

1. Agenda

Documents:

2023-03-01-BSC-REG-AGN.PDF  
BSC 03-01-2023 PACKET.PDF

Chairman  
Scott Cameron

Vice-Chairman  
Frank Robbins



Commission Members  
Jim Cason  
Lee Davis  
Howard Hoover  
Clifton W. McCullough  
Dave Snyder

**AGENDA  
BUILDING AND STANDARDS COMMISSION  
REGULAR MEETING**

**NOTICE IS HEREBY GIVEN** that the Lago Vista Building and Standards Commission will hold a regular meeting on Wednesday, March 1, 2023, beginning at 6:00 p.m. in City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by Government Code Section §551.041 to consider the following agenda items.

**This meeting will be held in the City Council Chambers  
at 5803 Thunderbird, Lago Vista, Texas and utilizing an  
online videoconferencing tool (GoToMeeting).**

You may join the meeting from your computer, tablet or smartphone using the following link: <https://meet.goto.com/744194845>

You can also dial in using your phone to the following number and access code:

United States: +1 (408) 650-3123  
Access Code: 744-194-845

For supported devices, you can also use the following one-touch number to join:

One-touch: <tel:+14086503123,,744194845#>

To download and install the GoToMeeting application prior to the start of the meeting, please use the following link: <https://meet.goto.com/install>

To participate in the public comment portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the following address:

[\*\*Citizen Participation Registration Form\*\*](#)

**CALL TO ORDER, ROLL CALL**

**CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA**

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any item not on the agenda.

## **BUSINESS ITEMS**

1. Welcome of new members.
2. Election of officers (Chair and Vice-Chair) for the coming year.
3. Comments from the Council Liaison.

## **PUBLIC HEARING AND ACTION**

4. Consideration of whether the remaining improvements located at 5603 Lago Vista Way (known as Lago Vista Lodges Condominiums, Geographic ID 017480160) constitutes a dangerous building and should be declared as such in accordance with the provisions of Article 3.1200 of Chapter 3 of the Lago Vista Code of Ordinances; and any subsequent orders deemed appropriate by the Commission.

## **SIGN VARIANCE APPLICATION (NO PUBLIC HEARING)**

5. **23-2333-SIGN-VAR:** Consideration of a recommendation to the City Council regarding a sign variance application to exceed the maximum display area resulting from the conversion of the base of an existing freestanding sign located at 6400 Lohman Ford Road (Lago Vista Subdivision, Section 2, Lot 6A) into an additional multitenant display area. A recommendation from the Building and Standards Commission is required prior to consideration of the application by the City Council.

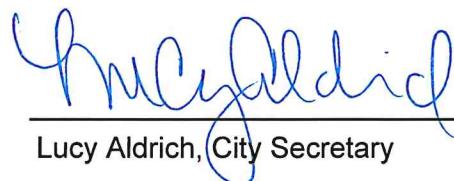
## **DISCUSSION AND POSSIBLE ACTION**

6. Discuss and consider action on the draft sign ordinance amendment previously recommended by the Building and Standards Commission at the April 11, 2022, Regular meeting and subsequently remanded by the Lago Vista City Council for further review.
7. Discuss and consider draft amendments to Chapters 3 and 14 of the Lago Vista Code of Ordinances, while giving direction to the staff and the existing Building and Standards Commission subcommittee.
8. Consider approval of the following minutes:

November 2, 2022, Regular Meeting  
December 7, 2022, Regular Meeting

## **ADJOURNMENT**

**IT IS HEREBY CERTIFIED** that the above Notice was posted on the Bulletin Board located in City Hall in said City at 2:38pm on the 22nd day of February 2023.



---

Lucy Aldrich, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE BUILDING AND STANDARDS COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

Meeting Packet  
Building and Standards Commission Regular Meeting

March 1, 2023

Chairman  
Scott Cameron

Vice-Chairman  
Frank Robbins



Commission Members  
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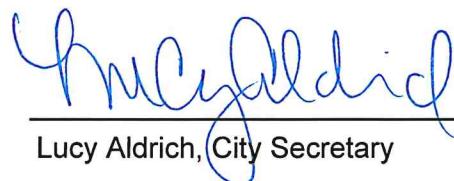
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March 1, 2023

Agenda Item 4  
Potential Dangerous Building Declaration

5603 Lago Vista Way

Article 3.1200 of Chapter 3

TBPE FIRM REG. #2487

TBPLS FIRM REG. #10126000

4910 West Hwy 290  
Suite 300  
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## RETAINING WALL ASSESSMENT

**Client:** City of Lago Vista  
**Address:** Lago Vista Way & Country Club Drive, Lago Vista  
**Attn:** Carl Phinney

February 22, 2023

On February 8, 2023, George Breehl of ATS Engineers inspected existing retaining walls at the above-referenced location. These walls as standing today once served as part of a condominium complex. However, after the buildings were condemned, the condos were destroyed by fire. Based on discussions with city staff, we understand that the fire occurred in the 1980s and the remaining above-ground portions of the condos were demolished in the 2000s. No construction drawings or documents were available for our review.

There are two separate concrete masonry unit (CMU) retaining walls on the property, an upper wall and a lower wall, sitting approximately 110ft apart; with a minor stacked stone wall between. The upper wall lies along Lago Vista Way, and the lower wall extend up to 175ft along internal access drives on the property. See Figure 01 for a section showing the location and orientation of the walls.

### Upper CMU Retaining Wall

The upper wall stands 9ft tall relative to base grade, consists of 8" CMU, and is in extremely poor condition. We observed no evidence of reinforcing steel or grout in the wall, nor drainage behind the wall (ie, weepholes or a daylighting pipe). It is substandard practice to build unreinforced and ungrouted CMU walls where they will retain soil.

A considerable portion of the upper wall has already collapsed (Figure 02). Other portions of the wall not yet collapsed have cracked, buckled, and faulted; that is, blocks above have deflected outward relative to blocks below (Figure 03). Using a level, we measured the wall found to be leaning outward at ~4.0 degrees. A corner of the wall has blown out (Figure 04). Other locations have more localized damage, holes in the face shells (Figure 05), perhaps where passersby intentionally impacted the wall. The graffiti covering this wall indicates that the site has been unsecured at times since its condemnation.

The observed cracking, buckling, faulting, tilt and block damage taken together indicates that more lengths of this wall are likely to collapse under load from soil pressure.

### Lower CMU Retaining Wall

The lower wall stands 17ft tall relative to base grade and consists of 12" CMU. Unlike the upper wall, this wall appears to be reinforced and fully grouted: We observed #5 bars coming out of the top of the wall at approximately 16" oc.

No portion of the lower wall has collapsed yet, and the wall is clearly in better condition than the upper wall. That said, it is heavily graffitied, and has cracks, holes and other localized damage (Figure 06). The east portion of the wall used to return down the hill, but appears to have partially collapsed. In general we measured the wall to be out of plumb, tilting ~1.2 degree outward.

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We also observed select damage and deterioration at the lower wall, as follows:

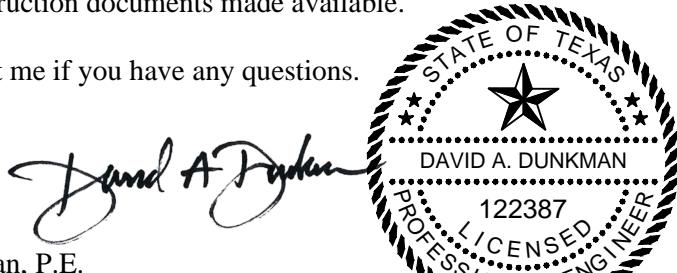
- The concrete flatwork behind the wall is caving in (Figures 07 and 08), apparently due to running water behind the wall washing away the supporting soil. This has lessened the horizontal load applied to the wall, but presents a dangerous condition to anyone attempting to walk the property, particularly at night.
- At an opening in the wall, we observed cracking and splitting of the the jamb blocks supporting the lintel (Figure 09); this condition could lead to collapse of the lintel, which weighs ~200lbs.

### Summary

The two CMU walls on this site are in poor condition. The top wall is partly collapsed, and appears ready to continue its collapse with each heavy rain. The bottom wall, while in better condition, is leaning and presents several unsafe conditions. The site in general has been left unmaintained and unsecured, and as such, presents a risk to the public if not addressed.

Please note, this report is based on our visual observations and discussions with city staff. No testing has been performed in conjunction with this inspection, nor were original construction documents made available.

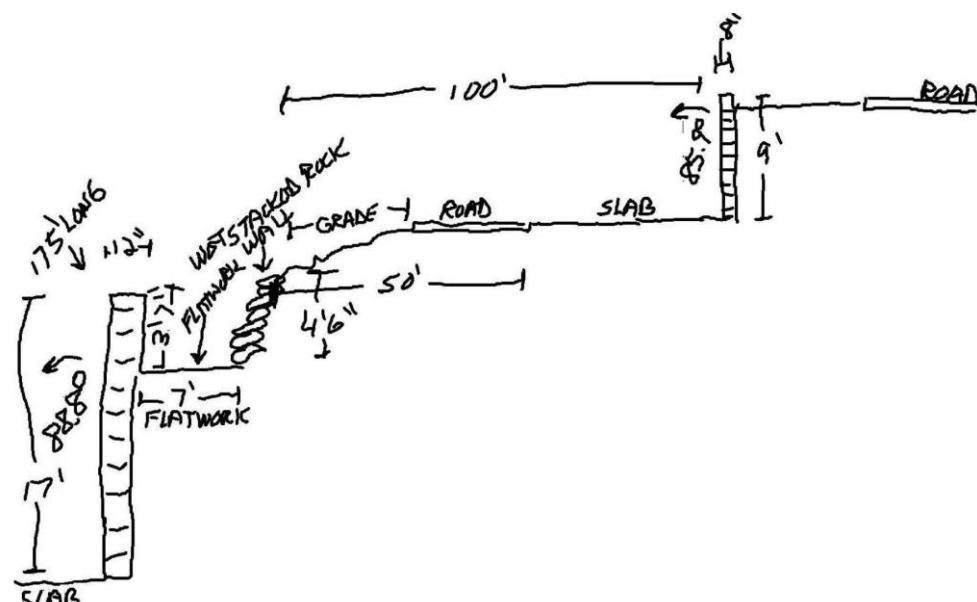
Please contact me if you have any questions.



Dave Dunkman, P.E.

Structural Department Manager

I certify that I have produced this certification as an independent registered professional engineer and have no interest, present or prospective, in this property or anyone involved with this property. I warrant that ATS has looked at the structural components of this property in a diligent manner and has made recommendations based on my experience and opinion. Changes may occur during construction that could make null and void the contents of this report. No other warranty, either expressed or implied, is hereby made. Please note that this certification shall expire with any change in referenced code or any changes from the referenced plan date and architecture. Professional Engineering Firm Registration Number 2487



**Figure 01.** Section, two CMU retaining walls, upper (right) and lower (left)

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**Figure 02.** Partial collapse and buckling of upper wall



**Figure 03.** Faulting of upper wall

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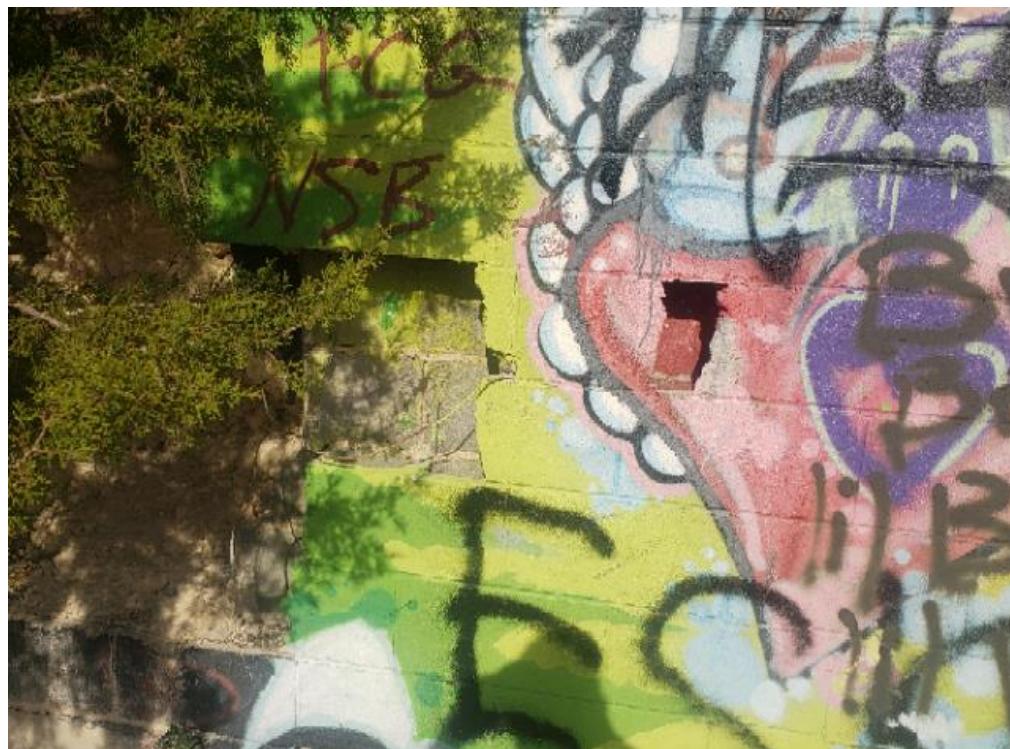
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**Figure 04.** Blowout at corner in upper wall



**Figure 05.** Local damage/holes in upper wall

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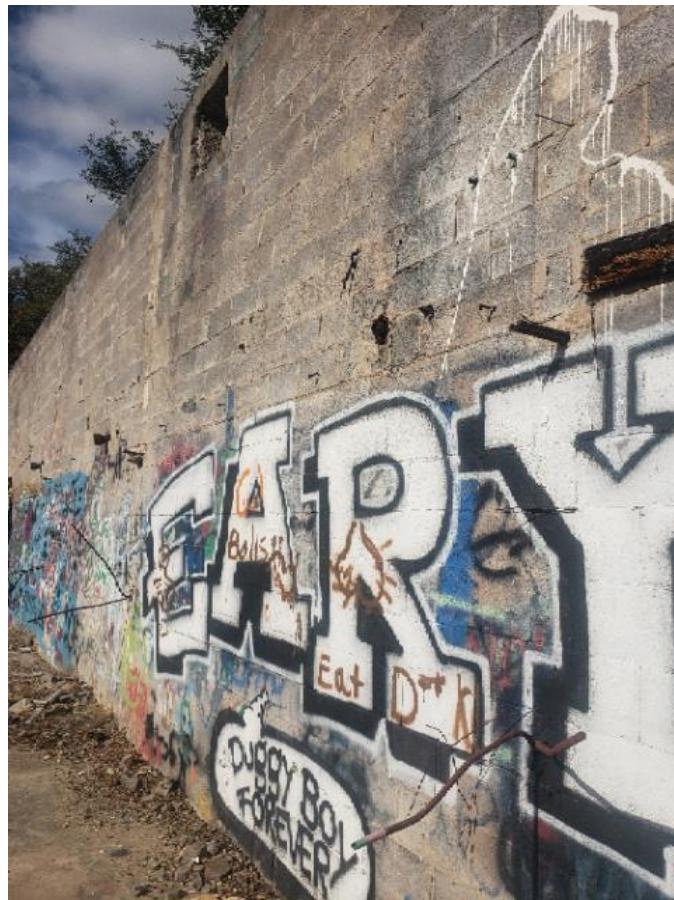
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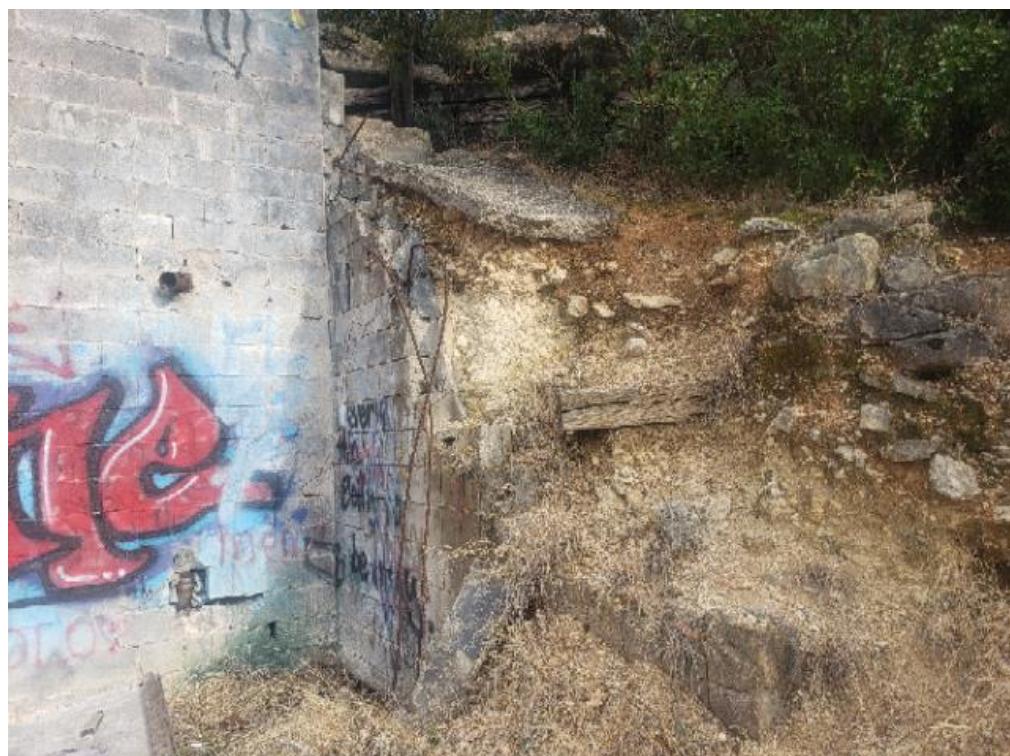
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**Figure 06.** General condition of lower wall



**Figure 07.** Partial collapse of wall return at east side of lower wall

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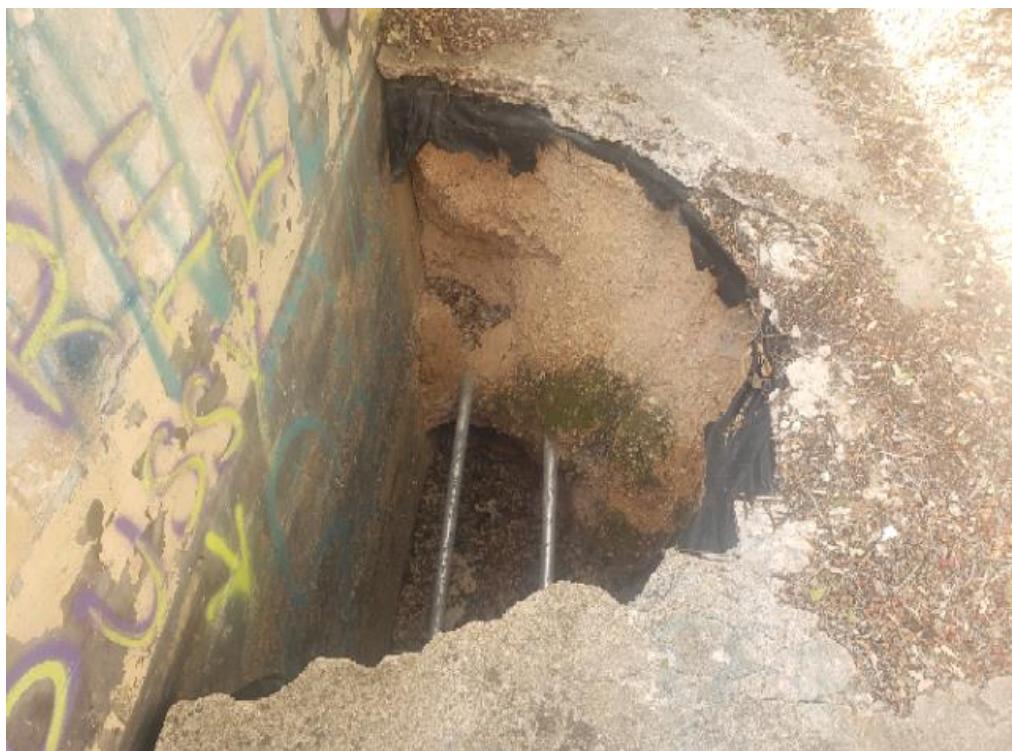
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**Figure 07.** Holes in flatwork behind lower wall, due to soil cave-in



**Figure 08.** Holes in flatwork behind lower wall, due to soil cave-in

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**Figure 09.** Cracking in jamb blocks supporting lintel, lower wall

March 1, 2023

**Agenda Item 5  
23-2333-SIGN-VAR**

6400 Lohman Ford Road

Sign Variance (Increased Display Area)

## Roy Jambor

---

**From:** Cox,Trey <Trey.Cox@edwardjones.com>  
**Sent:** Tuesday, February 28, 2023 9:42 AM  
**To:** undisclosed.for.privacy@edwardjones.com  
**Subject:** FW: 6400 Lohman Ford Rd.-Sign Variance  
  
**Importance:** High

Roy,

Good morning. In regards to the message below from Kristall I would like to defer our application for the variance for next months meeting in order to get together the information needed to include the nonconforming setback. Let me know if this deferral is approved and what date the next meeting date will be.

---

Trey Cox  
Financial Advisor  
Edward Jones  
6400 Lohmans Ford Rd  
Lago Vista, TX 78645  
(512) 267-0646  
[www.edwardjones.com](http://www.edwardjones.com)

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If you do not wish to receive any email messages from Edward Jones, excluding administrative communications, please email this request to [Opt-Out@edwardjones.com](mailto:Opt-Out@edwardjones.com) from the email address you wish to unsubscribe.

For important additional information related to this email, visit [www.edwardjones.com/disclosures/email.html](http://www.edwardjones.com/disclosures/email.html). Edward D. Jones & Co., L.P.

**LAGO VISTA BUILDING AND STANDARDS COMMISSION**  
**STAFF LAND USE REPORT – MARCH 1, 2023**



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<b>BSC CASE NO:</b>	23-2333-SIGN-VAR: 6400 Lohman Ford Road
<b>APPLICANT:</b>	Charles E. Cox III
<b>LANDOWNER:</b>	TLC4B&B, LLC
<b>LOCATION:</b>	West side of Lohman Ford Rd. ± 210' north of Dawn Dr.
<b>ZONING:</b>	C1-C ("Professional / Business Office, Low-Density Retail")
<b>VARIANCE:</b>	Increased display area (proposed new multitenant panels)

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**GENERAL INFORMATION / LOCATION:**

- The property that is subject of this application is Lot 6A of Lago Vista Subdivision, Block G. The two former lots are addressed as 6400 Lohman Ford Road and is immediately north of the real estate office located at the northwest corner of Dawn Drive and Lohman Ford Road. According to the Travis County Appraisal District, the current owners acquired the property and improvements on November 17, 2021.
- A commercial remodeling permit application was submitted on December 13, 2021, and issued on January 3, 2022. On March 8, 2022, a sign permit was issued to replace the existing display area mounted to the same stone base depicted in the current application. That permit approved a two-sided acrylic sign with a display area of 28 square feet on each face mounted on a cabinet with back-lighting for the graphic depicting "Edward Jones."
- On April 14, 2022, a permit was issued for a real estate sign with a display area of 24 square feet offering "OFFICE SPACE FOR LEASE." Presumably that solicitation was recently successful as this application seeks to leave the existing cabinet sign intact and to add a series of multitenant signs to each face of the existing stone base. The total display area proposed to be added to each face of the stone base is 16 square feet which would require a sign variance approval.

**SITE PLAN / CONTEXT CONSIDERATIONS:**

- The application accurate depicts the existing sign to remain as well as the proposed additional display area. The staff suspects that the existing stone base and sign are not the required minimum distance of ten feet from the right-of-way. We have made a request of the Public Works Department to assist us with an accurate assessment. Hopefully we will receive a response in a timely manner so that your recommendation can account for this possibility.
- The existing sign location does not present an obstruction to the required vision triangle as there is no approved adjacent driveway. However, there was an existing crushed stone-area added by the previous owner without a permit that was repeatedly cited as a violation, but never completely removed. If properly permitted additional parking is ever desired on this ample portion of the existing lot, the location of any new potential driveway access to Lohman Ford Road will have to account for this sight-obstruction. Hopefully the existing driveway access will prove sufficient.

**RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:**

- The existing sign ordinance limits the total display area of a freestanding sign to a maximum of 32 square feet for each side of a two-sided sign when the faces are parallel and the distance between each face is four feet or less at the widest point. As a result, the current proposal which includes a total display area of 44 square feet requires a variance approved by the City Council following a recommendation from the Building and Standards Commission.
- A variance approval could be avoided by reducing the display area of the existing sign that was permitted on March 8, 2022, from 28 square feet to 16 square feet. For example, a reduction of the height from 3'-6" to 2'-0" would be sufficient, as would any number of other height and width combinations. Nonetheless, the setback variance mentioned above may be required regardless.

- It also seems relevant that the proposed sign ordinance amendment that appears on this same agenda includes an administrative remedy specifically intended for this type of multitenant sign. However, it maintains the same minimum setback of ten feet. Therefore, if it proves that the existing base encroaches into that required setback, a variance approval cannot be avoided absent a relocation of the sign or generously assuming that it is somehow legally non-conforming. That would remain true even if the existing display area were reduced to 16 square feet or the permit application delayed until the effective date of an amended sign ordinance that includes that anticipated administrative remedy.

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**POTENTIAL ALTERNATIVE RECOMMENDATIONS:**

- A. Recommend approval of the variance in accordance with the submitted materials, including a setback variance if it proves that one is required.
- B. Recommend denial of the variance, which would not preclude the applicant from reducing the existing display area from 28 square feet to 16 square feet or seeking a permit under the proposed new ordinance after it has been adopted by the City Council.

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23-2333-SIGN-VAR

6400 Lohman Ford Road

Attachment 1

Application

**CITY OF LAGO VISTA DEVELOPMENT SERVICES**  
5803 THUNDERBIRD SUITE 103 PO BOX 4727 LAGO VISTA, TX. 78645  
512-267-5259 FAX 512-267-5265

**APPLICATION FOR SIGN VARIANCE**

Date Submitted: 2-14-23 Fee: \$100.00

Applicant's Name: Charles E Cox III / TLC4B+B

Applicant's mailing address: 6400 Lohman Ford Rd, Lago Vista, TX 78645

Subject property address or lot subdivision legal description: 6400 Lohman Ford Rd, Lago Vista, TX 78645

Applicant's email: trey.cox@edwardjones.com

Applicant's phone numbers: 512-731-0218

Criteria: The city council, after a report from the building committee, in their sole judgment, may grant variances to the sign ordinance where the strict compliance with the sign ordinance may cause physical hardship due to topography or other physical limitations on the site, within the immediate vicinity, or within the adjacent rights-of-way; such conditions not being caused by the actions of the applicant for variance or the owner of the premises.

Variance requested and rationale. State physical hardship. (additional pages may be added) We have several other tenants and without this sign, there would be little to no visibility for them from the road. It will help with identification of the correct location for anyone who is visiting my tenants. Without the sign, visitors would need to drive in and out of the property to confirm if they are in the correct space.

Attach a to-scale drawing of the proposed sign or signs showing dimensions, size, and the message for the sign.

Attach a map of where the sign would be located.

Attach land owner's permission for the sign.

In the event I cannot attend the Building Committee or City Council meetings, I designate Jeremy Prenger to act on my behalf. Phone number and e-mail 512-401-6500, jprenger@texascustomsigns.com

Meeting dates and times. Staff will notify the applicant of meeting dates and times after the Building Committee has chosen a date.

23-2333-SIGN-VAR

6400 Lohman Ford Road

Attachment 2

Location Map



N



## 6400 Lohman Ford Road

Request Type	Sign Variance	Project	23-2333-SIGN-VAR
Change Request	Increased Display Area	Date	02/22/2023
Map Type	Aerial Image and Topography	Drawn By	RJambor

This document is for information purposes only and is not suitable for use as the basis for a legal description or project design. It represents only the approximate location of property boundaries rather than information obtained from a field survey.

### Contours

10 ft

50 ft

Street

Project Area

TaxParcel

23-2333-SIGN-VAR

6400 Lohman Ford Road

Attachment 3

Sign Details

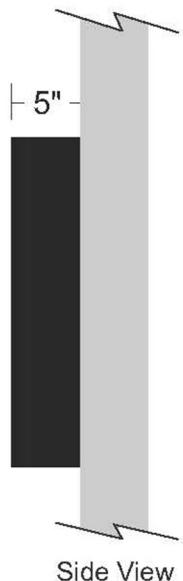
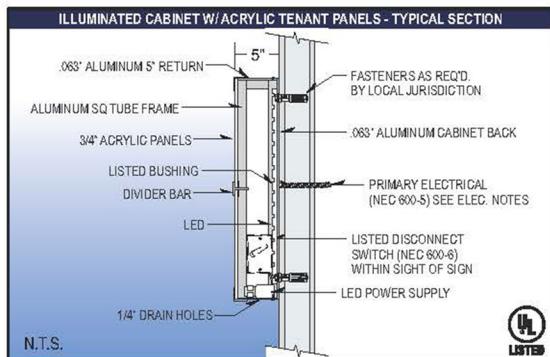
**C**

## Single Sided Illuminated Cabinet w/ Acrylic Panels

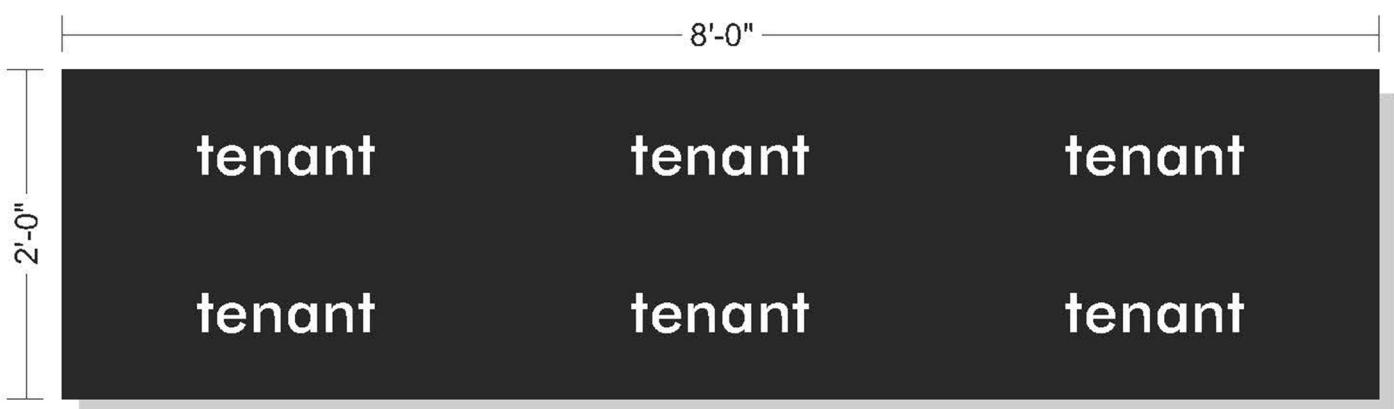
Scale: 1:18

### Fabricate & Install Two (2) Single Sided Internally Illuminated Cabinets to Specs

- 3/16" #7328 White Acrylic Tenant Faces
- .063" Aluminum 1" Retainers PTM P1
- .063" Aluminum 5" Returns PTM P1
- .063" Aluminum Cabinet Back
- 1" Aluminum Square Tube Cabinet Frame
- Illuminated w/ Principle Quikmod 2 White LED
- 60W Principle LED Power Supplies Contained in Cabinet
- Signs Mounted to Existing Monument w/ Approved Fasteners



MP Black



TSCL# 18361

2007 Windy Terrace, Suite A  
Cedar Park, Texas 78613  
Ph: 512-401-6500 Fax: 512-401-6502  
[www.texascustomsigns.com](http://www.texascustomsigns.com)



Signs will be manufactured with 120 Volts A/C. All Primary electrical service to the sign is the responsibility of the buyer. This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. All bonding & grounding must be done by a qualified, licensed electrician and in accordance with UL Article 600 of the NEC. The location of the disconnect switch after installation shall comply with Article 600.6(A) (1) of the National Electrical Code.

This is an original un-published drawing created by Texas Custom Signs, unless otherwise indicated. It is submitted for your personal use in regards to the project being considered. You are not to show these drawings to anyone outside your organization, nor can you use, reproduce, copy, or otherwise exhibit them in any fashion not directly related to the project being planned and produced by TCS.

Client Name: Edward Jones

Address: 6409 Lohmans Rd., Lago Vista, TX

Start Date: 01.18.2023

Filename: EdwardJones-C-Tenant\_Cabinet-Spec3

Page: 1 of 2

Project Manager: Jeremy Prenger  
[jeremyp@texascustomsigns.com](mailto:jeremyp@texascustomsigns.com)



Existing Elevation - NTS



Proposed Elevation -  $1/4" = 1'- 0"$



Elevation

Scale:  $1/4" = 1'- 0"$



Signs will be manufactured with 120 Volts A/C. All Primary electrical service to the sign is the responsibility of the buyer. This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. All bonding & grounding must be done by a qualified, licensed electrician and in accordance with UL Article 600 of the NEC. The location of the disconnect switch after installation shall comply with Article 600.6(A) (1) of the National Electrical Code.

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Client Name: Edward Jones  
 Address: 6400 Lohmans Rd., Lago Vista, TX  
 Start Date: 01.18.2023  
 Filename: EdwardJones-C-Tenant\_Cabinet-Spec3  
 Page: 2 of 2  
 Project Manager: Jeremy Prenger  
 jeremyp@texascustomsigns.com

March 1, 2023

Agenda Item 6  
Ordinance Amendment Recommendation

Existing Article 4.800 of Chapter 4  
Sign Regulations (Potential Future Chapter 5)  
Moving IFC and Life Safety Code Adoption to Chapter 3

# CHAPTER 5

## SIGNS

### Section 1. Purpose

The purposes of this chapter are to provide uniform sign standards that:

- (a) Promote community pride and a positive image of the City;
- (b) Protect the rights of persons and businesses to freedom of speech under State of Texas [Texas Constitution Article I, Section 8] and federal [United States Constitution, First Amendment] law;
- (c) Ensure consistency with State statutes relating to sign regulation;
- (d) Facilitate economic development;
- (e) Reduce the confusion and traffic hazards that result from excessive and prolific use of sign displays;
- (f) Promote public safety and protect persons and property by ensuring that signs do not create a hazard by:
  - (1) Collapsing, catching fire, or otherwise deteriorating or decaying;
  - (2) Confusing or distracting motorists; or
  - (3) Impairing drivers' ability by obstructing the awareness or visibility of pedestrians, obstacles, or other vehicles, or to read traffic-control devices or signs.
- (g) Control the number, size, height, location, lighting, and design characteristics of signs to avoid visual clutter which leads to decline in the community's appearance and property values, and reduces the effectiveness of the signs;
- (h) Clearly identify various sign types by their physical and structural characteristics in order to make the regulations easy to use, while promoting the City's goals and objectives relating to the design, appearance, and economic effectiveness of signs;
- (i) Address the latest and emerging technologies in the sign industry, such as electronic message centers and other types of illuminated signs, in a way that allows persons and businesses to convey and communicate while also:
  - (1) Protecting the use and character of neighborhoods;
  - (2) Enhancing the function and appearance of the City's commercial corridors; and
  - (3) Promoting the City's character and design objectives.

- (j) Implement the City's Comprehensive Plan; and
- (k) Coordinate the City's sign regulations with the applicable zoning districts in order to protect and promote the purpose and character of those districts.

## **Section 2. Definitions**

Advertise. Calling attention of the public to a product or business related solely to economic interests and which does no more than propose a commercial transaction, especially to promote sales

Alter. Any change to a sign other than general maintenance or altering of changeable copy. Any additions to a sign's dimensions that exceeds the original application is not permitted.

Area of Sign. The entire area within a single continuous perimeter composed of regular geometric shapes which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces which are not parallel, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced shall be considered in determining the sign area, provided both faces are parallel (back-to-back) and the distance between faces does not exceed four feet at its widest point. Further, where a sign consists only of individual letters, numbers, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the regular geometric shapes surrounding each individual sign component.

Athletic Field Sign. An Official Sign that is designed, intended, or used to inform or advertise to the spectators of an athletic event. ~~This sign is exempt from off premises sign standards.~~ (recommended as not required by the former City Attorney)

Average Grade. The mean topographical grade height in the immediate vicinity of the sign.

Awning, Canopy and Marquee Sign. A sign that is mounted on, painted on, or attached to an awning, canopy, or marquee.

Balloon. Any inflated object tethered or untethered, over four (4) square feet in area, as measured within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the balloon. Inflatable entertainment structures shall also be considered balloons.

Bandit Sign. Any sign posted on a utility pole, street sign, street furniture, or sign posted in the right-of-way, of any size, including signs with wood or wire framing, post, or stakes. No sign owned or placed by the city, county, state, or a public utility shall be considered a bandit sign. (the former City Attorney questions why a sign would be allowed in the right-of-way. However, this language instead only defines such a sign as a "bandit sign," unless placed by a government entity or utility, subject to the specific provisions in that section below).

Banner Sign. A ~~temporary~~ sign made of fabric or non-rigid material including pennants ~~that is temporary~~ when larger than six (6) square feet in display area. Banner signs include banner flags and feather flags, consisting of a banner attached to a rigid pole which is often curved and usually placed on or in the ground. Banners also include individual devices or a series of attention getting devices such as streamers

and pennants designed to respond to wind current. (recommended amendment of the former City Attorney)

~~Banner Flag and Feather Flag. A banner attached to a rigid pole which is often curved and usually placed on or in the ground.~~ (recommended amendment of the former City Attorney)

~~Building and Standards Commission. The building and standards commission of the city; the building and standards commission may act as the municipal board on sign control for purposes of compensating owners of signs that are required to be relocated, reconstructed or removed in accordance with section 216.004 of the Texas Local Government Code as amended from time to time.~~ (recommended amendment of the former City Attorney; and perhaps adequately covered by the referenced state statute)

Dilapidated or Deteriorated Condition. Where structural support or frame members are visibly bent, broken, dented, or structurally unsound as determined by the building official to such an extent that a danger of injury to persons or property is created.

Display Surface Area. The surface area of a sign on which the message is displayed including any border or trim.

Electronic Sign. A programmable display as freestanding, hanging wall, or window sign. ~~The message to have a minimum display time of eight seconds and cannot be intermittent or have flashing or moving lights.~~ See Section 9 below. (recommended amendment of the former City Attorney)

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend, or affix or any activity required to install a sign.

External Sign Lighting. A light source separated from the sign surface and illuminating the sign surface by means of a separate fixture or fixtures.

Facade. All of the window and wall area in the front or side plain or elevation of a building.

Fine Art. Sculpture, fountains, or similar objects ~~or displays~~ that do not in any way identify or advertise an object or business. ~~(the former City Attorney questions what happens when an event or cause is included, but I think the current intent is clear that it would then be considered a sign)~~

Flag. A piece of fabric or other flexible material customarily mounted on a pole or similar freestanding structure, ~~other than a banner, banner flag or feather flag.~~ (recommended amendment of the former City Attorney)

Flashing Sign. An illuminated sign using a rotating beacon, beam, or flashing illumination in which the artificial source of light does not maintain a stationary or constant intensity and color at all times when such sign is illuminated and is not an electronic sign.

Government, Utility, and Institutional Sign. Any permanent sign that directs attention to a school, hospital, or similar public or quasi-public institution; ~~not including either permanent or temporary signs used to identify the location of a utility infrastructure component.~~ (recommended amendment of the former City Attorney)

Graffiti. Any form of unauthorized printing, writing, spraying, scratching, affixing, or inscribed on the property of another regardless of nature or the material used in the commission of the act. ~~Lago Vista treats graffiti as a crime, not a prank.~~ (recommended amendment of the former City Attorney)

*Ground Sign.* A permanent sign which is separate from buildings and the entire bottom of which is in contact with or in close proximity to the ground.

*Handbill.* Any document, poster, placard, or bill that advertises or directs attention to an object, product, place, activity facility, service, event, attraction, person, institution, organization, or business or that advertises and informs in any manner.

*Hanging Wall Sign.* ~~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. See Wall Sign below.~~ (recommended amendment of the former City Attorney).

*Internal Sign Lighting.* Illumination provided by lamps from within the sign cabinet, with the entire assembly often referred to as a backlit sign.

*Nonconforming Sign.* Any sign which does not conform to all provisions of this ~~article~~ chapter, including the issuance of a permit, but which ~~existed on July 26, 2001 and~~ was lawfully constructed, ~~or~~ installed, ~~when or~~ erected ~~on the effective date of the applicable regulation.~~ (recommended amendment of the former City Attorney)

*Official Sign.* Any sign or signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, and other instructional, informative, or regulatory signs having to do with health, hazards, parking, traffic, swimming, dumping, or for public information, etc.

*Off-Premises Sign.* A sign ~~displaying advertising copy that pertains to a business, or drawing attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business that is not located on the same legally platted lot or tract where the occupant, object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business is located~~ place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located. (recommended amendment of the former City Attorney)

*On-Premises Sign.* A freestanding sign ~~that advertises an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or identifying or advertising a business, person, or activity, and installed and maintained that is located on the same premises as legally platted lot where the owner, occupant, object, product, place, activity, facility, service, event, attraction business, person, institution, organization, or business is located activity.~~ (recommended amendment of the former City Attorney, although the use of the term "freestanding" appears to be inaccurate and perhaps should be deleted)

*Owner.* A person recorded as the owner on official records. The owner of the premises on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are established.

*Political Sign.* A temporary sign ~~or any other similar written form of political advertising that is designed to influence the action of the voters for a measure or candidate appearing on a ballot in connection with any national, state, or local election or any written form of political advertising designed to be seen from a road, golf course or park.~~ (recommended amendment of the former City Attorney)

*Portable Sign.* Any sign supported by the ground or structure, but not attached to the ground or other object and is usually designed to be transportable, ~~easily removed and otherwise moved or carried about and reused numerous times at different locations. Portable signs Signs include but are not limited to signs mounted on a trailer or wheeled carrier, signs equipped with skids or wheels, signs mounted on a motorized and or non-motorized vehicle, or signs mounted to other portable structures such as A-frames~~

or T-frames. Portable signs ~~does do~~ not include banners or sandwich signs ~~These signs that can be easily moved or carried about and reused numerous times at different locations. A temporary sign which is designed to permit removal and reuse, and which includes but is not limited to signs converted to A or T-frames and signs mounted on a trailer, wheeled carrier, motorized and nonmotorized vehicle, or other portable structure. The term “portable sign” shall specifically include an outdoor advertising display, such as a banner, unless located in or on a vehicle or otherwise includes a means for it to be transported.~~ (recommended amendment of the former City Attorney)

Premises. A lot or tract within the city or its extraterritorial jurisdiction

Projecting Wall Sign. Any sign, other than a hanging wall sign, that projects from and is supported by the wall of a building with the exposed face of the sign in a plane perpendicular to the face of the wall.

Roof Sign. A sign erected upon or above a roof or parapet of a building or structure.

Sandwich Board Sign. An A-frame sign that is designed and constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

Sign. ~~Includes every advertising message, announcement, declaration, demonstration, merchandise display, illustration, insignia, surface or space erected, indirectly illuminated or forced air or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, and shall include the sign An outdoor structure, supports, lighting system, indirect illumination and any attachments, ornaments or other features used to draw the attention of observers sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.~~ (recommended amendment of the former City Attorney, although the use of the terms “outdoor” and “billboard” appear to be either inaccurate or ambiguous and perhaps should be deleted)

Snipe Sign. A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, utility poles, fences, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Thru Lot. A lot which borders two separate streets, one on the front and one on the rear. A corner lot is not a thru lot.

Wall Sign. A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, an awning, canopy, fascia, mansard, or a parapet that has the appearance of being part of a mansard roof ~~extending that extends~~ along a building side shall be considered a part of the wall. The roof and roof area are not included in the wall area. ~~Mansard and fake mansard roofs are to be considered part of the wall area.~~

Wayfinding Sign. An off-premises sign located within a public right-of-way, by or under the authority of the City, that includes multiple panels and directional arrows that may be replaced or changed to advertise or direct someone toward a location, business, or facility. See Section 5 below. (recommended amendment of the former City Attorney, although directional signs were also mentioned, but do not seem necessary as they are exempted and described in subsection 5.d).

Wind Devise Sign. ~~Any attention-getting devise or a series of devises such as streamers and pennants in such a manner as to move upon being subject to the pressure by the atmosphere.~~ (recommended amendment of the former City Attorney to include this language with the definition of a “banner sign”)

Window Sign. A sign on or in the window of a building that advertises the owner, occupant, object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business at that location.

### **Section 3. First Amendment Rights**

This Chapter shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person. If uncertainty exists on this issue prior to taking any action to enforce any provision of this article with respect to any noncommercial sign or speech by any person, the city shall seek the advice and recommendation of the city attorney. This prohibition shall not preclude the city from taking any legal action against a sign that is obscene or profane.

### **Section 4. Compliance Required**

A person may not erect, place, maintain, alter, or relocate a sign within the city or its extraterritorial jurisdiction except in compliance with the provisions of this chapter.

### **Section 5. Exemptions**

The following signs shall be exempt from the requirements of this Chapter:

- (a) Official signs, **including government authorized memorials, markers, or signs within a public right-of-way;** **(response to the comment of the former City Attorney immediately below)**
- (b) Memorial signs or **tablets** markers, **including headstones on private property;** **(recommended amendment of the former City Attorney)**
- (c) Works of fine art;
- (d) Small freestanding or hanging wall signs, not exceeding **five (5)** **six (6)** square feet in surface display area, displayed on private property for the convenience of the public, such as to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, significant business information and similar information; **(recommendation for greater consistency with exception 'g' below and other similar display sizes within Table A)**
- (e) Scoreboards in athletic stadiums, **and** athletic field signs, **and other similar form of advertisement** not intended for view from a street; **(recommended amendment of the former City Attorney)**
- (f) Temporary or permanent signs that public utility companies or construction companies erect to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices; **(the former City Attorney questions whether "this should part of the Government, Utility and Institution sign category, but I am not sure why the fact that most of these exemptions fit that definition requires the use of that label as it does not include warning signs erected by construction companies)**
- (g) **Signs** **Informational and directional signs**, not to exceed six (6) square feet in display surface area located on a golf course; **(the former City Attorney notes that this would always allow advertising and sponsorship signs within those size limits even when there is no tournament or other similar special event and wonders whether that was the intent or whether advertising rather than directional or informational signs should be limited to those occasions)**

- (h) Letters, numbers, or symbols that are not legible from 20 feet or less away;
- (i) ~~Signs~~ Sponsorship signs or similar forms of advertisement that are placed in parks and ~~city owned~~ golf courses for less than seven days and that are authorized by the park or golf course owner; ~~and~~ (see former City Attorney comment regarding item 'g' above)
- (j) Holiday lights and ornaments.

## **Section 6. Prohibitions**

The following actions are prohibited in the city or its extraterritorial jurisdiction:

- (a) Posting, painting, or otherwise exhibiting any notice or sign on any property not owned or controlled by that person, without the permission of the person owning or controlling the property;
- (b) Painting, marking, writing on, spraying, posting or otherwise affixing any sign to or upon any sidewalk, crosswalk, curb, curbstone, street, tree, shrub, tree stake or guard, electric light or telephone pole, lamp post, hydrant, public facility, drinking fountain, emergency equipment, streets sign, traffic-control sign, wall, or other structures in such a way as to constitute graffiti;
- (c) Placing or causing to be placed anywhere in the city any handbill or advertising material on any vehicle, or in any location, in a manner that the material may reasonably be expected to be blown about by the wind. It shall be presumed that the name of the person, business or organization that appears on the handbill has knowledge of the location and manner that the item was placed and that if ~~a large number~~ ten (10) or more of the handbills are found scattered about that the wind was the cause of the scattering; (recommended amendment of the former City Attorney, although the exact number should be evaluated)
- (d) Erecting, maintaining, painting, or spraying any sign, or other message or advertising upon a tree, rock, or other natural feature;
- (e) Removing, altering, changing, or obscuring any official ~~sign or other similar official~~ tag, permit, sticker, or identification without approval of the City; (recommended amendment of the former City Attorney)
- (f) ~~Erecting any sign in the rights of way or which would otherwise pose a risk to public safety or health, except official signs and those allowed by state law;~~ (recommended amendment of the former City Attorney)
- (f) Erect any sign whereby reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic-control sign, signal or device, or where it may interfere with, mislead or confuse traffic. Unobstructed views must be maintained in an area between the heights of three (3) feet and seven (7) feet above the height of the adjacent roadway in a triangle formed by the intersection's corner and points on the curb twenty-five (25) feet from the intersection's corner;
- (g) For any ~~individual~~, organization, or business to erect a banner sign ~~with a display area greater than six (6) square feet for more than 60 cumulative days within any calendar year, or erect banner signs which advertise essentially the same information for more than 30 cumulative days within any calendar year~~ except as otherwise explicitly allowed herein; (recommended amendment of the former City Attorney)

- (h) Erect an off-premises sign;
- (i) Erect, place, maintain, alter, or relocate a sign within the city or its extraterritorial jurisdiction in violation of the provisions of this article;
- (j) Erect a portable sign, roof sign, snipe sign, balloons/forced air or inflatable sign;
- (k) Erect any sign that has moving parts or flashing, moving or intermittent lights;
- (l) Attach or place a sign on a junked vehicle on public or private ~~premises for the sole purpose of advertising a business or service property~~; (not a recommendation of the former City Attorney, but the content reference should presumably be eliminated)
- (m) Erect a political sign in violation of state law or contrary to the standards included in Table A;
- (n) ~~Erect a sign or notices on the northwest corner of the intersection of Lohman Ford Road and FM 1431 within thirty feet (30') of the structure supporting the city's entrance sign;~~ (recommended amendment of the former City Attorney)
- (o) ~~Attach or place a sign on storage buildings;~~ (recommended amendment of the former City Attorney)
- (n) Erect a sign or notices on city property, ~~within a public~~ right-of-way, ~~city~~ or within a public utility or drainage easement without approval of the city council; (not a recommendation of the former City Attorney, but more explicit)
- (o) Fail to remove a political sign within ten (10) days after the event to which it relates, or a temporary banner in violation of this chapter;
- (p) Fail to remove an illegal nonconforming sign as described in this chapter; or
- (q) ~~All signs~~ Erect any sign not ~~covered~~ permitted by this chapter. (not a recommendation of the former City Attorney, but more explicit)

## **Section 7. Loss of Nonconforming Status**

- (a) ~~A legal nonconforming sign means a sign which is constructed and maintained in accordance with this chapter and in use as of July 26, 2001.~~ Any sign that was lawfully erected, constructed, or installed prior to the effective date of an applicable section of this chapter, but does not conform to all current provisions. (recommended amendment of the former City Attorney)
- (b) A nonconforming sign or sign structure loses its status as a legal sign under ~~any~~ of the following conditions:
  - (1) The sign or sign structure no longer identifies or advertises a bona fide business, service, owner, product, or activity, advertises or identifies a business that has been closed or has ceased operations, advertises or identifies goods, products, services or facilities that are no longer available to the public for a period of one year, unless the premises containing the sign or sign structure is leased in which case the sign or sign structure loses its legal nonconforming status in two years;
  - (2) The sign pertains to a time, event or purpose which no longer applies;

- (3) The sign is ~~dismantled~~, damaged, or deteriorated to ~~such an~~ the extent that the cost of maintenance or repairing the sign is more than sixty (60) percent of the cost of ~~erecting a new sign of the same type~~ a substantially similar replacement at the same location (exclusive of the cost of modifying the display); (recommended amendment of the former City Attorney)
- (4) The sign has been moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities; ~~or~~
- (5) The structure of the sign has been altered in any way except for normal wear, ~~and tear and~~ routine ~~painting~~, or repair;
- (6) ~~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.~~ (recommended amendment of the former City Attorney) (recommended amendment of the former City Attorney)

- (c) It is the declared purpose of this article that all privately owned illegal nonconforming signs shall either conform to the provisions of this article or be removed.
- (d) ~~At the city's option, the privately owned nonconforming signs lawfully in place on July 21, 2001 may be temporarily exempted from forced removal or reconstruction after July 1, 2005. If any such temporarily exempted sign is voluntarily reconstructed or modified by the owner for any reason, the reconstructed or modified sign must be reconstructed or modified in such a way as to conform to the provisions of this article.~~ (the former City Attorney has a comment or question about this provision that is not explained, but I think it questions whether it is necessary and perhaps how the city is to document their desire to exercise this option)

## **Section 8. On-Premises and Off-Premises Signs**

- (a) All signs shall be on-premises signs, and off-premises signs are prohibited except as follows, or as otherwise explicitly authorized by this chapter:
  - (a) Official signs (see Section 2 and 5 above);
  - (b) Golf courses may have off-premises signs ~~no larger in display area than six (6) square feet~~ in accordance with Section 5 above;
  - (c) Athletic field signs ~~signs with advertising on the field side of the athletic field not intended for view from a road~~ in accordance with Section 5 above; and
  - (d) Political signs in accordance with state law and this Chapter (see Section 6 above).
- (b) ~~Off premise signs, flags, banners, banner flags, temporary or permanent signs, except political signs, are not allowed. Example: A flag not a political sign with a person's name that does not reside or work on the premises is not permitted. Any kind of sign that advertises an event not on the premise is an off premise sign and is not allowed.~~ (recommended amendment of the former City Attorney)

## **Section 9 Design Requirements**

- (a) All signs erected in the city shall conform to the requirements prescribed in Table A of this chapter and shall be constructed in a workmanlike manner.
- (b) Electronic and Changeable Copy (Variable Message) Signs.
  - (1) Generally.
    - (A) Electronic signs or Electronic message centers (EMCs) and manual changeable copy may be used as part of monument signs and canopy signs where indicated in Table A, pursuant to the standards of this section.
    - (B) No sign structure that includes a ~~manual~~ changeable copy sign may also include an EMC.
    - (C) All EMC and manual changeable copy ~~regulations signs~~ are also subject to all general illumination standards as set forth in the code of ordinances (See Section 3.800 of Chapter 3).
  - (2) Electronic Message Centers (EMCs).
    - (A) Generally. Size calculation is based on the total sign face dimensions, whereby the EMC reader panel area is counted against the total allowable sign display area.
    - (B) Illumination.
      - (i) Light trespass. All message center signs that are directly illuminated shall include a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the footcandle requirement. In areas zoned for any type of residential district or use, a trespass limit of 0.1 footcandles shall be enforced at the property line.
      - (ii) Technology. The technology currently being deployed for EMCs is LED (light emitting diode), but ~~there may be alternate, preferred and/or superior technology available in the future. Any other~~ any technology that complies with the illumination standards is permitted. (recommendation of the former City Attorney)
      - (iii) Spacing. EMCs shall have a minimum spacing of:
        - (1) At least 50 feet between the EMC and the property line of any residential use or district, ~~or a use permitted in the U-1 zoning district (see Table A of Chapter 14)~~ and shall ~~shut off~~ not be operational between the hours of 12:00 a.m. and 5:00 a.m. The distance is calculated as the shortest measurable distance between the ~~nearest point edge~~ of the sign ~~to the edge of the residential and the~~ property line of ~~an institutional~~ the use or zoning district. (recommendation of the former City Attorney)
        - (2) At least 50 feet between any two (2) EMCs on separate ~~properties~~ lots or tracts of land.

(3) Design requirements.

(A) Percentage of sign area. EMCs, including their frames, shall comprise no more than seventy-five (75) percent of the sign area of a monument sign and a maximum of twelve (12) square feet of a canopy sign. The balance of the copy in the sign **display** area shall ~~use~~ consist of permanent, dimensional letters or symbols.

Figure 1

Electronic Message Center Maximum Face Area for Monument / Canopy Signs



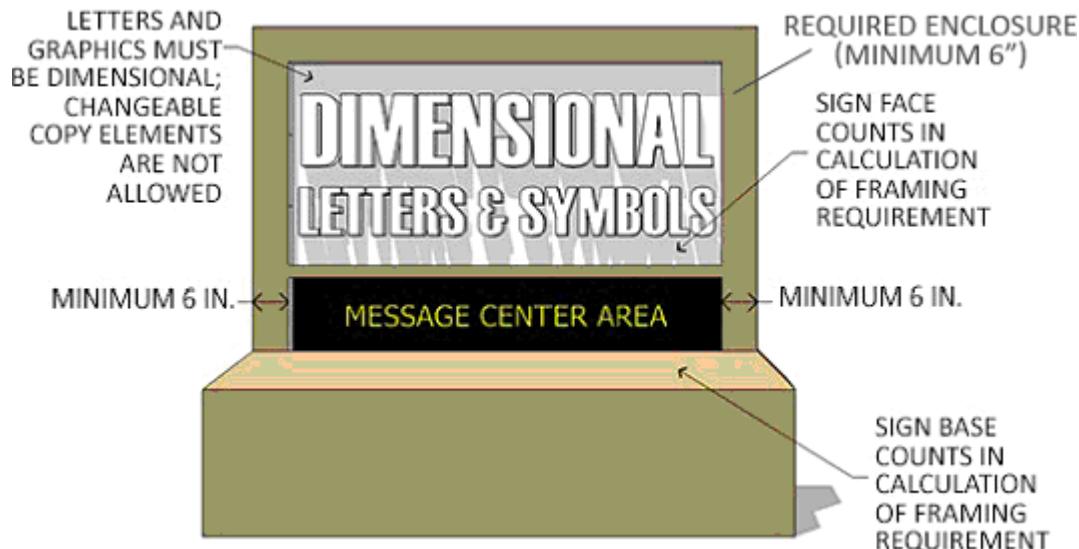
(B) Minimum display time. Each static message on the sign must be displayed for a minimum of eight seconds duration. Message changes shall be completed within one (1) second.

(C) Digital copy. EMCs shall contain static messages only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static message shall not include any flashing or the varying of light intensity, and the message shall not scroll.

(D) Safety. An EMC must:

- Include systems and monitoring to either turn the display off or show "full black" on the display and freeze the sign in one (1) position at the maximum illumination provided in this section, electronic message centers (EMCs) in the event of a malfunction;
- Go dark or limit maximum brightness in the event that a catastrophic power surge occurs; and
- Contain a default mechanism that freezes the sign in one (1) position that complies with this Chapter if a malfunction occurs.

Figure 2  
Electronic Message Center Design Requirements



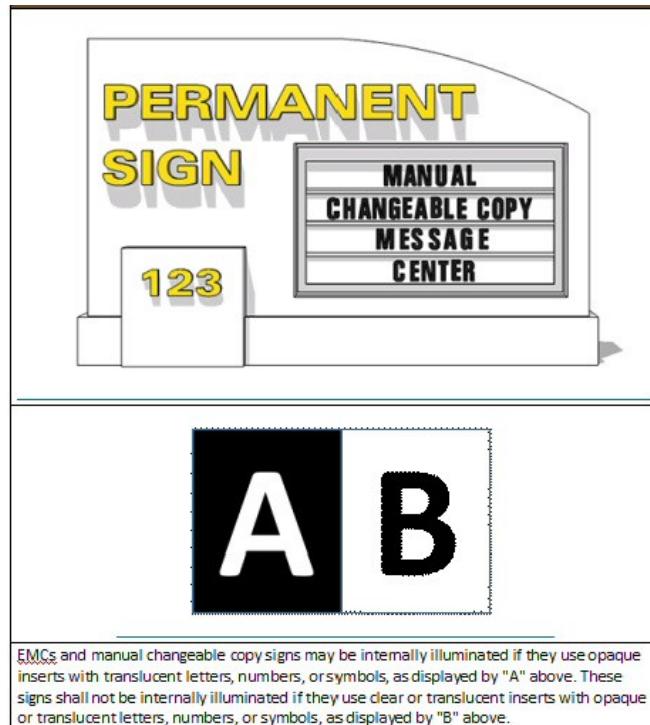
(4) Manual changeable copy.

- (A) Illumination. Manual changeable copy signs shall not be internally illuminated unless:
  - (i) Such signs use opaque inserts with translucent letters, numbers, or symbols;
  - (ii) Blank or dark opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
  - (iii) The opaque portion of all letters, numbers, and symbols is the same color.
- (B) Lettering. Lettering of changeable copy signs shall be of a single style and shall be of uniform color and size.
- (C) Size. Manual changeable copy signs, including their frames, may comprise up to seventy-five (75) percent of the sign area of a monument sign or up to twelve (12) square feet of a canopy sign. The balance of the copy in the sign ~~display~~ area shall ~~use~~ consist of permanent, dimensional letters or symbols.
- (D) Integral element. Manual changeable copy signs are only permitted as an integral element of a monument or canopy sign, which encloses the changeable copy area on all sides with a finish of brick, stone, stucco, powder coated metal (or comparable finish), or ~~the surface of the sign face~~ a material similar to the balance of the sign display area.
- (E) Enclosure. The enclosure shall extend at least six (6) inches from the changeable copy area in all directions. Gaps between the changeable copy area and the ~~surround~~

surrounding area of the sign are permitted to accommodate locks and hinges ~~for a cover for to secure~~ the changeable copy area, but only to the extent necessary for such locks and hinges to ~~operate~~ function.

Figure 3

Manual Changeable Copy Sign



## Section 10 Permit Required.

- (a) Prior to the erection or placement of signs in the city or its ETJ, except exempt signs, ~~exempt temporary signs (including political signs)~~, flags ~~less smaller~~ than sixteen (16) square feet, sandwich board signs, and ~~small~~ banners smaller than six (6) square feet, ~~see Table A~~, a sign permit from the city shall be obtained (See Table A below). The ~~pertinent~~ applicable fee for each individual sign, ~~as stated specified~~ in Appendix A of this Code of Ordinances, is payable at the time of application. (recommended amendment of the former City Attorney)
- (b) New signage after a change in business ownership requires a permit application and payment of fees even when the sign structure remains the same. ~~The sign has to be in compliance with this chapter. New components of a non-conforming sign shall comply with the provisions of this chapter. However, also see Section 7(b)(3) above.~~ (recommended amendment of the former City Attorney)
- (c) The permit application for ~~a temporary banner~~ any temporary sign not otherwise exempt from the requirement to obtain a permit shall show the intended display period. (recommended amendment of the former City Attorney)
- (d) ~~The city manager or his/her designee may solicit the advice of the building and standards commission before approving or denying a permit. Any aggrieved party may appeal the approval~~

or denial of a sign permit to the Building and Standards Commission upon payment of a fee equal to that required in Appendix A for an appeal related to a building permit or other similar requirements within Chapter 3 of this Code of Ordinances. (recommended amendment of the former City Attorney)

## **Section 11 Master Sign Program.**

### **(a) Generally.**

- (1) **Purpose.** The requirements of this section ensure that signs that meet certain standards and are consistent with the character and quality of development in Lago Vista may be promptly approved and displayed. Approval of a master sign program pursuant to the standards of this article:
  - (A) Allows for a unified presentation of signage throughout parcels proposed for development;
  - (B) Allows flexibility to provide for unique environments; and
  - (C) Gives pre-approval of designs and design elements that will make subsequent applications for sign permits more efficient. ~~To this end, a master sign program alternative is created.~~ (recommended amendment of the former City Attorney)
- (2) **Approval criteria.** The Director of Development Services (hereafter the Director) may approve a master sign program for a multi-tenant or mixed use development if (as proposed) it will result in a substantially improved, comprehensive, and unified proposal, as provided in subsections (A) through (H) below, compared to what ~~is allowed through~~ would ~~result from~~ strict compliance with all other provisions of this chapter. The Director shall review all sign types (e.g., attached, freestanding, ~~or incidental~~, etc.) for the parcel or parcels proposed for development, to determine the degree of compliance with this article as a supplement to, or in lieu of, the sign standards otherwise applicable. Any deviations to the number, dimensions, locations, or design characteristics of attached or freestanding signs that are sought by an applicant shall be justified in writing, and shall clearly demonstrate a standard of design and quality that exceeds those provided in this chapter. Such demonstration may include ~~but not be limited to~~ any or all of the following: (recommended amendment of the former City Attorney)
  - (A) Construction of brick or natural stone;
  - (B) Consistent sizes, styles, and colors across the development;
  - (C) Use of landscaping around the sign base;
  - (D) Use of channel lettering;
  - (E) ~~Fewer incidental signs;~~ (recommended amendment of the former City Attorney)
  - (E) Greater spacing between signs along street frontages;
  - (F) Fewer total number of signs; and/or

(G) Signs of reduced heights and area.

- (b) Applicability. The master sign program alternative may be used for a single-use development or a multi-tenant development in any multifamily, mixed use or non-residential development.
- (c) Standards for all master sign programs. Standards and permissions of master sign programs are as follows:
  - (1) Generally. Subject to compliance with a master sign program that is approved according to the flexibility criteria provided in this article, signs that are proposed as part of a master sign program may deviate from the standards of this chapter in terms of the:
    - (A) Maximum sign height; and
    - (B) Maximum sign area.
  - (2) Prohibited signs and sign elements. Prohibited signs and sign elements listed in Section 6, above are not eligible for inclusion in a master sign program unless specifically indicated in this chapter.
  - (3) Architectural theme. All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The master sign program shall establish an integrated architectural vocabulary and cohesive theme for the parcel(s) proposed for development.
  - (4) Uniform signs in multi-use-tenant developments. Wall signs displayed by two (2) or more businesses using common parking facilities shall be uniform in construction (i.e. channel letters, plaques) and lighting (i.e. direct, indirect).
- (d) Conditions of approval. The Director or ~~City Council Building and Standards Commission on appeal~~ as applicable, may impose reasonable conditions on the master sign program relating to the design, locations, placements, or orientations, and sign specifications that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this article and the approved master sign program. ~~(recommended amendment of the former City Attorney)~~
- (e) Contents of master sign program.
  - (1) A master sign program shall provide a master plan for signage for an entire parcel or parcels proposed for development. For example, shopping center master sign programs shall include all tenants and out parcels; and office or industrial parks shall include all types of signs ~~for way-finding~~ and all tenants or uses within the development.
  - (2) Master sign programs shall include:
    - (A) A depiction of all proposed signs that will deviate from the underlying sign regulations;
    - (B) Size, location, and number of all signs, including area, letter height, and height;
    - (C) Materials, styles (letter colors, background colors, text, fonts, etc.), and colors for all signs subject to the master sign plan, including context of where signs are to be placed on any given façade;

- (D) Proposed illumination (external, internal, etc.), including illumination levels;
- (E) A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
- (F) A demonstration that the master sign program will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of property in adjacent or nearby residential uses or districts; and
- (G) Landscaping and/or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement those proposed signs that would deviate from the underlying sign regulations.

(f) Duration. An approved master sign program shall expire two (2) years from the date of such approval if no progress has been made towards completion of ~~the project any sign covered by a permit dependent on that approval~~, pursuant to section 245.005, Dormant Projects of the Texas Local Government Code, as amended. *(recommended amendment of the former City Attorney)*

(g) Amendment. Prior to expiration of the master sign program, the applicant may apply for an amendment that alters the design, materials, locations, placements, orientations, and specifications of the signs. The Director may approve the amended master sign program if it is consistent with this section, and does not increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten (10) percent.

(h) Signage in a development of six or more separate tenant spaces that share either the same parcel or structure and use common access and parking facilities (e.g. shopping centers, malls, office complexes, industrial parks) ~~that do not comply with the provisions of this chapter applicable to that zoning district (including a Planned Development District)~~ shall be ~~limited to relief approved only~~ as part of a master sign program. ~~A sign variance application is not an available option.~~ *(recommended amendment of the former City Attorney)*

## **Section 11 Planned Development District Signs.**

- (a) The regulations for signs located in planned development zoning districts shall be contained in the ordinance ~~or concept or detailed plan~~ approved for the district, except that no billboards shall be permitted. Should the regulations for signs be omitted from an ordinance or concept or detailed plan for the district, the sign regulations that would be applicable to the most restrictive comparable zoning district classification, based upon the land uses permitted therein, as determined by the ~~director of development services~~ Director, shall be applied to the district or part thereof for which the regulations were omitted. *(recommended amendment of the former City Attorney)*
- (b) ~~Deviations from the standards in this chapter may be considered if the continuous street frontage in the planned development district is less than that required for consideration of approval of a special sign district.~~ *(recommended amendment of the former City Attorney)*
- (b) Deviations from the standards in this chapter may be approved in the ordinance approving a planned development district as long as the deviations equally meet the objectives of this chapter ~~and~~ such deviations are necessitated by the design of the development within the planned development district.
- (c) Approval of deviations from ~~the general sign standards within this chapter and otherwise applicable~~ shall be supported by findings ~~approved either by~~ of the City Council, ~~or by the planning and~~

~~zoning commission, in those circumstances where the planning and zoning commission is authorized to approve a detailed plan.~~ (recommended amendment of the former City Attorney)

## Section 12 Variances.

When not otherwise precluded by a provision herein, ~~The~~ the City Council, after a ~~report~~ recommendation from the Building and Standards Commission, in their sole judgment may grant variances to this chapter ~~where when strict compliance with this chapter may~~ would cause a ~~physical~~ hardship due to the topography or other physical limitations on the site, within the immediate vicinity, or within the adjacent rights-of-way; ~~such~~ The physical limitations or conditions shall not ~~be~~ be self-imposed or otherwise caused by the actions of the applicant for a variance or the owner of the premises.

## Section 13 Maintenance Required.

All signs in the city and its extraterritorial jurisdiction shall be maintained in a neat, attractive and safe manner. The city shall have the authority to enforce this Section in the manner listed in Section 14, below, including, but not limited to ordering the painting, repair, or removal of a sign and accompanying landscaping that constitutes a hazard to public health, safety, or welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. (the former City Attorney notes that this is typical function of code enforcement, but I am not sure why this would warrant any change to the proposed language)

## Section 14 Enforcement.

- (a) If the Director or his or her designee finds that any sign, ~~other than bandit signs which are subject to subsection (b), has been erected or maintained in violation of this chapter within the city municipality or its extraterritorial jurisdiction is erected or maintained in violation of this chapter, except for bandit signs~~, he or she shall give written notice via the postal service, facsimile or e-mail of the violation to the owner or person entitled to possession of the sign or, if such person is not readily determinable, by publication in a newspaper of general circulation in the city. The notice shall state the nature of the violation and direct the recipient(s) to alter or remove the sign, or ~~to otherwise~~ correct the violation within ten (10) ~~calendar~~ days of the receipt of the notice. The finding of a violation included in a notice may be appealed to the Building Standards Commission no later than 10 calendar days after receipt or publication of the notice of violation. . Failure to remove the sign or correct the violation within ten (10) ~~calendar~~ days of receipt of the notice of violation, or, if appealed, ten (10) calendar days after the date of an unsuccessful appeal, may result in the city removing the sign at the expense of the owner or person entitled to possess the sign, ~~with~~ such expenses including administrative ~~expense costs~~, penalties and reasonable attorneys' fees. The Director or their designee, may also take necessary action to file a lien against the property to recover the cost of removal if the removal costs are not paid by the property owner within 15 days after the property owner is billed. The Director or their designee, may also pursue criminal penalties and/or civil action as provided for under this article and state law.
- (b) Bandit Signs. (the former City Attorney questions whether the intent is to prohibit bandit signs or to allow for expedited removal and I believe both are accurate and adequately reflected in the language)
  - (1) Bandit signs are hereby declared to be abandoned trash at the time of posting and may be removed and discarded without notice.
  - (2) Any citizen removing a bandit sign or other sign in the right-of-way shall do so at his or her own risk, and neither the city, nor any public utility exercising control of the right-of-way, pole, or fixture shall be liable for damage, loss or injury due to such independent acts.

(3) Nothing within this section shall be interpreted or applied so as to prohibit a property owner or that owner's agent from removing or authorizing the removal of signage on that owner's property.

### **Section 15 Emergency Removal of a Sign and/or Graffiti.**

The city may immediately remove any sign that is likely to endanger persons or property due to dilapidation, exposed electrical wiring or severe damage ~~while simultaneously issuing notices of the violations in accordance with the provisions in Section 14 above. Emergency removal shall not preclude the city from recovering costs and other expenses as described herein. The city may order the removal of graffiti from private property within ten (10) calendar days in accordance with the notice requirements and procedures for other violations of this chapter.~~ (recommended amendment of the former City Attorney).

### **Section 16 Violations and Penalties.**

- (a) A person commits an offense if the person violates, causes, allows or permits a sign to be erected or maintained in violation of this Chapter.
- (b) An offense under this section is a Class C misdemeanor punishable by a fine of not more than \$500.
- (c) No culpable mental state is required to prove an offense under this Chapter.
- (d) Each violation of this Chapter constitutes a separate offense and each day that such offense is maintained is considered a separate offense.

~~Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits or the extraterritorial jurisdiction shall be deemed guilty of an offense and shall be liable for a fine as provided in Section 1.109 of this code. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.~~

### **Section 17 Civil Remedies.**

Nothing in this Chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this Chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter, including removal of signs that violate this chapter at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and other available relief; and
- (3) An impoundment fee may be charged to recover a sign that has been impounded based on the current city fee schedule.

### **Section 18 Liability**

This Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person that erects, maintains, or owns 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 in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Chapter. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or liability by reason of the approval of any signs, materials, or devices under these provisions.

**TABLE A** (former City Attorney recommends alphabetical list)

**Awning, Canopy and Hanging Marquee (manual changeable copy) Signs**

Where	Non-residential zoning districts (including C-4); in the ETJ on non-residential buildings; not allowed in residential or multifamily districts
Maximum Number	One per business or tenant
Location	On and within the boundaries of an awning, canopy or marquee
Maximum Display Area	Twenty-four (24) square feet, except on a theater which may include a marquee sign no larger than one hundred (100) square feet
Illumination	Internal or external in accordance with Section 3.800 of Chapter 3
Permit	Required

**Banner**

Where	All zoning districts (except TR-1) that include an occupied building; in the ETJ on property that includes an occupied non-residential building
Maximum Number	One per lot, parcel, or tract
Location	Attached to a building or fence
Maximum Display Area, Duration, and Permit	When six (6) square feet or less in display area, there is no time limit and a permit is not required; when larger than six square feet and up to a maximum display area of one hundred eighty (180) square feet, the banner may be employed for a maximum of 30 days within each calendar year and a permit is required
Illumination	Not Allowed

**Banner Flag or Feather Sign**

Where	Non-residential zoning districts (including C-4); not allowed in residential or multifamily districts, the TR-1 zoning district or in the ETJ
Maximum Number	Three per lot, parcel, or tract
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Twenty-four (24) square feet for each pole or supporting structure
Maximum Height	Eight (8) feet above grade
Duration	No time limit
Illumination	Not allowed
Permit	Required

### Flags

Where	Any lot, parcel, or tract <b>formally designated as a park</b> or that includes an occupied building ( <b>recommend amendment of the former City Attorney</b> )
Maximum Number	Non-residential zoning districts, excluding C-4 and in the ETJ: three per lot, parcel, or tract; all other zoning districts: two per lot, parcel, or tract
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Non-residential zoning districts, excluding C-4 and in the ETJ: forty (40) square feet; all other zoning districts: fifteen (15) square feet
Maximum Height	Non-residential zoning districts, excluding C-4 and in the ETJ: forty (40) feet above grade; C-4 zoning district: equal or less than the occupied building on the lot, parcel, or tract; residential and multifamily zoning districts: twenty-five (25) feet above grade
Illumination	Not allowed
Permit	Required except for flags smaller than sixteen (16) square feet and not attached to a ground-mounted pole

### Freestanding Ground Sign

Where	Any lot, parcel, or tract formally designated as a park or that includes an occupied building within a non-residential or multifamily zoning district (including C-4) and in the ETJ; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per lot, parcel, or tract that adjoins a public street when located adjacent to and facing that street
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area*	Thirty-two (15) square feet (all locations)
Maximum Height	Eight (8) feet above grade (all permanent wall signs shall be constructed as monument signs)
Illumination	Internal or external in accordance with Section 3.800 of Chapter 3
Permit	Required

\*The maximum number of signs per lot, parcel or tract and the maximum display area (but not the maximum height), especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.

### **Hanging Wall**

Where	Non-residential and multifamily zoning districts (including C-4) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per business or separate tenant
Location	Attached to a building
Maximum Display Area*	Twenty-four (24) square feet (all locations)
Illumination	Internal or external in accordance with Section 3.800 of Chapter 3
Permit	Required

\*The maximum number of signs per lot, parcel or tract and the maximum display area, especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.

### **Projecting Wall Sign**

Where	Non-residential and multifamily zoning districts (including C-4) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per business or separate tenant
Location	Attached to a building, but limited to locations facing a street
Maximum Display Area*	Twelve (12) square feet (all locations)
Illumination	Internal or external in accordance with Section 3.800 of Chapter 3
Permit	Required

\*The maximum number of signs per lot, parcel or tract and the maximum display area, especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.

### Sandwich Board Sign

Where*	All zoning districts and property in the ETJ that includes an occupied building; not allowed in the TR-1 zoning district
Maximum Number*	One per each street fronting a lot, parcel, or tract when placed for viewing from that street
Location	Minimum setback from any property line: <b>ten (10) feet</b> (recommended amendment of the former City Attorney)
Maximum Display Area	Six (6) square feet (each side)
Maximum Height	Four (4) feet above grade
Illumination	Not allowed
Permit	Not required
*Residential and multifamily zoning districts (or uses in the ETJ) may include either a sandwich board sign or a temporary sign, but not both at the same time.	

### Temporary Signs (including Political Signs) (seemingly required for content neutrality?)

Where	Any privately owned lot, parcel, or tract (including property in the ETJ) subject to the location restrictions related to an off-premises sign that is not otherwise exempted by Section 8 above
Maximum Number	For signs not exempted by Section 5 or Section 8 above, one sign for each property line that fronts on a street or golf course when placed for viewing from that street or golf course
Location	No minimum setback from any property line required; but prohibited within any public utility or drainage easement
Maximum Display Area	<b>Six (6) Thirty-six (36) square feet per side</b> (required for content neutrality?)
Maximum Height	<b>Four (4) Eight (8) feet above grade</b> (required for content neutrality?)
Duration	For signs not exempted by Section 8 above, no sooner than ninety (90) calendar days before an event or more than ten (10) calendar days after an event except as otherwise prescribed elsewhere in this chapter (consistent with state limitations imposed on restrictive covenants for political signs)
Illumination	Not allowed
Permit	Not required

### **Window Sign**

Where	Non-residential zoning districts (including C-4) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district, multi-family district, or the TR-1 zoning district
Maximum Number	For signs not exempted by Section 5 or Section 8 above, one sign for each property line that fronts on a street or golf course when placed for viewing from that street or golf course
Location	On windows or doors, but not allowed in both locations
Maximum Display Area	Twenty-four (24) square feet
Illumination	Not allowed
Permit	Required

# CHAPTER 5

## **FIRE PREVENTION AND PROTECTION SIGNS**

### **ARTICLE 5.100 FIRE CODE ADOPTED**

#### **See 5.101 Adoption Of International Fire Code**

(a) The following is hereby adopted as the fire code of the city, for the purpose of regulating and governing the safeguarding of life and property from fire, medical, and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy or use of buildings and premises as herein provided; providing for the issuance of permits and inspections and collection of fees therefor; and each of all of the regulations, provisions, penalties, conditions, and terms of said fire code on file in the office of the city secretary are hereby referred to, adopted and made a part hereof, as if fully set out herein, with the additions, insertions, deletions, and changes, if any, prescribed.

(1) The 2012 International Fire Code (the "IFC") and appendices B, C, D, E, F, G, H, I, and J, promulgated by the International Code Council, Inc.

(2) For the purpose of determining the types of construction referred to in appendix B and other relevant sections of the IFC, the definitions and descriptions of types of construction provided in the 2012 International Building Code (the "IBC") shall be used.

(b) This article, together with all provisions incorporated in this article by reference shall constitute the fire code of the city ("fire code").

(c) This article will, to the extent reasonable, be construed in a manner consistent with the International Fire Code, as adopted herein and the amendments, revisions, and modifications made herein. If there is a conflict between this article and the International Fire Code, this article will prevail.

#### **See 5.102 Administration**

(a) The individuals or entities designated from time to time by the city as the fire code official, together with such assistants and agents as the fire code official may designate ("FCO"), are authorized to enforce the city's fire code, to take all actions required or authorized in provisions incorporated in this article by reference, and to conduct all inspections, review all plans, and accept all applications for a permit or approval authorized or required by the terms of the city's fire code.

(b) The FCO shall submit monthly activity reports to the city, covering inspection, review, and enforcement activities conducted during the prior month. The FCO shall keep an accurate account of all fees, fines, and other funds collected and received pursuant to this article, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

- (e) Approved plans, specifications, and other reports required by this article shall be maintained in the central offices of the fire department for a period of not less than five (5) years following the date such document was submitted to the district or prepared by the district, as applicable, or as otherwise permitted under the Texas Records Retention Act or other applicable law.
- (d) Any fees, fines, or other funds collected and received pursuant to this article shall be and remain the property of the individual or entity designated from time to time by the city in applicable agreements.

**See 5.103 Right Of Entry**

- (a) In addition to the authority allowed under the city's fire code, or applicable law, whenever it is necessary to make an inspection or to enforce any of the provisions of the city's fire code for the prevention of fires, medical, or other emergencies, the FCO shall have the authority to inspect any structure, appurtenance, fixture, or other property located in the city.
- (b) No owner or occupant or any other person having authority to control access to any building or premises shall fail or neglect, after request for entry is made as provided for herein or in the fire code, to promptly permit entry therein by the FCO for the purpose of inspection and examination pursuant to the fire code. The city or the FCO, may take any action, at law or in equity, available under the fire code to enforce this section and applicable statute, law, rule, ordinance, or regulation.

**See 5.104 Identification Of City, Council, And Appellate Body**

- (a) Whenever the terms "jurisdiction," "authority having jurisdiction," "department," or "department of fire prevention" are used in the IFC, same will be a reference to the city and the individuals or entities designated from time to time by the city. All regulatory authority established by the provisions of the IFC incorporated in this article is established for the city.
- (b) Any reference in the provisions of the IFC incorporated in this article to the "executive body" shall be a reference to the city council.
- (c) Any reference in the provision of the IFC incorporated in this article to the "board of appeals" or other appellate body established by the IFC, shall be reference to the appellate body as otherwise provided for herein.

**See 5.105 Appeals**

- (a) The city council shall appoint five (5) residents or owners of businesses in the territory of the city to serve as members of an appellate body to hear and decide the complaint of any person aggrieved by a decision of the FCO, regarding any request for a permit, certificate, or approval, any decision to stop work, or stop use, and any decision to abate, repair, rehabilitate, demolish, or remove an unsafe structure or premises. Three members of an appellate panel shall constitute a quorum, and in modifying an order of the FCO, a majority of the panel hearing an appeal shall be required for any decision of the appellate panel hearing an appeal. Members of the appellate body shall serve until removed or until their successor is appointed.
- (b) An appellate panel of not less than three (3) members of the appellate body shall hear the timely appeal of any decision of the FCO described in herein. A request to appeal such a decision shall be submitted in writing addressed to the city manager of the city and forwarded to the mayor at the city's administrative offices not more than thirty (30) days after the date of the decision or action

~~that is the subject of the appeal, with an outline of the basis for appeal and any legal or other reasons therefor. Any appeal after thirty (30) days shall be deemed moot and decision of the FCO after said thirty (30) days shall be fully complied with by an appellant. A request to appeal shall include the name, mailing address, email address, if any, telephone number, or facsimile number of the appellant for the purpose of receiving notice of a hearing on the appeal or other necessary purposes. A notice of appeal shall not stay the decision or action from which the appeal is taken.~~

- ~~(c) The city manager shall appoint an appellate panel to hear an appeal not less than five (5) days and not more than thirty five (35) days after receipt of the request to appeal. The hearing of such appeal shall be scheduled not later than twenty one (21) days following the date on which the city manager appoints the appellate panel to hear the appeal. An appointment of an appellate panel may include alternate appointments in the event that one or more appointees are unable to serve at the place and time scheduled for the appeal hearing.~~
- ~~(d) Except as provided in subsection (g), below, the city manager shall serve written notice of the date, time, and place of the appeal hearing not less than ten (10) days prior to the date of the hearing.~~
- ~~(e) The appellant shall be entitled to present evidence in support of the appeal and to cross examine opposing witnesses. The FCO shall be entitled to present evidence in support of such decision or action and to cross examine witnesses. The appellate panel shall make all determinations regarding the admissibility of evidence and credibility of witnesses, and may make reasonable rulings regarding the conduct of the hearing and the manner that evidence is presented. The appellate panel may be assisted by legal counsel for the city in making evidentiary rulings and determining reasonable procedures for conduct of the hearing.~~
- ~~(f) The appellate panel may affirm, reverse, or modify the decision from which an appeal is taken, subject to the provisions of section 108.2, IFC. The decision of the majority of the appellate panel shall be the final decision of the appellate panel. The panel may reverse a decision only if, in the opinion of the majority: (1) the decision appealed is manifestly unjust; or (2) special circumstances make strict application of the rule that is the basis of the original decision impractical and the reversal of the decision is in conformity with the intent and purpose of the fire code; and such reversal would not result in a greater threat of danger to life or safety. The appeal panel shall have no authority to waive requirements of the fire code, and the economic hardship of the applicant shall not be a basis for any decision of the appeal panel.~~
- ~~(g) If the FCO determines in a written order served on the owner of property that a structure constitutes an imminent threat to the life or safety of any persons, the FCO may require the demolition or removal of such structure not later than ten (10) days following the date notice of such order is served on the owner of the affected property. Such owner may request an emergency appeal of such decision in writing delivered to the central administrative offices of the city at any time prior to the expiration of such ten day period. In such event, the city manager is authorized to appoint an appellate panel and schedule a hearing of such appeal as soon as practicable and serve notice of the time, date and place of such appeal on such owner not less than two (2) days prior to the date of the hearing of such appeal.~~

#### See 5.106 Permits And Fees

~~The fees applicable for permits, approvals, inspections, and other related fees shall be established from time to time by the city council as set forth in section 113.2 of the IFC by resolution. The city may require an owner or agent who applies with the city for any permits, approvals, or inspections to pay any~~

~~additional costs related to any reviews of said permits, approvals, or inspections by third parties or otherwise.~~

**See 5.107 Penalties**

~~The city shall be entitled to bring a civil action, at law or in equity, as set forth in the city's fire code for the enforcement of the fire code in any court of competent jurisdiction to enjoin any violation of the fire code, or to impose a civil penalty in an amount not more than two thousand dollars (\$2,000.00) per day that a violation of this the fire code continues. Each day a violation continues after due notice has been served shall be deemed a separate offense hereunder. This section shall be in addition to any rights or remedies provided by section 109 of the IFC.~~

**See 5.108 Amendments To The International Fire Code**

~~The following sections are hereby revised and amended as follows:~~

**Section 101.1 Title.** ~~These regulations shall be known as the fire code of the City of Lago Vista, Texas, and referred to as "this code" or "fire code."~~

**Section 104.7.3** ~~The FCO is authorized to require the owner or agent to provide, without charge to the jurisdiction and at the sole cost and expense of the owner or agent, a third party review for permits, approvals, inspections, or plans submitted to the city for approval. Any third party review required by the city will be conducted by an entity of the FCO's choice.~~

**Section 108.3 Qualifications.** ~~The board of appeals may consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the city.~~

**Section 109.4** ~~Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of this code or the approved construction documents or directive of the FCO, or of a permit or certificate used or issued under provisions of this code, shall be guilty of a class C misdemeanor, as defined in the Texas Penal Code section 12.23, punishable by a fine in accordance with the general penalty provision set forth in section 1.109 of the city's code, and each day that a violation continues after due notice has been served shall be deemed a separate offense. A culpable mental state for this offense is hereby specifically waived, and no culpable mental state is required for a conviction hereunder. The city shall also be entitled to bring a civil action for the enforcement of this code in any court of competent jurisdiction to enjoin any violation of this code or to impose a civil penalty in an amount of two thousand dollars (\$2,000.00) per day that a violation of this code continues. Each day a violation continues after due notice has been served shall be deemed a separate offense hereunder.~~

**Section 111.4 Failure to comply.** ~~Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a class C misdemeanor, as defined in the Texas Penal Code section 12.23, punishable by a fine in accordance with the general penalty provision set forth in section 1.109 of the city's code, and a culpable mental state is hereby explicitly waived for any offense hereunder. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The city shall also be entitled to bring a civil action for the enforcement of this code in any court of competent jurisdiction to enjoin any violation of this code or to impose a civil penalty in an amount of two thousand dollars (\$2,000.00) per day that a violation of this code continues. Each day a violation continues after due notice has been served shall be deemed a separate offense hereunder.~~

**Section 202, General Definitions.** “Fireworks display” is amended to read as follows:

**FIREWORKS DISPLAY.** A presentation of fireworks for a public display gathering, as approved by the city.

**Section 503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than twenty five (25) feet, exclusive of shoulders, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

**Exception:** Widths less than twenty five (25) feet as approved in writing by the FCO and with additional or other fire control measures as may be deemed necessary by the FCO.

**Section D103.3 Turning radius.** Fire apparatus access roads shall be designed with an appropriate twenty five (25) foot inside turning and a fifty (50) foot outside turning radius at turns to accommodate any operational fire department apparatus.

**Exception:** Radius less than twenty five (25) feet inside or fifty (50) feet outside as approved in writing by the fire code official.

**Section D103.6.** Where required by the FCO, fire apparatus access roads shall be marked as follows:

Where curb and guttering exists, all of fire apparatus access roads shall be painted red and be conspicuously and legibly marked with the warning “FIRE LANE TOW AWAY ZONE” in white letters at least three inches tall, at intervals not exceeding thirty five (35) feet.

Where no curb and guttering exists, fire apparatus access roads shall be marked with permanent FIRE LANE TOW AWAY ZONE signs at intervals not exceeding fifty (50) feet. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be posted on one side or both sides of the fire apparatus road as required by section D103.6.1 or D103.6.2.

Sign Type “A”



Sign Type “B”



**Section 307.2 Open or Outdoor Burning—Notification, permission, or permit required.**

(a) **Permit required.** For any outdoor burning, a permit shall be obtained from the FCO in accordance with section 105.6 prior to kindling a fire for any purpose, including, but not limited to, recognized silvicultural or range or wildlife management practices, prevention, or control of disease or pests, a bonfire, or any other outdoor burning within the city, except as permitted herein. All outdoor burning authorized within the city shall be conducted in full compliance with all applicable

~~statutes, rules, or regulations, including the fire code, and in the case of conflict between any other applicable statute, ordinance, rule, or regulation, the more stringent provision shall prevail.~~

~~The following are exceptions to the requirements for a permit set forth above:~~

- ~~(1) Other than for outdoor burning for noncommercial preparation of food at a private residence, and only in a manufactured, closable grill, smoker, or similar device in accordance with manufacturer's instructions or in pre fabricated grills specifically designed for such purposes at a public or private park; and~~
- ~~(2) Warming fires at a private residence, but only in portable or fixed containers, fireplaces, or fire pits specifically manufactured or constructed for warming fires in accordance with the manufacturer's or builder's instructions, and only so long as such fires are not offensive or objectionable to third parties due to atmospheric conditions or local circumstances that make such fires otherwise hazardous, the container, fireplace, or fire pit is on open soil or a concrete slab, fire extinguishing equipment, such as dirt, sand, a water barrel, garden hose, or fire extinguisher is available for immediate utilization, the container, fireplace, or fire pit is constructed or used to prevent the escape of sparks, embers, and other combustion materials, and such fires are constantly monitored and attended by at least one person of at least 18 years of age until the fire is extinguished.~~

~~(b) Outdoor burning permit procedure.~~

- ~~(1) All outdoor burning conducted within the city must be authorized, shall require a permit, and may require an on-site visit prior to initiating any outdoor burning. The individual responsible for the outdoor burning shall contact the local fire department at (512)267-0080, Monday through Friday, 8:00 a.m. 5:00 p.m. for notification and instructions. After the request is received, the fire code official or fire department official may conduct an on-site inspection, if required, and permission may be granted to conduct the burn if said burn can be conducted in a safe manner and such burn is in compliance with all applicable statutes, laws, rules, or regulations, including the Texas Clean Air Act and the Texas Outdoor Burning Rule, title 30, Texas Administrative Code (30 TAC), sections 111.201-111.221. Open burning for residential maintenance, which is defined herein as grass, leaves, hedge, and branch trimmings generated from a residential property only, does not require a permit fee, if such burning is occasional and not commercial in nature.~~
- ~~(2) Any open or outdoor burning other than that intended for residential maintenance described above, i.e. lot or landclearing, prescribed burning, or if in the code official's opinion any request that exceeds acceptable height, size or frequency, shall require a permit and payment of applicable permit fees. Application for such approval(s) shall only be issued to the owner or tenant of the land upon which the fire is to be kindled and from which the items to be burned are generated. At no time may any item be burned which is prohibited by applicable statute, law, ordinance, rule, or regulation.~~
- ~~(3) Open burning site requirements:
  - (A) Site inspected or approved by the fire code official or a fire department official.
  - (B) Telephone available on site to contact 9-1-1.~~

- (C) Proposed burn site is at least 300 feet from any adjacent properties which have residential, recreational, commercial, or industrial use.
- (D) Wind and/or other environmental conditions are favorable as determined by fire code official.
- (E) Cannot burn prohibited items.
- (F) Proposed burn site is manageable size and height as determined by fire code official.
- (G) Approved water source or extinguishing equipment available at burn site.
- (H) Burn site is downwind or at least 300 feet from any occupants that might be sensitive to smoke.
- (I) Applicant informed of burn regulations.
- (J) Applicant must abide by any additional requirements provided by the fire code official.
- (K) When issued, all permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous place on the premises, or shall be kept on the premises' location designated by the fire code official.

**Section 307.2.1 Authorization.** All outdoor burning shall be done in accordance with Texas Outdoor Burning Rule title 30 Texas Administrative Code (30 TAC) sections 111.201-111.221. If a conflict should arise between this code and the Texas Outdoor Burning Rule, title 30 Texas Administrative Code (30 TAC), sections 111.201-111.221, then the more stringent rule shall apply. Where required by state or local law or this code, open or outdoor burning shall only be authorized with prior approval from the state or local air and water quality management authority or other authorities having jurisdiction, provided that all conditions specified in the authorization are followed. If issued, permits may be revoked at any time by the fire code official if any conditions or limitations set forth in the permit have been violated. This action, if taken, may result in fines, penalties as set forth herein, or additional fees issued by the city.

**Section 906.1 Where required.** Portable fire extinguishers shall be installed in the following locations.

- (a) In all group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
- (b) Within 30 feet (9144mm) of commercial cooking equipment.
- (c) In areas where flammable or combustible liquids are stored, used or dispensed.
- (d) On each floor of structures under construction, except group R-3 occupancies, in accordance with section 1415.1.
- (e) Where required by the sections indicated in table 906.1.
- (f) Special hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

**Section C105.1 Hydrant spacing.** Where required by section 508.5.1, a minimum of one (1) hydrant within 300 feet of all portions of exterior walls (first floor), a second hydrant within 500 feet of all

~~portions of exterior walls (first floor). This measurement is taken around the perimeter of the building and down the access road to the hydrant (measurement not taken as a radius).~~

**Exception:** The fire code official is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

~~Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building that are within the distances listed in table C105.1.~~

**Section C105.2 Installation.** ~~Fire hydrants must be installed with the center of the four (4) inch steamer opening at least 18 inches above finished grade. The four (4) inch opening must face the driveway or street and must be totally unobstructed to the street. Set back from the face of the hydrant to back of the curb shall be in accordance with City of Bertram Standards except that on private property, set back shall be three (3) to six (6) feet to avoid vehicular damage, unless specifically approved by the fire chief.~~

**Section 105.3.3 Occupancy prohibited before approval.** ~~The building or structure shall not be occupied prior to the fire code official issuing a permit or certificate that indicates that applicable provisions of this code have been met for any new structure or a change in an existing occupancy, and any other necessary permits or certificate have been issued by the appropriate authority.~~

**Section 503.6 Security gates.** ~~The installation of security gates across a fire apparatus road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation, including a means of operation without power and a means of operation with a Knox Box. The security gates and emergency operation shall be maintained at all times. A single gate serving two-way traffic shall be 25 feet in clear open width. When two gates are installed and each only serves one direction of travel, they shall be 15 feet in clear open width each. This code pertains to new and existing gates.~~

**Section 505.1 Address numbers.** ~~The portion of this section is hereby amended to change the minimum size of Arabic numerals and letters to 6 inches. If a building is located more than 150 feet from the street, an address shall be posted at the street entrance.~~

**Section 2305.5 Fire extinguishers.** ~~Approved portable fire extinguishers complying with section 906 with a minimum rating of 4 A:40 B:C shall be provided and located such that an extinguisher is not more than 75 feet (22860mm) from pumps, dispensers or storage tank fill pipe openings.~~

**Section 5601.1.3 Fireworks.** ~~The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.~~

**Exceptions:** ~~The use of fireworks for fireworks display as allowed in section 5608.~~

**Section 5706.2.7 Portable fire extinguishers.** ~~Portable fire extinguishers with a minimum rating of 4 A:40BC and complying with section 906 shall be provided where required by the fire code official.~~

**Section 5704.2.9.6.1 Locations where above-ground storage tanks are prohibited.** ~~Storage of class I and II liquids in above ground tanks outside of buildings is prohibited, except as allowed in zoning classifications C-3 and C-4, or as otherwise allowed by the city.~~

**Section 5706.2.4.4 Locations where above-ground storage tanks are prohibited.** ~~Storage of class I and II liquids in above ground tanks outside of buildings is prohibited, except as allowed in zoning classifications C-3 and C-4, or as otherwise allowed by the city.~~

~~Section 5806.2 Limitations.~~ Storage of flammable cryogenic fluids in stationary containers outside of buildings is allowed only in areas allowed by the city.

~~Section 6104.2 Maximum capacity within established limits.~~ Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity shall not exceed the water capacity in gallons as may be allowed by the city.

**See 5.109 References To Other Codes**

~~Any reference in the IFC (or other provision incorporated in this article) to compliance in a manner provided in a building code, electrical code, plumbing code, or mechanical code shall be followed to the extent that the provision of such other code is incorporated in this article or the fire code by reference and to allow for the proper interpretation and enforcement of this article and the fire code.~~

**ARTICLE 5.200 LIFE SAFETY CODE**

**See 5.201 Adoption Of Code And Handbook**

~~The city council hereby adopts the National Fire Protection Association's Life Safety Code Handbook, 2012 edition and the National Fire Protection Association's NFPA 101 Life Safety Code, 2012 edition.~~

**See 5.202 Enforcement**

~~The office of the city fire marshal is hereby charged to enforce the provisions of the National Fire Protection Association Life Safety Code Handbook, 2012 edition and the National Fire Protection Association's NFPA 101 Life Safety Code, 2012 edition.~~

**See 5.203 Penalties And Fines**

~~Any person or business entity upon conviction in municipal court shall be found guilty of a misdemeanor and upon such conviction shall be fined in accordance with the general penalty provision set forth in Section 1.109 of this code.~~

# CHAPTER 3

## BUILDING REGULATIONS

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### Sec 3.106 Building and Fire Codes

This section contains the building code for the city. The 2015 International Building Code, the 2015 International Residential Code, the 2015 International Fire Code, **and** the 2015 Existing Building Code, **and the 2015 National Fire Protection Association's Life Safety Code (NFPA 101)** are hereby adopted and made part of this article with the following requirements, amendments, and clarifications:

- (a) **Excluded Appendices.** All appendices of the above referenced building codes are hereby adopted except for the following which are excluded in their entirety:
  - (1) Appendix A "Employee Qualifications," Appendix B "Board of Appeals," Appendix D "Fire Districts," Appendix H "Signs," Appendix J "Grading," and Appendix K "Administrative Provisions" of the 2015 International Building Code;
  - (2) Appendix L "Permit Fees" of the 2015 International Residential Code; and
  - (3) Appendix A "Board of Appeals" of the 2015 International Fire Code.
- (b) **Excluded Provisions.** All provisions of the above referenced building codes are hereby adopted except for the following sections of the 2015 International Residential Code which are excluded in their entirety:
  - (1) Section R105.2 Work Exempt from Permit (Chapter 1 Scope and Administration, Section R105 Permits);
  - (2) Section R313.2 One and two family dwelling automatic fire systems (Chapter 3 Building Planning, Section R313 Automatic Fire Sprinkler Systems); and
  - (3) Section P2503.8.2 Testing (Chapter 25 Plumbing Administration; Section P2503 Inspection and Tests).
- (c) **Exterior.** No building or structure shall be placed or maintained on any lot in the city with outside walls which are not finished with a protected coating or covering sufficient to protect said building or structure from deterioration and the action of the elements. The exterior of all residential and nonresidential structures shall be as provided elsewhere in Chapter 3 herein.
- (d) **Building Materials Construction Equipment.** Except during construction, no building materials or construction equipment of any kind shall be placed or stored upon any lot; and then such material shall be placed within the property lines of the lot on which the improvements are to be made unless there is on file in the city office a letter for permission from the adjoining lot owner

authorizing temporary use of such lot. Such a letter is also required where an adjoining lot is used for ingress/egress by vehicles and/or equipment.

- (e) Address. All principal buildings shall have address numbers at least four inches (4") tall displayed in a prominent place on the front of such building or on a sign in the building's front yard, and able to be clearly seen from a street adjoining the property on which the building is located to identify the address to police, emergency medical service and firefighting personnel.

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March 1, 2023

**Agenda Item 7**  
**Ordinance Amendment Discussion**

**Duplicate or Conflicting Provisions**

**Chapter 3 and Chapter 14**

Following is the original document provided by staff about changes to chapters 3 and 14 in red and the subcommittee's recommendations in blue.

February 16, 2023

## GROUP 1

**Staff Comments:** In the strictest sense, zoning ordinance provisions regulate the use of private property. That includes property owned by public institutions when used in a manner similar to privately owned property (such as a school, a fire station, a building owned by the municipality, etc.). It does not typically regulate improvements in a public right-of-way. As such, it would seem that the following provisions belong in Chapter 3 (or another similar location) and any similar provisions in Chapter 14 should be cross-referenced to that location (in collaboration with the Planning and Zoning [Commission]).

However, given the fact that the USPS is not currently providing mail delivery to individual mail boxes within the right-of-way for new residences on existing platted lots within the jurisdiction, it would seem that some sort of amendment to subsection (b) below is warranted. While the Development Services Department has recommended an incentive to the LVPOA (through their Council Liaison) to accommodate congregate mail service delivery to new members in their neighborhood parks, there are still some existing platted lots in "old Lago" that would remain problematic. This might be the most appropriate opportunity to at least warn property owners of the potential problem and the need for a solution.

**Commented [F1]:** Subcommittee agrees. Put ROW issues in one place and not in ch. 14.

**Commented [F2]:** BSC not to solve mail delivery issue.

## **CHAPTER 3**

### **BUILDING REGULATIONS**

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#### **Sec 3.118 Construction, Structures And/or Equipment In Rights-Of-Way and Easements**

This section regulates all activity of any type in the rights-of-way along public streets in the city.

(a) No person, firm or corporation shall construct, erect or maintain any improvement, ~~post~~, pillar, wall, fence, temporary building, toilet, equipment, driveway, parking apron, sign or other structure, or plant or maintain any hedge, tree, shrub, or other material, including construction materials, on the rights-of-way of any street, or any easement in the city unless permitted by the city manager or his designee or by license agreement approved by the city council.

(a)(b) For the purposes of this section, vehicles used by construction personnel shall be considered construction equipment. Whenever the construction site or any prior approved staging area cannot accommodate all such vehicles, parking shall be limited to one side of the public right-of-way only.

Subsequent construction personnel vehicles located on the opposite side of the right-of-way shall each be considered a separate occurrence that requires a re-inspection fee.

(b)(c) The location of cluster mailboxes or replacement mailboxes and supporting structures on the unpaved portion of any street right-of-way in the city shall be approved by the city, provided mailboxes and supporting structures shall be located not less than one foot (1') from the edge of the street pavement and meet postal regulations.

(e) ~~As a general rule, no retaining walls, corner posts, light supports, pillars, driveway markers and etc. will be constructed or erected nearer than five feet (5') from the pavement edge. All such construction requires the prior written approval of the city.~~

(d) In addition to the penalty provisions of this article, the city may remove any of the structures, equipment, plants or other materials prohibited by this article and in so doing the city, its officers, agents, and employees shall not be liable to the owners thereof. Any expense incurred by the city for such removals will be charged to the property owner. The provisions of this section may not be applicable to structures constructed prior to January 18, 1996.

(e) Whenever temporary provisions are required because of the inability of a construction site to accommodate required operations or equipment other than construction personnel vehicles, the express written permission of both the city engineer and building official shall be secured in advance.

(f) Construction Over Easements. Construction over easements is generally not allowed. The city manager or his designee may permit this. However, it shall be fully understood and agreed that construction of any type over dedicated utility or drainage easements may have to be removed at the owner's expense should the use of such easements be required by the entity benefiting from the easement or be required to provide adequate drainage or easements elsewhere.

(e) —

(f)(g) \*\*\*\*\*

## CHAPTER 14

### ZONING

\*\*\*\*\*

#### 6.75 Structures In The City's Right Of Way

No part of any structure shall intrude upon the City's right-of-way, unless approved by license agreement. Mailboxes may be placed in the City's right-of-way in accordance with the City's Building Code so long as the stand or stanchion upon which the mailbox is placed is on a permanent support installed in the ground and meets the standards of the U.S. Postal Service, and is setback from the pavement by at least one foot.

Reference Section 3.118 in Chapter 3, Code of Ordinances.

**Commented [F4]:** License agreement moved to 3.118.

**Commented [F5]:** The subcommittee discussed restatement or reference that applies in many parts of the code. The subcommittee recommends reference in most cases.

## GROUP 2

**Staff Comments:** This staff recommendation for this section varies across the subsections. As such, we will provide specific comments immediately before each subsection.

## CHAPTER 3

### BUILDING REGULATIONS

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#### Sec 3.123 Minimum Standards For All Single-Family And Two-Family Residential ~~Buildings~~ ~~Development~~

**Staff Comments:** The subsection below purports to identify exceptions to setbacks which need to be included in Chapter 14 and cross-referenced here. However as Chapter 14 explains, setbacks are applicable only to structures (perhaps better defined in Chapter 14) and the exceptions therefore only need to refer to structures (there are non-structures included below). In addition, it refers to structures on private property and not in the right-of-way. Some of the items below might also be within the right-of-way and those regulations should remain in Chapter 3 but perhaps be relocated to Section 3.118 (referenced in Duplication 1 above).

**Commented [F6]:** Move to Ch. 14.

**Commented [F7]:** Some of the standards apply to structures, not just buildings. 1Sep.

Specifically regarding decks and how they might be treated in Chapter 14 (with the collaboration of the Planning and Zoning Commission), it is common to use the maximum height above the adjacent grade to determine whether they should be considered a “structure” or akin to a patio or porch when not covered.

(a) Every building, structure, or part thereof erected or altered, or used for residential use in the city containing one or ~~more two~~ dwelling ~~units shall conform to the provisions of this article and Chapter 143, the Lago Vista Zoning Ordinance, of the Code of Ordinances.~~

**Commented [F8]:** Applies only to 1 and 2 family.

(1) Exceptions. The following ~~structures~~ may be located within the front yard setback and ~~for corner lots adjacent to a street~~ in the side yard setbacks ~~for corner lots~~:

- (A) Driveways, parking aprons and required ~~culverts~~;
- (B) Mailbox ~~structures~~;
- (C) Walkways and reasonable landscaping structures;
- (D) Retaining walls;
- (E) Driveway and walkway marking pillars and lightning supports;
- (F) Screened or buried solid waste container (multifamily only);

**Commented [F9]:** Discussed whether parking aprons should be allowed in the ROW.

**Commented [F10]:** OK, but mailboxes are in the ROW in 3.118.

(G) Buried septic system.

(H) Fences in accordance with the Code of Ordinances.

**Commented [F11]:** Where in accordance with, reference the applicable section. 1Sep

(I) Liquefied petroleum gas tanks in accordance with the Code of Ordinances.

**Commented [F12]:** See Section 6.40.

(G)(J) Signs in accordance with the Code of Ordinances.

(2) Exceptions. The following structures may be located within side yard setbacks, however an area at least five feet wide shall be maintained clear of any above ground obstruction in the side yard:

(A) Walkways, golf cart paths, and reasonable landscaping structures;

(B) Retaining walls;

(C) Buried septic systems.

(D) Fences in accordance with the Code of Ordinances.

(E) Liquefied petroleum gas tanks in accordance with the Code of Ordinances.

**Commented [F13]:** See Section 6.40.

(F) Drainage structures.

(G) Air-conditioning compressors, heat pumps and similar equipment and required screening;

(3) Exceptions. The following structures may be located within rear yard setbacks:

(A) Retaining walls, providing ample provision is allowed for drainage structures should such be required;

(B) Drainage structures;

(C) Fences;

(D) Air-conditioning compressors, heat pumps and similar equipment and required screening;

(E) Screened solid waste containers;

(F) Boat docks;

(G) Decks and patios of wood or concrete are allowed, if they are not covered; and

**Commented [F14]:** A major issue that should be determined with P&Z.

(H) Swimming pools.

(I) Accessory buildings in accordance with this Chapter.

(H)(J) Liquefied petroleum gas tanks in accordance with the Code of Ordinances.

**Staff Comments:** The subsection belongs in Chapter 3 and it does not appear to duplicate Section 4.13 of Chapter 10 which addresses the purpose and location of both drainage and utility easements. However, the language below does not seem to

sufficiently distinguish the difference between the types of easements, the extent of a potentially permissible encroachment into each type, or when an application to vacate a dedicated easement is the only potential form of relief. This failure might be responsible for the extremely high number of encroachments in easements for improvements that have not been permitted. The staff recommends taking this opportunity to improve the language as described.

(4) Construction Over Easements. Construction over easements is generally not allowed. The city manager or his designee may permit this. However, it shall be fully understood and agreed that construction of any type over dedicated utility or drainage easements may have to be removed at the owner's expense should the use of such easements be required by the entity benefiting from the easement or be required to provide adequate drainage or easements elsewhere.

**Commented [F15]:** Move to Section 3.118.

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**Staff Comments:** The language below is largely consistent with provisions more properly included in various sections of Chapter 14 with at least one notable conflict (the specified minimum storage required for multifamily development in Chapter 14 is 60 square feet). However, the explanation below regarding in the inability to convert an existing garage to living space without constructing a new one is absent from Chapter 14 and perhaps should also be preserved in Chapter 3.

(g) Garages and Carports. All single-family or duplex units in the city will be designed with a garage that is a minimum of four hundred (400) square feet in size. A carport, in addition to a garage, shall be designed with adequate storage compartments to prevent unsightly storage in public view. Enclosing an existing carport or garage into the living area shall not be approved unless a new garage is added and the floor level of the existing carport/garage is approved to meet building code criteria for a living area (see Section 7.20 of the zoning ordinance). All other dwelling units will have adequate enclosed storage of not less than twenty-five (25) square feet, in addition to the parking requirements of the city's zoning ordinance.

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**Staff Comments:** The subsection below appears in a number of locations including Chapter 10 and Chapter 13. However, the inclusion of a definition of "available" varies and perhaps lacks adequate detail on how the distance is determined. In addition, the consequence of a subsequent wastewater system extension is not addressed. The existing provisions imply that a residence must connect after an extension creates "availability," a requirement that the Public Works Department does not currently enforce (or perhaps even track). In addition, it seems unusual that a similar provision relating to the municipal water system is not included in this section.

(i) Sewage Facilities. Residences shall be required to connect to the City of Lago Vista municipal wastewater system at all locations where it is available. Where the City of Lago Vista municipal wastewater services are unavailable, alternative systems including municipal utility districts, special utility districts, private community systems or individual systems shall be approved and permitted through the Public Utility Commission of Texas, the LCRA, and Travis County as applicable. Such systems shall comply with all relevant state regulations, including but not limited

to Sections 341.039 (Health and Safety Code) and 26.0311 (Water Code) of the Texas Local Government Code.

**Staff Comments:** The subsection below only appears in Chapter 3 with no similar reference in Chapter 14. It would undoubtedly be more common to find such a restriction in a zoning ordinance. Perhaps more importantly, almost identical restrictions involving air conditioning equipment, dumpster enclosures, clotheslines, liquefied petroleum tanks, etc. are all contained within the “supplemental requirements” (Section 6) of Chapter 14. It might also be best to word the requirement to only exempt solar panels that are mounted on and parallel to the roof of a permitted principal or accessory structure. Believe it or not we get some pretty novel responses to the existing language.

(j) Solar Systems. Ground-mounted solar panels shall not be visible from a public right-of-way or golf course.

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## CHAPTER 14

### ZONING

**Commented [F16]:** This section was in the Word version Roy sent to Frank, but not in the BSC packet. 1Sep

#### **2.10 Definitions**

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**BUILDING LINE:** A line measured at the wall of a building or structure that is parallel to the property line or lines in question and extends to the adjoining property lines. In establishing the building line, the building wall shall not include permitted encroachments of architectural features, such as roof overhangs (eaves), protruding windows, paved areas, or steps.

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**STRUCTURE:** Anything constructed, assembled, or erected, the use of which requires location on the ground or attachment to something having location on or in the ground.

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**YARD, REQUIRED (SETBACKS):** A yard is the open space area between the building line of a building or structure and the adjacent parallel property line or lines. A required setback is the required minimum distance a building must be located from a lot line, which is unoccupied and unobstructed by any portion of a principal building or accessory structure unless explicitly allowed herein. Reference the definition of Building Line above. A setback is located along a lot line for the minimum depth specified in Table A below for the zoning district in which the property or lot is located.

- (a) **FRONT YARD (SETBACK):** The yard that shall be designated as the front yard is situated immediately adjacent to a right-of-way and contains the main public entry to any single principal building located on the lot. Multiple principal buildings on a single lot shall include building numbers which shall be prominently displayed and visible at night. Notwithstanding the requirements in Section 5.40 below for “double frontage lots,” only one yard shall be designated as the “front yard” and the street address shall reflect that designation. If there is a desire to modify the street address of a “corner lot” or a “double frontage lot,” completion of that process through the 911 addressing authority shall be documented prior to the issuance of building permits that are dependent on the accurate determination of the front yard.
- (b) **REAR YARD (SETBACK):** The yard that shall be designated as the rear yard is situated as directly opposite of the designated front yard as possible. This yard might be defined by a number of distinct property lines that are not geometrically continuous. Nonetheless, like the front yard, each property shall contain only one rear yard and one required rear yard setback, notwithstanding the requirements in Section 5.40 below for “double frontage lots.”
- (c) **SIDE YARD (SETBACK):** All yards that are not designated as front or rear yards shall be considered side yards. The location of the corresponding building lines, including those for

corner lots, shall be determined by the minimum required depth perpendicular to the adjacent property line or lines specified in Table A below for the zoning district in which the property or lot is located. However, also see Section 5.40 below.

- (1) CORNER LOT SIDE YARD (SETBACK): Corner lots with a side yard adjacent only to the side yard of another corner lot (developed or vacant) shall have the minimum depth required by Table A below and meet all other requirements applicable to a side yard. The designation of the side yard of an adjacent vacant corner lot shall be determined by the street address current at the time of the permit application.
- (2) REVERSE CORNER LOT SIDE YARD (SETBACK): Corner lots with a side yard adjacent to the front yard of another lot (developed or vacant) shall be designated as a reverse corner lot and have the minimum depth required by Table A below and meet all other requirements applicable to a front yard. The designation of the side yard of an adjacent vacant corner lot shall be determined by the street address current at the time of the permit application.

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**Staff Comments:** Subsections of each residential zoning district separately repeat the requirements related to garages or carports and the parking requirements. Only a typical sample is included below.

#### **4.20 R-1A Through R-1G-Single-Family Residential Districts**

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- (c) **Development Standards.** The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in Table A, Table of Development Standards. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. See Section 3.123 of Chapter 3 for exterior appearance requirements.
- (d) **Parking Area.** Each dwelling shall include off-street parking in accordance with Section 7, herein.

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#### **7.20 Residential Parking**

- (a) **Single- and Two-Family Residential Districts.** Two (2) off-street spaces per dwelling unit. Enclosed garages are required. The enclosed garage may be attached to or detached from the principal dwelling. This garage shall be a minimum of 400 square feet in area. All garages shall be set back from the street at least the same distance as required of the dwelling but in no case less than 20 feet.
- (b) **Mobile Home District.** One (1) off-street parking space per dwelling unit shall be provided. Garages or carports may be constructed if they meet the requirements described in Subsection (a) above.
- (c) **Multifamily Residential District.** One and one half (1-1/2) covered off-street parking spaces per each two (2) bedroom or more dwelling unit, or one (1) covered parking space for each one (1)

bedroom or bachelor apartment shall be provided. Every unit shall be provided with at least sixty (60) square feet of enclosed storage space.

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## GROUP 3

**Staff Comments:** This entire section (with minor deviations only that are likely inadvertent) appears as Section 19 of Chapter 14. However, some of the zoning requirements are also included in Table B of Chapter 14, the table of permitted uses for each zoning district. In addition, there are a number of internal redundancies and a few internal inconsistencies. In short, this needs editing in both chapters to eliminate the redundancy and inconsistencies, with the construction related requirements and zoning regulations appropriately segregated in the correct chapters and simply cross-referenced in the one it was removed from. We have attempted to note the problem areas below.

## CHAPTER 3

### BUILDING REGULATIONS

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#### ARTICLE 3.200 WIRELESS COMMUNICATION SYSTEMS

Reference Section 19.10, Chapter 14, Code of Ordinances.

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~~This section prescribes the requirements for a wireless communications system.~~

(a) ~~Wireless Communications Systems shall be allowed in the following zones: C1, C1e, C2, (C4,) C5, U1\*\*, P1b, P2, G1. (Note: this is included in Table B of Chapter 14 and should be cross-referenced only in other locations).~~

Commented [F17]: Subcommittee agrees with staff note in red.

~~(\*WCS located in C4 will be referred by the permitting authority to the Lago Vista Airport Property Owners Association. That group's recommendation will be considered as part of the approval process. (Note: this is a highly questionable provision and the height and location already regulated by FAA regulations as referenced below).~~

Commented [F18]: Subcommittee agrees with the staff note.

~~(\*\*Excluding School Property) (Note: I am not sure why this restriction might be included as it is often used a source of revenue to support certain extra-curricular activities by students, with the ISD seemingly capable of determining where a tower might be safely located, including stealth locations associated with sports facility lighting. However, that is a discussion that needs to occur with the Planning and Zoning Commission).~~

Commented [F19]: Subcommittee agrees. What do the \* \*\*

~~Prior to filing a request for a building permit and, when applicable, a special use permit any other ordinance specified approval, the following requirements must be met:~~

(1) ~~Antenna support structures shall be two hundred (200) feet from all, measured from the base of the antenna support structure to the nearest residential zoning district boundary. (Note: this is redundant, and inconsistent with subsection (c)(2) below, unless that is intended to apply to City owned property only, which is how it reads but is instead a likely error).~~

Commented [F20]: Subcommittee recommends city follow the ordinance and setback should be 200 feet.

(2) The unmanned equipment buildings shall not exceed five hundred square feet of gross floor area per building and shall not exceed twelve (12) feet in overall height.

(3) The overall height of antenna support structures including the antenna shall not exceed one hundred and fifty (150) feet. Buildings shall comply with all structure requirements of the zone in which they are installed development standards for the zoning district in which they are located.

(4) A building permit from the City of Lago Vista shall be required for the installation of any antenna support structures above twenty five (25) feet, antenna above twelve (12) feet attached to buildings, or other independent support structures and unmanned equipment buildings developed for a wireless communication system. Applications for a permit shall be accompanied by the following in duplicate:

- (A) A complete set of construction documents showing the proposed method of installation.
- (B) A copy of the manufacturer's recommended installation instructions, if any.
- (C) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines, all structures and the distances from all residential zoning districts.
- (D) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the requirements of the City of Lago Vista Building Code.
- (E) Certification shall be submitted stating that all antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or other applicable federal or state agencies.

(5) A special use permit shall be required for the installation of any antenna support structures above twenty five (25) feet, antenna above twelve (12) feet attached to buildings, or other independent support structures and unmanned equipment buildings developed for a wireless communication system. (Note: this probably needs to be a cross reference to Table B of Chapter 14).

Commented [F21]: Agree.

(b) The shared use of existing antenna support structures and approved antenna support structure sites shall be preferred to the construction of new such facilities. The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communications system providers or users. The city shall maintain a list of known wireless communications providers who do or may desire to offer service in the area. Prior to certification of any application, all applicants for antenna support structures shall comply with the following procedures:

(1) All wireless communication system applicants shall provide notice by mail to all providers on the wireless communication system providers' list with the following information: specifications of the proposed antenna support structure; its general location; its proposed height; and a phone number to locate the owner of the antenna support structure. A copy of the notice shall be mailed to the city code enforcement director official. The notices shall

Commented [F22]: Added by Robbins 1 Sep

invite potential wireless communication system providers to apply for space on the proposed antenna support structure.

(2) The applicant shall submit a report inventorying existing antenna support structures and antenna sites within one mile distance from the proposed site, outlining opportunities for shared use as an alternative to the proposed one. It is incumbent upon the applicant to co-locate or show cause why it cannot. In the case of co-location, the pro rata reimbursement to the initial applicant from the future provider shall not exceed fifty five (55%) of the original cost for construction of the antenna support structure.

(c) Wireless communication systems shall be a use permitted by right in all zoning districts if the land and structure are owned by the City of Lago Vista. (Note: this appears to be inconsistent with the consistent recent instruction of the Lago Vista City Council suggesting that the City hold itself to the same standards and requirements as other property owners).

**Commented [F23]:** City should follow its own regs. The rest of this section seems to apply to any support structure.

(1) All antenna support structures, or buildings, or other independent support structures where antenna are proposed to be attached, shall be monopole design. The height of a monopole antenna support structure including the antenna, shall not exceed one hundred fifty (150) feet.

Antenna support structures shall be spaced from all residential zoning districts at a minimum of one hundred ten percent (110%) of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential zoning districts; provided that antenna support structures located by the city on land owned by the city within residential zoning districts shall be spaced a minimum of one hundred ten percent (110%) of the height of the antenna support structure measured from the base of the antenna support structure to the closest applicable property lines.

Antenna may be attached to buildings or independent support structures, if:

(A) The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right of way, recreation facility light pole, or antenna support structure; and

(B) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array; and

(C) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right of way and pole appearance and function, except for antenna, are not significantly altered; and

(D) The existing support structure is engineered to support the proposed antenna.

(d) Radio and television antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennae shall be considered as permissible accessory uses in all zoning districts and shall be permitted in accordance with the regulations for detached accessory structures. Antenna support structures within nonresidential districts shall comply with the height

**Commented [F24]:** Does (d) apply only to "ham" structures?

**Commented [F25]:** What are the standards that apply, setbacks?

and setback requirements for the particular district. (Note: this needs to be cross-referenced to Chapter 14) and:

(1) The height of an antenna support structure shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade adjacent to the antenna or antenna support structure over twenty five (25) feet in height. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the City of Lago Vista Building Code and Zoning ordinance (Note: this provision needs to be cross-referenced and clarified in Chapter 14). Applications for a permit shall be accompanied by the following, in duplicate:

- (A) A complete set of construction documents showing the proposed method of installation.
- (B) A copy of the manufacturers recommended installation instructions, if any.
- (C) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines and all structures.
- (D) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural and all other requirements of the City of Lago Vista building code.
- (E) All antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or any other federal or state agency.

(e) In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts:

- (1) Antenna may be roof or ground mounted, free-standing or supported by guy wires, buildings or other structures in compliance with the manufacturer's structural specifications. A ground mounted antenna shall be any antenna with its base mounted directly in the ground even if such an antenna is supported or attached to the wall of a building.
- (2) Roof mounted antenna, including support structure, shall not extend higher than fifteen (15) feet above the peak of the roof; except a single vertical pole antenna may extend up to twenty (20) feet above the peak of the roof. (Note: is this consistent with section (d)(1) above?).
- (3) Ground mounted antenna, including support structure, shall not exceed the maximum height allowed for a roof mounted antenna. (Note: is this consistent with section (d)(1) above?). The antenna or antenna support structure shall not be located in any required front yard setback or anywhere in the front yard between the principal building and the front setback (Note: this is covered in Chapter 14, unless exempted and only needs to be cross-referenced).

(f) Additional Requirements:

- (1) Tower Illumination. Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or any other federal or state agency.

**Commented [F26]:** Is this for "ham" antennae in non-residential?

**Commented [F27]:** Agree.

**Commented [F28]:** To staff question: No. What is the height of an antennae single or more on roof on the ground?

**Commented [F29]:** Agree.

(2) Radiation Standards. Wireless communication systems shall comply with current Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NIR). The applicant shall submit verification that the proposed site plan ensures compliance with these standards.

(3) Fencing for Wireless Communication Systems. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on a building or other independent support structure. The fence shall not be less than eight (8) feet in height measured from finished grade. (Note: should this height be instead be regulated by Chapter 14, which permits a height of eight feet under specific circumstances only?). Access to the antenna support structure shall be through a locked gate.

(4) Landscaping for Wireless Communication Systems. Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the antenna support structure, and any other ground level features (such as a building). A combination of existing/native vegetation, natural topography, manmade features such as berms, walls, decorative fences and any other features can be used instead of landscaping if those features achieve the same degree of screening as the required landscaping. (Note: these provisions are not redundant, but should seemingly also reference Chapter 14 for additional requirements).

(5) Setbacks for Wireless Communication Systems. Antenna support structures and unmanned equipment buildings shall meet the minimum building setback requirements for the zoning district in which they are located. Setbacks shall be measured from the base of the antenna support structure to all applicable property lines. (Note: this is covered above and in Chapter 14, and only needs to be cross referenced).

(6) Maintenance of Structures. All tower structures, guy wires, fences, poles and equipment buildings shall be kept in good structural condition, and any painted structures shall be repainted as necessary to prevent rust and weathering.

(7) Abandonment. In the event the use of any Wireless Communication System is discontinued for a period of one hundred eighty (180) consecutive days, the antenna support structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the building official who shall have the right to request documentation and/or affidavits from the antenna support structure owner/operator regarding the issue of usage. Upon determination of abandonment, the owner/operator of the antenna support structure shall remove the antenna support structure within ninety (90) days of receipt of notice from the building official notifying the owner/operator of such abandonment. If such support structure is not removed within said ninety (90) days, the building official may cause such antenna support structure to be removed at the owner's expense. If there are two or more users of an antenna support structure, then this provision shall not become effective until all users cease using the antenna support structure.

**Commented [F30]:** Add to Section 22 of Ch.14 the requirement that this fencing has to be at least 8 feet tall.

**Commented [F31]:** The above appears to apply only to "ham" structures.

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## CHAPTER 14

### ZONING

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#### **19.10 General Requirements**

Wireless Communications Systems shall be allowed in the following zones and locations: C-1A, C-1C, C-2, C-6, U-1, (excluding school property), property belonging to a fire department or district, property owned by Travis county, P-1B, P-2, LI and G-1. Wireless communications systems located in C 4 will be referred by the permitting authority to the Lago Vista Airport Property Owners Association. (That group's recommendation will be considered as part of the approval process).

#### **19.20 Requirements Prior To Filing For A Permit**

Prior to filing a request for a building permit and, when applicable, a special use permit, the following requirements must be met:

- (a) Antenna support structures shall be two hundred (200) feet from all residential zoning districts, measured from the base of the antenna support structure to the nearest residential zoning district boundary.
- (b) The unmanned equipment buildings shall not exceed five hundred square feet of gross floor area per building and shall not exceed twelve (12) feet in overall height above the ground at the geometric center of the foundation.
- (c) The overall height of antenna support structures including the antenna shall not exceed one hundred and fifty (150) feet above the ground under the antennae. Buildings shall comply with all structure requirements of the zone in which they are installed.
- (d) A building permit from the City of Lago Vista shall be required for the installation of any antenna support structures that is taller than twenty-five (25) feet; antenna taller than twelve (12) feet that would be attached to buildings, or other independent support structures and unmanned equipment buildings developed for a wireless communication system. Applications for a permit shall be accompanied by the following in duplicate:
  - (1) A complete set of construction documents showing the proposed method of installation;
  - (2) A copy of the manufacturer's recommended installation instructions, if any;
  - (3) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines, all structures, and the distances from all residential zoning districts;
  - (4) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the requirements of the City of Lago Vista building code;

(5) Certification shall be submitted stating that all antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or other applicable Federal or State agencies.

(e) A special use permit shall be required for the installation of any antenna support structures that would be more than twenty-five (25) feet above the ground, an antenna that is taller than twelve (12) feet that is attached to buildings or other independent support structures, and unmanned equipment buildings developed for a wireless communication system.

**Commented [F32]:** Cross reference in Table B.

#### **19.30 Shared Use Of Antennas**

The shared use of existing antenna support structures and approved antenna support structure sites shall be preferred to the construction of new such facilities. The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communications system providers or users. The City shall maintain a list of known wireless communications providers who do or may desire to offer service in the area. Prior to certification of any application, all applicants for antenna support structures shall comply with the following procedures:

(a) All wireless communication system applicants shall provide notice by mail to all providers on the wireless communication system providers' list with the following information: specifications of the proposed antenna support structure; its general location; its proposed height; and a phone number to locate the owner of the antenna support structure. A copy of the notice shall be mailed to the City code enforcement director. The notices shall invite potential wireless communication system providers to apply for space on the proposed antenna support structure.

(b) The applicant shall submit a report inventorying existing antenna support structures and antenna sites within one mile distance from the proposed site, outlining opportunities for shared use as an alternative to the proposed one. It is incumbent upon the applicant to co-locate or show cause why it cannot. In the case of co-location, the pro-rata reimbursement to the initial applicant from the future provider shall not exceed fifty-five percent (55%) of the original cost for construction of the antenna support structure.

#### **19.40 Structures**

Wireless Communication Systems shall be a use permitted by right in all zoning districts if the land and structure are owned by the City of Lago Vista and used for public works and public safety purposes; and land owned by a fire district or Travis county and used for public safety purposes, and shall comply the following:-

(a) All antenna support structures, or buildings, or other independent support structures where antenna are proposed to be attached, shall be monopole design. The height of a monopole antenna support structure including the antenna shall not exceed one hundred fifty (150) feet.

(b) Antenna support structures shall be spaced from all residential zoning districts at a minimum of one hundred ten percent (110%) of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential zoning districts; provided that antenna support structures located by the city on land owned by the City within residential zoning districts shall be spaced a minimum of one hundred ten percent (110%) of the height of the antenna support structure measured from the base of the antenna support structure to the closest applicable property lines.

(c) Antenna may be attached to buildings or independent support structures, if:

- (1) The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole, or antenna support structure; and
- (2) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array; and
- (3) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right-of-way and pole appearance and function, except for antenna, are not significantly altered; and
- (4) The existing support structure is engineered to support the proposed antenna.

~~(d)~~ Radio and television antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennae shall be considered as permissible accessory uses in all zoning districts and shall be permitted in accordance with the regulations for detached accessory structures. Antenna support structures within nonresidential districts shall comply with the height and setback requirements for the particular district in which the structure is located, and, except all antennae and their support structure more than 25 feet tall shall have a special use permit before permitting.

(e) Height measurement. The height of an antenna support structure shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade ~~adjacent to below~~ the antenna or antenna support structure ~~over twenty-five (25) feet in height.~~

(f) Permitting. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the City of Lago Vista Building Code and Zoning Ordinance. Applications for a permit shall be accompanied by the following, in duplicate and by electronic copy.

- (1) A complete set of construction documents showing the proposed method of installation.
- (2) A copy of the manufacturers recommended installation instructions, if any.
- (3) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines and all structures.

~~(A) (4)~~ Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural and all other requirements of the City of Lago Vista building code.

~~(B) (5)~~ All antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or any other Federal or State agency.

~~(C) (g)~~ In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts:

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(A) (1) Antenna may be roof or ground mounted, freestanding, or supported by guy wires, buildings, or other structures in compliance with the manufacturer's structural specifications. A ground-mounted antenna shall be any antenna with its base mounted directly in the ground even if such an antenna is supported or attached to the wall of a building.

(B) (2) Roof-mounted antenna, including support structure, shall not extend higher than fifteen (15) feet above the peak of the roof; ~~except a single vertical pole antenna may extend up to twenty (20) feet above the peak of the roof.~~

(C) (3) Ground-mounted antenna, including support structure, shall not exceed the maximum height allowed for a roof-mounted antenna. The antenna or antenna support structure shall not be located in any required front-yard setback or anywhere in the front yard between the principal building and the front setback.

#### **19.50 Additional Requirements**

The following additional requirements shall apply:

- (a) **Tower Illumination**. Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or any other Federal or State agency.
- (b) **Radiation Standards**. Wireless Communication Systems shall comply with current Federal Communication Commission (FCC) standards for nonionizing electromagnetic radiation (NIER). The applicant shall submit verification that the proposed site plan ensures compliance with these standards.
- (c) **Fencing for Wireless Communication Systems**. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on a building or other independent support structure. The fence shall not be less than eight (8) feet in height measured from finished grade. Access to the antenna support structure shall be through a locked gate.
- (d) **Landscaping for Wireless Communication Systems**. Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the antenna support structure, and any other ground level features (such as a building). A combination of existing/native vegetation, natural topography, manmade features such as berms, walls, decorative fences and any other features can be used instead of landscaping if those features achieve the same degree of screening as the required landscaping.
- (e) **Setbacks for Wireless Communication Systems**. Antenna support structures and unmanned equipment buildings shall meet the minimum building setback requirements for the zoning district in which they are located. Setbacks shall be measured from the base of the antenna support structure to all applicable property lines.
- (f) **Maintenance of Structures**. All tower structures, guy wires, fences, poles, and equipment buildings shall be kept in good structural condition, and any painted structures shall be repainted as necessary to prevent rust and weathering.
- (g) **Abandonment**. In the event the use of any Wireless Communication System is discontinued for a period of one hundred eighty (180) consecutive days, the antenna support structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official who shall have the right to request documentation and/or affidavits from the antenna support

**Commented [F33]:** Reference this paragraph in Section 22.30, ch. 14.

structure Owner/ Operator regarding the issue of usage. Upon determination of abandonment, the Owner/Operator of the antenna support structure shall remove the antenna support structure within ninety (90) days of receipt of notice from the Building Official notifying the Owner/Operator of such abandonment. If such support structure is not removed in said ninety (90) days, the City Manager or his designee may cause such antenna support structure to be removed and a lien placed on the property for the cost of such removal. This provision shall not become effective until all users cease using the antenna support structure.

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## GROUP 4

### Staff Comments:

The regulations below include a mix of regulations, most of which more typically appear within zoning ordinances. However, I am unable to locate any authority within Chapter 14 for a “mobile home park” to be located in any zoning district. Instead, manufactured homes, mobile homes and any other form of industrialized housing is limited to the R-1M zoning district, with exceptions mandated by state statutes under very specific conditions where they must be permitted in other single-family residential districts. However, in those cases they are required to each be located on a separate platted lot and a “mobile home park” as described below is not a permitted use.

However, a much more commonly and strictly regulated use permitted by our zoning ordinance that is not afforded much attention in our Code of Ordinances are “recreational vehicle parks.” Perhaps the reason is that the only existing facilities of this type are operated by the LVPOA, and they tend to prevent the type of problems that can occur when these facilities become locations for extremely low-cost permanent residences. Typical best practices include regulations related to this type of use that includes zoning requirements (similar to those below), but also includes minimum construction standards and a requirement for a renewable operational permit from the owner of the facility (usual included as a business regulation) that is predicated on periodic safety inspections of the grounds and each unit located within the facility.

## CHAPTER 3

### BUILDING REGULATIONS

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#### Subcommittee comments:

1. Make manufactured housing (mobile home inspections consistent with state rules).
2. Update manufactures housing and industrialized housing definitions.
3. Add a provision allowing the city to get an appraisal for industrialized (modular) housing home placement.
4. Add applicable state laws and rules for industrialized and manufactured housing by reference.
5. Add provisions for container homes.
6. Disallow mobile home parks. Allow mobile home subdivisions, like “Coyoteville”.
7. Allow RV/campground parks only in R-1m and P-2 zoning districts and only by SUP.
8. Eliminate inconsistencies in the standards for mobile home and RV parks and apply the most strict current standard.
9. Allow RV's for a maximum stay of three months.

### **Sec 3.511 Mobile Home Park Standards**

(a) **Design Standards for Mobile Home Park.** Following are specific design standards for a mobile home park. These standards shall apply where they are in conflict with the zoning, subdivision or site development ordinances.

(1) **Mobile Home Spaces.** In sizing mobile home spaces, the following minimum space, yard, and density requirements shall be applied:

(A) **Living Unit Density.** A maximum density of five (5) living units per acre shall be maintained.

(B) **Front Yard.** Measuring from a public street easement line or from a common access street, no front yard shall be less than twenty-five (25) feet in depth.

(C) **Rear Yard.** Measuring from a boundary line of the mobile home park, no rear yard shall be less than twenty-five (25) feet in depth.

(D) **Side Yard.** No side yard shall be less than fifteen (15) feet in width.

(E) **Driveways.** Individual driveways shall be provided for within the boundaries of each mobile home space. The driveways shall be perpendicular to the common access street(s) and shall be no less than eight (8) feet wide and of sufficient length to accommodate at least two (2) parked automotive vehicles.

(2) **Parking Space.** Where individual driveways may be insufficient to provide adequate parking space, off-street parking in the form of parking bays may be provided to reduce the traffic hazard of randomly parked vehicles.

(3) **Storage Building.** Storage and/or utility buildings shall be permitted, provided that they are located no less than ten (10) feet from the side or rear boundaries of a mobile home space.

(4) **Privacy Fencing.** Privacy fencing shall be required for all mobile home parks. In the design, location, and erection of privacy fences, the following guidelines and requirements shall be observed.

(A) **Ownership and Placement of Privacy Fence.** All privacy fences shall be the property of the mobile home park owner who shall be responsible for the repair and maintenance of said fences. Therefore, the privacy fencing must lie inside the boundary lines of the mobile home park. Moreover, to prevent encroachments upon the land of adjoining property owners, to allow for any possible errors in the survey, and to allow for fence alignment errors during the erection of the privacy fence, all such fences shall be set back a distance of not less than one (1) foot inside the boundary lines of the mobile home park.

(B) **Alignment of Privacy Fence.** If the privacy fence is to be located along a boundary line that is greater than two hundred (200) feet in length, a registered engineer, or a registered public surveyor, shall set intermediate, fence alignment stakes on the fence setback lines at intervals of no more than two hundred (200) feet.

**Commented [F34]:** (1) is inconsistent and more strict than Ch. 14.

**Commented [F35]:** Delete fencing requirement.

(C) Height of Privacy Fence. All privacy fences shall be no less than six (6) feet in height except that fences which run parallel along public streets shall be only between three (3) feet and four (4) feet in height.

(D) Fence Material. All privacy fences shall be constructed using tightly joined, wood boards, opaque, corrugated, construction grade plastic panels, or any other high strength, opaque material the CBS shall approve.

(E) Specific Purpose of Privacy Fencing. Specifically, the privacy fence shall be sufficiently strong and opaque so that it will serve:

- (i) to block out undesired views.
- (ii) to prevent animals and children from wandering across property lines.
- (iii) to ensure a safe, contained play area for children.
- (iv) to provide a barrier against thrown balls, trash, and other refuse.
- (v) to maximize privacy and seclusion from intrusive onlookers.
- (vi) to discourage trespassing and vandalism.
- (vii) to preempt any encroachment upon the land of adjoining property owners.

(5) Public Water Supply. A mobile home park within the city limits shall be connected to the city's public water supply system, and water service shall be provided to each mobile home space. Each mobile home space shall be provided with a water service riser pipe, installed at least four (4) inches above ground level. A cutoff valve shall be installed at each mobile home space at an appropriate location on the main line running through the park.

(6) Private Water Supply. A mobile home park laid out in accordance with the subdivision ordinance that cannot be immediately served by the city's water supply system, may install a private water system in accordance with that ordinance.

(7) Wastewater Disposal. A mobile home park within the city limits shall be connected to the city's public wastewater system; sewer service shall be provided to each mobile home space. Each mobile home space shall be provided with at least a four (4) inch diameter sewer service riser pipe. The sewer riser pipe shall be suitably plugged when no mobile home occupies the mobile home space.

**Commented [F36]:** Mobile home subdivisions will follow subdivision rules and each lot will have access to public water, sewer, and street.

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## GROUP 5

**Staff Comments:** This subsection simply seems to be located in the wrong chapter as it is not typically related to a building permit and certainly not limited to property in which a building permit is required. As implied by the purpose section and other included provisions, a more appropriate location might be a separate article within Chapter 6, "Health and Sanitation Regulations." An equally or perhaps even preferable location might be Chapter 8, "Offenses and Nuisances." In fact, you could make a very sound argument that both existing articles within Chapter 6 might be more appropriately located within Chapter 8. In anticipation of some future amendment, subsection 20(m)(1) of Chapter 14, "Tree Preservation and Landscaping Requirements" simply refers to "other chapters within the Lago Vista Code of Ordinances."

## CHAPTER 3

### BUILDING REGULATIONS

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#### ARTICLE 3.600 OAK WILT CONTROL

**Commented [F37]:** Move to Chapter 8 and add a provision about required trees that die have to be replaced.

##### Sec 3.601 Purpose

The provisions of this article are deemed to be necessary to promote the health, safety, and general welfare of the residents of the city.

##### Sec 3.602 Definitions

Words used and not defined in this article shall have their ordinarily accepted meaning. For the purpose of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Diseased Trees. Live oak and red oak trees or wood therefrom that are infected with oak wilt disease; and a red oak tree or wood from a red oak tree, which is dead or partially alive, but infected with such disease and to which the bark is still attached.

Forester. Any individual qualified in the area of urban forestry, botany or horticulture employed or engaged by the city including but not limited to representatives from the Texas Forestry Service, Travis County or other agency.

Public Nuisance. Red and live oak trees or wood that are determined to be infected with the fungus which causes oak wilt disease (*Ceratocystis fagacearum*) ("oak wilt"); a dead red oak tree or wood from a red oak tree, that was or is, infected with oak wilt disease; and diseased trees and wood as defined below. Pursuant to Chapter 342, Tex. Health & Safety Code, diseased trees are deemed a public nuisance.

### **Sec 3.603 Abatement Of Nuisance By Owner Of Property**

- (a) Red oak and live oak trees that are infected with oak wilt, a dead red oak tree and wood from a red oak tree that was infected with oak wilt, and all other trees and wood diseased with oak wilt are hereby declared and determined to be a public nuisance.
- (b) It shall be unlawful for an owner of any lot or parcel of land within the city to permit or maintain on such lot or parcel any diseased trees which is a public nuisance as defined herein. It shall be the duty of the owner, within fourteen (14) calendar days from notice given under Section 3.606 under this article to cause to be removed and destroyed the diseased trees. Such removal or destruction shall be completed under the supervision and direction of the city.
- (c) Should the property owner fail to abate the public nuisance within fourteen (14) days following the receipt of notification, the city shall have the right to cause the removal and destruction of the diseased trees. The full cost of such removal and destruction shall be assessed to the owner of the property. Should the property owner fail to pay the city within thirty (30) days from the date of invoicing the city may, at its discretion, file a lien against the property in the amount of all costs incurred by the city plus interest. The assessment of expenses and lien shall follow the procedures established in Chapter 342, Tex. Health & Safety Code.

### **Sec 3.604 Enforcement**

The city manager or his/her designee is charged with the enforcement of this article and shall perform the duties as set forth herein. The county is also authorized and requested to enforce this article within the city. The city manager or his/her designee shall coordinate and cooperate with the forester to the fullest reasonable extent.

### **Sec 3.605 Inspections**

Save and except as provided herein, permission of the owner, occupant, or person in control of any premises shall be necessary for entry onto the subject premises by city personnel or forester pursuant to this article. If such entry is requested and refused, and the city or forester has probable cause to believe there exists on the subject premises a public nuisance, the city inspector or forester shall go before a municipal court judge of the city and request a search warrant. The purpose of that warrant shall be to determine the presence of a public nuisance and to obtain such specimens of trees as are required for the purposes of analysis to determine whether the same are infected with Oak Wilt.

### **Sec 3.606 Notice To Owner**

- (a) If, upon inspection it is determined that a tree or oak wood is infected with Oak Wilt and if the city or forester determines that such tree or any wood thereof is a public nuisance as provided herein, the city shall serve or cause to be served upon the owner of record of the lot or parcel of land on which that diseased tree is located, a written notice requiring such owner to comply with the provisions of this article including but not limited to the removal and destruction of any diseased tree.
- (b) Such service of notice shall be by personal service or certified mail, return receipt requested if the owner of the lot or parcel of land on which the diseased tree is located is a resident of the city. If the owner is temporarily absent from his residence or an owner is determined to be a non-resident, written notice shall be served by certified mail addressed to the named person at the address indicated on the most recent tax appraisal records and by posting notice of the violation on the property at the point of ingress. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

#### **Sec 3.607 Payment Of Cost**

The city council may appropriate money in the annual budget each year for Oak Wilt suppression. The Lago Vista Property Owners' Association has indicated a willingness to share equally with the city in these costs and may contribute money for this purpose. These monies may be used to match state and federal funds to pay for the cost of Oak Wilt suppression. The owner of any lot or parcel of land within the city is and shall be responsible to pay for the removal, destruction or treatment of any diseased tree when it has been determined the diseased tree or wood is a public nuisance.

#### **Sec 3.608 Tree Trimming Personnel**

Personnel hired or contracted to trim, cut, treat or remove diseased tree on improved property shall be, or shall be working under the direct supervision of a competent urban forester, botanist or horticulturist familiar with the identification and control of Oak Wilt Disease. The name, address and telephone number of all such personnel shall be filed with the city secretary for record keeping purposes.

#### **Sec 3.609 Sterilization Of Equipment**

Equipment used for Trimming, Cutting. Treating or removing of diseased tree will be sterilized after each tree is completely cut and before proceeding to the next tree. A solution of nine parts water to one part bleach is recommended for sterilization of all trimming equipment. Equipment shall be sterilized after each cutting.

#### **Sec 3.610 Penalties**

It shall be unlawful for any person, firm or corporation to violate any of the provisions of this article. Any person violating any provision hereof shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every such violation and for each and every day or portion thereof during which any such violation continues or occurs. Upon the conviction of such violation, such offense shall be punishable by fine in accordance with the general penalty provision found in Section 1.109 of this code.

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## Draft Minutes

November 2, 2022, Regular Meeting

Agenda Item 8a

**MINUTES**  
Building and Standards Commission  
Regular Meeting  
Wednesday, November 2, 2022  
City of Lago Vista

Chair Scott Cameron called the meeting to order at 6:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St. Other members present were Vice-Chair Frank Robbins, Jim Cason, Mike Miskie, Amadeo Perez, Howard Hoover, and Dave Snyder. Council Liaison Paul Roberts was present. Development Services Director Roy Jambor and City Attorney Erin Selvera were also present.

**CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA**

There were no public comments.

**BUSINESS ITEMS**

**1. Comments from the Council Liaison.**

Paul spoke about the sign ordinance amendment and said it will be discussed at the next meeting. He also reviewed the proposed amendment that will allow all liaisons to convey information to the City Council from the Boards and Commissions without putting it on the agenda. He also announced that tomorrow is the deadline to submit the application to serve on the Commission and said any members being reinstated would need to submit an application.

**DISCUSSION AND POSSIBLE ACTION**

**2. Discuss and consider action on a draft ordinance amendment recommendation to address provisions within Section 3.120 of Chapter 3 of the Lago Vista Code of Ordinances related to construction refuse and debris, specifically including concerns about nails and other similar metal objects being deposited in an adjacent public right-of-way.**

Roy discussed the issues in the ordinance and noted the corrections that are needed.

Jim discussed the details of the trash receptacles with Roy. Roy said if anyone has a recommendation, they will consider it.

Dave commented while he doesn't have a problem with the language, it may be hard to enforce the new requirement since both the construction crews and the Code Enforcement Officer are gone at the end of the day. Roy said they can add specific language that can make it more enforceable. Roy discussed the issues with Dave.

Frank commented they didn't have any data to show the source of the problem and discussed the proposed language with Roy.

On a motion by Dave Snyder, seconded by Amadeo Perez, the Commission voted all in favor to have staff give them alternative language for this item so that they can review it and find language that is better suited to what they are trying to accomplish.

Jim commented that Roy was looking for a recommendation as to where to place paragraph D in the ordinance. Roy and the Commission discussed the current placement of the paragraph in the ordinance and why it needs to be revised.

3. Update and possible discussion with the members of the subcommittee that is looking at conflicts and/or duplications of provisions within Chapter 3 and Chapter 14.

The Commission discussed who was on the subcommittee. Frank said the basis for the information for the language to include in it is in the staff report. They discussed how the recommendations should be handled with Roy. Roy reported there should be a joint subcommittee meeting with the Planning and Zoning Commission so they can share input. Roy discussed what they need to do to accomplish this task.

Paul suggested that they wait until after the election to form the subcommittee since there is a chance that members on the Commission can change. Paul and the Commission discussed their options for forming the subcommittee with Roy.

Scott discussed what is happening with the proposed sign ordinance amendment with Roy and Erin.

Jim spoke about the upcoming contractor registration and asked if there will be any training for it and discussed it with Erin and Roy. He also briefly discussed the legal process with Erin and she said she would send everyone information on it.

#### **ADJOURNMENT**

On a motion by Scott Cameron, the Commission voted unanimously to adjourn at 6:31 P.M.

## Draft Minutes

December 7, 2022, Regular Meeting

Agenda Item 8b

**MINUTES**  
Building and Standards Commission  
Regular Meeting  
Wednesday, December 7, 2022  
City of Lago Vista

Chair Scott Cameron called the meeting to order at 6:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St. Other members present were Vice-Chair Frank Robbins, Jim Cason, Mike Miskie, Howard Hoover, and Dave Snyder. Council Liaison Paul Roberts was present. Development Services Director Roy Jambor was also present. Amadeo Perez was absent.

**CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA**

There were no public comments.

**BUSINESS ITEMS**

**1. Comments from the Council Liaison regarding items of community interest.**

Paul spoke about establishing training or overview for the new contractor registration program with the Commission; discussed the subcommittee for the Commission and the Planning and Zoning Commission to discuss the conflicts between Chapters 3 and 14 in the Code of Ordinances; reported the Planning and Zoning Commission is contemplating having two meetings per month; spoke about the issues with the sign ordinance amendment and discussed getting input for discussion; and he mentioned that Mr. Miskie and Mr. Perez did not reapply for membership for the Commission and thanked them for their civic involvement.

**DISCUSSION AND POSSIBLE ACTION**

**2. Discuss and consider action on a draft ordinance amendment recommendation to address provisions within Section 3.120 of Chapter 3 of the Lago Vista Code of Ordinances related to construction refuse and debris, specifically including concerns about nails and other similar metal objects being deposited in an adjacent public right-of-way.**

Roy discussed the issues with construction refuse and debris and stated that they are trying to address the problem.

Howard mentioned that he noticed that construction sites in the city are looking much better since the contractor registration program was initiated.

On a motion by Frank Robbins, seconded by Dave Snyder, the Commission voted five to one (5-1) to approve the amendment as written in the meeting packet. (Howard was opposed.)

Howard commented that he cannot approve the amendment until the lawyer reviews it.

**3. Discuss and consider action on a draft sign ordinance amendment previously recommended by the Building and Standards Commission at the April 11, 2022, Regular Meeting, but remanded by the City Council for further review and consideration.**

Roy spoke about the issues brought up regarding the amendment stating that they were not very serious and noted there was one issue in which he didn't have an answer to.

The Commission discussed their work and issues with the amendment, specifically, political and temporary signs, with Roy.

Frank requested the motion be deferred to wait for additional comments from the City Attorney.

Roy and the Commission discussed obtaining the information needed for their decision from the new City Attorney.

**4. Consider approval of the following minutes:**

May 4, 2022, Regular Meeting

May 9, 2022, Special Call Meeting

June 1, 2022, Regular Meeting

July 6, 2022, Regular Meeting

August 3, 2022, Regular Meeting

On a motion by Howard Hoover, seconded by Jim Cason, the Commission voted all in favor to approve the minutes for May 4, 2022, May 9, 2022, June 1, 2022, July 6, 2022 and August 3, 2022.

**ADJOURNMENT**

On a motion by Scott Cameron, the Commission voted unanimously to adjourn at 6:29 P.M.

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\_\_\_\_\_  
Scott Cameron, Chair

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Alice Drake, Administrative Assistant

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing instrument was passed and approved this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.