

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2019-08-19-01

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, AMENDING THE CODE OF ORDINANCES, TITLE II: BUILDING AND DEVELOPMENT REGULATIONS; CHAPTER 26: SIGNS; ARTICLE 26.04: AUTHORIZED SIGNS AND PROHIBITED SIGNS; SECTION 26.04.001: AUTHORIZED SIGNS IN ALL DISTRICTS; AND SECTION 26.04.002: PROHIBITED SIGNS IN ALL DISTRICTS; AND PROVIDING FOR SAVINGS, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City of Lakeway, Texas (“the City”) desires to update its sign regulations to meet the changing conditions in the City as well as the changed statutory and legal requirements related to sign regulation; and

WHEREAS, signs are often placed in close proximity to public rights-of-way, and such placement creates visual obstruction of oncoming pedestrian and vehicular traffic; and

WHEREAS, uncontrolled placement of signs could have a negative impact on the health, safety, and welfare of local residents; and

WHEREAS, amending regulations of signs in the City will also substantially promote the City's interest in preserving the aesthetic beauty of the City; and

WHEREAS, the City was awarded Gold Status through the Scenic City Certification Program administered by Scenic Texas, and by doing so the City has committed to enforce quality sign regulations that protect scenic vistas; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an Ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 216 of the Texas Local Government Code, the City has the authority to regulate signs within the city limits and the extraterritorial jurisdiction (ETJ).

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Title II (Building and Development Regulations); Chapter 26 (Signs); Article 26.04 (Authorized and Prohibited Signs); Section 26.04.001 (Authorized signs in all districts) and Section 26.04.002 (Prohibited signs in all districts) of the City of Lakeway Code of Ordinances is hereby amended as follows:

“Sec. 26.04.001 Authorized signs in all districts

The following signs authorized under this section are authorized without a permit:

- (1) Legal nonconforming signs. Legal nonconforming signs or flag poles shall be governed by the regulations in place at the time they were permitted. Modification of a sign or the structure to which the sign is attached shall require the sign to comply with the regulations of this chapter. Restoration of a legal nonconforming sign does not forfeit the sign’s exempted status. A legal nonconforming sign shall not be replaced or relocated, except in compliance with this chapter.

Sec. 26.04.002 Prohibited signs in all districts

Any sign not expressly authorized by this chapter is prohibited. Examples of prohibited signs include, but are not limited to:

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- (13) ~~New b~~Billboards (~~off-premises signs~~) with commercial advertising are prohibited. A billboard that is moved or relocated from one location to another location in the City or ETJ is a “new” billboard and is prohibited.”

3. SAVINGS

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

4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

5. REPEALER

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

6. EFFECTIVE DATE

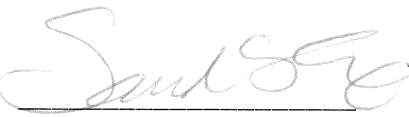
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

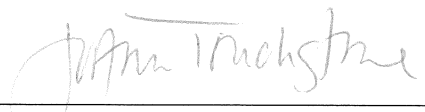
PASSED & APPROVED this, the day of Sept 4, 2019, by a vote of ____ (ayes) ____ (nays) ____ (abstentions) of the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 

Sandra L. Cox, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

