

ORDINANCE NO. 23-04-06-02

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING THE EXISTING SIGN REGULATIONS IN ARTICLE 4.800 OF CHAPTER 4, REENACTING NEW SIGN REGULATIONS AS CHAPTER 5, CONSOLIDATING ALL BUILDING AND FIRE CODE REGULATIONS IN CHAPTER 3, RESERVING ARTICLE 4.800 OF CHAPTER 4 FOR FUTURE USE; AND PROVIDING FOR RELATED MATTERS.

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

WHEREAS, the City Council following a recommendation from the Building and Standards Commission finds it necessary and appropriate for efficiency and clarity to consolidate all fire code regulations, some of which are currently located in Chapter 5 with the balance of the fire codes and building codes located in Chapter 3; and

WHEREAS, the City Council following a recommendation from the Building and Standards Commission finds it necessary and appropriate to adopt the 2015 edition of the National Fire Protection Association's Life Safety Code (NFPA 101) to be consistent with the other model building and fire codes previously adopted; and

WHEREAS, Federal and State law regarding municipal sign regulation has evolved over time and the City Council following a recommendation from the Building and Standards Commission desires to repeal and reenact the Sign Ordinance in its entirety to comply with these changes; and

WHEREAS, because the sign regulations are not applicable only to businesses, the City Council following a recommendation from the Building and Standards Commission also desires to move the Sign Ordinance to Chapter 5 as a separate more apparent location for the benefit of the public in locating these regulations; and

WHEREAS, the City Council following a recommendation from the Building and Standards Commission finds it necessary and proper for the purpose of promoting effective and efficient government of the City to adopt the proposed amendments to Chapters 3, 4, and 5 of the Code of Ordinances.

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 3.106 of Chapter 3 Building Regulations as shown in Exhibit "A," Article 4.800 of Chapter 4 Business Regulations and Taxation as shown in Exhibit "B," and Chapter 5 Fire Prevention and Protection of the Code of Ordinances as shown in Exhibit "C."

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 6th day of April 2023.


Ed Tidwell, Mayor

ATTEST:


Lucy Aldrich, City Secretary

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

EXHIBIT “A”

CHAPTER 3

BUILDING REGULATIONS

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, 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.

EXHIBIT “B”

CHAPTER 4

BUSINESS REGULATIONS AND TAXATION

ARTICLE 4.800 RESERVED

EXHIBIT "C"

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) Recognize the unique impact of off-premise advertising on public safety, visual aesthetics, and quality of life, by restricting new off-premise signs and minimizing the impact of existing off-premises signs;

(k) Implement the City's Comprehensive Plan; and

(l) 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, 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.

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."

Banner Sign. A sign made of fabric or non-rigid material. “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. “Banner signs” also include individual devices or a series of attention getting devices such as streamers and pennants designed to respond to wind current.

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 a freestanding, hanging wall, or window sign. See Section 9(b) 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.

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. A surface that includes the entirety of the window and wall area of a specific building elevation.

Fine Art. Sculpture fountains, or similar objects or displays without a literal element or commercial logo, and which are not solely related to the economic interests of the speaker and its audience.

Flag. A piece of fabric or other flexible material customarily mounted on a pole or similar freestanding structure, other than a “banner sign,” banner flag, or feather flag.

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.

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.

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.

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 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 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.

On-Premises Sign. Any sign other than an "off-premise sign."

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 (Election) Sign. A temporary sign or any other similar written form of 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.

Portable Sign. Any sign supported by the ground or structure that is usually designed to be transportable, easily removed and otherwise moved or carried about and reused numerous times at different locations. Portable 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 or non-motorized vehicle, or signs mounted to other portable structures such as A-frames or T-frames. Portable signs do not include a "banner sign" or a "sandwich board sign" unless located in or on a vehicle or otherwise includes a means for it to be transported.

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. An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

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 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.

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 in accordance with Section 2 above;
- (b) Memorial signs or markers, including headstones on private property;
- (c) Works of fine art in accordance with Section 2 above;
- (d) Small freestanding or hanging wall signs, not exceeding 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;
- (e) Scoreboards and other similar signs or forms of advertisement within or immediately adjacent to publically owned athletic stadiums or fields that are not intended for view from a public street;
- (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;
- (g) Wayfinding and directional signs, not to exceed six (6) square feet in display surface area located on a golf course;
- (h) Letters, numbers, or symbols that are not legible from 20 feet or less away;
- (i) Sponsorship signs or similar forms of advertisement that are placed in parks and golf courses for less than seven days and associated with an event at that location, that are authorized by the park or golf course owner; and
- (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 ten (10) or more of the handbills are found scattered about that the wind was the cause of the scattering;
- (d) Erecting, maintaining, painting, or spraying any sign, or other message or advertising upon a tree, rock, or other natural feature in order to preserve the full contribution of these natural features toward the aesthetic quality of the City;
- (e) Removing, altering, changing, or obscuring any official sign or other similar official tag, permit, sticker, or identification without approval of the City;
- (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;
- (g) 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;
- (h) 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, except as otherwise explicitly allowed herein;
 - (i) Erect an off-premise sign;
 - (j) Erect, place, maintain, alter, or relocate a sign within the City or its extraterritorial jurisdiction in violation of the provisions of this article;
 - (k) Erect a portable sign, roof sign, snipe sign, balloons/forced air or inflatable sign;
 - (l) Erect any sign that has moving parts or flashing, moving or intermittent lights;

- (m) Attach or place a sign on a junked vehicle on public or private property;
- (n) Erect a political (election) sign in violation of state law or contrary to the standards within Table A below;
- (o) Erect a sign or notices on City property, within a public right-of-way, or within a public utility or drainage easement without approval of the City Council;
- (p) Fail to remove a political (election) sign within ten (10) days after the event to which it relates, or a temporary banner in violation of this chapter;
- (q) Fail to remove an illegal nonconforming sign as described in this chapter; or
- (r) Erect any sign not permitted by this chapter.

Section 7. Loss of Nonconforming Status

- (a) 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.
- (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 the extent that the cost of maintenance or repairing the sign is more than fifty (50) percent of the cost of a substantially similar replacement at the same location (exclusive of the cost of modifying the display);
 - (4) The sign has been moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities;
 - (5) The structure of the sign has been altered in any way except for normal wear, routine painting, or repair; or
 - (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.
- (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, nonconforming signs may be removed in accordance with the provisions of Chapter 216 of the Texas Local Government Code.

Section 8. On-Premises and Off-Premises Signs

(a) Off-premises signs are prohibited except as follows, or as otherwise explicitly authorized by this chapter:

- (1) Official signs (see Section 2 and 5 above);
- (2) Golf courses may have off-premises signs in accordance with Section 5 above;
- (3) Athletic field signs in accordance with Section 5 above;
- (4) Political (election) signs in accordance with state law (see Section 6 above and Table A below).

(b) Off premise signs as defined in Section 2 above cannot be considered an on-premise sign for the purpose of this chapter.

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. Because of the potential for this type of sign to create a traffic safety hazard resulting from unregulated distractions and to compromise the community aesthetic more significantly than a static sign of a similar size and type, additional design standards and restrictions are warranted.
 - (A) Electronic signs or Electronic message centers (EMCs) and manual changeable copy may only 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 signs are also subject to all general illumination standards as set forth in the code of ordinances (See Article 3.800 of Chapter 3).
- (2) Electronic Message Centers (EMCs).
 - (A) Generally. The maximum size of the sign is based on the type as specified in Table A, while the EMC reader panel area is included in that maximum allowable display area, notwithstanding any further restrictions contained in this section.

(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 dim according to the ambient light conditions, or that can be adjusted to comply with the maximum light intensity limitations in Article 3.800 of Chapter 3. 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 any technology that complies with the illumination standards is permitted.
- (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 B of Chapter 14) and shall 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 edge of the sign and the property line of the use or zoning district.
 - (2) At least 50 feet between any two (2) EMCs on separate lots or tracts of land.

(3) Design requirements.

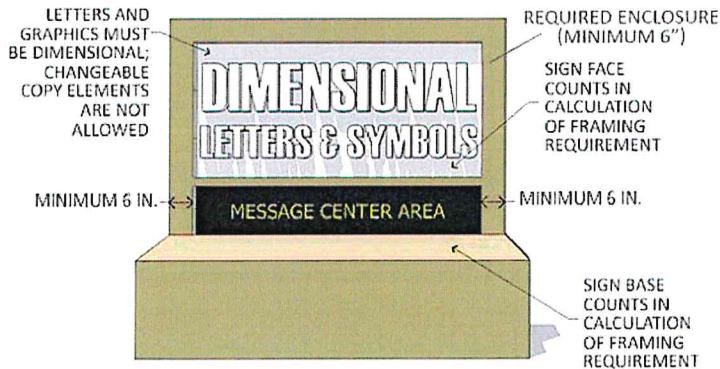
- (A) Percentage of sign area. EMCs, including their frames, shall comprise no more than seventy-five (75) percent of the sign area of a monument sign and a maximum of twelve (12) square feet of a canopy sign. The balance of the sign display area shall consist of permanent, dimensional letters or symbols.

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:
 - (i) 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;
 - (ii) Go dark or limit maximum brightness in the event that a catastrophic power surge occurs; and
 - (iii) Contain a default mechanism that freezes the sign in one (1) position that complies with this Chapter if a malfunction occurs.

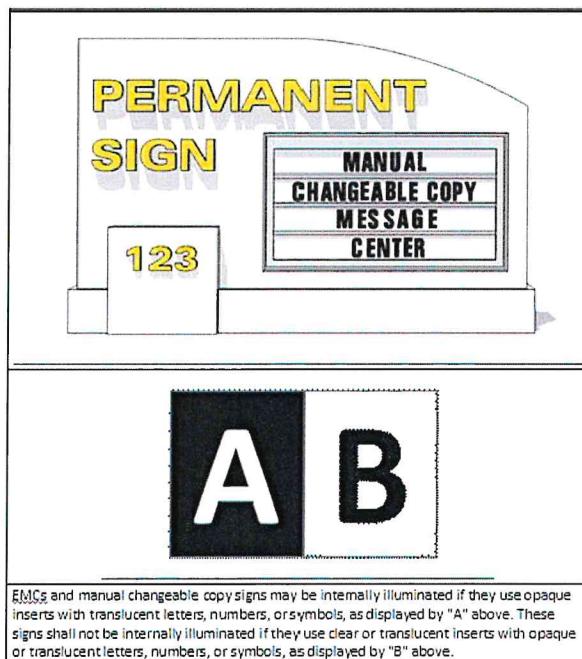
Figure 2
Electronic Message Center Design Requirements



- (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 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 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 surrounding area of the sign are permitted to accommodate locks and hinges to secure the changeable copy area, but only to the extent necessary for such devices to function.

Figure 3
Manual Changeable Copy Sign



Section 10 Permit Required.

- (a) Prior to the erection or placement of signs other than those specifically exempted in Section 5 above or Table A below, a sign permit from the City shall be obtained. The applicable fee for each individual sign specified in Appendix A of this Code of Ordinances, is payable at the time of application, which shall document compliance with all applicable provisions of this chapter.

- (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. New components of a non-conforming sign shall comply with the provisions of this chapter. However, also see Section 7(b)(3) above.
- (c) The permit application for any temporary sign not otherwise exempt from the requirement to obtain a permit shall show the intended display period.
- (d) 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.

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, compared to a planned development district (PDD) ordinance amendment or approval of individual variances within a unified development. Approval of a master sign program pursuant to the procedures and standards of this section:
 - (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.
 - (2) Approval criteria. The Director of Development Services (hereafter the Director) may approve a master sign program for a multi-tenant, large commercial or mixed use development if (as proposed) it will result in a substantially improved, comprehensive, and unified proposal, as provided in subsections (A) through (G) below, compared to what would result from strict compliance with all other provisions of this chapter. The Director shall review all sign types (e.g., attached, freestanding, 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 without increasing clutter. Such demonstration may include but not be limited to any or all of the following:
 - (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) 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 individual commercial developments or a multi-tenant development in any multifamily, mixed use or non-residential development, including applicable portions of a planned development district.

(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;
 - (B) Maximum sign area;
 - (C) Maximum number of hanging wall signs; and
 - (D) Other restrictions specifically described in this section that does not compromise safety or community aesthetics.
- (2) Prohibited signs and sign elements. Signs prohibited by Section 6 above and specific restrictions such as the safety requirements associated with Electronic Messages Centers are not eligible for inclusion in a master sign program and the approval is instead limited to the relief specifically described in this section.
- (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-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 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.

(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 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 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.

(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 as part of a master sign program. A sign variance application is not an available option.

Section 11 Planned Development District Signs.

- (a) The regulations for signs located in planned development zoning districts shall be contained in the ordinance concept or detailed plan approved for the district, except that no off-premise signs 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, shall be applied to the district or part thereof for which the regulations were omitted.
- (b) Deviations from the standards in this chapter may be included in an ordinance approving a planned development district as long as the deviations meet or surpass the objectives of this chapter and are warranted by and consistent with the design objectives of the development.
- (c) Approval of deviations from the general sign standards within this chapter and otherwise applicable shall be supported by findings of the City Council, following a recommendation by the Planning and Zoning Commission regarding the concept and detail plan as applicable.

Section 12 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 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.

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.

Section 14 Enforcement.

- (a) If the Director or a designee finds that any sign other than bandit signs which are subject to the provisions of subsection (b) below has been erected or maintained in violation of this chapter within the municipality or its extraterritorial jurisdiction, that individual 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 ten (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 costs, penalties and reasonable attorneys' fees. The Director or a 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 fifteen (15) days after a formal demand for reimbursement. The Director or a designee may also pursue criminal penalties and/or civil action as provided for under chapter and state law.

(b) Bandit Signs.

- (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.

Section 16 Violations and Penalties.

- (a) A person commits an offense if that person commits a violation, causes a violation, 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.

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:

- (a) 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;
- (b) 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
- (c) 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. This chapter shall also not 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

Awning, Canopy and Hanging Marquee (manual changeable copy) Signs, See Section 9(b) above

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 Article 3.800 of Chapter 3
Permit	Required

Banner Signs

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 Flags or Feather Signs

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 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 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 Signs including electronic and changeable copy, See Section 9(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) 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 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) 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 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) 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.

Sandwich Board Signs

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: ten (10) feet
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 / Election Signs)

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	Thirty-six (36) square feet
Maximum Height	Eight (8) feet above grade
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
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