

ORDINANCE NO. 24-05-02-05

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS,
AMENDING SECTION 5.101, SECTION 5.105, SECTION 5.112, SECTION
5.115 AND TABLE A OF CHAPTER 5, THE LAGO VISTA SIGN
REGULATIONS; AND PROVIDING FOR RELATED MATTERS.**

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established provisions within Chapter 5 of the Lago Vista Code of Ordinances that regulate signs within the municipality and extraterritorial jurisdiction; and

WHEREAS, Ordinance No. 23-04-06-02 recently updated those provisions to conform to the requirements established by federal courts and state statutes that are specifically related to certain types of signs; and

WHEREAS, the Building and Standards Commission has become of aware of desirable improvements to those provisions following several recent variance applications, including some that involved signs defined as “official signs” by the current ordinance; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has undertaken an extensive review of those regulations at their regular meeting of April 3, 2024; and

WHEREAS, that extensive review by the Building and Standards Commission on April 3, 2024, revealed other potential improvements and needed corrections; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the requirements contained in Section 5.101, Section 5.105, Section 5.112, and Table A of Chapter 5 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LAGO VISTA, TEXAS, THAT:**

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 5.101, Section 5.105, Section 5.112, and Table A of Chapter 5 Signs as shown in Exhibit “A.”

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

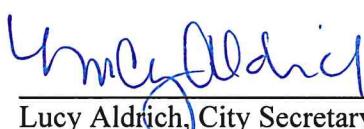
AND, IT IS SO ORDERED.

PASSED AND APPROVED this 2nd day of May 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary



On a motion by Councilor Prince, seconded by Councilor Marion, the above and foregoing ordinance was passed and approved.

EXHIBIT “A”

CHAPTER 5
SIGNS

Section 5.101 Definitions

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 a freestanding, hanging wall, or window sign. See Section 5.108 below.

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

Nonconforming Sign. Any sign which does not conform to all provisions of this chapter, including the issuance of a permit, but which was lawfully constructed, installed, or erected on the effective date of the applicable regulation.

Official Sign. Any sign or signs and notices erected and maintained by 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 that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Section 5.105 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 like structures;

(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 ten (10) or more of the handbills are found scattered about that the wind was the cause of the scattering;

Section 5.112 Variances.

When not precluded by inclusion within a planned development zoning district, the City Council, after a report from the Building and Standards Commission, in their sole judgment may grant variances to this chapter when strict compliance would cause a hardship, such as but not limited to the sign being hard to read by the public due to the topography or other physical limitations on the site, within the immediate vicinity, or within the adjacent rights-of-way. The physical limitations or conditions shall not be self-imposed or otherwise caused by the actions of the applicant for a variance or the owner of the premises.

The Board of Adjustment and the City Council when considering a sign variance may also consider that granting the variance is consistent with the purpose of this Chapter and balancing the interest of the City in preserving the purpose of this Section or the interest of nearby properties against the interest of the applicant in using this property as proposed, and the granting of the variance is required by considerations of justice and equity.

Section 5.115 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 5.114 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.

TABLE A

Awning, Canopy and Hanging Marquee (manual changeable copy) Signs, See Section 5.108(b) above

Where	Non-residential zoning districts (including C-A); 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 Article 3.800 of Chapter 3
Permit	Required

Banner Flags or Feather Signs

Where	Non-residential zoning districts (including C-A); 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 platted lot or a parcel that is not platted if it is either formally designated as a park or includes an occupied building
Maximum Number	Non-residential zoning districts, excluding C-A 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-A and in the ETJ: forty (40) square feet; all other zoning districts: fifteen (15) square feet
Maximum Height	Non-residential zoning districts, excluding C-A and in the ETJ: forty (40) feet above grade; C-A 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 Signs including electronic and changeable copy, See Section 5.108(b) above

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-A) 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 (32) square feet (all locations)
Maximum Height	Eight (8) feet above grade (all permanent ground signs shall be constructed as monument signs)
Illumination	Internal or external in accordance with Article 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 Signs

Where	Non-residential and multifamily zoning districts (including C-A) 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 per wall, limited to the maximum total display area
Location	Attached to a building
Maximum Total Display Area* (each wall)	Twenty-four (24) square feet or ten percent (10%) of the wall area, whichever is greater
Illumination	Internal or external in accordance with Article 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 Signs

Where	Non-residential and multifamily zoning districts (including C-A) 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 Article 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.

Window Sign

Where	Non-residential zoning districts (including C-A) 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 5.104 or Section 5.107 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

EXHIBIT “A”

CHAPTER 5

SIGNS

Section 5.101 Definitions

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 a freestanding, hanging wall, or window sign. See Section 9 5.108 below.

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

Nonconforming Sign. Any sign which does not conform to all provisions of this chapter, including the issuance of a permit, but which was lawfully constructed, installed, or erected on the effective date of the applicable regulation.

Official Sign. Any sign or signs ~~of and notices erected and maintained by~~ a duly constituted governmental body, ~~public utility, or public and quasi public institution~~, 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. ~~“Official signs” include signs that direct attention to a school, hospital, or similar institution including government authorized memorials, markers or signs within a public right of way, but do not include either permanent or temporary signs used to identify the location of a utility infrastructure component.~~

Off-Premises Sign. A sign displaying advertising that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Section 5.105 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 like~~ 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 ten (10) or more of the handbills are found scattered about that the wind was the cause of the scattering;

Section 5.112 Variances.

When not precluded by inclusion within a planned development zoning district, the City Council, after a report from the Building and Standards Commission, in their sole judgment may grant variances to this chapter when strict compliance would cause a hardship, ~~such as but not limited to the sign being hard to read by the public~~ due to the topography or other physical limitations on the site, within the immediate vicinity, or within the adjacent rights-of-way. The physical limitations or conditions shall not be self-imposed or otherwise caused by the actions of the applicant for a variance or the owner of the premises.

~~The Board of Adjustment and the City Council when considering a sign variance may also consider that granting the variance is consistent with the purpose of this Chapter and balancing the interest of the City in preserving the purpose of this Section or the interest of nearby properties against the interest of the applicant in using this property as proposed, and the granting of the variance is required by considerations of justice and equity.~~

Section 5.115 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 ~~44~~ 5.114 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.

TABLE A

Awning, Canopy and Hanging Marquee (manual changeable copy) Signs, See Section 5.108(b) above

Where	Non-residential zoning districts (including C-A C-A); 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 Article 3.800 of Chapter 3
Permit	Required

Banner Flags or Feather Signs

Where	Non-residential zoning districts (including C-4 C-A); 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 platted lot or a parcel that is not platted if it is either formally designated as a park or includes an occupied building
Maximum Number	Non-residential zoning districts, excluding C-4 C-A 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 C-A 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 C-A and in the ETJ: forty (40) feet above grade; C-4 C-A 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 Signs including electronic and changeable copy, See Section 5.108(b) above

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 C-A) 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 (32) square feet (all locations)
Maximum Height	Eight (8) feet above grade (all permanent wall ground signs shall be constructed as monument signs)
Illumination	Internal or external in accordance with Article 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 Signs

Where	Non-residential and multifamily zoning districts (including C-4 C-A) 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 per wall, limited to the maximum total display area
Location	Attached to a building
Maximum Total Display Area* (each wall)	Twenty-four (24) square feet (all locations) or ten percent (10%) of the wall area, whichever is greater
Illumination	Internal or external in accordance with Article 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 Signs

Where	Non-residential and multifamily zoning districts (including C-4 C-A) 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 Article 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.

Window Sign

Where	Non-residential zoning districts (including C-4 C-A) 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 5.104 or Section 5.107 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