

**ORDINANCE NO.  
2005-07-18-2**

**THE SIGN  
ORDINANCE**

**OF THE**

**CITY OF LAKEWAY,**

**TEXAS**

**SIGN ORDINANCE No. 2005-07-18-2**  
**TABLE OF CONTENTS**

	<u>Page</u>
<b><u>Article I - General</u></b>	
Sec. 1.01 Authority	4
Sec. 1.02 Purpose	4
Sec. 1.03 Definitions	4
Sec. 1.04 Compliance Required	4
<b><u>Article II - Administration and Application Procedures</u></b>	
Sec. 2.01 General	5
Sec. 2.02 Sign Application - Information Required	5
Sec. 2.03 Representations by Applicant	6
Sec. 2.04 Permit Fees	6
Sec. 2.05 Application Acceptance	7
Sec. 2.06 Approvals Required	8
Sec. 2.07 Appeals Procedure	9
<b><u>Article III - Registration of Existing Signs Within the City's Extraterritorial Jurisdiction</u></b>	
Sec. 3.01 Registration Required	10
Sec. 3.02 Registration - Information Required	10
Sec. 3.03 Sworn Statement	11
Sec. 3.04 Expanded Extraterritorial Jurisdiction	11
<b><u>Article IV - Design Guidelines</u></b>	
Sec. 4.01 Harmonious Designs	11
Sec. 4.02 Materials	11
Sec. 4.03 Lighting	12
Sec. 4.04 Safety Requirements	12
Sec. 4.05 Landscaping	13
<b><u>Article V - Sign Categories</u></b>	
Sec. 5.01 Designation of Types of Signs	13
Sec. 5.02 Real Estate Signs - Temporary	
A. Residential - Temporary	14
B. Non-Residential - Temporary	15
C. Open House Signs-Temporary	17
Sec. 5.03 Commercial Signs - Free-standing - Permanent	
A. Freestanding Signs: Multi-Tenant	18
B. Freestanding Signs: Single Business	21
Sec. 5.04 Commercial External Entrance Signs - Permanent	

A.	External Entrance Signs - Multi-Tenant	23
B.	External Entrance Signs - Single Business	24
Sec. 5.05	Commercial Subdivision Identification - Permanent	25
Sec. 5.06	Commercial Signs - Joint Directory - Multi-Tenant	26
Sec. 5.07	Commercial Signs - Traffic Control - Permanent	
A.	Traffic Control Signs - Multi-Tenant	27
B.	Traffic Control Signs - Single Business	28
C.	Traffic Control Signs - Drive-Thru	29
Sec. 5.08	Residential Signs - Single Family - Permanent	
A.	Residential Name/Address Signs	30
Sec. 5.09	Residential Signs - Mulit-family - Permanent	
A.	Subdivision Identification	31
B.	Traffic Control - Multi-Family Complexes	32
Sec. 5.10	Temporary Signs	
A.	Public Information Signs	33
B.	New Business Banners	34
Sec. 5.11	Construction and Development Signs-Temporary	
A.	Residential Construction Signs	35
B.	Project Development Signs	36
C.	Model Home Signs	37
Sec. 5.12	Miscellaneous Signs	
A.	Political Signs	37
B.	Permanent Public Information Signs	38
C.	Permanent (Changeable) Municipal Public Information Signs	39
 <b><u>Article VI - Exempted Signs</u></b>		40
 <b><u>Article VII - Prohibited Signs</u></b>		41
 <b><u>Article VIII - Non-conforming Signs</u></b>		
Sec. 8.01	Defined	42
Sec. 8.02	Compensable Costs	42
Sec. 8.03	Sign Control Board	42
Sec. 8.04	Identification and Notice	43
Sec. 8.05	Removal of Sign - Compensation	44
Sec. 8.06	Method of Compensation	45
Sec. 8.07	Exceptions	46
 <b><u>Article IX - Sign Maintenance, Repair and Removal</u></b>		
Sec. 9.01	Maintenance Required	47
Sec. 9.02	Notice of Violation	48
Sec. 9.03	Hearing	49
 <b><u>Article X - Variances</u></b>		
Sec. 10.01	Standards for Approval	

A.	General		49
B.	Waivers		49
C.	Variances		50
Sec. 10.02	Approval Authority		
A.	Code Official		51
B.	Zoning and Planning Commission	51	
Sec. 10.03	Approval Procedures		
A.	Waivers		51
B.	Variances		52
Sec. 10.04	Notice		52
Sec. 10.05	Expiration		52
Sec. 10.06	Fee		53
<b><u>Article XI - Liability</u></b>			53
<b><u>Article XII - Acts Prohibited - Penalties</u></b>			
Sec. 12.01	Acts Prohibited		53
Sec. 12.02	Penalties and Other Remedies for Violations		55
<b><u>Article XIII - Administration</u></b>			
Sec. 13.01	Rules and Regulations		55
Sec. 13.02	Conflicting Ordinances Repealed		56
Sec. 13.03	Preservation of Actions		56
Sec. 13.04	Severability		56
Sec. 13.05	Effective Date		56
Exhibit "A"	Definitions		

**CITY OF LAKEWAY ORDINANCE NO. 2005-07-18-2**

**THE SIGN ORDINANCE**

**AN ORDINANCE AMENDING IN THEIR ENTIRETY ORDINANCES NO. 97-12-15-5, AND ALL AMENDMENTS THERETO, OF THE CITY OF LAKEWAY, TEXAS, ADOPTING A COMPREHENSIVE REGULATION**

**FOR ALL SIGNS WITHIN THE CITY OF LAKEWAY AND ITS EXTRA-TERRITORIAL JURISDICTION; PROVIDING FOR ISSUANCE OF LICENSES AND PERMITS; PROVIDING FOR REGISTRATION OF CERTAIN SIGNS; ESTABLISHING OTHER REQUIREMENTS; DEFINING NON-CONFORMING SIGNS; VARIANCES; DEFINITIONS SEVERABILITY; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the intent of Ordinance No. 2005-07-18-2 is to protect the public health, safety, and welfare by limiting hazards to motorists and pedestrians brought about by distracting sign displays and by removing obstructions from the view of motorists and to protect and preserve property values by assuring the continued attractiveness of the community and to maintain the natural beauty and atmosphere of the Texas Hill Country setting of the City of Lakeway by restricting in number and appearance all commercial, private, or public signs in the City of Lakeway and within its extraterritorial jurisdiction, the Zoning and Planning Commission is authorized to approve or deny approval of all signs within the City of Lakeway and the area within its extraterritorial jurisdiction. The restrictions in this ordinance impose no hardship on commercial ventures in the area; commercial ventures in the area will benefit from the maintenance of the atmosphere of the area and will be rewarded by the enthusiasm of the residents and visitors for their willingness to protect the environmental quality of the City of Lakeway and its surrounding area; and, whereby it is determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources among businesses competing for attention, to prevent hazards to life and property and to assure the continued attractiveness of the community and to protect property values; and

**WHEREAS**, it is further determined that signs which may be lawfully erected and maintained under the provisions of this ordinance are consistent with customary usage, and that the signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage or are in abuse thereof and/or constitute an unwarranted invasion of the rights of legitimate business interests and the public; and

**WHEREAS**, it is the purpose of this ordinance to eliminate excessive and confusing sign displays which do not relate to the premises on which they are located; to provide signs which concisely identify premises on which signs are permitted and to preserve and improve the appearance of the City and its surrounding area as a place in which to live and work; and

**WHEREAS**, it is the intent of this ordinance to protect an important aspect of the economic base of the City by preventing the destruction of the natural beauty and environment of the City and the area within its extraterritorial jurisdiction, which is instrumental in attracting nonresidents who come to visit, trade, or vacation; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; and to protect the public health, safety and general welfare; and

**WHEREAS**, it is the intent and purpose of this ordinance to promulgate and provide for the enforcement of regulations and standards governing the size, spacing and lighting of outdoor advertising along rural roads within the City's extraterritorial jurisdiction which conform to or are more stringent than those adopted by the State Department of Highways and Public Transportation; and

**WHEREAS**, it is determined that the sign regulations contained herein significantly advance the City's interest in public safety and the protection of public and private property and represent the least burdensome means of control available to the City to protect the public safety, health, and welfare.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKEWAY, TEXAS:**

## **ARTICLE I - GENERAL**

### **Section 1.01 Authority.**

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas.

### **Section 1.02 Purpose.**

The purpose of this ordinance is to protect the public health, safety, and welfare by limiting hazards to motorists and pedestrians brought about by distracting sign displays and by removing obstructions from the view of motorists and to protect and preserve property values by assuring the continued attractiveness of the community and to maintain the natural beauty and atmosphere of the Texas Hill Country setting of the City of Lakeway, and the general community, by restricting in number and appearance all commercial, private, or public signs in the City of Lakeway and within its extraterritorial jurisdiction.

### **Section 1.03 Definitions.**

For the purposes of this ordinance, the definitions of terms, phrases, words, and their derivations shall have the meaning and effect ascribed to them in Exhibit "A" attached hereto. Words used in this ordinance and not defined in Exhibit "A" shall have their ordinarily accepted meaning.

### **Section 1.04 Compliance Required.**

It shall be unlawful for any person to erect, place, maintain, alter or relocate a sign within the corporate limits of the City of Lakeway or its extraterritorial jurisdiction except in accordance with the provisions of this ordinance. It shall be unlawful for any owner of real property in the City or in the City's extraterritorial jurisdiction to have any sign located on such property except in accordance with the provisions of this ordinance.

## **ARTICLE II - ADMINISTRATION AND APPLICATION PROCEDURES**

### **Section 2.01 General.**

Except as otherwise provided herein, it is unlawful for any person to erect,

alter, or relocate within the City or its extraterritorial jurisdiction any sign, as defined herein, without complying with the following requirements:

- A. Completion of a sign application; and
- B. Payment of the required fee (refer to City's Fee Ordinance); and
- C. Review and approval by the Zoning and Planning Commission or the Code Official, as set out in this Ordinance.

**Section 2.02 Sign Application - Information Required.**

An application for a sign permit shall contain the following information:

- A. Name, address, telephone and fax numbers of the applicant and date of application; and
- B. Name, address, telephone and fax numbers of the business or organization for which the sign is requested; and
- C. Name, address, and telephone number of the owner of the property; and
- D. Street address, lot number, block and subdivision of the location of the sign and the same information for the business location if different; and
- E. The specific sections of this Ordinance under which the application is being made; and
- F. Position of the sign on the building or on the ground in both site plan view drawn to scale, and elevation views drawn to scale; and
- G. Twelve (12) sets of scaled drawings of the plans and specifications, including size and color of the sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and indicating associated landscaping; and
- H. A color sketch or color photograph of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another; and
- I. Name of person or persons constructing or erecting the sign; and
- J. Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected; and

K. If required by the Commission or the Code Official, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressures in any direction in the amount required by this and all other laws and ordinances of the City; and

L. Linear feet of building frontage.

### **Section 2.03 Representations by Applicant**

All representations, whether oral or written, made by the applicant or his agent on behalf of the application for a sign permit under this Ordinance become conditions upon which a permit is issued. It shall be unlawful for the permittee to vary from such representations unless the permittee first makes application, as required by the provisions of this Ordinance, to amend the permit and such amendment is approved in writing by the proper authority.

### **Section 2.04 Permit Fees**

At the time the Planning, Development and Code Enforcement Department accepts the sign application, the applicant shall pay the required fee per the City's Fee Ordinance. An application may include all the signs for a single lot or tract.

### **Section 2.05 Application Acceptance**

The procedures to be followed in fulfilling the intent of the sign ordinance are as follows:

A. A sign application must be obtained from the City Planning, Development and Code Enforcement (PDCE) Department staff.

B. The sign application must be properly completed, signed and dated, and returned to the City PDCE Department staff, along with 12 copies each of the application, drawings, details, etc.

C. The application must be accompanied by the fee as required by the City's Fee Ordinance.

D. The Code Official shall review the sign application and, if the application is properly completed, shall refer the application, if required, to the Zoning and Planning Commission after having determined that the sign meets the general requirements of the Ordinance.

E. If the Code Official determines that the sign application, as submitted, does not meet the general requirements of this Ordinance, then the applicant shall either:

1. Revise the application to meet the general requirements of this Ordinance; or

2. Resubmit the application along with an application for a variance of the Ordinance; or

3. Request that the Commission reconsider the decision of the Code Official.

F. Applications for Temporary Public Information Signs for Non-profit Organizations must be submitted a minimum of ten (10) working days prior to the date the sign is to be erected and can be submitted no earlier than six (6) months prior to the date the sign is to be erected.

## **Section 2.06 Approvals Required.**

A. In most cases, the Zoning and Planning Commission will consider the sign application at its next regular scheduled meeting. The applicant shall be notified of the time and place of said meeting, and shall attend the meeting, in person or by representative, to answer any questions the Commission may have.

B. The Zoning and Planning Commission will approve, reject or approve upon condition, the sign application based upon its conformance with the provisions of this ordinance and its aesthetic value. The Commission shall review the location, appearance, lighting, form, color, character, dimensions and materials of the signs required under this ordinance to obtain approval. The Commission shall determine that all signs requiring its approval under this ordinance are in conformance with the Ordinance and in harmony with the character of the City and its extraterritorial jurisdiction.

C. Upon the approval by the Zoning and Planning Commission, the sign application will be returned to the Code Official for issuance of a Sign Permit.

D. Upon the denial of a permit by the Zoning and Planning Commission, the sign application will be returned to the Code Official and the applicant will be given notification in writing defining the reason for disapproval and making recommendations to bring the sign into conformance with the provisions of this ordinance.

E. The Code Official may review and approve Sign Permits for the following types of signs, if they conform to the requirements of this Ordinance:

1. Residential name plate signs.
2. Traffic control signs upon private property.
3. Projecting, wall and hanging commercial signs - individual business within a multi-tenant shopping center or office complex, if the Sign Plan for the entire development has previously been approved by the Commission and the requested sign conforms to that Plan.
4. Temporary Public Information Signs for governmental entities or non-profit organizations.
5. Temporary single family residence construction signs.
6. Temporary project development signs - commercial or multi-family tract development.

F. The Code Official may, for any reason, elect to present any application to the Zoning and Planning Commission for approval.

G. Should the Code Official disapprove an application for a sign, the applicant may submit the application to the Zoning and Planning Commission for reconsideration within 10 days after the Code Official disapproves the application.

### **Section 2.07 Appeals Procedure.**

A. Appeal from any administrative action or determination by the Zoning and Planning Commission pursuant to the provisions of this ordinance may be filed with the City's Board of Adjustment by any applicant within thirty (30) days following the date of the Commission's rejection, conditional approval or other determination. In the event of appeal, the Board of Adjustment, may affirm, reverse, or modify the action of the Zoning and Planning Commission. Failure of the Board of Adjustment to act within sixty (60) days of the filing of appeal shall be deemed a determination by the Board of Adjustment affirming the action of the Zoning and Planning Commission.

B. Appeal from an administrative action or determination by the Code Official may be filed with the Zoning and Planning Commission within thirty (30) days following the date of the Code Official's rejection, conditional approval or other determination. The same procedure as stated in "A" above shall be followed.

**ARTICLE III - REGISTRATION OF EXISTING SIGNS**  
**WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION.**

**Section 3.01 Registration Required**

Not later than ninety (90) days after the effective date of this ordinance, each owner of a sign located within the extraterritorial jurisdiction of the City shall register the sign with the Code Official; provided, however, that those signs for which no permit would be required under the provisions of this ordinance are excepted from the registration requirements set forth in this section. All signs previously registered under prior sign ordinances of the City of Lakeway are not required to be re-registered. The registration shall be on a form provided by the PDCE Staff. The registration is valid for a period of five years from the date of registration and may be renewed by the City for an additional period not to exceed five years upon the filing of an application with the Code Official in conformity with the provisions of this Section.

**Section 3.02 Registration - Information Required.**

The owner of a sign required to be registered pursuant to this section shall provide the following information on the registration form:

- A. Name, address and telephone number of owner;
- B. Location and street address of building or structure upon which the sign is located or other information necessary to positively identify the location of the sign;
- C. Specification of the overall height and length of the sign, the material of which the sign is constructed, the position of the sign on the building or on the ground, lighting and pole support, if any;
- D. Color photograph or sketch graphically depicting the sign and the location at which or building on which it is displayed;
- E. Date on which the sign was erected and cost of construction of sign.

**Section 3.03 Sworn Statement.**

Each registration shall include the owner's statement under oath that the facts set forth and the information contained therein is true and correct.

### **Section 3.04          Expanded Extraterritorial Jurisdiction.**

In the event additional territory is hereafter included within the extraterritorial jurisdiction of the City, all signs subject to the registration provisions of this section shall be duly registered within ninety (90) days of the date on which such additional territory comes within the City's extraterritorial jurisdiction.

## **ARTICLE IV - DESIGN GUIDELINES**

### **Section 4.01          Harmonious Designs.**

Sign location, configuration, design, materials and colors should be harmonious with the hill country setting. The sign should not visually dominate the structure to which it belongs or call undue attention to itself. The sign and its supporting structure should be in architectural harmony with the surrounding structures. Natural colors (earth tones) should be favored and bright colors should be used only for accent. No sign shall contain any moving parts. Apparent motion of the visual message, caused by, but not limited to the illusion of moving objects, moving letters, moving patterns or boards of light, expanding, contracting, or rotating shapes or similar effects such as “scrolling” or “running” messages are prohibited except as provided for in Section 5.05C. The projection of any message on any external surface is prohibited. Signs utilizing “flat-panel” technology are prohibited.

### **Section 4.02          Materials.**

Sign materials for permanent signs should be predominantly natural such as native stone, rough cedar, or redwood. The use of other materials may be approved at the discretion of the Zoning and Planning Commission when, in their opinion, such materials conform to the intent of the ordinance. Reflective surfaces are not allowed.

### **Section 4.03          Lighting.**

Lighting should be of no greater wattage than is necessary to make the sign readable at night. Sign illumination may not utilize any EXPOSED light source such as exposed neon or fluorescent tubing nor bare incandescent bulbs. All flood lights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time, nor shall any sign be so illuminated that it interferes with traffic or with the effectiveness of, or obscures an official traffic sign, device or signal. The use of

search lights is prohibited. Except as provided in Section 5.12.C, exposed LED (Light Emitting Diodes) type lighting is prohibited. Signs utilizing “flat panel” technology are prohibited.

**Section 4.04 Safety Requirements.**

A. Wind Pressure: Any sign as defined in this ordinance, which will have a height, in feet above ground, as measured above the average level of the ground adjacent to the proposed structure, of twelve (12) feet or more, shall be designed and constructed to withstand wind load pressures in pounds per square foot as set out in the following table:

**WIND LOAD PRESSURES IN POUNDS PER SQUARE FOOT**

Height, in feet above ground as measured above the average level of the ground adjacent to the structure.	Pressure, pounds per square foot
12 - 30	20
31 - 50	25
51 - 99	35

B. Electrical Requirements: All sign lighting shall utilize ground fault interceptors in the electrical supply circuit.

C. Traffic Safety: No sign shall obstruct visibility or otherwise cause a traffic hazard.

**Section 4.05 Landscaping:**

Landscaping, where required, should be designed to harmonize with the building and surrounding natural landforms and native plants and shall be irrigated.

**ARTICLE V. SIGN CATEGORIES.**

This Article contains some of the types of permanent and temporary signs requiring a sign application permit under the provisions of this Ordinance. This Article further includes the purpose of each sign type, size, height, number, location, design and landscaping requirements, and special provisions for each type of sign. The criteria set forth in this Article shall be in addition to all other

criteria as applicable and provided in this Ordinance.

**Section 5.01 Designation of Types of Signs**

The following is a listing of sign categories permitted under the provisions of this ordinance with their section reference number:

- Sec. 5.02 Real Estate Signs - Temporary
- Sec. 5.03 Commercial Signs - Free Standing - Permanent
- Sec. 5.04 Commercial Signs- External Entrance - Permanent
- Sec. 5.05 Commercial Signs - Subdivision Identification- Permanent
- Sec. 5.06 Commercial Signs - Joint Directory - Permanent
- Sec. 5.07 Commercial Signs - Traffic Control- Permanent
- Sec. 5.08 Residential Signs - Single Family - Permanent
- Sec. 5.09 Residential Signs - Multi-Family - Permanent
- Sec. 5.10 Temporary Signs
- Sec. 5.11 Construction/Development Signs - Temporary
- Sec. 5.12 Miscellaneous Signs

**Section 5.02 Real Estate Signs - Temporary.**

**A. Residential**

1. **Ranch Road 620:** Real estate signs on residentially zoned properties or properties platted for residential development which abut RR 620 shall be regulated as follows:

a. **Purpose:** To identify improved and unimproved residential real estate that is for sale, lease or rent and to provide a method to distribute sales, lease or rental literature or information and to permit inspection of the premises and improvements thereon.

b. **Size:** The sign shall not be larger than four (4) square feet (including all riders) in total surface area.

c. **Height:** No part of the sign shall extend above four (4) feet from average grade.

d. **Number:** One (1) sign per lot or tract.

e. **Location:** On premises within the lot lines.

f. **Lighting:** None.

g. **Duration:** Signs shall be removed within forty-eight (48) hours after the property has been sold, rented or leased.

h. **Real Estate Brochure Containers and Open House Signs** conform to the site, description, height, number, location, lighting duration criteria set forth in this Section shall be allowed.

i. No permit shall be required if the sign meets the criteria in this section, or, if a Real Estate Brochure Container or Open House Sign, meets the applicable criteria set forth in this Section.

2. **All Streets except RR 620:** Real Estate signs on residentially zoned properties or properties platted for residential development which abut any street except RR 620 shall be limited to Real Estate Brochure Containers and Open House Signs as provided for in Subsection C., which shall be regulated as follows:

a. Purpose: to identify improved and unimproved residential real estate that is for sale, lease or rent and to provide a method to distribute sales, lease or rental literature and to permit inspection of the premises and improvements thereon. Neither the premises nor Container nor Open House Signs shall be highlighted with balloons, banners, streamers, or the like.

b. Size and Description: The Brochure Container shall be a waterproof eleven cover. container measuring not more than nine (9) inches (width) by (11) inches (length) by three (3) inches (depth) with a hinged cover.

c. Height: The Brochure Container shall not exceed four (4) feet above ground level when installed.

d. Number: One (1) Brochure Container for each lot or tract.

e. Location: The container must be placed within the property lines.

f. Lighting: None.

g. Duration: The Brochure Container shall be removed within forty-eight (48) hours after the property has been sold, rented or leased.

## **B. Non-Residential - Temporary**

1. **Ranch Road 620:** Real Estate Signs for all lots, tracts or other areas, improved and unimproved, for which no residential plats have been filed with the Travis County Clerk, or which are zoned a classification other than residential, and which abut RR 620 shall be regulated as follows:

a. Purpose: To identify those improved and unimproved lots, tracts and other properties within the corporate limits of the City and its extra-territorial jurisdiction which have not been zoned residential or platted for residential development which are for sale, lease or rent and to provide a method to distribute sales, lease or rental literature or information and to permit inspection of the premises and improvements

thereon.

- b. Size: The sign shall not be larger than twelve (12) square feet (including all riders) in total surface area.
- c. Height: No part of the sign shall extend above eight (8) feet from average grade.
- d. Number: One (1) sign per lot or tract.
- e. Location: On premises within the lot lines.
- f. Lighting: None.
- g. Duration: Signs shall be removed within forty-eight (48) hours after the property has been sold, rented or leased.
- h. Real Estate Brochure Containers which conform to the site, description, height, numbers, location, lighting and duration criteria set forth in this Section shall be allowed.
- i. No permit shall be required if the sign meets the criteria in this section, or, if a Real Estate Brochure Container meets the criteria set forth in this Section.

2. **All Streets except RR 620**: Real estate signs on non-residentially zoned properties or properties platted for non-residential development which abut any street except RR 620 shall be regulated as follows:

- a. Purpose: To identify those improved and unimproved lots, and other properties within the corporate limits of the City and its extraterritorial jurisdiction which have not been zoned residential or platted for residential development which are for sale, lease or rent and to provide a method to distribute sales, lease or rental literature or information and to permit inspection of the premises and improvements thereon.
- b. Size: The sign shall not be larger than four (4) square feet (including all riders) in total surface area.
- c. Height: No part of the sign shall extend above four (4) feet from average grade.
- d. Number: One (1) sign per lot or tract.
- e. Location: On premises within the lot lines.

- f. Lighting: None.
- g. Duration: Signs shall be removed within forty-eight (48) hours after the property has been sold, rented or leased.
- h. Real Estate Brochure Containers and Open House Signs which conform to the size, description, height, numbers, location, lighting and duration criteria set forth in this Section shall also be allowed.
- i. No permit shall be required if the sign meets the criteria in this Section, or, if a Real Estate Brochure Container or Open House Sign, meets the applicable criteria set forth in this Section.

C. **Open House Signs - Temporary:**

1. **Generally:**

- a. Purpose: to identify improved real estate that is for sale, lease or rental literature and to provide a method to distribute sales, lease or improvements thereon. and to permit inspection of the premises and shall be highlighted with Neither the premises nor Open House Sign balloons, banners, streamers, or the like.
- b. Size and Description: An open house sign containing only the height words "Open House" with letters not to exceed four (4) inches in four (24) and the sign not to exceed eighteen ( 18) inches by twenty-inches.
- c. Height: Open House Sign shall not exceed four (4) feet above ground level when installed.
- d. Number: One (1) Open House Sign for each lot or tract.
- e. Location: The Open House Sign may be on the same stake as the Brochure Container or may be mounted separately. The sign must be placed within the property lines.
- f. Lighting: None.
- g. Duration: The Open House Sign shall be displayed only when the agent or the property owner is actually present on the real estate premises and available to show the property.

2. **Directional Signs:**

On the 2nd and 4th Sunday of each month, between 12 noon and 5 p.m., temporary directional signs for "Open Houses" may be located as follows:

- a. No temporary signs of any kind in the median of Lakeway Blvd., at the intersection of RR 620 South and Lakeway Blvd., or at the intersection of RR 620 South and Lohman's Crossing Road;
  - b. Directional signs allowed only for manned open houses;
  - c. One directional sign at the intersection of a street change route to the open house. No intermediate signs.
  - d. Signs shall be generic and provide no information other than "Open House" and an arrow.
  - e. No directional signs for open houses on properties along Lakeway Blvd., Lakeway Drive, or RR 620;
  - f. If more than one open house is on the same street, regardless of the number of agencies, only one generic directional sign at the closest intersection;
  - g. Signs to be installed not earlier than 30 minutes prior to the scheduled open house and removed not later than 30 minutes after the house ceases to be manned.
  - h. Small "business card size" office designation attached to each sign in order to ID each sign for monitoring purposes only.
3. No permit shall be required for an Open House Sign if the sign meets all the criteria in this Ordinance.

**Section 5.03 Commercial Signs - Free Standing - Permanent.**

**A. Freestanding Signs: Multi-Tenant.**

- 1. Purpose: to identify the multi-tenant shopping center or office complex.
- 2. Size.
  - a. Horizontal:
    - (1) On RR 620 no greater than fourteen (14) feet

- (2) All Other Streets: no greater than eight (8) feet
  - b. Vertical:
    - (1) On RR 620: no part of the sign shall extend above eight (8) feet from the average grade at the sign location.
    - (2) All Other Streets: no part of the sign shall extend above five (5) feet from the average grade at the sign location.
- 3. Area: identification of a multi-tenant shopping center or office complex shall be limited to:
  - a. On RR 620: thirty-six (36) square feet of sign surface area.
  - b. All Other Streets: twenty-four (24) square feet of sign surface area.
- 4. Number: one (1) sign on the major traffic street or public way upon which the building abuts. If a building has two or more public entrances on distinct, separate public streets, proposals for one (1) additional free-standing sign with a maximum area of one-half the size permitted for the first sign may be approved at the discretion of the Zoning and Planning Commission;
- 5. Location: on premises of the center or complex and adjacent to the major traffic way which the building abuts. Free-standing signs shall be spaced a minimum of 100 feet along streets. If located in a public utility easement, the owner of the property is responsible for removal, relocation or replacement at a utility company's request.
- 6. Design:
  - a. Materials: The entire sign will be constructed of solid masonry (stone, brick, or stucco) to match the building. The sign itself shall be set within, and surrounded by, the masonry structure.
  - b. Content: The sign itself shall contain only the name of the shopping center, building or business. Individual tenant's names, telephone numbers, logos, and other descriptive type information, are not permitted.
  - c. Address Numbers: Numerical address numbers shall be a minimum of 18" in height for those signs on RR 620 and 12" in height for all others and shall be located on the face of the sign structure or sign, clearly visible from the street. Address numbers may

not be

located at the end of the sign structure.

7. Lighting: subject to the approval of the Zoning and Planning Commission.

8. Landscaping: shall be as follows:

at the

a. A landscaped area of one hundred twenty (120) square feet base of the sign.

healthy irrigated.

b. All landscaped areas shall be maintained in a neat and condition throughout the life of the permit and shall be

Zoning application.

c. A plan showing the landscaping must be submitted to the and Planning Commission by the applicant at the time of

9. Exception: Anchor tenants leasing more than 20,000 square feet may be permitted one (1) free-standing sign along the major thoroughfare abutting the property upon which the tenant's structure sits. The maximum allowable size of the sign surface area is thirty-six (36) square feet on RR 620 and eighteen (18) square feet on all other streets. The masonry structure upon which the sign is attached may not exceed those dimensions listed in Sec. 5.03.A.2.

**B. Freestanding Signs: Single Business - Permanent.**

Freestanding commercial signs for single-business use shall be regulated as follows:

1. Purpose: to identify a business or organization being the sole business occupant of a lot or tract;

2. Size:

a

a. On RR 620: a maximum area of thirty six (36) sq. feet, with horizontal dimension of no greater than twelve (12) feet.

feet,

b. All other streets: a maximum area of eighteen (18) square with a horizontal dimension of no greater than eight (8) feet.

the

3. Height: no part of the sign shall extend above eight (8) feet above the average grade at the sign location.

4. Number: one (1) sign on the major traffic street or public way which the building abuts. If a building has two or more public entrances on distinct, separate public streets, proposals for one (1) additional free-standing sign with a maximum of size of one-half of the first sign, may be approved at the discretion of the Zoning and Planning Commission;

5. Location: on premises of the building adjacent to the vehicular street which the building abuts. Free-standing signs shall be spaced a minimum of 100 feet along streets. If located in a public utility easement, the owner of the property is responsible for removal, relocation or replacement at a utility company's request.

6. Design:

a. Materials: The entire sign will be constructed of solid masonry (stone, brick, or stucco) to match the building. The sign itself shall be set within, and surrounded by, the masonry structure.

b. Content: The sign itself shall contain only the name of the building or business. Telephone numbers, logos, and other descriptive type information, are not permitted.

c. Address Numbers: Numerical address numbers shall be a minimum of 18" in height for those signs on RR 620 and 12" in height for all others and shall be located on the face of the sign structure or sign, clearly visible from the street. Address numbers may not be located at the end of the sign structure.

7. Lighting: subject to the approval of the Zoning and Planning Commission

8. Landscaping shall be as follows:

- a. A landscaped area of one hundred (100) square feet,
- b. All landscaped areas shall be maintained in a healthy, neat and clean condition and shall be irrigated,
- c. A plan showing the landscaping must be submitted to the Zoning and Planning Commission by the applicant at the time of application.

#### **5.04. External Entrance Signs:**

##### **A. External Entrance Signs - Multi-Tenant - Permanent**

Projecting, wall and hanging commercial signs for individual business within a multi-tenant shopping center or office complex are permitted for tenants who have their own separate exterior entrances and shall be regulated as follows:

1. Purpose: to identify a business or organization which has its own separate exterior public entrance within a multi-tenant building;
2. Size:
  - a. On RR 620: a maximum area of twenty-four (24) square feet with a horizontal dimension of no greater than sixteen (16) feet.
  - b. All Other Streets: a maximum area of eight (8) square feet.
3. Height: minimum clearance of eight (8) feet to bottom of sign above pedestrian walkways;
4. Number: one (1) sign per pedestrian way on which the building abuts with a maximum of two (2) signs of equal size, subject to review by the Zoning and Planning Commission;
5. Location: perpendicular to, hung from, or attached to a projecting structural element of the exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts, subject to the approval of the Zoning and Planning Commission;
6. Design: subject to the approval of the Zoning and Planning Commission. All signs in a multi-tenant shopping center or office complex will be uniform in design, size, shape, and color; however, no additional fee shall be required for new signs where the Zoning and Planning Commission has approved a uniform design for every sign in the entire complex and the sign applicant certifies that the proposed new sign meets with the uniform design approved by the City. The sign shall contain only the name of the business;
7. Lighting: subject to the approval of the Zoning and Planning Commission
8. Landscaping: not applicable;

9. Special provisions shall be as follows:
- a. A joint directory sign is permitted subject to the provisions of this ordinance,
  - b. A business or organization having a projecting or hanging sign is not excluded from participating in a joint directory,
  - c. Businesses or organizations not having exterior public entrances multi-tenant are subject to the provisions of the joint directory signs for building of this ordinance, subsection 5.03.F.
  - d. In addition to all other signs permitted by this ordinance, each business with an external public entrance shall display one (1) sign either on, inside, or near each such entrance to identify the name of the business and the nature of its activity. Such signs will not exceed six (6) square feet of sign area and shall include emergency phone numbers and hours of operation.

**B. External Entrance Signs - Single Business - Permanent.**

Building mounted single business signs shall be regulated as follows:

- 1. Purpose: to identify a business or organization being the sole business occupant of a lot or tract;
- 2. Size:
  - a. On RR 620: a maximum area of twenty-four (24) sq. feet, with a horizontal dimension of no greater than twelve (12) feet.
  - b. All Other Streets: a maximum area of twelve (12) square feet, with a horizontal dimension of no greater than eight (8) feet.
- 3. Height: subject to approval of the Zoning and Planning Commission;
- 4. Number: one (1) sign on the side of the building abutting the major traffic street or public way. If a building has two or more sides facing different streets, proposals for one (1) additional building sign, with a maximum size of one-half of the first sign, may be approved at the discretion of the Zoning and Planning Commission.
- 5. Location: on the building facing the vehicular street which the building abuts, subject to approval of the Zoning and Planning Commission;

6. Design: the sign shall contain only the name of the business subject to the approval of the Zoning and Planning Commission;

7. Lighting: subject to the approval of the Zoning and Planning Commission.

8. Landscaping: not applicable.

#### **5.05 Commercial Signs - Subdivision Identification - Permanent.**

A. Purpose: signs with the intended use of permanently identifying commercial subdivision projects.

B. Size:

1. On RR 620: a maximum area of thirty-six (36) sq. feet, with a horizontal dimension of no greater than twelve (12) feet.

2. All Other Streets: a maximum area of twenty-four (24) square feet, with a horizontal dimension of no greater than twelve (12) feet.

C. Height: no part of the sign shall extend above six (6) feet above the average grade;

D. Number: one (1) sign on the major traffic street or way which the project abuts, subject to approval of the Zoning and Planning Commission. If a project has two or more public entrances on distinct, separate public streets, proposals for additional signs may be approved at the discretion of the Zoning and Planning Commission;

E. Location: on premises of the project adjacent to the major traffic way which the development abuts. Free-standing signs shall not be located in a public utility easement.

F. Design: the sign shall be constructed of stone, brick, or stucco and shall contain only the name of the project or subdivision and its numerical address. Address numbers shall be a minimum of 18" in height.

G. Lighting: subject to the approval of the Zoning and Planning Commission.

H. Landscaping shall be as follows:

1. A minimum of 100 sq. feet around the base of the sign.

2. All landscaped areas shall be maintained in a neat and healthy condition, and irrigated, throughout the life of the permit.
3. A plan showing the landscaping must be submitted to the Zoning and Planning Commission by the applicant at the time of application.

#### **5.06 Commercial Signs - Joint Directory - Multi-Tenant**

Joint directory commercial signs for a multi-tenant shopping center or office complex shall be regulated as follows:

- A. Purpose: to list all tenants within a multi-tenant building and to guide the pedestrian to the individual tenant within the building;
- B. Size: one (1) square foot maximum per tenant within the multi-tenant building with an overall maximum of twelve (12) square feet of surface area;
- C. Height: a minimum clearance of three (3) feet to the bottom of sign above the average grade if the sign is a wall sign or if the sign is free-standing. No part of the sign shall extend above six (6) feet from average grade if free standing or eight (8) feet above average grade if attached to a wall;
- D. Number: one (1) sign on the major pedestrian way which the building abuts, subject to the approval of the Zoning and Planning Commission. If a building has two or more major public entrances on distinct, separate, pedestrian ways, proposals for additional joint-business directories may be approved at the discretion of the Zoning and Planning Commission; the proposal shall conform to the other provisions of this Ordinance;
- E. Location: attached to the building at the major pedestrian entrance or if free-standing at a site within the parking area where the sign is not visible from a public street and subject to the approval of the Zoning and Planning Commission;
- F. Design: subject to the approval of the Zoning and Planning Commission;
- G. Lighting: subject to the approval of the Zoning and Planning Commission.
- H. Landscaping shall be as follows:
  1. A landscaped area of two (2) square feet for each square foot of each side of the sign and supporting structure shall be required at the base of the sign, with a minimum area to be landscaped of twenty-four (24) square feet,
  2. All landscaped areas shall be maintained in a neat, clean and

healthy condition, and shall be irrigated,

3. A plan showing the landscaping must be presented to the Zoning and Planning Commission by the applicant at the time of application.

**5.07. Commercial Signs - Traffic Control - Permanent**

**A. Traffic Control Signs - Multi-Tenant.** Traffic-control signs upon private, commercial multi-tenant property shall be regulated as follows:

1. Purpose: to relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private property;
2. Size: vehicular traffic-control signs shall not exceed two (2) square feet;
3. Height: as a general rule, no part of the sign shall extend above four (4) feet from average grade;
4. Number: subject to approval by the Zoning and Planning Commission;
5. Location: shall be determined by the Zoning and Planning Commission, with a letter of approval from the Chief of Police for any sign placed adjacent to a public street or way;
6. Design: subject to approval by the Zoning and Planning Commission;
7. Lighting: subject to the approval of the Zoning and Planning Commission;
8. Landscaping: at the discretion of the Zoning and Planning Commission;
9. Special provisions shall be as follows:
  - a. May be either free-standing or wall mounted, with same size requirements;
  - b. All traffic control signs shall be of uniform design approved by the Zoning and Planning Commission. No individual sign shall be approved unless it conforms to an overall sign program for the entire site, submitted by the applicant;

- c. No sign shall contain any advertising, but may identify the owner by name.

**B. Traffic Control Signs: Single Business:**

Traffic-control signs upon private, commercial, single business property shall be regulated as follows:

1. Purpose: to relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private property;
2. Size: vehicular traffic-control signs shall not exceed two (2) square feet;
2. Height: as a general rule, no part of the sign shall extend above four (4) feet from average grade;
4. Number: subject to approval by the Zoning and Planning Commission;
5. Location: shall be determined by the Zoning and Planning Commission;
6. Design: subject to approval by the Zoning and Planning Commission;
7. Lighting: subject to the approval of the Zoning and Planning Commission;
8. Landscaping: at the discretion of the Zoning and Planning Commission;
9. Special provisions shall be as follows:
  - a. May be either free-standing or wall mounted, with same size requirements;
  - b. All traffic control signs shall be of uniform design approved by the Zoning and Planning Commission. No individual sign shall be approved unless it conforms to an overall sign program for the entire site, submitted by the applicant;
  - c. No sign shall contain any advertising or logo, but may identify the owner or occupant by name.

**C. Traffic Control Signs- Drive-thru**

1. **Purpose:** to identify the entrance and exit directions of drive-thru lanes.
2. **Size:** Each sign shall be a maximum of 6 square feet in size.
3. **Number:** A maximum of two signs.
4. **Location:** above or immediately adjacent to the actual drive-thru lane(s).
5. **Design:** subject to the approval of the Zoning and Planning Commission”

**Section 5.08 Residential Signs - Single Family - Permanent.**

**A. Residential Name/Address Signs.**

1. Purpose: small, individualized, free-standing signs to identify a house, showing the family name and/or the home name and the address;
2. Size: shall not exceed two (2) square feet per single-family structure or one-half square foot for each multi-family unit;
3. Height: no part of the sign shall extend above three (3) feet from average grade;
4. Number: limited to one (1) sign for each dwelling unit;
5. Location:
  - a. Single Family Residences: on-premises within the property lines, unless affixed to the properly located mailbox or mailbox structure;
  - b. Multi-family Residences: in front of the individual unit.
6. Design: in accordance with the criteria in Article IV of this ordinance; Individual multi-family signs will be uniform throughout the development.
7. Lighting: indirect;
8. Special provisions shall be as follows:
  - a. Joint directory nameplate signs must be kept current, and
  - b. Individual nameplates of a joint directory must be of a standard design and size.
9. If the proposed residential name/address sign conforms to all the requirements of this Section, no permit and no fee shall be required.

**5.09. Residential Signs - Multi-family -Permanent**

**A. Subdivision Identification Signs:**

1. Purpose: signs with the intended use of permanently identifying multi-family and subdivision tracts (i.e.: The Bluffs, Cardinal Hills, Cedar Glen, Edgewater, and etc.);

2. Size:
  - a. On RR 620: a maximum area of thirty-six (36) sq. feet, with horizontal dimension of no greater than twelve (12) feet.
  - b. All Other Streets: a maximum area of twenty-four (24) square feet, with a horizontal dimension of no greater than twelve (12) feet.
3. Height: no part of the sign shall extend above six (6) feet above the average grade.
4. Number: one (1) sign on the major traffic street or way which the project abuts, subject to approval of the Zoning and Planning Commission. If a project has two or more public entrances on distinct, separate public streets, proposals for additional signs may be approved at the discretion of the Zoning and Planning Commission;
5. Location: In an easement outside the street right-of-way near the primary entrance to the development.
6. Design: the sign shall be constructed of stone, brick, or stucco and shall contain only the name of the project or subdivision and its numerical address. Address numbers shall be a minimum of 18" in height.
7. Lighting: subject to the approval of the Zoning and Planning Commission.
8. Landscaping shall be as follows:
  - a. A minimum of 100 sq. feet around the base of the sign.
  - b. All landscaped areas shall be maintained in a neat and healthy condition, and irrigated, throughout the life of the permit.
  - c. A plan showing the landscaping must be submitted to the Zoning and Planning Commission by the applicant at the time of application.

**B. Traffic Control Signs - Multi-Family Complexes - Permanent**

Traffic-control signs upon private property within multi-family complexes shall be regulated as follows:

1. Purpose: to relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private

property;

2. Size: vehicular traffic-control signs shall not exceed two (2) square feet;

3. Height: as a general rule, no part of the sign shall extend above four (4) feet from average grade;

4. Number: subject to approval by the Zoning and Planning Commission;

5. Location: shall be determined by the Zoning and Planning Commission, with a letter of approval from the Chief of Police for any sign placed adjacent to a public street or way;

6. Design: subject to approval by the Zoning and Planning Commission;

7. Lighting: subject to the approval of the Zoning and Planning Commission;

8. Landscaping: at the discretion of the Zoning and Planning Commission;

9. Special provisions shall be as follows:

a. May be either free-standing or wall mounted, with same size requirements;

b. All traffic control signs shall be of uniform design approved by the Zoning and Planning Commission. No individual sign shall be approved unless it conforms to an overall sign program for the entire site, submitted by the applicant;

3. No sign shall contain any advertising, but may identify the name of the development.

## **Section 5.10 Temporary Signs**

### **A. Public Information Signs**

1. Purpose: Temporary signs with the intended use of identifying occasional or special community, educational, charitable and civic events, facilities, activities or social events.

2. Type: Subject to the approval of the Zoning and Planning Commission, "signs" allowed under this section may include balloons, flags, or banners.
3. Size: the size of temporary information signs shall be a maximum of twenty-four (24) square feet.
4. Height: subject to the approval of the Zoning and Planning Commission (Generally - no portion of the sign will exceed eight feet (8') above the existing grade).
5. Number: subject to the approval of the Zoning and Planning Commission.
6. Location: subject to the approval of the Zoning and Planning Commission.
7. Duration: subject to the approval of the Zoning and Planning Commission. (Generally - a maximum of 10 days prior to the day of the event)
8. Design: subject to the approval of the Zoning and Planning Commission.
9. Lighting: subject to the approval of the Zoning and Planning Commission.
10. Landscaping: not applicable.
11. No permit fee shall be required.
12. Applications: Applications must be submitted a minimum of ten (10) working days prior to the date the sign is to be erected and may not be submitted earlier than six (6) months prior to the date the sign is to be erected.

**B. New Business Banners**

1. Purpose: Temporary signs with the intended use of identifying newly opened businesses.
2. Type: Subject to the approval.
3. Size: A maximum of twenty-four (24) square feet.
4. Height: A maximum height of eight feet (8') above existing grade if

free standing.

5. Number: one (1) sign.
6. Location: on the premises of the business but not within building setbacks or easements. May be located on the face of the building.
7. Duration: A maximum of thirty (30) days.
8. Design: subject to the approval. Sign shall only contain the name of the business, date of opening, type of business and address.
9. Lighting: subject to the approval.
10. Landscaping: not applicable.
11. No permit fee shall be required.

## **Section 5.11 Construction and Development Signs -Temporary**

### **A. Residential Construction Signs.**

1. Purpose: signs with the intended use of identifying or indicating residential construction projects.
2. Size: the size of the temporary residential construction sign shall be a maximum of four (4) square feet.
3. Height: no part of the sign shall extend above four (4) feet above average grade.
4. Number: one (1) sign per lot or tract of land.
5. Location: on-premises, within the property lines, street side only.
6. Duration: For signs within the corporate limits of the City, not to be erected before a building permit is issued by the City and to be removed when the Certificate of Occupancy is issued by the City or within seventy-two (72) hours of occupancy, whichever comes first. For signs within the extraterritorial jurisdiction, not to be erected before a development permit is issued by Travis County and to be removed upon the completion of construction.
7. Design: the information permitted on temporary residential construction signs is limited to the residence address, general contractor, architect or designer and their logos and telephone numbers.
8. Lighting: None.
9. Landscaping: not applicable.
10. No permit shall be required if the sign meets the criteria in the section.

**B. Project Development Signs.**

1. Purpose: signs with the intended use of identifying construction and development projects for commercial and multi-family tracts and for providing a point of contact for lease or purchase information, if applicable.
2. Size and Location:
  - a. Signs located on-premises behind the front building setback line shall have a maximum of twenty-four (24) square feet of surface area.
  - b. Signs located on-premises between the front building setback line and the front property line may not exceed fifteen (15) square feet of surface area. In no case may a sign be located within ten (10) feet of the hard surface of a street or within a public utility easement.
3. Height: no part of the sign shall extend above eight (8) feet above average grade.
4. Number: one (1) sign per development tract.
5. Duration: not to be erected before a building or development permit is issued by the City or the County and to be removed when the project has been sold or leased out or a period of one (1) year has elapsed, which ever occurs first, unless the sign permit is extended upon the basis of an application for extension filed with and approved by the Zoning and Planning Commission.
6. Design: The information permitted on a project development sign is limited to the project name and address, general contractor, architect or designer and their logos, financing, contact agent, second telephone number.
7. Lighting: not applicable.
8. Landscaping: not applicable.

C. **Model Home Signs.**

1. **Purpose:** signs with the intended use of denoting a residential structure which is being temporarily utilized as a sales office for the builder who constructed the home.
2. **Size:** the size of the on-premises sign shall be limited to a maximum of twelve (12) square feet.
3. **Height:** no part of the sign shall extend above six (6) feet above average grade under the sign.
4. **Number:** one (1) sign per residence. One (1) sign per builder per subdivision.
5. **Location:** must be located within the lot lines of the lot.
6. **Lighting:** as approved by the Zoning and Planning Commission.
7. **Landscaping:** as approved by the Zoning and Planning Commission.
8. **Special Provisions:** The term of the sign permit shall coincide with the term of the Special Use Permit for the Model Home approved by the City Council.
9. **Fee:** a model home sign permit shall cost \$250.00.

**Section 5.12 Miscellaneous Signs**

A. **Political Signs:**

1. **Purpose:** signs with the intended use of denoting a party affiliation or advertising of a political figure or cause;
2. **Size:** the size of an on-premises sign shall be no greater than thirty-six (36) sq. ft.
3. **Height:** No part of the sign shall extend above eight feet (8') above average grade under the sign.
4. **Number:** There is no limit on the number of signs per lot or tract.
5. **Location:** must be located no closer than ten (10) feet to the hard surface of the street, recreation path, or sidewalk and or in front of

property —for which the person placing the sign has not received the owner's permission. No signs shall be located within the right-of-way of RR 620 per state requirements. No sign shall be posted or otherwise affixed to or upon any sidewalk, crosswalk, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone or pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, drinking fountain, or life saving equipment, street sign or traffic sign or any other structure or land within the rights-of-way of public streets or highways within the City or the City's extra-territorial jurisdiction.

6. Lighting: no lighting is allowed.
7. Landscaping: not applicable.
8. Fee: No permit and no fee shall be required.

**B. Permanent Public Information Signs.**

1. Purpose: permanent signs with the intended use of identifying or providing directions to community, public, and civic facilities and no-trespassing areas.

2. Size: Subject to the approval of the Zoning and Planning Commission, the signs should conform to the same size as would be permitted for commercial facilities.

3. Height: subject to the approval of the Zoning and Planning Commission.

4. Number: subject to the approval of the Zoning and Planning Commission.

5. Location: subject to the approval of the Zoning and Planning Commission.

6. Design: subject to the approval of the Zoning and Planning Commission.

7. Lighting: subject to the approval of the Zoning and Planning Commission.

8. No permit fee shall be required.

**C. Permanent (changeable) Municipal Public Information Signs.**

1. Purpose: To identify occasional or special community, educational, charitable and civic events, facilities, activities or social events.
2. Type: An electronically changeable message board is permitted as conditional use and shall conform to the following:
  - a. the entire message must change at the same time;
  - b. scrolling or running messages are prohibited;
  - c. each message must be displayed for a minimum of ten (10) seconds;
  - d. messages can not “flash” or change intensity of light or color;
  - e. color and light intensity subject to Zoning and Planning Commission approval.
3. Size: Maximum size of thirty-six (36) square feet.
4. Height: No portion of the sign shall exceed eight (8) feet above existing grade.
5. Location: Subject to the approval of the Zoning and Planning Commission
6. Lighting: Exposed LED (Light Emitting Diodes) lighting is permitted subject to the approval of the Zoning and Planning Commission.
7. Design: Structure to hold message board shall be made of white limestone.
8. Landscaping: Subject to the approval of the Zoning and Planning Commission.
9. No permit fee shall be required.

## **ARTICLE VI - EXEMPTED SIGNS**

The provisions of this ordinance shall not apply to the following signs:

- A. Memorial signs or tablets, names of buildings and date of erection when

cut into any masonry surface or when constructed of bronze or other metal if they are four (4) square feet or less;

B. Official governmental notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger;

C. Works of fine art, as defined in this ordinance, which in no way identify or advertise a product or business;

D. Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration; provided, that such decorations are maintained in an attractive condition do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

E. Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

F. Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business, indicating the name of the owner, business and location, (e.g. moving vans, delivery trucks, rental trucks and trailers and the like); provided, that the primary purpose of the vehicles is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles, are normally used in the course of business and are in operable condition, carry a current and valid license plate and state inspection tag.

## **ARTICLE VII - PROHIBITED SIGNS**

Any sign not expressly authorized by this ordinance, or specifically exempted from the provisions hereof, is prohibited within the corporate limits of the City of Lakeway and its extraterritorial jurisdiction. Prohibited signs include, but are not limited to:

A. Off-premises signs;

B. Portable signs, except those used for temporary purposes as authorized by this ordinance.

C. Exposed neon light tubing which serves to direct attention to a place, building, etc. as defined in Section 1.39, except for signs with the words "open" or "closed" which may have a maximum combined size of two (2) square feet;

D. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic;

E. Except as provided for elsewhere in this ordinance, signs encroaching upon or overhanging a public right-of-way. No sign shall be attached to any utility pole, light standard, street, tree, or any other public facility located within the public right-of-way;

F. Cloth, canvas, paper, soft plastic, balloons, flags, or similar advertising signs or devices other than in rigid frames as provided herein except those intended as temporary signs;

G. Signs that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance;

H. Any sign attached to, or placed on or in, a vehicle or trailer parked on public or private property, or cruising on public or private roads in the City or its extraterritorial jurisdiction, (i.e. "for sale" sign). Through traffic is exempted from this provision. The prohibitions in this subsection do not apply to the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.

I. Boxes stored in view of the street, etc. which have large product identification that serves as a sign.

J. Lighted signs in windows with the exception of "open" or "closed" signs as permitted in subsection C. above.

K. Except as provided in Section 5.12.C., exposed LED (Light Emitting Diodes) signs and lighting are prohibited.

L. Signs utilizing "flat panel" technology are prohibited.

## **ARTICLE VIII - NONCONFORMING SIGNS.**

### **Section 8.01 Defined**

Any sign which would be unlawful or nonconforming hereunder, but for the fact that such sign was lawfully in existence on the date of the passage of this ordinance or was previously registered under prior sign ordinances of the City of Lakeway.

**Section 8.02            Compensable Costs**

The City Council may, in accordance with the procedures set forth hereinafter, order that any nonconforming sign be removed; provided, however, that the owner of the sign or of the property on which same is located be paid compensable costs pursuant to and in conformity with TEX. LOC. GOV'T. CODE ANN. Section 216.001 et seq.

**Section 8.03 Sign Control Board.**

A. The Mayor shall appoint a Sign Control Board before administering those provisions of TX. LOC. GOV'T. CODE ANN. Sections 216.005, 216.008 and 216.009, relating to the removal of non-conforming signs within the corporate limits and the extra-territorial jurisdiction of the City of Lakeway, Texas. Said Board shall be composed of the following persons:

1. Two persons who are real estate appraisers registered with the Society of Real Estate Appraisers or the American Institute of Real Estate Appraisers.
2. One person who is engaged in the sign business in the City of Lakeway.
3. One person who is an employee of the State Department of Highways and Public Transportation familiar with real estate evaluations in eminent domain proceedings.
4. One person who is an architect or a landscape architect licensed by the State of Texas.

B. Board members are appointed for a term of two (2) years.

**Section 8.04 Identification and Notice.**

A. With respect to those non-conforming signs that the City determines shall be required to be removed, the Board shall make a diligent effort to provide written notice to the owner of each such sign, and to the owner of the real property on which the sign is located in the case of off-premise signs, by certified mail, return receipt requested, which notice must:

1. Advise that the sign is a non-conforming sign;
2. Describe the sign by general type and location;
3. Describe the action required with respect to the removal of said sign, and the applicable procedures to be followed to accomplish same pursuant to this ordinance and to TEX. LOC. GOV'T. CODE ANN. Sections 216.001 et seq., as amended from time to time;
4. Set a hearing before the Board for the purpose of determining the amount of compensable costs to be paid by the City to the owner of the sign and, if applicable, the owner of the property on which same is located.

B. The Board may comply with the provisions of TEX. LOC. GOV'T CODE Section 54.005, as amended from time to time, in providing notice to the owner of the real property on which the sign is located.

C. If any party entitled to notice cannot be located, the Board shall publish notice in a newspaper of general circulation within the City containing the information set forth in subsection A. herein above.

#### **Section 8.05 Removal of Sign - Compensation.**

A. The owner of a sign and the owner of the real property on which the sign is located that is required to be removed are entitled to be compensated by the municipality for costs associated with its removal as provided in this Ordinance. The Board shall determine under this section the amount of the compensation to be paid after a hearing at which the owners of the subject sign and the subject real property, as applicable, are provided an opportunity to present evidence relevant to the issues involved.

B. For an off-premise sign that is required to be removed, the compensable cost is an amount computed by determining the average annual gross revenue received by the owner from the sign during the two years immediately preceding the month in which the Board's removal notice is received and by multiplying that amount by three. If the sign has not been in existence for all of the two-year period, the average annual gross revenue for that period, for the purpose of this computation, is an amount computed by dividing 12 by the number of months the sign has been in existence, and multiplying that result by the total amount of the gross revenue received for the period that the sign has been existence. In determining the amounts under this paragraph, a sign is treated as if it were in existence for the entire month if it was in existence for more than 15 days of the month and is treated as if it were not in existence for any part of the month if it was in existence for 15 or fewer days of the month.

C. For an on-premise sign that is required to be removed, the compensable cost is an amount computed by determining a reasonable balance between the original cost of the sign, less depreciation, and the current replacement cost of the sign, less an adjustment for the present age and condition of the sign.

D. If an off-premise sign is required to be removed and the sign owner's compensable cost for the sign is to be determined under Subsection (B) of this section, the owner of the real property on which the sign was located is entitled to be compensated for any decrease in the value of the real property. The compensable cost is to be determined by the Board according to standards applicable in a proceeding under Chapter 21 of the TEX. PROP. CODE as amended from time to time.

E. For each nonconforming sign, the Board shall file with the appropriate property tax appraisal office the Board's compensable costs value appraisal of the sign. The appraisal office shall consider the Board's appraisal when the office, for property tax purposes, determines the appraised value of the real property to which the sign is attached.

#### **Section 8.06 Method of Compensation.**

A. In order to pay the compensable costs required under Section 8.05 above, the City may use any one or any combination of the following methods.

1. The City Council may allocate all or any part of the municipal property taxes paid on signs, on the real property upon which the signs are located, or on other real or personal property owned by the owner of the sign to a special fund in the City treasury, to be known as the sign abatement and community beautification fund, and make payments from that fund to reimburse compensable costs to owners of signs required to be removed.

2. The City Council may provide for the issuance of sign abatement revenue bonds and use the proceeds to make payments to reimburse costs to the owners of signs required to be removed. The proceeds from such bonds may be used only for the removal of signs within the corporate limits of the City.

3. The City Council may pay compensable costs in cash.

4. In any proceeding in which the reasonableness of compensation is at issue and the compensation is to be provided over a period longer than one year, the Board shall consider whether the duration of the period is reasonable under the circumstances.

5. In lieu of paying compensation, the City Council may exempt from required removal those signs lawfully in place on the effective date of the requirement.

#### **Section 8.07 Exceptions.**

The requirements of subsections 8.04, 8.05, and 8.06 herein above do not apply to the following non-conforming signs, and no compensation shall be owing to the owners of such signs, and such signs shall be removed immediately upon the occurrence of the event specified:

A. Any sign that was erected in violation of local ordinances, laws or

regulations applicable at the time of its erection;

B. A sign that, having been permitted to remain in place as a non-conforming use, is required to be removed because the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign; for the purpose of this subsection, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the type at the same location;

C. A non-conforming sign that, for a continuous period of at least one year:

1. does not identify or advertise a bona fide business, lessor, service, owner, product, or activity;
2. advertises or identifies a business that has been closed or has ceased operations for said period;
3. advertises or identifies goods, products, services or facilities that are no longer available to the public or directs persons to a location where such goods, products, services or facilities are no longer available; or
4. pertains to a time, event or purpose which no longer applies;

D. A non-conforming sign on leased property that, for a continuous period of at least two years:

1. does not identify or advertise a bona fide business, lessor, service, owner, product, or activity;
2. advertises or identifies a business that has been closed or has ceased operations for said period.
3. advertises or identifies goods, products, services or facilities that are no longer available to the public or directs persons to a location where such goods, products, services or facilities are no longer available; or
4. pertains to a time, event or purpose which no longer applies.

E. A non-conforming sign for which no legal owner can be found after reasonable efforts have been made to identify and locate said owner.

F. A non-conforming sign that has become obsolete or substandard under any applicable ordinance of the municipality to the extent that the sign becomes a hazard or danger; or

- G. A non-conforming sign that is relocated by the owner thereof.

## **ARTICLE IX - SIGN MAINTENANCE, REPAIR AND REMOVAL.**

### **Section 9.01 Maintenance Required**

All signs within the City and its area of extraterritorial jurisdiction shall be properly maintained in good repair and appearance at all times and shall conform to all specifications, conditions, and terms included in a permit issued by the City for the affected sign and its required landscaping. The Commission, or its representative, shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. The City shall be entitled to seek injunctive relief to obtain the removal of any sign that constitutes a threat to the health or safety of the City.

### **Section 9.02 Notice of Violation**

Before enforcement efforts are undertaken by the City or before prosecution for a violation of this ordinance, the Zoning and Planning Commission, Code Official, or Code Enforcement Officer may determine that any sign is erected or maintained in violation of the provisions of this ordinance. In that event, the Code Enforcement Officer shall give written notice of the violation either by personal delivery or by certified mail, return receipt requested, to the owner or person entitled to possession of the sign and the owner of the property on which the sign is located, which notice shall:

- A. State the nature of the violation;
- B. Direct that the sign be altered or removed, or that the violation otherwise be corrected, to comply with the provisions of this ordinance, within ten (10) days of receipt of the notice;
- C. Advise that a hearing may be requested before the Zoning and Planning Commission to determine whether the sign is or has been erected or maintained in violation of this ordinance by filing a written application for such a hearing with the Code Official before the expiration of said ten (10) day period.
- D. No provision of this Section shall be construed to impose a requirement that any agency of the City must provide notice and an opportunity for a hearing before the Commission before the City seeks available penalties for violations of this ordinance.

### **Section 9.03      Hearing**

A. Within thirty (30) days after the filing of the written application for hearing, the Zoning and Planning Commission shall hold a public hearing to determine whether the sign has been erected, is being maintained, or is located in violation of this ordinance. Written notice of the date, time and place of the hearing shall be forwarded to the person requesting the hearing, and, if not the same person, the owner or person entitled to possession of the property or sign not less than seven (7) days before the date of the hearing.

B. At the conclusion of the public hearing, the Zoning and Planning Commission shall determine whether the sign has been erected or is being maintained in violation of this ordinance. If the Zoning and Planning Commission concludes that a violation has occurred, it shall order that the required corrective action be completed within ten (10) days of the date of the hearing.

## **ARTICLE X - VARIANCES.**

### **Section 10.01      Standards for Approval**

#### **A.      General:**

1. Waivers and variances may be granted only when in harmony with the general purposes and intent of this ordinance so that public health, safety and welfare may be secured and substantial justice done.
2. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.
3. No waiver or variance shall be granted if it would provide the applicant with any special privileges not enjoyed by owners of other similarly situated property with similarly timed development.

#### **B.      Waivers:**

Waivers of the strict application of this ordinance may be granted or required if they meet all of the following requirements:

1. It is a relatively insignificant deviation from the requirements of this ordinance.
2. It would not have any material adverse effect on the property rights of others.

3. It does not affect applicable zoning and other regulations of the City.
4. It would, in a particular situation, enhance public safety more than strict compliance with a provision of this ordinance.
5. It would, in a particular situation, be more satisfactory to the overall plan of the City than strict compliance with a provision of this ordinance.

**C. Variances:**

Variances to the provisions of this ordinance may be granted if the variance meets all of the following requirements:

1. A special individual reason makes the strict application of the ordinance impractical.
2. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of his land.
3. The applicant will incur specific hardships should the variance not be granted. A hardship may result from the size, shape or dimensions of a structure, from the location of the structure, from topographic or physical conditions on the site or in the immediate vicinity, or from other physical limitations, locations or traffic conditions in the immediate vicinity.
4. The modification is in conformity with the intent and purpose of the ordinance.
5. The granting of the variance will not be detrimental to the public health, safety, or welfare, convenience or injurious to the property in the area.
6. The granting of the variance will not create the probability of harmful environmental consequences.
7. The variance will not negatively impact traffic conditions.

8. The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of the ordinance.

## **Section 10.02 Approval Authority**

### **A. Code Official**

Waivers of the strict application of some provisions of this ordinance may be approved by the Code Official.

### **B. Zoning and Planning Commission**

Variations to the provisions of this ordinance may be granted by the Zoning and Planning Commission.

## **Section 10.03 Approval Procedures**

### **A. Waivers**

1. All requests for waivers shall be made in writing to the Code Official. The request shall state the specific portion(s) of the ordinance with which the proposed sign will not comply and shall provide a detailed discussion as to why the applicant wishes to deviate from the ordinance. The request shall be accompanied by supportive materials as requested by the Code Official.
2. The Code Official will review the request for completeness and accuracy and, if the request addresses the exception in a satisfactory manner, will make a determination.
3. After a determination has been made, the Code Official will provide the applicant and the Zoning and Planning Commission with a letter stating the determination and noting any conditions for approval, if applicable.
4. The Zoning and Planning Commission may cancel such waiver by a simple majority vote made within 45 days of the date the waiver was granted.

### **B. Variances**

1. All requests for variances shall be made in writing to the Code Official. The request shall state the specific portion(s) of the ordinance with which

the proposed sign will not comply and shall provide a detailed discussion as to why the applicant wishes to deviate from the ordinance. The request should be accompanied by supportive materials as requested by the Code Official.

2. The Code Official will review the requests for completeness and prepare a report for the Zoning and Planning Commission. In making this report, the Code Official shall address the nature of the proposed use of the land involved, existing uses of land in the vicinity and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

3. The Zoning and Planning Commission shall then review the request, hold a public hearing and make a final determination. Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which such variance is recommended or granted.

4. Determinations made by the Zoning and Planning Commission may be appealed to the Board of Adjustment. The appeal must be made within 30 days of the determination.

#### **Section 10.04      Notice**

No public notice is required for waiver, variance, or sign applications.

#### **Section 10.05      Expiration**

Waivers and variances expire concurrently with the permit for which they were granted.

#### **Section 10.06      Fee.**

The City Council shall set a variance fee sufficient to cover the cost of City staff time and other expenses incidental to the review of the application. The fee shall be paid at the time of application and shall not be refundable. (Refer to City's Fee Ordinance)

### **ARTICLE XI - LIABILITY**

The provisions of this ordinance shall not be construed as relieving or limiting in any way the responsibility of any person, firm or corporation erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this ordinance. Nor shall it be construed as imposing upon the City or its officers, employees, or Zoning and Planning Commission, any responsibility or liability by reason of the approval of any sign, materials, or devices under the provisions of this ordinance.

## **ARTICLE XII - ACTS PROHIBITED. PENALTIES.**

### **Section 12.01 Acts Prohibited.**

It shall be unlawful for any person to do any of the following acts:

- A. To post, paint, or otherwise exhibit any advertisement, poster, bill, or other notice or sign, on any property not owned or controlled by him, without the permission of the person owning or in control of said property.
- B. To tear down, remove or otherwise interfere with any notice, sign, advertisement, bill or poster erected by another, unless the same was placed or maintained on the property of the person removing the same, without permission previously given.
- C. To paint, mark, or write on or post or otherwise affix, any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph, wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, drinking fountain, life-buoy, life preserver, life boat, or any other life saving equipment, street sign or traffic sign. Any handbill or sign found posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the police department or other department or individual so designated by the City. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City Manager is authorized to effect the collection of said costs.
- D. To place or cause to be placed anywhere within the City or its area of extraterritorial jurisdiction, any poster, placard, handbill, or advertising material on any vehicle, or in any location, in such a manner that the same may reasonably be expected to be blown about by the wind. It shall be presumed that the

person's name that appears on said poster, placard, handbill, or advertising material has knowledge of the location and manner that said item was placed. It shall be further presumed that if a large number of said items are found scattered about and being blown about by the wind that the items were placed in such a manner that they might reasonably be expected to be blown about by the wind.

E. To erect, maintain, or paint any sign, or other message or outdoor advertising upon a tree, rock, or other natural feature, unless specifically approved by the Zoning and Planning Commission.

F. To erect within the corporate limits of the City of Lakeway or its extraterritorial jurisdiction any sign, or other outdoor advertising, without having prior thereto obtained from the Zoning and Planning Commission a permit therefor, except as specifically exempted by the provisions of this ordinance.

G. To erect within the corporate limits of the City of Lakeway or its extraterritorial jurisdiction any sign not expressly authorized by this ordinance or expressly exempted from the provisions hereof.

H. To maintain any sign required to be registered under the provisions of Section 4 of this ordinance without having registered said sign or without having kept current the registration of said sign in accordance with the provisions thereof.

I. To remove, alter, change, or obscure, without authorization of the Zoning and Planning Commission, any official tag, identification or notice which was placed on any outdoor advertising material.

J. To erect or maintain any sign within the corporate limits of the City of Lakeway or its extraterritorial jurisdiction in violation of or except as authorized by the provisions of this Ordinance.

K. To own legal title to an interest in real property on which property a sign is located in violation of this ordinance.

L. For a permittee to fail to maintain a permitted sign, and its required landscaping, (scp) in good repair and appearance and in conformance with all specifications, conditions, and terms included in a permit for the affected sign.

M. To erect or place any sign within ten feet (10') of the hard surface of a street, sidewalk or recreation path.

N. To erect or place any sign on any median within a public right-of-way.

## **Section 12.02 Penalties and Other Remedies for Violations.**

Any person convicted of a violation of any provision of this ordinance shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day of violation under this ordinance shall be a separate violation.

## **ARTICLE XIII - ADMINISTRATION**

### **Section 13.01 Rules and Regulations.**

The Commission may adopt, from time to time, such rules and regulations as it may deem necessary to perform its prescribed duties.

### **Section 13.02 Conflicting Ordinances Repealed.**

The enactment of this ordinance repeals Ordinance Nos. #97-12-15-4, 98-10-19-1, 2001-05-21-1, 2001-08-20-2, 2003-07-21-2, 2003-09-15-3, 2004-05-03-1, 2004-09-20-1, and 2004-10-12-1 on the effective date of this Ordinance.

### **Section 13.03 Preservation of Actions.**

The repeal of any Ordinance or part of any Ordinance effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City, under any section or provisions of Any Ordinance at the time of the passage of this Ordinance.

### **Section 13.04. Severability.**

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person, firm, corporation, or other entity, or to any particular set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance, and the applicability of such Ordinance to all other person, firms, for corporations, and entities, and to all other sets of circumstances, shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provision or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or other invalidity of any other portion hereof, and all provisions and applications of this Ordinance are declared to be severable for such purposes.

### **Section 13.05. Effective Date.**

This ordinance shall become effective immediately.  
**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

---

Steve Swan, Mayor  
City of Lakeway

ATTEST:

---

Carin Barber, City Secretary

## DEFINITIONS

### **To the Sign Ordinance of the City of Lakeway, Texas.**

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Exhibit, except where the context clearly indicates a different meaning.

**Argon:** see "Neon"

**Average grade:** means the grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure.

**Banner:** means a sign made of fabric or any non-rigid material, including but not limited to flags and pennants.

**Billboard:** means any sign that is free-standing or attached to or part of a building and is an off-premise sign.

**Board:** means the Sign Control Board of the City of Lakeway, Texas.

**Boards of Light:** Signs composed of illuminated message boards or panels.

**Building:** Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including but not limited to tents, awnings or vehicles situated on private property and used for purposes of a building.

**City:** means the City of Lakeway, Travis County, Texas, and its area of extra-territorial jurisdiction as defined by the Local Government Code §42.021(2).

**Code Enforcement Officer:** An employee of the City certified by the Texas Department of Health as a Code Enforcement Officer.

**Code Official:** The Assistant City Manager for Planning, Development and Code Enforcement for the City of Lakeway.

**Commercial sign:** means a sign other than a real estate "for sale" or "for lease" sign, "open house" sign, political sign, residential nameplate sign, public information sign, traffic control sign, temporary new business opening sign or exempted sign which directs the attention of the general public to a business, product, service, or other commercial or business activity.

**Commission:** means the Zoning and Planning Commission of the City of

Lakeway, Texas.

**Compensable Cost:** means those costs for which the owner of a non-conforming sign required to be removed by this ordinance is entitled to be compensated pursuant to TEX. LOC. GOV'T. CODE ANN. SEC. 216.001 et seq. (Vernon 1988), which costs, if required to be paid by said statute, shall be calculated in accordance with the formulae set forth in SEC. 216.005 et seq. thereof.

**Direct Lighting:** means a light source separated from the surface and illuminating the sign surface by means of spot lights or similar fixtures.

**Erect :** means to build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or supergraphics, or any physical operation on the premises which are required for the construction of a sign including excavation, site clearance, landfill, and the like.

**Extraterritorial Jurisdiction (ETJ):** The extraterritorial jurisdiction of the City of Lakeway, Texas is that land not within the corporate limits of the City of Lakeway, Texas, but land over which the City has jurisdiction by virtue of the Texas Local Government Code.

**Fine art:** means sculpture, fountains or similar objects, which in no way identify or advertise a product or business.

**Freestanding sign:** means any sign which is not attached to or on the walls, face, or exterior of a building.

**Hanging sign:** see "Projecting sign".

**Indirect lighting:** means lighting in which the greater part of the light illuminating the sign originates within the sign itself, such as light behind translucent letters.

**Irrigated:** means watered through an automatic sprinkler or irrigation system.

**Logo:** means a unique symbol that is used to identify a company or organization. A logo may or may not be trademarked.

**Lot:** means an undivided tract or parcel of land having access to a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, and designated as a distinct and separate tract or lot.

**Memorial Signs:** means a sign or tablet which denotes the name of a building and the date of erection when cut into any masonry surface or when constructed of bronze or other metal.

**Neon or neon lighting:** means a sign, trim, or decoration with the illumination provided by a gas filled electrical discharge lamp in which the gas is made up of a large proportion of neon, argon, or krypton.

**Non-conforming Sign:** means any sign which would be unlawful or non-conforming hereunder, but for the fact that such sign was lawfully in existence on the date of the passage of this ordinance.

**Notice:** means actual notice by personal delivery or written notice sent by registered or certified mail.

**Office complex:** means two or more offices and/or office establishments, sharing customer parking areas, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership, or on separate tracts or lots of land.

**Official sign:** means any sign erected by or at the direction of any governmental body.

**Off-premises sign:** means any sign other than an on-premises sign.

**On-premises sign:** means a free-standing sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

**Owner:** means a person recorded as the owner on official records; the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are established.

**Person:** includes corporation, partnership, association, trust, firm, executor, receiver, trustee, lessee as well as an individual.

**Planning, Development, and Code Enforcement Department (PDCE):** A department of the City of Lakeway. Employees administer and enforce the ordinances of the City, maintain all building and development records for projects throughout the City and ETJ, review and discuss all plans with applicants prior to submittal to the CBC, ZAPCO and/or Council, inspect certain phases of construction, monitor all ongoing projects.

**Political sign:** means any sign which is designed to influence the action of voters for the passage or defeat of a measure appearing on the ballot in connection with any national, state or local election or which is designed to

influence the voters for the election or defeat of a candidate for nomination or election to any public office in connection with any national, state or local election, but the sign shall not include the name of the sponsor, the business promoting the activity or in any other way advertise the business.

**Portable sign:** means any sign not permanently affixed to a building, structure or the ground and designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. This definition includes, but is not limited to, A-frame signs, sandwich signs, curb signs and signs on trailers with or without wheels or on other vehicles which are primarily used as signs.

**Premises:** means a lot or tract within the City of Lakeway, Texas or its extra-territorial jurisdiction.

**Project development sign:** means a temporary sign for a commercial or multi-family tract which may identify a project under construction and includes the project's name and address, general contractor, architect, financing, and contact agent with appropriate phone numbers.

**Projection:** The process of projecting an image (usually filmed) onto a screen or surface.

**Projecting or hanging sign:** means any sign attached to a building and extending in whole or in part more than nine (9) inches from the face of the building. Allowable size does not include supporting structure.

**Public information sign:** means any sign or banner which is intended to identify community, civic and social events, special events, facilities, no-trespassing areas and new business openings and is not a commercial sign or official sign as defined herein.

**Real estate 'for sale', 'for lease' or 'open house' sign:** means a temporary sign designating that the premises upon which it is erected is for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.

**Reflective surface:** means any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

**Residential nameplate sign:** means a sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind.

**Residential plat:** means a drawing of parcels of land containing one or more

lots intended for residential development.

**Restoration:** means the routine maintenance and painting of existing, approved signs, that do not change the approved design and color in any way.

**Running Signs:** Signs whose visual message moves in a left to right or right to left motion.

**Scrolling Signs:** Signs whose visual message moves in a top to bottom or a bottom to top motion.

**Shopping center:** means two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership or on separate lots or tracts of land.

**Sign:** means a name, identification, image, light device or accent, figure, painting, drawing, message, plaque, poster, billboard, banner, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, window, or piece of land, and which directs attention to an object, project, place, activity, facility, service, event, attraction, person, institution, organization, or business which is visible from any street (both public and private), right of way, sidewalk, alley, park, or other public property, lake, or golf course. Customary displays of merchandise or objects and material without lettering which are placed behind a store window are not signs or parts of signs.

**Sign Control Board:** A Board appointed by the Mayor to administer the removal of non-conforming signs. (scp)

**Surface area of a sign:** means the total surface including frame and mounting, but shall include only one-half of a free-standing back-to-back sign, provided the free-standing sign's sides are back to back or angled with no greater separation between sides at its widest point than four (4) feet and provided that both sides have the identical sign. In cases where the frame and mounting are part of the building (e.g. letters on vertical surface of building or sign painted on a window or mounted on a mansard roof) or when the frame and mounting could be considered to be a landscape element as in the case of a rock wall, the Zoning and Planning Commission MAY choose to count only the area that would be covered by tracing, using straight lines and right angles, around the perimeter of the letters.

**Temporary new business opening sign:** means any sign, balloon, banner, or any other device which is used to advertise the opening of a new business or the occurrence of an annual special event that may be displayed for a limited

duration only.

**Temporary single family residence construction sign:** means a sign permitted to identify a residence under construction including the residence address, general contractor, architect or designer. Such a sign is also used for a residence being remodeled, landscaped, or adding a pool, etc.

**Traffic control sign:** means a permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

**Wall sign:** means a sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall and not projecting more than nine (9) inches from the face of the wall at any point.

**Zoning District:** A classification assigned to a particular area of the City within which zoning regulations are uniform (See City of Lakeway's Zoning Ordinance).

**Zoning and Planning Commission (ZAPCO):** means the Zoning and Planning Commission of the City of Lakeway, Travis County, Texas.