

ORDINANCE NO. 18-06-21-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING SECTIONS 3.123, 3.124, 3.521, 3.702 AND ARTICLE 3.800 OF CHAPTER 3, AMENDING SECTIONS 4.801, 4.805, 4.807 AND TABLE B OF ARTICLE 4.800 OF CHAPTER 4, AMENDING SECTION 4.12 OF CHAPTER 10 AND AMENDING SECTION 10.5.105 OF CHAPTER 10.5, ALL OF THE LAGO VISTA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; SEVERABILITY CLAUSE; EFFECTIVE DATE, OPEN MEETINGS CLAUSE; 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 numerous provisions throughout the Lago Vista Code of Ordinances that define and regulate the use of outdoor or exterior lighting within the corporate limits of Lago Vista; and

WHEREAS, the City Council of the City of Lago Vista finds that unnecessary and improperly designed light fixtures cause glare, light pollution and wastes energy; and

WHEREAS, the City Council of the City of Lago Vista desires to protect the health, safety and welfare of the general public, and to protect the night sky which adds to the quality of life and economic well-being of its residents; and

WHEREAS, the Building Committee of the City of Lago Vista has undertaken an extensive review of those regulations; and

WHEREAS, the Building Committee of the City of Lago Vista has determined that there is a need to modify the various provisions within Chapters 3, 4, 10 and 10.5 within the Lago Vista Code of Ordinances that define and regulate outdoor or exterior lighting; and

WHEREAS, the Building Committee has forwarded a recommendation to the City Council to incorporate those regulations and thereafter, the City Council has considered the request and hereby desires to modify those regulations 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. 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. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 3, Code of Ordinances as shown in Exhibit "A," Chapter 4, Code of Ordinances as shown in Exhibit "B," Chapter 10, Code of Ordinances as shown in Exhibit "C" and Chapter 10.5, Code of Ordinances as shown in Exhibit "D."

SECTION 3. SAVINGS CLAUSE. 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. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. 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 21 day of June, 2018.



ATTEST:

Sandra Barton

Sandra Barton, City Secretary

Ed Tidwell
Ed Tidwell, Mayor

On a motion by Councilman Davila, seconded by Councilman Weatherly, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.100 BUILDING CODE

Sec. 3.123 Minimum Standards for All Residential Buildings

(a) Every building, structure, or part thereof erected or altered, or used for residential use in the city containing one or more dwelling units shall conform to the provisions of this article.

(1) Exceptions. The following structures may be located within the front yard setback and 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);
- (G) Buried septic system.

(2) Exceptions. The following structures may be located within side yard setbacks:

- (A) Walkways, golf cart paths, and reasonable landscaping structures;
- (B) Retaining walls;
- (C) Buried septic systems.

(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
 - (H) Swimming pools.
- (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 owners 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.
- (b) Driveways, Off-Street Parking and Access to Public Streets. Each single-family dwelling unit in the city shall be on a lot abutting a public or platted private street. Multifamily dwellings, including patio homes, condominiums and townhouse projects, shall have access to a public street or a paved private street. The access must have and maintain an appropriate legal character or agreement which adequately provides for street repairs and maintenance. All structures and dwellings of any type shall be so located on lots so as to provide safe, convenient access for police and fire protection.
- (c) Exterior Lights. All outdoor or exterior lighting shall comply with the requirements of Article 3.800 in Chapter 3.
- (d) Swimming Pool Fences. Every outdoor swimming pool constructed or installed after the effective date of this article shall be completely enclosed by a fence, or a wall, or a combination thereof, which is not less than four (4) feet in height. The fence and/or wall shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates. If a picket fence is erected or maintained, the horizontal spacing between pickets shall not exceed four (4) inches. The walls of a dwelling, house, or accessory building may be used as part of such enclosure. All gates and doors opening through an enclosure required shall be equipped with a self-closing device for keeping the gate or door securely closed at all times when not in actual use, provided that a door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. This section shall be applicable to all existing swimming pools, other than indoor pools, effective April 15, 2003. No person in possession of land within the city, whether as owner, purchaser, lessee, or tenant upon which a swimming pool is constructed or installed after the

effective date of this article shall fail to provide and maintain a secure enclosure around such swimming pool. Persons owning pools on the effective date of this article may make application to the city council which may authorize modifications and variances in individual cases until October 15, 1999, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gate or latch, or the necessity therefor, provided the minimum level of protection and security intended by this article is not reduced thereby. The city manager or his designee may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, gates, and latch required. The requirements of this subsection shall not apply to swimming pools that are constructed, operated, and maintained in conjunction with a motel or hotel which operates twenty-four (24) hours per day and which provides such pool for the use of its tenants and their guests, or that are covered by and subject to the state requirements governing pools for multiunit rental complexes and property associations set forth in Chapter 757 of Title 9 of the Texas Health and Safety Code.

- (e) Fire Warning System. Each dwelling unit shall be provided with smoke detectors in conformance with the standards contained in the IBC, IRC and/or the IFC.
- (f) Floor Area. Each dwelling unit shall contain a minimum floor area as required by the zoning ordinance.
- (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.
- (h) Mobile Home / Manufactured Housing. Where applicable to municipal authority, this article subscribes to the Texas Manufacture of Housing Standards Act.
 - (1) All manufactured housing (mobile and modular industrialized housing) shall be installed by either the owner, after acquiring a temporary installer's certificate from the state, or an installer registered with the Texas Department of Labor Standards. If the owner intends to use a registered installer to transport and/or install a manufactured home, he must enter name, address, phone and installer's state registration number of the building permit application.
 - (2) The mobile home structure shall be classified and treated in accordance with the criteria established by the federal and state statutes, regulations and consumer law.
 - (3) Applications for a building permit for mobile homes shall include the mobile home square footage, manufacturer's name, date of manufacture, serial number and exterior dimensions (not including the tongue).

- (4) No mobile home older than five years and no mobile home without the state-approved stamp may be placed on any lot in the city.
- (5) All modules or modular components must bear an approval decal or insignia, reflecting that they have been inspected by the "Texas Department of Labor and Standards."
- (6) The Federal Housing and Urban Development Code Manufactured Home shall be classified and treated in accordance with the criteria established by the federal and state statutes, regulations and consumer law.
- (i) Multifamily Building Height. Multiple residential units will not exceed three stories.
- (j) Sewage Facilities. All plumbing fixtures shall be connected by adequate water and drainage lines to a licensed private sewage facility or to an approved, organized sewage disposal system.
- (k) Solar Systems. No roof-mounted solar panels will exceed the maximum approved roofline height. Ground-mounted solar panels will not be located within twenty-five feet (25') of a street or golf course.
- (l) Utility Connection. It shall be unlawful to connect any utility to a structure for permanent service until authorized by the public utility supplier.
- (m) Graywater Sewage Systems. Graywater systems must be equipped with a holding tank that may be installed below grade. A discharge pump will be required to empty this holding tank as required for approved use.
- (n) The city is authorized to take actions as appropriate to withhold or request removal of all utility connections to any residential or commercial unit where no action has been taken to correct deficiencies in the building code, or violations of this article.
- (o) Roofing for patios or covered porches shall match the roof on the primary structure.
- (p) Dumpsters shall be shown on site plans and shall be fully screened on all sides.

Sec. 3.124 Minimum Standards for Nonresidential Buildings

- (a) In addition to the requirements in the IBC, every building, structure, or part thereof, erected or altered, moved or relocated for nonresidential use in the city shall conform to the following standards, which are deemed to be minimum standards, necessary for the safety, health and general welfare of the residents of the community and to provide for the enhancement of the overall visual image of the city and to encourage some degree of design consistency, by requiring specific exterior materials for all nonresidential buildings.

(b) General Requirements.

- (1) Driveways and Off-Street Parking. Each nonresidential building shall be on a lot abutting a public or private street, and all structures shall be so located on lots as to provide safe, convenient access for service police and fire protection, and minimum off-street parking and loading areas as stated in the zoning ordinance.
- (2) Exterior Lighting. All outdoor or exterior lighting shall comply with the requirements of Article 3.800 in Chapter 3.
- (3) Exterior Compressors and Other Equipment. All exterior air-conditioning compressors, mechanical equipment, fuel tanks and devices shall be adequately screened from view from both public and private streets. In no case shall such equipment be located in the front setback area of any residence or commercial establishment, except liquefied petroleum gas containers that are buried in accordance with the general zoning ordinance.
- (4) Height. All buildings shall conform to the building heights as listed in the zoning ordinance for the area in which the nonresidential building is to be located.
- (5) Lot Coverage. Total impervious coverage shall comply with the zoning ordinance and subdivision ordinance.
- (6) Modular Construction.
 - (A) Permanent. Modular, prefabricated buildings, and commercial trailers, new or used, shall not be permitted within the city as a permanent installation.
 - (B) Temporary. Modular, prefabricated buildings, and commercial trailers, new or used, shall be permitted as a temporary installation provided the structure and use meets the following conditions.
 - (i) The above-described structures may be used as a temporary construction office provided the proper permits are obtained, shall be located within the development that it serves, and shall be removed upon completion of the project.
 - (ii) The above-described structures may be used as a temporary sales office provided the proper permits are obtained, the sales are only for property within the development it is located in, and may be a separate structure or shared space within the temporary construction office. Permits for temporary sales office will expire within one year of issuance and are nonrenewable. Within one year of approval, a temporary sales office shall be relocated within a permanent structure, such as within a permitted model home.
- (7) Utilities Required. All nonresidential buildings, where plumbing is required, shall be connected to a private or public water system, and on-site sewage disposal system, licensed by LCRA, or a public sewer system.

- (8) Solid Waste Container Storage. Trash storage and recycling areas for attached dwellings and all businesses and industrial buildings or uses shall be accommodated within the structure, or adequate area shall be included on site and indicated on a site plan. All outdoor trash and recycling storage and containers shall be placed on hot mix asphalt, concrete, brick pavers or reinforced concrete and shall be screened from public view by a solid fence or wall of no more than six feet in height.
- (9) Utility Connection. It shall be unlawful to connect any public utility to any structure for service until authorized by both the city and the public utility supplier.
- (10) City Right-of-Way. No part of any structure shall intrude upon the city's right-of-way without the explicit permission of the city council.
- (11) Exterior Appearance. This subsection shall apply to all nonresidential and multifamily buildings except those in the C-4, airport district.
- (A) 75% of the front wall and 75% of each sidewall of all commercial buildings shall consist of or be covered with the following acceptable materials:
- (i) Fired bricks.
 - (ii) Natural or polished stone.
 - (iii) Textured masonry block.
 - (iv) Tilt wall concrete panels with architectural details or imbedded textural materials.
 - (v) Applied stucco.
 - (vi) Tile, clay or ceramic.
 - (vii) Glass.
 - (viii) Split face concrete block.

Note: Painted corrugated sheet metal and concrete impregnated siding are not acceptable materials.

- (B) Stainless steel, chrome, standing seam and premium grade architectural metal may be used as an architectural accent, but shall not cover more than 10% of the front or any sidewall of the building.
- (C) Metal overhead doors shall not be located within the front wall or within the required 75% architectural sidewalls of a building. Exceptions: Businesses that require daily auto entrance.
- (D) Metal roofing shall be permitted provided they are painted with nonglare, nonreflective paint.

(12) Dumpsters shall be shown on permit site plans and be screened on all sides.

ARTICLE 3.500 MOBILE HOME, RECREATIONAL VEHICLE, AND CAMPGROUND PARK REGULATIONS

Sec. 3.521 Recreational Vehicle/Campground Park Standards

(a) Design Standards for Recreational Vehicle / Campground Park. Following are specific design standards for a recreational vehicle/campground park. These standards shall apply where they are in conflict with the subdivision or site development ordinances.

- (1) Recreational vehicle stand spaces shall be spaced not more than twenty (20) units per acre. The distance from the line or corner of any recreational vehicle site to a boundary line of the recreational vehicle park shall be adequate to protect the residential use in the park and shall not be less than twenty-five feet (25') where abutting a public street. Yard requirements along other property lines shall be ten feet (10'). However, where the side lot line property is a residential district, a minimum side yard of fifteen feet (15') shall be provided. Where the rear lot line abuts a residential district, a minimum rear yard of twenty feet (20') shall be provided.
- (2) Street Lighting. Street lighting within the recreational vehicle park shall be provided by the owner and shall comply with Article 3.800 of Chapter 3.
- (3) Public Water Supply. A park within the city limits shall be connected to the city's public water supply system and water service shall be provided to each recreational vehicle space. Each recreational vehicle stand 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 recreational vehicle site and at appropriate location on the main line running through the park.
- (4) Private Water Supply. A 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.
- (5) Wastewater Disposal.
 - (A) A park within the city limits shall be connected to the city's public wastewater system, and sewer service shall be provided to each recreational vehicle space. Each recreational vehicle space shall be provided with at least a four (4) inch diameter sewer service riser pipe. The sewer riser pipe shall be plugged when no recreational vehicle occupies the space.
 - (B) Adequate provision, separate from use of the public sewage disposal system, shall be made to handle and dispose of the effluent from recreational vehicle holding tanks.

- (6) Park to be Metered as One (1) Unit. Every recreational vehicle/campground park shall be metered as one (1) unit and charged commercial water, sewer, and sanitation fees as one (1) unit. However, any recreational vehicle which exceeds a thirty (30) day occupancy shall be reclassified as a permanent resident and the owner of the recreational vehicle park shall be required to pay residential basic minimum water fees, sewer fees, and sanitation fees separate from and in addition to the commercial rate charged by the City of Lago Vista.
- (7) Power Distribution Lines, Individual Electrical Connections and Grounding and Telephone Service. All electrical wiring and telephone lines and TV cable in the recreational vehicle park shall be underground.
- (8) Fire Safety Standards.
- (A) In recreational vehicle/campground parks in which liquefied petroleum gases, gasoline, fuel oil, or other flammable liquids are stored and dispensed, their handling and storage shall comply with requirements of the city's fire codes.
- (B) Approaches to all recreational vehicle stands shall be kept clear for fire fighting.
- (9) Privacy Fencing. Privacy fencing shall be required for all 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 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 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 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.
- (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 Chief Building Official 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.

ARTICLE 3.700 MODEL HOMES

Sec. 3.702 Requirements for Permit

The following conditions and requirements shall be applicable to all model homes:

- (1) A minimum of six (6) off-street parking spaces must be provided in addition to the required any driveway for the structure;
- (2) Outdoor lighting shall comply with Article 3.800 of Chapter 3;
- (3) Model homes shall not be open to the public prior to 9:00 a.m. nor after 9:00 p.m.
- (4) Signs shall comply with all ordinances and not more than one open house sign, or similar sign, shall be allowed; and
- (5) No structure or dwelling unit shall be used as a model home for more than twelve (12) months.
- (6) No existing or proposed building or structure for which application is made for a model home permit shall be within, or proposed to be within, one thousand feet (1,000) of any single-family residence, at the time such application is made.

ARTICLE 3.800 OUTDOOR OR EXTERIOR LIGHTING

Section 3.801 Purpose

The regulation and limitation of outdoor or exterior lighting is intended to reduce or prevent light pollution. While effective outdoor lighting is necessary for safety and security, ill-advised exterior lighting can contribute to unwarranted glare and light trespass while failing to maintain desirable levels of energy efficiency. In addition to more energy efficient and cost effective lighting, a dark and visible night sky has potential aesthetic, ecological and economic benefits.

Section 3.802 Definitions

Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth therein. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Applicant means a person or entity who submits an application for a required approval. To be qualified as an applicant, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this article.

City means the City of Lago Vista, an incorporated municipality located in Travis County, Texas.

Full cutoff fixture means a fixture, as installed, that is designed or shielded in such a manner that all light emitted by the fixture, either directly from the luminaires or indirectly from the fixture, is prevented above a horizontal plane running through the lowest point on the fixture where light is emitted.

Holiday lighting means temporary lighting used for a specific celebration of one of the following types: festoon type low output lamps, limited to small individual bulbs on a string; low-output lamps used to internally illuminate yard art; or flood or spot lights producing less than 2,000 lumens each.

Initial lamp lumen means the product of the initial number of lumens produced by the light emitting elements of an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known, assume 70 percent for a single-family or two-family residential luminaire and 100 percent for a multifamily or nonresidential luminaire.

Lamp or bulb means the light-producing source installed in a luminaire.

Light Pollution means any adverse impact of artificial light including, but not limited to: light trespass, uplighting, uncomfortable distractions to the eye, or any artificial light that diminishes the ability to view the night sky. The term is often used to denote urban sky glow.

Light trespass means light emitted from fixtures that causes light to be cast on a property other than the one where it is installed, upwards toward the sky or any other location where it is not wanted or needed.

Lighting means any source of light other than natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, and designed or used for illumination of buildings or homes, including but not limited to: streetlights, canopies, searchlights, externally or internally on signs, and luminous elements and fixtures attached to buildings, structures, poles, ground mounted or any other location.

Logo means a representation or symbol adopted by a business, organization, or an individual that is used to promote instant public recognition.

Lumen means a unit of measurement that quantifies the amount of light produced by a lamp or bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). The lumen rating associated with a given lamp is typically indicated on its packaging or available from the manufacturer.

Lumens per acre means the total number of initial lamp lumens produced by all fixtures utilized in outdoor lighting on a property divided by the total area of the property in acres, or part of an acre.

Luminaire means the complete lighting unit, including the lamp, the fixture and other parts or components.

Outdoor or Exterior lighting means temporary or permanent lighting that is installed, located or used in such a manner to cause light to be cast outdoors. Any multifamily or nonresidential fixture that is installed indoors but causes light to shine outside is considered outdoor lighting for the purpose of administering these regulations (See figure A).

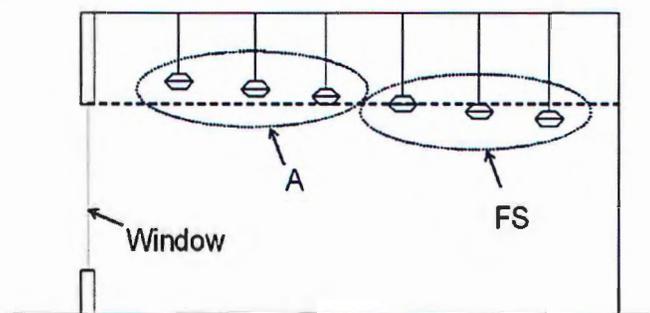


Figure A: Elevation view showing an application of indoor lighting, labeled 'FS,' which is subject to these requirements and indoor lighting, labeled 'A,' which is installed so that it is typically not subject to these requirements.

Temporary lighting means lighting intended for uses of a limited duration; such as holiday decorations, civic events or construction projects.

Total outdoor light output means the total amount of light, as determined by the sum of the initial lamp lumens attributed to each outdoor or exterior light fixture located on the property.

Uplighting means lighting that causes light rays to project above a horizontal plane running through the lowest point on the fixture where light is emitted.

Section 3.803 Scope and Applicability

All outdoor or exterior lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes, except as provided herein.

- A. New Construction. All outdoor or exterior lighting associated with newly constructed residential and nonresidential structures permitted after the effective date of this article shall comply with these requirements and other applicable regulations unless otherwise exempted.
- B. Renovations and Repairs. All residential and nonresidential renovations or repairs requiring a permit after the effective date of this article shall comply with these requirements and other applicable regulations unless otherwise exempted. All renovations or repairs that include installation or replacement of exterior or outdoor lighting in excess of 6,200 lumens within any 90 day period shall require a permit.
- C. Nonconforming Existing Lighting. All existing outdoor or exterior lighting that was legally permitted or installed before the effective date of this article, but does not conform to the standards imposed shall be considered nonconforming. Nonconforming outdoor or exterior lighting is allowed to remain except as described below.
 - (1) Residential and Nonresidential Property. All existing outdoor or exterior lighting located on a property that is the subject of any land use application (zoning, conditional use, special exception, etc.), a sign permit or a building permit for an addition or renovation is required to comply with these requirements within 90 days as a condition of the approval.
 - (2) Multifamily and Nonresidential Property.
 - (a) All nonconforming existing outdoor or exterior lighting that becomes damaged or inoperable and is subsequently repaired, replaced or improved, shall comply with the requirements for new construction.
 - (b) If a nonconforming use or structure has been abandoned for more than twelve months all outdoor or exterior lighting on the property must be brought into compliance as a condition of reoccupation or reuse.
 - (c) Occupied multifamily and nonresidential property shall be brought into compliance with outdoor or exterior lighting requirements within five (5) years from the effective date of this article. A new property owner may request a three-year extension to come into compliance if the purchase occurred within this timeframe.
 - (3) Street Lighting. Non-conforming street lights shall be allowed to remain until replacement is otherwise required. Replacement fixtures and lamps shall comply with the requirements of this article as specified below.

D. Exemptions and Exceptions.

- (1) Outdoor or exterior lighting fixtures, including landscape lighting with a maximum output (regardless of the number of lamps) of 800 lumens per fixture for shielded fixtures, and 450 lumens per fixture for unshielded fixtures. However, the collective output from these fixtures shall be included in the total output limitation specified below.
- (2) Lighting produced directly or indirectly by the combustion of natural gas, liquid propane or other fossil fuels.
- (3) Nonconforming sports facility lighting prior to 11:00 p.m. or later if required to complete an event in progress prior to that time.
- (4) Flag or flag pole lighting.
- (5) Holiday lights from November 15th to January 15th between 6:00 a.m. and midnight, except that flashing holiday lights are prohibited on nonresidential properties and discouraged on residential properties.
- (6) Temporary lighting for events or construction areas provided the lights do not present a traffic hazard.
- (7) Traffic control signals or devices and specialized or temporary lighting needed for safety, during emergency repairs or by law enforcement, fire and emergency services.
- (8) Lighting required by federal or state laws or regulations, including those required to be installed on motor vehicles or for the safe operation of aircraft.
- (9) Security lighting that is motion sensor activated and remains active no longer than five minutes after motion on the property has ceased.

Section 3.804 Procedures and Compliance

A. Single-family and Two-family Residential Outdoor Lighting.

- (1) Upon receipt of single-family or two-family residential building permit application, the Development Services Department shall provide either a summary or a copy of these requirements. Continued pursuit of a permit shall serve as acknowledgment that the applicant has been notified of these outdoor lighting regulations.
- (2) Compliance with outdoor lighting requirements for single-family or two-family residences will be reviewed onsite, and verified before issuance of a Certificate of Occupancy. A separate lighting permit apart from the building permit is not required. However, the Building Official may require manufacturer's data on any outdoor light fixture or lamp as part of that review.

B. Multifamily and Nonresidential Outdoor Lighting. All applications for multifamily and nonresidential building permits or land use planning review, including subdivision construction plans, which include installation of outdoor lighting fixtures shall include lighting

plans conforming to the provisions of these regulations. Submittals shall include the following information as applicable to each specific project:

- (1) Plans indicating the location, type, intensity, and height of all existing and proposed outdoor light fixtures, including those indoor fixtures defined as outdoor or exterior lighting by these provisions;
- (2) Specifications and descriptions of all fixtures, including lamps, photometric data showing the pattern of light emission and intensity, shielding devices, light standards or other supports, which may be provided as manufacturer's standard literature;
- (3) Calculations of the total outdoor light output, the total outdoor light output per acre, the total illuminated property area and both the fixture and lamp data used in the calculations; and
- (4) Additional information requested by the Development Services Director and Building Official and required to verify compliance.

C. Compliance.

- (1) These regulations are not intended to prohibit the use of any design, materials, methods or operation not specifically prescribed herein, provided such alternative has been approved by the city manager or a designee, upon a finding that:
 - (a) The alternative meets or exceeds the applicable standard, and
 - (b) The alternative is otherwise satisfactory and consistent with the legislative intent of these regulations.
- (2) The city shall have the power to administer and enforce the provisions of this article as specified in Section 1.109 of the Lago Vista Code of Ordinances. In addition, any violation of this article is hereby declared to be a public nuisance, justifying the use of any or all remedies available for abatement as specified in those provisions.

Section 3.805 Lamps, Fixtures, Shielding and Output Limits

A. Governmental Owned Street Lights.

- (1) Governmental owned streetlights shall be full cut-off fixtures in order to limit light trespass (see Figure B). To the extent government owned streetlights are replaced or repaired with a light emitting diode (LED) luminaire, the LED luminaire shall have a correlated color temperature not to exceed 3,000 Kelvin. Streetlights associated with new development shall comply with additional requirements contained in Chapter 10.

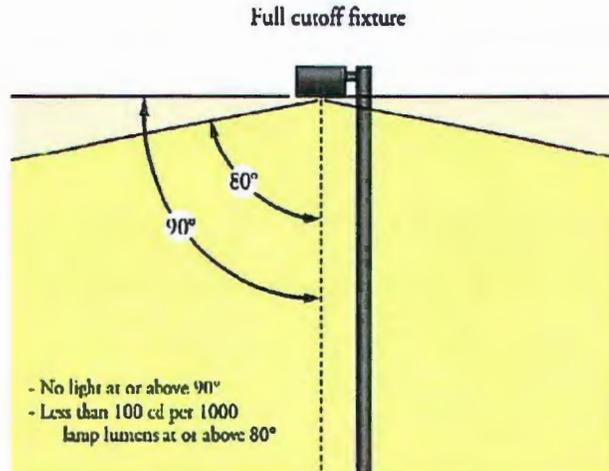


Figure B: Full cutoff fixtures do not allow any light to be emitted above the fixture.

(2) Requests for the Removal or Placement of Additional Public Street Lights

- (a) Any person that desires a street light be installed or removed on any public street must obtain the written permission of all residents residing within 500 feet of the proposed location for the street light. Such written permission must be on a petition signed by the residents living within 500 feet of the proposed location. The petition shall provide for the name(s) of the resident, the lot number, the telephone number and whether or not the resident supports installing the street light at the proposed location. Signatures are not required from owners of vacant lots within 500 feet of the proposed street light location. The petition shall be attached to a street light request form approved by the city manager.
- (b) After the signatures have been obtained, the petition shall be given to the city manager for review. The city manager shall verify that the appropriate signatures have been obtained and that all residents within 500 feet of the proposed location agree to the installation or removal of the street light. The city manager shall then determine whether or not the change is in the city's best interest and, if so, shall make a request to the city's electric provider that a street light be installed.
- (c) The city manager shall inform the city's electric provider that no street lights are to be installed or removed unless requested by the city manager. After providing ten (10) days' notice to the offending party that they are in violation of this article, the city manager may order the street light to be removed or reinstalled.

B. Shielding.

- (1) All outdoor lighting, except governmental owned streetlights, shall be shielded (see Figures C and D).



Figure C: Mounting height or proximity to property lines may cause the lamp. Above are two examples of shielding.

Examples of Acceptable / Unacceptable Lighting Fixtures

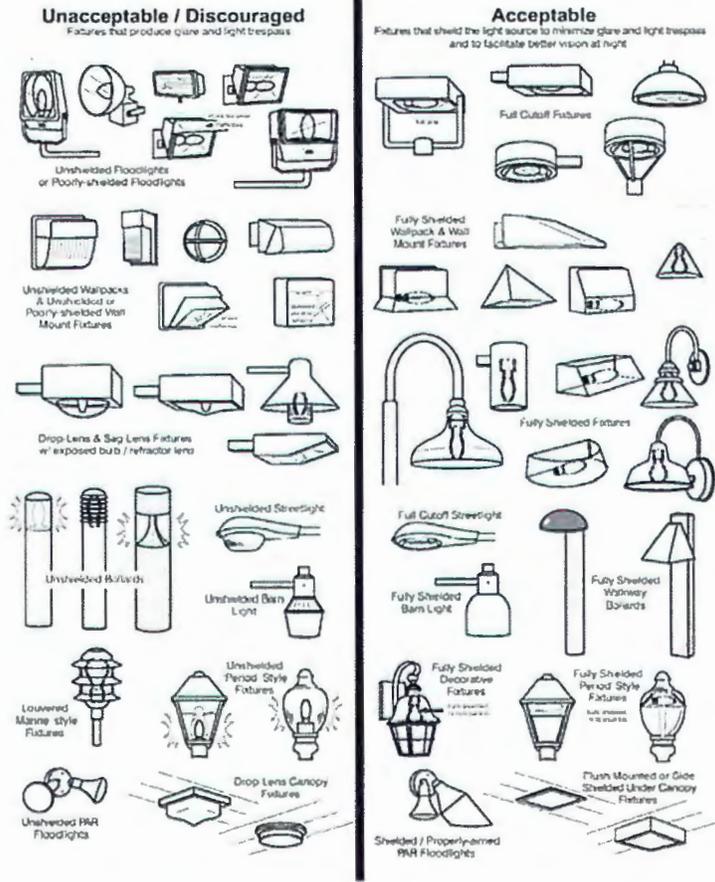


Figure D: The lights on the left are nonconforming due to inadequate shielding. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may require additional shielding to prevent the lamp from being visible from other property.

- (2) All outdoor light fixtures shall be full cutoff fixtures, except as otherwise permitted by this article (see Figure E for acceptable fixtures and F for unacceptable fixtures).

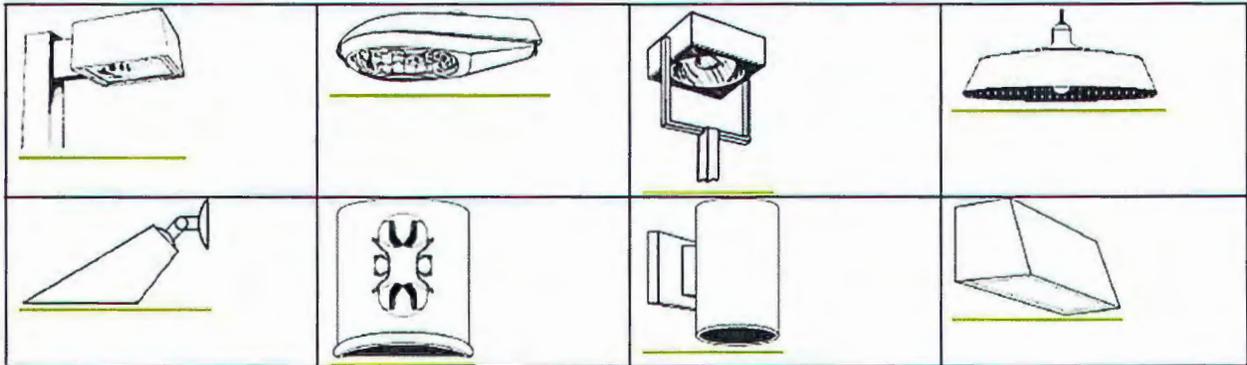


Figure E: Full cutoff fixtures are closed on top and mounted such that the bottom opening is horizontal. The mounting height and location may require additional shielding to prevent the lamp from being visible from any other property. A practical way to determine if a light fixture is a full cutoff fixture is that the lamp, any reflective surface or lens cover (clear or prismatic) is NOT visible when viewed from above or the side.

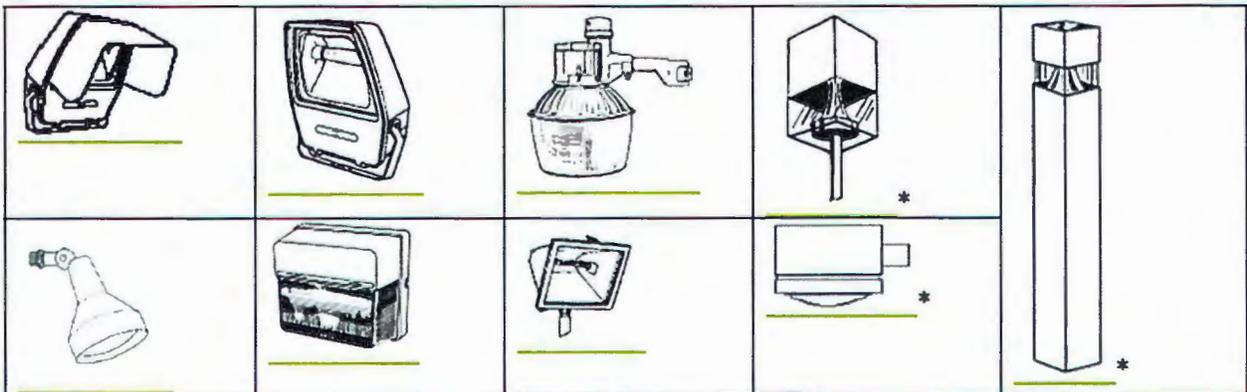


Figure F: This figure illustrates examples of fixtures that are NOT full cutoff fixtures. *Note: Even though the lamps in these fixtures are shielded when viewed from the side or above, reflective surfaces within the fixtures or lens covers are directly visible from the side.

C. Output Limits.

- (1) Total outdoor light output (excluding governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential property shall not exceed 100,000 lumens per acre in any contiguous illuminated area.
- (2) Total outdoor light output (excluding governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per acre in any contiguous illuminated area.

D. Outdoor Recreation Facilities. Outdoor recreation facilities are not subject to output limits. However, outdoor recreational facilities constructed after the effective date of this article are subject to the shielding requirements above. Where fully shielded fixtures are not available,

lighting fixtures using external louvers or shields that, in the final installed configuration, extend to within three inches on the lowest portion of the light fixture opening are required (see Figure G). The fixtures shall be installed and maintained with aiming angles that permit no greater than one percent of the light emitted by each fixture to project above the horizontal.

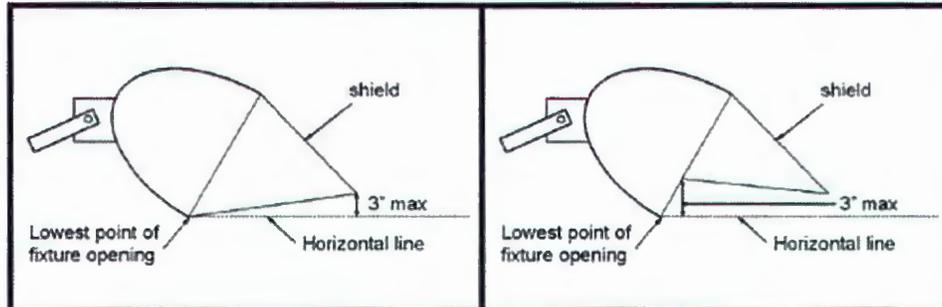


Figure G: Sports lighting where fully shielded fixtures are not available.

E. Prohibitions.

- (1) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has certified and stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield, except as otherwise permitted elsewhere herein.
- (2) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (3) The installation or use of any form of outdoor laser light projection is prohibited.
- (4) The operation of searchlights for advertising purposes is prohibited except when associated with a special event lasting no longer than one night.
- (5) The installation of any wall pack style fixture for use as outdoor lighting is prohibited unless the fixture is rated by the manufacturer as full cut-off and otherwise complies with the shielding requirements of this article. Examples of acceptable wall packs, when mounted with light directed downward only are shown in Figure H.



Figure H: Examples of acceptable wall packs.

- (6) The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens and otherwise complies with the shielding requirements of this article. An example of barn-light style with and without the required opaque reflector is shown in Figure I.

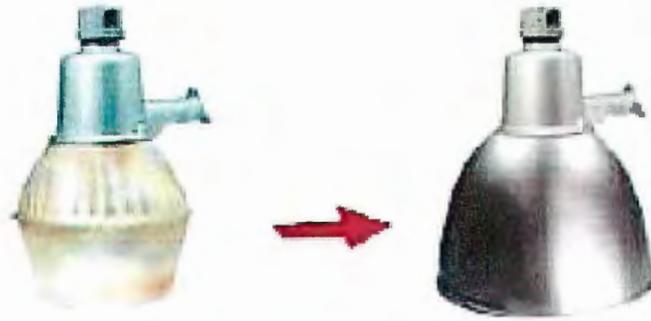


Figure I: Examples of unacceptable and acceptable barn-style light fixture shielding.

Section 3.806 Lighting under Canopies, Building Overhangs or Roof Eaves

All outdoor or exterior lighting fixtures located under canopies, under building overhangs, or under roof eaves shall conform to all provisions of this article, including the following (see Figures J and K):

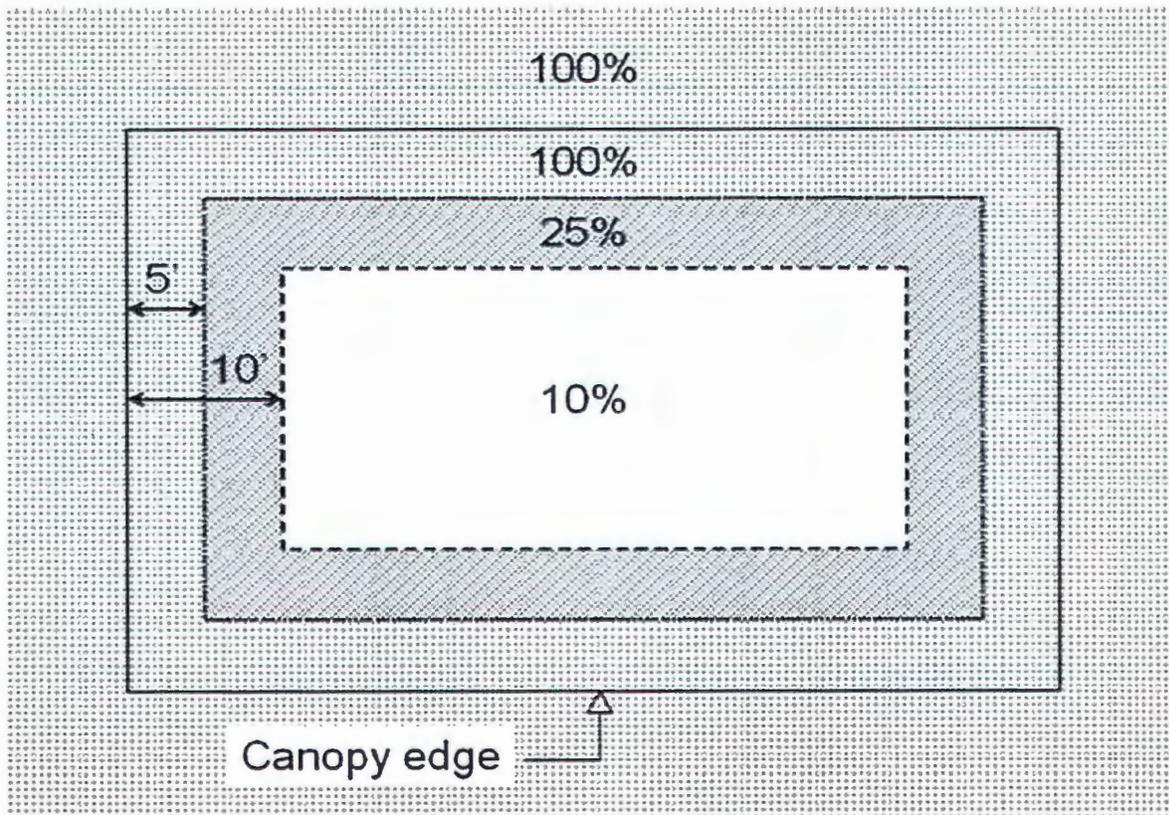


Figure J: Plan view of a canopy, showing fixture location and lumen lamp output percentage counted toward total lumens.

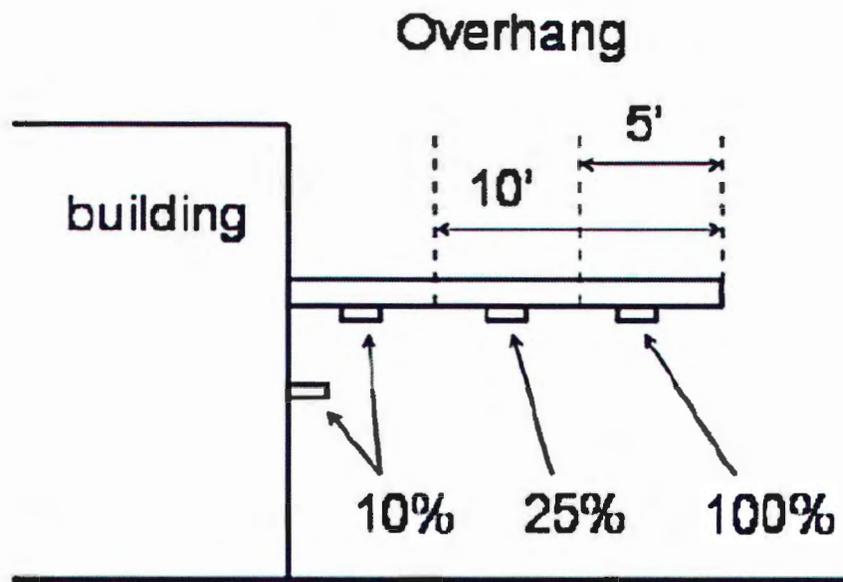


Figure K : Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and the initial lamp output percentage to be used in calculating total output lumens.

- A. Outdoor lighting fixtures located under canopies, under building overhangs, or under roof eaves where the nearest edge of the lamp or fixture is located at five or more feet, but less than ten feet from the nearest edge of a canopy, overhang or eave are to be included in the calculation of total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output.
- B. Outdoor lighting fixtures located under canopies, under building overhangs, or under roof eaves where the nearest edge of the lamp or fixture is located ten or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produce only one-tenth of the lamp's rated lumen output.
- C. The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp lumen outputs, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to, lighting fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.

Section 3.807 Lighting for Outdoor Signs and Decorative Lighting

- A. External Sign Lighting. Outdoor externally illuminated signs shall conform to all provisions of this article and the sign regulations contain in Article 4.800 of Chapter 4 of the Lago Vista Code of Ordinances. In particular, such lighting shall conform to the lamp source, shielding restrictions and be included in the output limit calculation. All upward-directed sign lighting is prohibited except as expressly stated otherwise herein.

B. Internal Sign Lighting and Neon Signs.

- (1) Outdoor internally illuminated signs (backlit), whether freestanding or building-mounted, shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols (see Figure L). The internally illuminated or backlit portion of the sign cannot be white, cream, off-white, or yellow unless it is part of a registered logo. White, cream, off-white or yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than one-third of the total sign area permitted.

Light Background <input type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure L: Internally illuminated Signs

- (2) Lamps used for internal illumination shall not be included in the total outdoor light output calculation.
- (3) Neon signs shall be treated as internally illuminated signs for the purposes of these regulations and shall not be included in the total outdoor light output calculation. However, neon lighting extending beyond the “sign area” as defined in Section 4.801 below, shall be considered decorative lighting as described below.
- C. Decorative (non-sign) Lighting. Other internally illuminated panels or decorations not considered signage by Article 4.800 of Chapter 4 of the Lago Vista Code of Ordinances (such as illuminated canopy margins or building panels), shall be considered decorative lighting, and shall be subject to the standards applicable to outdoor or exterior lighting, including but not limited to lamp source, shielding standards and total outdoor light output limits.
- D. Destination Wayfinding Sign Lighting. Lighting for destination wayfinding signs shall be provided by ground mounted fixtures directly in front of the sign faces, with light sources shielded from public right-of-ways and limited to arterial street locations. Destination wayfinding signs on other streets shall include reflective surfaces and may not be illuminated.

Section 3.808 Lighting curfews

- A. Nonresidential outdoor or exterior lighting shall not be energized more than 30 minutes after closing or the completion of activities, unless reduced to 25% or less of the total light output allowed.
 - (1) Motion sensor activation is allowed to cause the light to resume total outdoor light output but shall be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation motion has ceased. Light output increases shall not be triggered by activity that occurs on other property.
 - (2) The required reduction in illumination may be accomplished by dimming, by turning off a certain number of light fixtures, by a combination of the two methods, or by any other action that yields the specified results.
- B. Illumination for all advertising signs, both externally and internally illuminated, shall be turned-off by the later of closing time or 10:00 p.m. Illumination for advertising signs may be energized prior to sunrise, but no more than one hour prior to opening.
- C. Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn.

EXHIBIT "B"

CHAPTER 4

BUSINESS REGULATIONS

ARTICLE 4.800 SIGNS AND GRAFFITI

Sec. 4.801 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. A 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.

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. (Ref. Sec. 4.805(11))

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 temporary sign made of fabric or nonrigid material including pennants and holiday or seasonal streamers. (Ref. Table A, Temporary Banner)

Billboard. Any sign, other than a banner sign, an ID or logo sign, a hanging wall sign in a C-4 Airport Zoning District, or a site development sign that exceeds 32 square feet in display area.

Building Committee. The building committee of the city; the building committee 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.

Commercial Real Estate Sign. A temporary sign in a commercially-zoned district designating the premises upon which it is erected is for sale, rent, or lease or that an open house is being held.

Community farmers market. A community farmers market is a public and recurring assembly of farmers or their representatives, which operates multiple times per year and is organized for the purpose of facilitating personal connections that create mutual benefits for local farmers, shoppers, and communities and through which farmers are able to sell directly to consumers, food which they have produced themselves.

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. (Ref. Sec. 4.811)

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

Distinctive Directional Sign. One or multiple directional signs placed on city easements along the roadside, in specific locations approved by the city, directing the public to a certain city government location, business, church, golf course, POA facility. These signs are controlled by the city in cooperation with KLV B (Keep Lago Vista Beautiful).

Electronic Sign. A programmable display as freestanding, hanging wall, or window sign. The message has to have a minimum display time of 1 (one) minute and cannot be intermittent or have flashing or moving lights. Ref. Table A and Article 3.800 of Chapter 3.

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 that do not in any way identify or advertise an object or business.

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. This does not include message board signs. (Ref. Sec. 4.805(12) and Article 3.800 of Chapter 3)

Freestanding Sign. Any sign that is not attached to or on the walls, face, or exterior of a building and that is permanently affixed to the land. A sign, except a portable sign larger than three (3) square feet and less than thirty-two (32) square feet that is permanently placed upon, or supported by, the ground independently of the principal building or structure on the property and is used for advertising purposes connected to, adjacent to or in close proximity of the business, church or other establishment that is being advertised.

Garage Sale. An organized sale commonly known as garage sale, lawn sale, attic sale, rummage sale or any similar casual sale of personal used goods or merchandise for the purpose of disposing of tangible personal property that is open or advertised to the public, conducted from or at a residence or within any area zoned residential or commercial. A garage sale does not include a sale conducted pursuant to a statute or court order, or conducted by an auctioneer who is licensed and bonded by the state.

Government, Utility and Institutional Sign. Any permanent sign that directs attention to any school, church, hospital, or similar public or quasipublic institution.

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. (Ref. Sec. 4.805(2), Sec. 4.813)

Ground Sign. A 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. (Ref. Sec. 4.805(3))

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.

ID or Logo Sign. A hanging wall sign displaying text, initials, or other symbols that distinctively identifies a business. The size of the display area is that area that completely encloses the text, initials, or symbols within no more than three geometric shapes. The maximum allowable display size shall be no more than 10% of the facade to which it is hung. In no case may the display area be more than 144 sq. ft. and the display may not project above the or beyond the facade lines.

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

Junked Vehicle. A car, truck, trailer, boat or any other means of transporting people or goods that does not have a valid and current state license or a valid or current state inspection sticker or has not been moved from a location for more than thirty (30) days. Vehicles which are purely for sale by a dealer located on the same premises as the vehicle are not considered junked vehicles. (Ref. Sec. 4.805(13))

Logo Sign. Any design or insignia of an organization, individual, company, or product that is commonly used in advertising to identify that organization, individual, company or product. (Ref. Table A)

Menu Board. A freestanding or building-mounted menu used for the purpose of ordering items to be purchased on the premises. (Ref. Table A)

Nonconforming Sign. Any sign which does not conform to all provisions of this article, including the issuance of a permit, but which existed on July 26, 2001 and was lawfully constructed or installed when erected.

Office Complex. Two or more office or office establishments, sharing customer parking area(s), regardless of whether the office or office establishments occupy separate structures or are under separate ownership, or are on separate tracts or lots of land.

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 advertising 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. (Ref. Sec. 4.805(13) and Sec. 4.807)

On-Premises Sign. A sign that advertises an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business that is located on the same legally platted lot where the owner, occupant, object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business is located. (Ref. Sec. 4.807)

Open House Sign. A sign advertising a single-family residence that is for sale and is open to the public for viewing.

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 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. (Ref. Sec. 4.805(14))

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. Signs mounted on a trailer, wheeled carrier, with skids or wheels, on motorized and nonmotorized vehicle, or other portable structure. Portable sign does not include banners or sandwich signs. (Ref. Sec. 4.805(11))

Premises. A lot or tract within the city or its extraterritorial jurisdiction. - Those 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, located in or on a vehicle.

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.

Public Information Sign. Any sign that exceeds six (6) square feet in display surface area that is intended to identify community, civic, and social events, and is not a commercial sign, official sign (including an official public information sign erected by or sponsored by the City of Lago Vista), political sign or real estate sign.

Residential Nameplate Sign. A sign identifying the inhabitant residing in a house, apartment, condominium, townhouse or other residential living unit. May also identify, but not advertise, a permitted home based business.

Residential Real Estate Sign. A temporary sign in a residentially-zoned district designating the premises upon which it is erected is for sale, rent, or lease or that an open house is being held.

Residential Subdivision Development Sign. A temporary freestanding sign at strategic location on the premises of the development advertising the project.

Residential Subdivision Sign. A freestanding sign at the entrance to a residential subdivision indicating the name of the subdivision.

Roof Sign. A sign erected upon or above a roof or parapet of a building or structure. (Ref. Sec. 4.805(11))

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 structure, supports, lighting system, indirect illumination and any attachments, ornaments or other features used to draw the attention of observers. “Sign” does not include any flag, badge or ensign of any

government or governmental agency erected for and used to identify said government or governmental agency.

Site Development Sign. A single, temporary sign that is to be erected on a single structure, parallel to, and no closer than 10 feet from the edge of the roadway on any new building construction site so designated in Table A. The sign is to be erected at the start of site work and the display area may be up to sixty-four (64) square feet and must display the name and/or type of facility being constructed, the names and telephone numbers of the owner / developer and construction manager. The names of the construction financing institution, design professionals, and leasing agent may also be displayed as well. The sign must be removed no more than [thirty] (30) days after construction is completed but may be replaced with other sign(s) conforming to the terms of this article. (Ref. Sec. 4.803)

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. (Ref. Sec. 4.805(11))

Temporary community event signs. A temporary sign placed on a removable stake or wire for special community events such as those associated with civic, institutional, philanthropic and educational purposes. This meaning shall also include community farmers market.

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 / parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending 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 designed with multiple panels that may be replaced or changed to advertise multiple locations that direct with an arrow, for instance, persons to places or locations.

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. (Ref. Table A)

Sec. 4.805 Prohibitions

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

- (1) Post, paint, or otherwise exhibit 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;

- (2) Paint, mark, write on, spray, post or otherwise affix 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;
- (3) Place or cause 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 of the handbills are found scattered about that the wind was the cause of the scattering;
- (4) Erect, maintain, paint or spray any sign, or other message or advertising upon a tree, rock, or other natural feature;
- (5) Remove, alter, change or obscure any official tag, permit sticker or identification without approval of the city;
- (6) Erect any sign in the rights-of-way or which would otherwise pose a risk to public safety or health;
- (7) Erect any sign where by 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;
- (8) For any organization or business to erect a banner sign 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;
- (9) Erect a billboard;
- (10) Erect, place, maintain, alter, or relocate a sign within the city or its extraterritorial jurisdiction in violation of the provisions of this article;
- (11) Erect a portable sign, roof sign, snipe sign, balloons/forced air or any off-premises sign, except as provided in Section 4.807;
- (12) Erect any sign that has moving parts or flashing, moving or intermittent lights (see also Article 3.800 of Chapter 3);
- (13) Attach or place a sign on a junked vehicle on public or private premises for the sole purpose of advertising a business or service. "For Sale" signs may be placed or attached to a junked vehicle provided there is no more than one "For Sale" sign and the sign does not exceed five (5) square feet in display surface area;

- (14) Erect a political sign more than 30 days ahead of the election date, and failing to remove the sign within 72 hours after the polls close on election day;
- (15) 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;
- (16) Attach or place a sign on storage buildings for commercial advertisement;
- (17) Erect a sign or notices on city property, right-of-way, city or utility easement without approval of the city council;
- (18) Fail to remove a real estate sign within thirty (30) days after the sale or lease of the property;
- (19) Fail to remove an illegal nonconforming sign as described in Section 4.806(b);
- (20) All signs not covered by this article.

Sec. 4.807 On-Premises and Off-Premises Signs

All signs shall be on-premises signs except as follows:

- (1) Residential real estate signs as provided for in table A of this article;
- (2) Official signs;
- (3) Commercial establishments may advertise on a commercial freestanding sign structure which is located off-premises and is in existence as of the date of passage of this article; however, should the sign structure become damaged by more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location, then the advertisement must be removed. No commercial establishment may have more than two off-premises advertisements on sign structures in existence as of the date of passage of this article;
- (4) Golf courses may have off-premises signs, other than billboards, providing directions to a golf course provided such signs are approved by the city manager or his/her designee;
- (5) Athletic field signs with advertising on the field side of the athletic field;
- (6) Wayfinding signs in accordance with this subsection:
 - (A) Given a recommendation from the building committee, the city council may approve and permit the location and design of a wayfinding sign and / or a wayfinding sign program for more than one wayfinding sign, whether permanent or temporary. There are two types of wayfinding signs authorized:

- (i) The destination wayfinding sign program that is provided primarily for businesses or churches; and
 - (ii) The community wayfinding sign program provided to give directions to municipal, property owner association and school buildings, parks, sports fields, and points of general interest.
- (B) The following design guidelines shall be followed for the destination wayfinding sign program:
- (i) The sign may not be attached to any other structure.
 - (ii) The maximum height above natural ground:
 - a. Major arterial as shown on thoroughfare plan: 8 feet.
 - b. Minor arterial: 5 feet.
 - c. Collector street as shown on the thoroughfare plan: 4 feet.
 - d. Local street as shown on the thoroughfare plan: 4 feet.
 - (iii) Maximum number of panels:
 - a. Major arterial as shown on thoroughfare plan: 8.
 - b. Minor arterial: 5.
 - c. Collector street as shown on the thoroughfare plan: 4
 - d. Local street as shown on the thoroughfare plan: 1.
 - (iv) Minimum number of panels:
 - a. Arterials: 6.
 - b. Other streets: No minimum.
 - (v) Maximum area:
 - a. Arterial street: 64 square feet.
 - b. Collector street: 15 square feet.
 - c. Local street: Three square feet.
 - (vi) No destination may have more than one panel on each sign.

- (vii) Each panel on the sign shall contain only the name and logo of the place being advertised and a directional indicator, such as an arrow.
 - (viii) The frame, the background color of all panels, and the directional indicator, such as an arrow, shall be the same on all wayfinding signs.
 - (ix) Lighting shall comply with Article 3.800 of Chapter 3.
 - (x) The sign shall have only one face, be on the right side of a road, and must be visible from drivers in the right lane(s) of a road.
 - (xi) A sign with more than three panels shall include on the top of the sign the sailboat logo and name of the city. This embellishment shall be the same on all wayfinding signs having more than three panels.
 - (xii) The sign may not be located on land not in right-of-way zoned or used for one- or two-family purposes, but may be located in right-of-way.
 - (xiii) The sign may not create a view obstruction.
 - (xiv) Location and spacing.
 - a. A wayfinding sign must be placed to be effective for and relatively near a road intersection.
 - b. No wayfinding sign shall be closer than 1,000 feet to another wayfinding sign, except those constructed before June 1, 2013, on the same side of a street.
 - c. Wayfinding signs should be directed to destinations.
- (C) The following design guidelines shall be followed for the community wayfinding sign program:
- (i) The community wayfinding signs are the traditional signs that exist at the time of passage of this section amendment. They consist of wood panels stained brown with letters and directional arrows painted in white. The one, two, or three panel signs are supported with wood posts. The signs containing more than three panels are supported by limestone pillars. The wood panels and wood supports may be replaced with synthetic wood products of the same color.
 - (ii) The design guidelines for community wayfinding signs are similar to the destination wayfinding signs as to size, height, location, lighting, number of panels, etc.; but do not require the city embellishment (sailboat logo and name). Specific guidelines for the “community” signs should be subsequently developed to replace this subsection.

- (D) Exceptions to design guidelines may be recommended by the building committee and approved by the city council in the public interest for extraordinary design, and/or to overcome physical constraints such as topography or vegetation.
 - (E) The building committee may recommend and the city council may add conditions or additional requirements to a sign or sign program.
- (7) Political signs;
- (8) Where a freestanding ground sign would be allowed in nonresidential zoning, instead of on-premises advertising on all or part of a sign, one sign on the lot or parcel may have off-premises advertising. This off-premises sign is not allowed in addition to the number of signs allowed for a freestanding single business or multitenant freestanding ground sign. The ground sign shall meet the standards in table A and table B for freestanding single business or multitenant freestanding signs. The sign is not permitted unless there is an occupied business on the same property with the sign.

TABLE B

Design Requirement				
	Lighting	Materials	Support Structure	Landscaping
Freestanding, single business	Internal or external	Synthetic, wood or stone	Wood or stone	Required ²
Freestanding, multitenant	Internal or external	Synthetic, wood or stone	Wood or stone	Required ²
Projecting wall	Internal or external	Synthetic, metal or wood	Metal mounting hardware	Not required
Hanging wall	Internal or external	Synthetic, metal or wood	Metal mounting hardware	Not required
Residential subdivision	External only	Wood or stone	Wood or stone	Required ²
Political	External only	Synthetic, wood or paper	Wood or metal	Not required
Commercial real estate	External only	Synthetic, wood or paper	Wood or metal	Not required
Government, utility, institutional	Internal or external	Synthetic, wood or stone	Wood or stone	Required ²
Sandwich board	External only	Synthetic or wood	Wood	Not required
Menu board	Internal or external	Synthetic or wood	Wood or stone	Not required
Temporary banner	External only	Synthetic	Metal mounting hardware	Not required
Residential real estate	External only	Synthetic, metal or wood	Wood or metal	Not required
Window	External only	Paint	Glass or plexiglass	Not required
Awning, canopy and marquee sign	External only	Synthetic	Metal mounting hardware	Not required
Public information	Internal or external	Wood or stone	Wood, stone or metal	Required ²
Residential nameplate	External only	Wood, stone or metal	Metal mounting hardware	Not required

²Required xeriscaping with native Central Texas plantings.

EXHIBIT "C"

CHAPTER 10

SUBDIVISION REGULATIONS

4.12. Streets and Sidewalks.

- (A) General. Streets, including pavement and shoulders, shall be constructed in accordance with the City of Austin Standard Specifications, unless otherwise specified in this chapter. Where City of Austin standards conflict with this chapter of the City of Lago Vista standard specifications or other Lago Vista ordinances, this Chapter and Lago Vista standard specifications shall apply.
- (B) Street layout. The subdivider shall provide adequate streets. Proposed streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets.
1. In particular, subdivision layout should provide for a minimum practical number of intersections with major arterials and those intersections should be with collector streets at intervals of not less than eight hundred (800) feet.
 2. Trees. Streets should avoid clearing trees ten (10) inches in diameter or larger measured forty (40) inches above the ground, except ash-juniper (cedar trees), where practical. All such trees to be removed or to remain in the ROW shall be shown on construction plans for streets. Retaining large trees in the street ROW is permitted and encouraged where practical for traffic calming purposes. The Commission may grant a Subdivision Variance to any street standards to retain large trees, given a report from the City Engineer that such is safe.
 3. Relation to adjoining street system. Existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith. Practical down-sizing of streets may be permitted where obvious transition is from high to low traffic frequency.
 4. Projection of streets.
 - a. Where adjoining areas are not subdivided the arrangement of streets in the subdivision shall make provision for the proper projection of the streets into such unsubdivided areas, unless otherwise provided by the City comprehensive plan.

- b. Subdivision plat design shall provide for the location of a reasonable number of street openings to adjoining properties. Such an opening shall occur at least every one thousand (1,000) feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision. An exception may be granted to this requirement if a natural or manmade barrier, such as a thoroughfare, prevents its implementation.
 - c. The developer shall convey or dedicate land to the appropriate public entity for the future projection of collector and larger streets into adjoining, unsubdivided areas. For the future projection of local streets, the developer shall either dedicate land or convey to the City by general warranty deed, a fee simple on condition subsequent estate in one (1) or more lots. If the City, by Resolution of the Council, ever determines that the property will not be needed for street extension, the grantor (or successor) shall have the right to reenter and assume ownership of the property.
5. Street jogs. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
6. Street intersections.
- a. Street intersections shall be at right angles whenever practicable, giving due regard to terrain and topography.
 - b. More than two (2) streets intersecting at one point shall not be permitted.
 - c. Major thoroughfare intersections shall have property line corner chords with a minimum tangent distance of thirty (30) feet.
 - d. Curb radii at intersections, including alley openings, shall be a minimum of twenty-five (25) feet, measured from face of curb or edge of pavement or shoulder, except in commercial or industrial developments where the radii shall be a minimum of thirty (30) feet.
7. Dead-end streets. Dead-end streets shall be prohibited except as short stubs to permit future expansion. Temporary turnaround easements of one hundred (100) feet in diameter right-of-way and eighty (80) foot diameter pavement may be used at the ends of roads which will be extended in future sections of the same subdivision, provided that such easements remain in effect until the road is extended and paved. The City Engineer may approve paving specifications less than standard in temporary turnaround easements.
8. Cul-de-sacs. In general, cul-de-sacs shall not exceed six hundred (600) feet in length, and shall have a turnaround right-of-way (ROW) of not less than one hundred (100) feet in diameter and pavement (including "ribbon" or curb and gutter) of at least eighty (80) feet in diameter.
- a. "Hammerhead" and "Y" turnarounds in accordance with the International Fire Code are also permitted.

- b. Where cul-de-sacs serve predominantly multifamily or development with a density greater than twelve (12) units per acre, commercial and/or industrial development, pavement diameter shall be at least one hundred and twenty (120) feet and shall be at least one hundred and forty (140) feet of ROW.
9. Curbs. All streets shall have a cement curb and gutter section or “ribbon” curb section in accordance with city standard specifications. Street width in the following paragraph includes the gutter portion of a curb and gutter section (pavement width is face of curb to face of curb) but do not include the “ribbon” curb portion. The ribbon curb section and gutter portion shall be at least twelve (12) inches wide. The City may require that existing streets within a subdivision being platted be retrofit with cement curbs.
10. Minimum pavement widths, minimum rights-of-way (ROW), minimum curve radius to centerline, minimum tangent between reverse curves, maximum sustained grades (and see subsection 19), and the average daily traffic that dictates the width of street shall be according to the comprehensive plan and as follows. Parking in the ROW is prohibited.
- a. Major arterial streets.
 - (i) ROW: 90 to 120 feet depending on median in ROW and how ROW drainage is designed.
 - (ii) Pavement width: 60 feet without a median with five 12 foot lanes (including a center turn lane) or 62 feet with four 12 foot lanes and a 14 foot median. Additional lanes may be required based on an approved traffic impact analysis (TIA).
 - (iii) Curve radius: 1,000 feet.
 - (iv) Reverse curve tangent: 250 feet.
 - (v) Sustained grade: Eight percent.
 - (vi) Maximum average daily traffic: Greater than 20,000.
 - b. Minor arterial streets.
 - (i) ROW: 70 to 80 feet depending on how in ROW drainage is designed.
 - (ii) Pavement width: 48 feet. Four 12 foot lanes.
 - (iii) Curve radius: 600 feet.
 - (iv) Reverse curve tangent: 200 feet.
 - (v) Sustained grade: Eight percent.
 - (vi) Maximum average daily traffic: 10,000 to 20,000.

- c. Collector streets.
 - (i) ROW: 60 to 70 feet depending on how ROW drainage is designed.
 - (ii) Pavement width: 24 to 36 feet depending on estimated ADT. Two 12 foot lanes to two 12 foot lanes with continuous or partial center turn lane.
 - (iii) Curve radius: 375 feet.
 - (iv) Reverse curve tangent: 200 feet.
 - (v) Sustained grade: 12 percent.
 - (vi) Maximum average daily traffic: 10,000.
 - d. Local or residential streets.
 - (i) ROW: 50 feet.
 - (ii) Pavement width: 24 feet. Two 12 foot lanes. If raised curb and gutter is used, and in order to comply with the International Fire Code, the width of pavement shall be 26 feet from face of curb to face of curb.
 - (iii) Curve radius: 275 feet.
 - (iv) Reverse curve tangent: 50 feet.
 - (v) Sustained grade: 10 percent.
 - (vi) Maximum average daily traffic: 5,000.
 - e. TxDOT Roads or Highways: According to TxDOT.
 - f. Additional ROW and lane construction may be required at the intersections of arterials, collectors and TxDOT highways to accommodate turning movements.
 - g. Additional easements adjacent to the street ROW may be required for slopes, drainage, and/or utilities.
11. Pavement widths and rights-of-way of streets forming part of the subdivision (adjacent or going through) shall be as follows:
- a. When the proposed subdivision is bounded by an existing or planned street, right-of-way dedication of 1/2 of the ROW, not to exceed seventy-five (75) feet, on the subdivision side of the street shall be required. If the street is not built, the developer shall construct at least two lanes or provide the City the cash for the cost of the construction of two lanes as approved by the City Engineer.

- b. If a planned road through the subdivision is wider than two lanes and the subdivision's traffic does not warrant construction based on the subdivision's projected average daily traffic (ADT), as approved by the city engineer, the subdivider shall dedicate all the ROW, but shall be required to pave at least two lanes or more dictated by the subdivision's ADT.
 - c. Where the proposed subdivision abuts upon an existing street or half-street that does not conform to standards in this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to pavement standards above, and there shall be paved so much of such right-of-way as to make the full pavement width comply with these standards. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate subbase and pavement joint.
 - d. If it is determined that ROW dedication and / or pavement is not roughly proportionate to the subdivision's projected traffic, the City Engineer may not require the entire ROW or pavement to be given or constructed in order to have dedication and construction be roughly proportionate and may require additional building setback to accommodate future roads or highways be shown on the plat.
12. Pavement standards. The City Engineer may require that the subdivider or developer submit pavement designs by a qualified soils testing and pavement design Registered Professional Engineer.
13. Street Names. Names of new streets within the subdivision shall not have the same spelling as the name of any other street within the corporate limits of the city or its ETJ, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. The developer or subdivider proposing new streets shall provide with the final plat application a document from the agency responsible for "911" street naming that the new street names in the subdivision are approved.
14. Streetlights. Streetlights are required at the corner of any intersection with streets, intersection of a street and alley, intersection of alleys, at any designated crosswalks outside of an intersection, or the designated crossing of any trail or golf path. There will be adequate lighting to provide for safety to the satisfaction of the City Engineer. They shall be installed in accordance with City specifications and the following at the time of street construction.
- a. Luminaires. Streetlights shall comply with Article 3.800 of Chapter 3.
 - b. Maintenance. Streetlights shall not be owned or maintained by the City. If the streetlights are to be maintained by and electrical bills paid by a property owner's association, mandatory fees shall be collected and made part of the property owner's association documents / covenants presented to the city with the construction plans. If the streetlights are to be owned by an electric utility, the utility's approval of the street lighting plan and electrical bill payment system shall be presented with the

construction plans. An estimate approved by the electrical utility provider detailing the cost of energy for streetlights shall be included.

c. Height: Maximum height of a streetlight is eighteen (18) feet, except on arterial streets where the maximum height may be thirty (30) feet.

d. Location.

(i) Generally, streetlights may be located at street intersections and in the “bubble” of a cul-de-sac if the cul-de-sac is at least four hundred (400) feet long.

(ii) All streetlights shall be in right-of-ways or easements shown on the construction plans and plats.

(iii) Streetlights shall be no closer than 400 feet from another streetlight.

e. Wiring to all streetlights shall be underground.

15. Street Signs. Reflective street signs shall be installed at all intersections within or abutting the subdivision at the time of street construction. Such signs shall meet Travis County Standards of Construction of Streets and Drainage in Subdivisions for type and installation.

16. Alleys.

a. Width and Paving. The subdivider may install alleys of not less than twenty (20) feet in ROW and pavement. Where alleys intersect easements the alley and utility easement shall be at ten (10) feet wider as determined by the City Engineer for a distance determined by the City Engineer.

b. Dead-end Alleys. Dead-end alleys shall not be permitted in the City or ETJ.

17. Sidewalks.

a. Residential. Sidewalks are required in subdivisions on both sides of any street and all sides of a cul-de-sac; they shall be not less than four (4) feet in width. The sidewalk shall be located in the ROW with the outer edge of the sidewalk at the ROW line. All sidewalks shall conform to the Americans with Disabilities Act (ADA) and City construction standards.

b. Commercial and industrial areas. Sidewalks shall conform to the City construction standards and meet all requirements of the Americans with Disabilities Act and be at least five (5) feet wide. Such sidewalks shall be installed and constructed on both sides of the street.

c. Residential and Commercial Mixed Use, Vertical. Sidewalks are required in subdivisions on both sides of any street. Sidewalks shall conform to the City construction standards and meet all requirements of the Americans with Disabilities Act and be at least six (6) feet wide.

- d. Parkways. Parkways shall be excavated, or filled, as required to result in a three to one (3:1) grade. In residential, commercial, and industrial areas this shall be a minimum of six (6) feet in width from backside of curb to closest edge of sidewalk. In Residential & Commercial Mixed Use, Vertical these parkways are prohibited in the ROW.
18. Crosswalks. Crosswalks ten (10) feet in width shall be dedicated as right-of-way and constructed where deemed necessary by the City to provide circulation or access to schools, playgrounds, parks, shopping centers, transportation and other community facilities. Crosswalks shall be provided, when required by a development, with a concrete sidewalk six (6) feet wide constructed to city specifications and ramped at street intersections.
19. Street Grades.
- a. Streets other than local streets shall have a maximum grade of eight (8) percent unless the City Engineer shall concur that the natural topography requires steeper grades, in which case a twelve (12) percent grade may be used, if the site distance is adequate and there are no intersections at the top or bottom of the grade within the calculated stopping distance based upon the speed limit plus ten (10) miles per hours.
 - b. All streets must have a minimum grade of at least five-tenths (0.5) of one percent.
 - c. Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide sight distance on major streets as required for forty-five (45) mile per hour traffic; and sight distance on minor streets and local residential streets as required for thirty (30) mile per hour traffic.
 - d. Whenever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not exceed twelve (12) inches in thirty (30) feet. Streets designed with super elevated curves shall conform to the standard highway design for such curves.
 - e. If an exception is approved, slopes greater than twelve (12) percent may require concrete paving and be subject to approval by the city engineer.
20. Fire / Emergency Access. Where there are thirty (30) or more residential lots or 30 residential units proposed in a subdivision or development, there shall be at least two entrances and exits and fire access at least twenty-four (24) feet wide into and out of the subdivision or development.
21. Access Management. On arterial streets, driveway and street intersection separation shall be at least two hundred and fifty (250) feet or as called for in an approved traffic impact analysis (TIA). Street intersections on a collector street shall be at least one hundred (100) feet apart.

22. Traffic-Control Devices. Traffic-control devices and signs warranted by the most recently approved edition of the Texas Chapter of the Manual for Uniform Traffic-Control Devices shall be required to be installed by the developer or subdivider at the time of street construction, as determined by the City Engineer. Such control devices shall be shown on construction plans.
23. Private streets.
- a. Private streets shall meet the standards and specifications of public streets.
 - b. Private streets and other private common areas shall be shown on the plat as a separate lot. The final plat shall have an annotation showing areas that are private street(s) or other type of common area. Said lot or lots shall be conveyed to a property owner or homeowner's association for ownership and maintenance. Covenants or restrictions concerning proper and timely maintenance and mandatory collection of maintenance fees from property owners shall be submitted with the plat and are subject to approval by the City Engineer and the City Attorney. The approved covenants or restrictions shall be recorded with the plat and copies of the recorded documents shall be provided the city with the recorded copies of the plat. A plan including estimated maintenance costs for their maintenance shall be submitted with construction plans for the subdivision.
 - c. Private streets shown as easements on separate lots are prohibited.
 - d. Gated streets.
 - (i) Public streets shall not be gated. If private streets are gated there shall be an adequate and safe turnaround, such as a cul-de-sac "bubble," provided on the public side of the gate as approved by the City Engineer. Public streets that are required to be extended into and through the subdivision shall not be gated.
 - (ii) A letter from the servicing fire department or emergency service district shall be provided with the plat application which approves a plan, which will be made part of the approved construction plans, for emergency vehicle access.
 - e. Public and emergency vehicle access easements shall be required on the private street ROW.
 - f. If the association fails to maintain reliable access on a private street into or through the subdivision or development, and after notice to the association, the City at the direction of the City Engineer, may enter the private street and remove any gate or barrier and repair or improve a private street in order to provide adequate access. The cost of such repair shall be billed to the association by the City within thirty (30) calendar days of completion of the City's improvement. If the bill is not paid within sixty (60) calendar days of mailing the bill or by other agreement between the City and the association, all the property in the subdivision shall have a lien placed against it by the City Attorney to cover the costs. The covenants and restrictions of a subdivision with private streets shall include this notice.

24. Traffic Impact Analysis (TIA). A TIA shall be required of any development or subdivision which would generate two hundred (200) or more average daily vehicle trips (ADT). The TIA shall be submitted with construction plans, and shall be approved as part of the construction plans. The TIA shall be approved by the City Engineer. All improvements dictated by the approved TIA shall be completed by the developer or subdivider with the construction of streets in the development or subdivision. It will be shown on the construction plans and with the As-Builts.

EXHIBIT "D"

CHAPTER 10.5

SITE DEVELOPMENT

Sec. 10.5.105 Standards and Specifications

- (a) Cuts and Fills Less Than Four (4) Feet. Cuts and fills of less than four (4) feet may be subject to the approval of the city manager or his / her designee. No fill material of less than four (4) feet in depth shall be placed or be in such an amount so as to restrict the city from being able to access utility lines within an easement. Any cut more than three (3) feet in depth shall install a fence or screening device in accordance with the zoning ordinance.
- (b) Cuts and Fills of Four (4) Feet or More. No fill on any building site shall exceed a maximum of eight (8) feet of depth, except for landscaping purposes. No cut of any building site shall be greater than eight (8) feet, except for structural excavation. Cuts and fills of four (4) feet or more shall require a soils report, prepared by a geo-technical engineer, with recommended embankment slopes and/or slope stabilization such as retaining walls. The geo-technical report shall also address that the adjacent property will not be impacted negatively by a cut or fill. The civil engineer shall address the drainage to and from the site and any permanent erosion controls required for the slope stability. Any cut more than three (3) feet in depth shall install a fence or screening device in accordance with the zoning ordinance. No fill material of less than four (4) feet in depth shall be placed or be in such an amount so as to restrict the city from being able to access utility lines within an easement.
- (c) Streets, Driveways, Roadways, Parking Areas, Alleys and Sidewalks. Streets, roadways, alleys, and sidewalks shall conform to standards contained in the city's standards of construction of streets and drainage in subdivisions as shown in Exhibit "B" on file in the office of the city secretary.*
 - (1) Vehicular Access.
 - (A) Vehicular access to property from the public right-of-way shall be controlled in such a manner as to protect the traffic-carrying capacity and safety of the street upon which the property abuts and access is taken, ensuring that the public use and purpose of public rights-of-way is unimpaired as well as protect the value of the public infrastructure and adjacent property.

- (B) The city manager may require the developer to submit a traffic impact analysis conducted by a qualified transportation engineer to determine the impact of a development on roads or streets.
 - (C) On arterial and collector streets, or if necessary for the safe and efficient movement of traffic, all accesses shall be designed and constructed with physical improvements and appropriate traffic control measures to assist or restrict turning movements, including, without limitation, acceleration or deceleration lanes, access islands, street medians, and signage, as may be required of the development if the city manager or his/her designee finds that they are necessary to preserve the safety or the traffic-carrying capacity of the existing street. The city manager or his / her designee shall determine the length and degree of the required access restriction measures for the property.
- (2) If a traffic impact analysis is required, the site development plan must ensure that:
- (A) Proposed access and egress points have reasonable sight distances;
 - (B) No inordinately adverse impact will result on the nearest intersections;
 - (C) No unsafe traffic circulation or pedestrian problems will result;
 - (D) Surrounding land uses and driveways are not inordinately adversely affected;
 - (E) Rights-of-way width, pavement width, and street design are adequate for the number of vehicle trips projected per day, so as not to overburden the street system.
- (3) Driveways and Parking Areas.
- (A) The slope of a driveway shall not exceed twelve percent (12%) measured between the street end of the apron and the opposite end of the driveway.
 - (B) Driveways shall not be located within two hundred (200) feet from the intersection of a collector street and an arterial street, or two (2) collector streets that are identified in the city's master plan.
 - (C) Driveways and parking areas shall have an adequate base of compacted granular material and a wearing surface of hot mix asphalt, concrete, brickpavers, or reinforced concrete.
 - (D) Driveway and pavement designs shall be determined by a qualified soils testing and pavement design registered professional engineer. Total flexible thickness design shall be based on soil type, traffic loading and a twenty (20) year minimum design life.
 - (E) The number of parking spaces required shall conform to standards contained in the latest version of the zoning ordinance.

- (F) The number of off-street loading spaces shall conform to the latest version of the zoning ordinance.
 - (G) Parking areas for bicycle racks shall be at the discretion of the developer.
 - (H) Parking areas which necessitate backing out onto arterial streets or collector streets shall be prohibited.
 - (I) On-street parking shall not be allowed.
- (d) Water and Wastewater Systems. Water and wastewater systems shall conform to the latest versions of the subdivision ordinance.
- (e) Landscaping. Landscaping shall conform to the following requirements:
- (1) All plant materials used for landscaping shall be of healthy stock, preferably native or naturalized, with low water requirements.
 - (2) All areas which are not impervious cover shall be landscaped and a landscaping shall extend to the property lines.
 - (3) Grass or groundcover may be installed in the rights-of-way contiguous to the site with the permission of the city or other relevant governmental authority. The owner of the site contiguous to the right-of-way shall be responsible for maintaining the grass or groundcover in the right-of-way.
 - (4) Trees.
 - (A) All trees required to be planted to meet the minimum tree requirement shall be at least two (2) inches in diameter and located at least three (3) feet from any impervious cover.
 - (B) The site shall meet the type and number of trees to be planted, replaced or retained on the lot according to the latest version of the zoning ordinance.
 - (5) All traffic islands or peninsulas shall be landscaped. Grass or grand cover shall not exceed eighteen (18) inches in height.
 - (6) Except for landscaping in the rights-of-way, landscaped areas which are located adjacent to pavement shall be protected from vehicles with concrete curbs or concrete tire stops.
 - (7) Existing oak trees shall be preserved to the extent reasonable and feasible. A list of the trees to be planted, replaced, retained or removed shall be submitted with the site plan and must be approved by the city manager or his / her designee.
 - (8) Fifty percent (50%) of the landscaped areas must include living material. All disturbed areas must be re-seeded with grass, groundcover or similar living matter.

- (9) All retaining walls, including but not limited to detention and/or filtration ponds, of three (3) feet or more shall require shrubbery and/or vines of healthy stock and of a minimum of two (2) feet in height immediately after planting in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will grow to the same height or more of the retaining wall.
- (f) Fences and Screening Devices. Fences and screening devices shall be installed, repaired and maintained according to the latest version of the zoning ordinance.
- (g) Illumination. All outdoor or exterior lighting shall comply with Article 3.800 of Chapter 3.
- (h) Pollution. Unless authorized by an appropriate governmental agency with powers superseding those of the city, there shall be no dumping or discharge of any waste, wastewater, chemicals, polluted liquids, toxic material, or any other substance which constitutes a known hazard to humans or animals, onto any property or into any waterway or stream, pond, or detention pond, during the development process or after its completion. During the development process, all developments shall have on-site, rigid, tamper-proof containers for the disposal of nonhazardous solid waste.
- (i) Trash Storage and Recycling Areas. Trash storage and recycling areas for attached dwellings and all business and industrial buildings or uses shall be accommodated within the structure, or adequate area shall be included on site and indicated on a site plan. All outdoor trash recycling storage and containers shall be placed on hot mix asphalt, concrete, brickpavers or reinforced concrete and shall be screened from public view by a solid fence of no more than six (6) feet in height.
- (j) Fire Hydrants. Fire hydrants shall conform to standards contained in the city's standards and location of fire hydrants shall be approved by the Travis County Fire Marshal.
- (k) Prohibitions. Construction shall not be allowed in the street rights-of-way, public utility easements, drainage easements or other easements, or within the setback stance except for landscaping, sidewalks, landscape irrigation, or fences that are in accordance with the city's fence regulations.
- (l) Special Planning Area (Property Located in the Former Austin ETJ).
- (1) All subdivisions located in the special planning area, as defined in an interlocal agreement (the "agreement") between the City of Lago Vista and the City of Austin shall also meet the following requirements and should there be a conflict between the following requirements and the standards and specifications in this article, the more restrictive requirement shall apply:
- (A) All single-family development will be set back at least seventy-five (75) feet from the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as the date of the agreement between the City of Lago Vista and the City of Austin. All condominium units and commercial buildings (excluding marinas) will be set back at least 100 feet from said 681-foot contour line.

- (B) Temporary erosion and sedimentation controls as required by the LCRA under Chapter 13, Article 13.600, Section 13.605(3) of the Lake Travis Nonpoint Source Pollution Control Ordinance in effect as of the date of the agreement will be implemented, designed, constructed and maintained according to the City of Austin Environmental Criteria Manual as determined by comparing calculations under the City of Austin's requirements with those under the proposed controls.
- (C) Impervious cover will be limited to twenty percent (20%) of the total site area over the property for any lot developed with any retail, condominium, apartment or office commercial uses; provided that Lago Vista may approve impervious cover up to twenty-five percent (25%) of the total site area for those lots that are connected to Lago Vista's centralized wastewater system. Total site area includes only those portions of a site that lie above the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as of the date hereof.
- (D) For residential lots in the planning area, density shall be subject to the following requirements:
 - (i) A minimum average lot size of one acre shall be maintained on all lots that are served by on-site septic systems.
 - (ii) Density of clustered lots served by on-site septic systems may not exceed one single-family unit per acre, provided that a minimum of 40% of the total site area is open space.
 - (iii) Lago Vista may approve density not to exceed 1.5 single-family units per acre for lots that are connected to Lago Vista's centralized wastewater system, provided that a minimum of 40% of the total site area is open space.
 - (iv) Lago Vista may approve additional density not to exceed 2 single-family units per acre for lots that are connected to Lago Vista's centralized wastewater system and for which a minimum of 40% of the total site area is open space according to the following requirements:
 - (a) One additional single-family unit for every two acres of land dedicated by instrument acceptable to Lago Vista for irrigation of wastewater effluent;
 - (b) One additional single-family unit for each acre of land permanently preserved by instrument acceptable to Lago Vista as undeveloped open space; or
 - (c) One additional single-family unit for each living unit equivalent (LUE) of wastewater treatment capacity in excess of that required to serve the development that is used to disconnect existing on-site septic systems.
- (E) Cut and fill is limited to four feet (4') maximum, provided that cut and fill over four feet (4') shall be permitted if the cut/fill slope is terraced to control erosion and sedimentation.

- (F) Detention of the two-year storm for erosion control or, as an alternative, nonerosive conveyance of stormwater to Lake Travis, will be provided as required under City of Austin Land Development Code Chapter 25-7 drainage, and the City of Austin Drainage Criteria Manual.
- (G) A building envelope that encompasses the limits of building disturbances will be established and required for residential construction on any lot.
- (H) All of the 100-year floodplain located within the planning area shall be dedicated to the City of Lago Vista as a drainage easement in accordance with the City of Lago Vista's development rules.
- (I) Development shall comply with the 2006 LCRA Highland Lakes Ordinance and the City of Austin's regulations regarding the Lake Travis Critical Water Quality Zone (LTWQZ), and developers and homebuilders shall promote xeriscape landscaping and homeowners education program to reduce potential pollutant sources. The LTWQZ is defined as the area along and parallel to the shoreline of Lake Travis, coinciding with the 681.0-foot contour line. Within the LTWQZ development is prohibited, except that a boat dock, pier, wharf, or marina and necessary access and appurtenances is allowed. Within the LTWQZ, approval by Lago Vista or an agency designated by the Lago Vista city council of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.
- (J) Lago Vista shall provide an annual status report to the director of the City of Austin Watershed Protection and Development Review Department of the options used by developers to obtain additional density, which report shall include the following:
 - (i) Developments that have connected to Lago Vista's wastewater system;
 - (ii) The number of septic systems that have been disconnected in the release area;
 - (iii) The number of acres dedicated for irrigation of wastewater effluent; and
 - (iv) The number of acres permanently preserved for open space.