): <u>25'</u>
Clearance Above Grade: _____	Linear Feet of Street Frontage: _____
Number of Other Freestanding Signs on this Property: _____	Size of Each Sign Support (pole, column, etc.): _____
Is this a Pad Site: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Roof Sign: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Registered Billboard (off-premise) Sign: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Electric Sign: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, an electric permit and inspection will be required to finalize the sign permit.)	
Does electric service to the sign require a separate electric meter? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
 <b>Signs must maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with specifications of the National Electrical Code, local code amendments, and all other applicable laws.</b>	
<b>SAVE Form</b>	
<b>Acknowledgment</b>	
Signature indicates that the property owner is aware of the application for a sign permit and that all of the above information is true and correct.	 _____ <i>Signature of Sign Company Representative</i>
<b>For Office Use Only</b>	
Permit Fee: _____ Electric Permit Fee: _____ Plan Review Fee: _____ Date: _____ Receipt #: _____	
Zoning: _____ Engineering Seal Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Sign District: _____	
Remarks: _____	
_____	
<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Zoning Review Analyst: _____ Date: _____
Update Submittal Date: _____	
<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Zoning Review Analyst: _____ Date: _____

**Please see next page for Submittal Requirements and Sign Permit Information.**

[IN THE U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

Case 1:17-cv-00673-RP

Document 36-20 Filed 06/26/18 Page 28 of 28]

 <p><b>CITY OF AUSTIN</b> <b>Development SERVICES DEPARTMENT</b></p> <p>Development Assistance Center – One Texas Center 505 Barton Springs Road, Austin, TX 78704; (512) 978-4000</p>	<h2 style="margin:0;">Sign Permit Application</h2> <p style="margin:0;"><i>For Office Use Only</i></p> <p>Application Date: _____</p> <p>Case Number: _____</p>
---	---

**Please Print or Type. Only complete applications with all required documents will be accepted.  
Note that one application is required for EACH sign.**

*To complete this form electronically: Open with Internet Explorer, then [Click Here to Save and continue.](#)*

Sign Address: <u>715 1/2 S. Lamar Permit 2007-140778 OP</u>	
Legal Description: <u>Lot B, Maufrais C B Subd No.2</u>	
Parcel Number or Property ID: <u>101877</u>	Sign Owner: <u>Lamar Advertising</u>
Sign Company: <u>Lamar Advertising</u>	Contact: <u>Alan Reeder</u>
Phone: <u>(512) 451-1945</u>	Fax: <u>(512) 451-6645</u>
Email: <u>Areeder@Lamar.com</u>	
Sign Company Address/City/Zip: <u>7020 U.S. Hwy. 290 East, Austin, TX 78723</u>	
Proposed Advertisement: <u>Various</u>	Elevation (select one): <input checked="" type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West
Description of Work to be Done: <u>Convert existing static face to digital</u>	

**Wall Sign (Building, Canopy, Awning)**

Sign Face Dimensions (width x height): _____	Total Sign Face Area of This Permit: _____
Building Facade Dimensions (width x height): _____	Total Area of Existing Signs on Facade: _____
Electric Sign: <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, an electric permit and inspection will be required to finalize the sign permit.)	

**Freestanding Sign, Roof Sign, Projecting Sign**

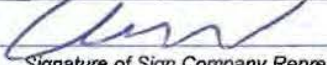
Sign Face Dimensions (width x height): <u>14' x 48'</u>	Total Sign Face Area of This Permit: <u>672</u>
Total Height of Sign: <u>42'</u>	Setback (distance from sign to property line): <u>25'</u>
Clearance Above Grade: _____	Linear Feet of Street Frontage: _____
Number of Other Freestanding Signs on this Property: _____	Size of Each Sign Support (pole, column, etc.): _____
Is this a Pad Site: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Roof Sign: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Registered Billboard (off-premise) Sign: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Electric Sign: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, an electric permit and inspection will be required to finalize the sign permit.)	
Does electric service to the sign require a separate electric meter? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	



Signs must maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with specifications of the National Electrical Code, local code amendments, and all other applicable laws.

**SAVE Form**

**Acknowledgment**

Signature indicates that the property owner is aware of the application for a sign permit and that all of the above information is true and correct.	 Signature of Sign Company Representative
--	--

**For Office Use Only**

Permit Fee: _____	Electric Permit Fee: _____	Plan Review Fee: _____	Date: _____	Receipt #: _____
Zoning: _____	Engineering Seal Required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Sign District: _____		
Remarks: _____				
<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Zoning Review Analyst: _____	Date: _____		
Update Submittal Date: _____				
<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Zoning Review Analyst: _____	Date: _____		

*Please see next page for Submittal Requirements and Sign Permit Information.*