



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, June 17, 2020 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Remote Meeting on the 17th day of June 2020 at 6:30 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the order of the Office of the Governor issued March 16, 2020, the Zoning & Planning Commission of the City of West Lake Hills will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The public may participate in this meeting by dialing in to the following toll-free number **1-346-248-7799, Meeting ID 349 954 9035, Password: 387042**

If you wish to speak during the meeting, please submit your **name, phone number and the item #** you wish to speak on at least 6 hours prior to the meeting (12:30 p.m. on Wednesday June 17th) by emailing planner@westlakehills.org or pzsec@westlakehills.org.

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing planner@westlakehills.org or pzsec@westlakehills.org. **Comments must be received by 12:30 P.M. on June 17th.**

The meeting will be live streamed here: <http://mixlr.com/city-of-west-lake-hills/> and the audio will be available on the City’s website the day after the meeting.

1. Call to Order. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the May 20, 2020 Regular Meeting Minutes.

3. **Land Use 4609 Bee Cave Road:** Consideration of a sign variance application for a projecting/wall sign at Creekside at the Hills that exceeds the maximum allowed size (Chapter 32 of the West Lake Hills Code). Applicant Bogle Family Realty (Power of Attorney LM Holder II FAIA).
 - a. Staff Briefing
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
4. **Land Use 622 Cortona Drive:** Discussion/recommendation of a request for six (6) tree variances to construct a new residence: Tree # 7224 (Multi-Stem Cedar, 24.25"); Tree # 7321 (Multi-Stem Cedar, 16"); Tree # 7589 (Multi-Stem Cedar, 18.25"); Tree # 7586 (Multi-Stem Cedar, 15"); Tree # 7712 (Multi-Stem Cedar, 29.25"); and Tree # 7684 (Multi-Stem Cedar, 20.25") (West Lake Hills Code Section 22.03.304). Owners Steve and Cari Henry/Applicant Clint Garwood.
 - a. Staff Briefing
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
5. **Land Use City of West Lake Hills Code Chapter 32 - Signs:** Discussion/recommendation on proposed amendments to the Sign Ordinance, Title II, Chapter 32 of the City of West Lake Hills Code of Ordinances amending processes for sign application approvals; definitions and terms; and other related amendments.
 - a. Staff Briefing
 - b. Public Hearing: All persons wishing to speak for or against shall be heard.
 - c. Deliberation and Action
6. Adjournment. Chairman Robert Meisel.

Robert Meisel, Chairman
By Anjali Naini, Director of Building &
Development Services

Certificate

I certify that the above Notice of the June 17, 2020 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, June 12, 2020 by 5:00 pm. and will remain posted continuously until said meeting is convened.

By Anjali Naini, Director of Building &
Development Services

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. ZAPCO reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, May 20, 2020 at 6:30 PM



1. Call to Order. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- a. Approval of the April 15, 2020 Regular Meeting Minutes.

LAURIE MOVES TO APPROVE AS PRESENTED. BILL VANDERSTEEL. (5-0).

3. Land Use 4609 Bee Cave Road: Discussion/recommendation of a sign application for two (2) projecting/wall numerical street address signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.

- a. Staff Briefing

Anjali provides staff report. Signs comply with the Code. Staff Recommendation: Approval of the two signs.

- b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL.
COMMISSIONER HARWELL SECONDS. MOTION CARRIES (5-0).

4. Land Use 901 Forest View Drive: Discussion/recommendation of a variance request for a fence to exceed the maximum allowed height in order to install privacy panels to a section of an existing fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes.

- a. Staff Briefing

Briefing is given. 10' in particular sections. Previous variance had been approved for several years. We received a letter from a neighbor against. Staff Recommendation: Approval.

b. Presentation by applicant

June is the applicant. Brandon is also present. On page 23 of your packet is what we are requesting to replace a 20 year old fence and a variance for height in that one section with some panels on top of the fence. It will be on the property line where it has been for the last 28 years. We purchased the house in 1992. We obtained a permit in 2000 to replace the fence at the same height and same place. We paid the total cost of that fence. We want to keep one section tall. When it was built in 1960 there wasn't a house behind us. A two-story was built in 1980. I met with neighbors who property lines we share. I'm happy to answer any questions.

Brandon: The fence was built before the neighbor bought their place. We will be willing to re-survey to show it is on our property.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

d. Deliberation and Action

Harwell: Is the fence the letter owner's property? He has issues with the production.

Chair: The city cannot issue a permit to build a fence on someone else's property. Get that done first to make sure the line is where it supposed to be.

BV: I didn't have a problem with it when the photos make it very clear. It's important that the neighbor has some input of how it looks.

Brandon: I don't think he has issues with the style; it's the disruption.

LM: Is there any reason for safety concerns for having a fence that high?

Brandon: It's been that way 28 years and we're lowering it.

LM: You're asking for over 4' more than what we allow. Are you making it that high to provide security or privacy?

June: Privacy, no other reason.

LM: Thank you.

Chair: The ordinance requires that it meets the minimum goal that is not as disruptive as our ordinance scheme. If the issue is privacy, the answer is a window treatment and not a fence. I don't think the city can go with a new variance. It does allow you to repair but does not allow a new fence.

BV: I'm a confused about the initial construction. That was 12' feet high. Why are having a new variance if they are rpelacing it lower?

Chair: This does require a variance. The old one won't cover it.

Pledger: Mr. Janes are partners and I believe that privacy is a reasonable basis for a higher fence. We have approved fences for privacy.

BV: The need for height is much more obvious for this smaller lot.

Vaughan: Since they already had a variance, it should be restricted to repairing. It makes fence to me to move forward with it. It's an improvement.

BV: We can condition that the approval based on survey confirmation.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL WITH VERIFICATION OF PROPERTY LINE. VICE-CHAIR PLEDGER SECONDS.
MOTION CARRIES (3-2).

5. **Land Use 917 Calithea Road:** Discussion/recommendation of two variance requests in order to construct a swimming pool and yard area: 1) retaining wall that encroaches the side building setback (West Lake Hills Code Sec. 22.03.281); and 2) retaining wall exceeds 6 feet in height (West Lake Hills Code Sec.22.03.170). Owners/Applicants Cortney & Patrick Johnson.

- a. Staff Briefing

Staff report is given. This property is over 2 acres and is very steep. Neighbors are supportive. Staff Recommendation: Approval.

- b. Presentation by applicant

Corntey Johnson is the owner. Our lot is extremely steep. The location is located on Page 61 with pictures showing the hardship. Our neighbors have been supportive as well.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Public hearing is closed.

- d. Deliberation and Action

BV: Have you considered it being moved to the middle of the property?

Cortney: We did consider a number of locations. There were concerns but we would have the same variance request because of the topography. This was less invasive. Page 75 is more clear of the retaining that the neighbor has installed.

The wall is below grade and is less visible.

LM: This is design driven.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL.
COMMISSIONER HARWELL SECONDS. MOTION CARRIES (4-1)
COMMISSIONER MACCINI DISAPPROVES.

6. Land Use 301 Buckeye Trail: Discussion/recommendation of variance requests for the construction of a new garage: 1) removal of Tree # 217 - 14" Cedar (West Lake Hills Code Sec. 22.03.304); 2) removal of Tree # 218 - 16" double Live Oak (West Lake Hills Code Sec. 22.03.304); 3) encroachment of a new structure into side and rear building setbacks (West Lake Hills Code Sec. 22.03.281); and 4) exceed maximum impervious cover up to 30.5% (West Lake Hills Code Sec. 22.03.281). Owner Ben Brieger/Applicant Marc Madely.

a. Staff Briefing

Staff Briefing is given that this is back. Letters of support are provided from neighbors.
Staff Recommendation: Denial.

b. Presentation by applicant

Ben Brieger: I'm still applying for the same variances. A few have changed. The whole reason for this is safety to continue this hobby. I have explored some alternatives. Bill Vandersteel came up with several solutions. Putting the garage in the front yard it would effect large oak trees. Third was impervious cover. I appreciate Bill's help with this. I've looked at alternatives. The two effective neighbors have written letters in support of this.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

closed

d. Deliberation and Action

Vaughan: Alternatives?

BV: We met and tried to come up with solutions that would fit. The spaces weren't quite large enough.

Chair: I need to offer an observation that this is design driven. This is too much too far.

VICE-CHAIR PLEDGER MOVES TO RECOMMEND DENIAL FOR LACK OF
HARDSHIP. HARWELL SECONDS. MOTION CARRIES (5-0).

7. Land Use 119 Redbud Trail: Discussion/recommendation of four variance requests for the construction of a second driveway: 1) construct a second driveway entrance/exit (West Lake Hills Code Sec. 22.03.175; 2) site disturbance/excavation up to 24 inches for a retaining wall in a setback (West Lake Hills Code Sec. 22.03.170); 3) removal of Tree # 35 - 18" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304); 4) removal of Tree # 38 - 19" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304). Owner Charles Holley/Applicant Scott Cassel.

a. Staff Briefing

Staff Briefing is given. Staff Recommendation: Approval

Harwell: Impervious Cover?

Charles: the previous built a small concrete parking area and put in gravel. We have closed that up. That is just a parking area. Scott Cassel is also on.

LM: How long is the driveway from the street to the garage?

BV: It's about 50' from the garage to the street.

Chair: Is there a history in the file?

Mark: It had a hammerhead for a turnaround.

Chair: It was not on the building plan set.

BV: Was it ever built?

Chair: It's there.

b. Presentation by applicant

Scott Caasel is the landscape architect. The grade is 16.5%. The driveway is 51' from the roadway. The hardship is it impossible to turnaround. They have to back out onto Redbud. People go so fast on that roadway. Due to that issue we deem it a hardship. The impervious cover is under. The two trees to be removed are crape mertles which are not native. The other homes all have driveways with the same issues.

Charles: The hammerhead was approved about three months before we bought eh house.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

closed

d. Deliberation and Action

Chair: I don't see why you need a cut there other than convenience.

Charles: There is enough room to back up to the left but to get out is more difficult if you have another car. It's impossible.

BV: If the hammerhead was deeper it would be adequate.

Charles: Are you saying to expand the hammerhead?

BV: You can't back into that. I'm suggesting on the other side of the driveway.

Charles: It will still be difficult if another car is in the driveway.

Scott: There is also the visibility and safety issue.

LM: Looking at it it's a 3 car garage. We use our hammerhead, it looks like it would be possible and would do the job and not require a variance. The variance is more design driven.

Charles: People will still have to back out and create a very dangerous situation.

Chair: Redbud is a problem.

BV: Would delivery would be using it or parking in the street?

Charles: There is going to be no gate.

PLEDGER believes it would be beneficial I'm leaning approval.

BV MOVES TO REC APPROVAL. JAMES VAUGH SECONDS.

HARWELL: If the drivers on Redbud are speeding, using traffic calming and enforce the limits in place, that would be preferable.

Pledger: I don't disagree I think it's a design issue. It's a weird lot. The better solution is to add a second driveway.

COMMISSIONER VANDERSTEEL MOTIONS TO RECOMMEND APPROVAL.
COMMISSIONER VAUGHAN SECONDS. MOTION CARRIES (5-0).

8. Adjournment. Chairman Robert Meisel.

Meeting is adjourned at 8:04 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.



SIGN VARIANCE APPLICATION STAFF REPORT

JUNE 17, 2020

Agenda Item: Land Use: 4609 Bee Cave Road: Consideration of a sign variance application for a projecting/wall sign at Creekside at the Hills that exceeds the maximum allowed size (Chapter 32 of the West Lake Hills Code). Applicant Bogle Family Realty (Power of Attorney LM Holder II FAIA).

Requested Action: The applicant is seeking approval of a variance to exceed maximum allowed size for a projecting/wall-mounted sign on a new commercial building.

Applicant Information: Bogle Family Realty (Power of Attorney LM Holder II FAIA – Philip Southwick)

Location: The property is located south of Bee Cave Road, west of Buckeye Trail and east of Sundown Parkway.

Zoning & Site Characteristics:

The property is zoned B – 2 – Business 2 District. The property includes a newly constructed commercial building and is approximately 6.56 acres.

Hearing Dates:

June 3, 2020	Building Design Committee
June 17, 2020	Zoning and Planning Commission
June 24, 2020	City Council

Background/Analysis:

The Creekside at the Hills building has recently completed construction (site plan and building permits were approved by the City in 2019). The project is now going through the sign permitting process. The City Council approved two address numeral signs for the same building on May 27, 2020. The applicant would like a sign identifying the name of the building, but is seeking a variance for the maximum permitted size for greater visibility.

The location of the building is behind the rest of the Hills campus and not easily seen from Bee Cave Road. The proposed sign location faces toward the private driveway that provides access to the building. The applicant is requesting a variance to the size of the sign for better visibility. The proposed location is not visible from adjacent properties.

During the June 3, 2020 Building Design Committee meeting, the Committee requested that the applicant provide renderings showing other alternatives considered including renderings shown at the other property entrance point. The requested material was provided by the applicant and included in the packet. As shown in the rendering, a sign that complies with Code is not easily legible.

Variance Criteria Analysis

1. Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

The application states – “Because the hills slopes sharply down from the street, the top of the new 2.5 story building is actually below street level and hidden behind existing buildings.”

2. Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

The application states – “This variance allows us to keep the existing vegetation and the additional 195 required trees that we planted to balance a previous development by others. The steep hill will be unchanged.”

3. What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

The application states – “We looked at providing “Creekside” signs on both ends of the building, where they could be smaller, but it caused confusion about how to get the building entrance and potentially stopped traffic at the tiny west parking lot before it arrived at our main parking lot and garage on the east. We also attempted to amend the existing Hills campus signage agreement to include our wayfinding in the campus signage masterplan but that is a different landowner and we are not eligible.”

4. Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

The application states – “We believe that up-sizing the one sign is a simple and direct solution that does not have any impact on neighbors outside this development and does not require us to trim or remove any existing trees. To be a legible size, we have calibrated the design using 3D models and site visits.”

5. Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

The application states – “The signage (much like the building) is not visible from the public street or sidewalk and have no impact on the neighborhood. The “Creekside at the Hills” sign

faces our private driveway and the back of some covered parking spaces in this same Hills development.”

6. Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The application states – “Because it is located on the north, facing internal within the complex, we anticipate no visibility from other lots outside the development. Within the development, it faces a playground fence and the back of another office building’s covered parking.”

Sign Code Analysis (Reviewed under Chapter 32, Sec. 32.03.008 – Projecting, wall and hanging commercial signs)

- 1) Size. Four square feet for each five front linear feet of the individual business for an organization having its own exterior public entrance in a multitenant building, with a maximum length of ten feet and area of 12 square feet. A minimum area of six square feet will be allowed if a business has insufficient frontage. The size of a multipaneled sign shall be determined by dividing the maximum size allowed by the number of panels. Combined maximum area for more than one sign shall not exceed 12 square feet | **The maximum allowed length is 10ft and the applicant is requesting a length of 22’ 6”; the maximum allowed area is 12sf and the applicant is requesting 63.83sf.**
- 2) Height. Minimum clearance of eight feet to bottom of sign above pedestrian walkways. | **Appears to comply but need height measurement shown on elevation.**
- 3) Number. One sign per pedestrian way on which the building abuts, as determined by the administrator with a maximum of two signs, subject to review by the zoning and planning commission. | **The location complies.**
- 4) Location. Perpendicular to, hung from, or attached to a projecting structural element of the exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts. | **Complies.**
- 5) Design. The sign shall contain only the name of the business, its address and logo or nature of business, and, if desired, hours of operation. | **Complies. Sign includes complex/business name and logo. Colors comply and brighter colors in logo are okay as accent colors.**
- 6) Lighting. Indirect. | **Complies, reverse channel lit lighting proposed.**
- 7) Landscaping. Not applicable. | **Not applicable**

Staff Recommendation

The proposed sign is over 5 times greater than the maximum permitted size. Though there appears to be a hardship (topography, below road level) and the scale of the sign seems appropriate in relation to the building, ZAPCO may want to consider approving the sign with a smaller size limitation (such as 24sf – 2x maximum permitted size; 36sf – 3x maximum permitted size; or 48sf – 3x maximum permitted size).

Code of Ordinances:

Chapter 32 – Signs

Sec. 32.01.001 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator. A member of the city staff appointed by the city administrator, designated to administer and enforce this chapter.

Average grade. The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, if the sign is attached to the structure.

Billboard. Any sign that is freestanding or attached to or part of a building and is an off-premises sign.

Building design committee (BDC). A subcommittee of the zoning and planning commission consisting of three members.

City. The City of West Lake Hills, Travis County, Texas, and its area of extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code chapter 42.

Commercial sign. A sign which directs the attention of the general public to a place of business that sells goods or services, or other contains commercial or business activity.

Commission or zoning and planning commission. The zoning and planning commission (ZAPCO) of the city.

Compensable cost. Those costs for which the owner of a nonconforming sign required to be relocated, reconstructed or removed by this chapter is entitled to be compensated pursuant to V.T.C.A., Local Government Code chapter 216, which costs, if required to be paid by the statute, shall be calculated in accordance with the formula set forth in the statute.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics, or any physical operation on the premises which is required for the construction of a sign, including excavation, site clearance, landfill, and the like.

Freestanding sign. Any sign which is not attached to or on the walls, face, or exterior of a building.

Government sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by a property owner as mandated by the federal, state, or local government either directly or to enforce a property owner's rights.

Handheld sign. Any sign held by a person.

Indirect lighting. A light source from a shielded and hooded fixture mounted to the top of the sign, pointed towards the ground and that is diffused to provide an even illumination without glare. This type of lighting must conform with the lighting requirements in [article 24.03](#).

Landscaping. To change the natural features by adding trees, bushes, flowers, etc.

Manual on Uniform Traffic-Control Devices (MUTCD). The state publication for streets and highways.

Notice. Actual notice or written notice sent by registered or certified mail.

Office complex. Two or more offices and/or office establishments, sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership, or on separate tracts or lots of land.

Official sign. Any sign erected by or at the direction of any governmental body.

Off-premises sign. Any sign other than an on-premises sign.

On-premises sign. A commercial sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

Premises. A lot or tract within the city, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way therefor.

Projecting or hanging sign. Any sign attached to a building and extending in whole or in part more than nine inches beyond the building line. Allowable size does not include supporting structure.

Reflective surface. Any material or device which has the effect of intensifying reflected light, such as scotch light, day glow, glass beads and luminous paint.

Restoration. The routine maintenance and painting of existing, approved signs that do not change the approved design and color in any way.

Shopping center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether such stores and/or establishments occupy separate structures or are under separate ownership or on separate lots on tracts of land.

Sign. A name, identification, image, light device, figure, painting, drawing, message, plaque, poster, billboard, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, window (attached inside or outside), or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Displays of merchandise customarily sold at the site without illumination or lettering which are placed behind a store window are not signs or parts of signs.

Surface area of a sign. The total surface including frame and mounting. The actual area of the sign shall be calculated using trigonometric methods when the sign is not a simple rectangle. The allowed area of the sign as stated in the ordinance equals one side of a freestanding back-to-back sign, provided the freestanding sign's sides are back to back or angled with no greater separation between sides at its widest point than four feet and provided that both sides have the identical sign. Frame and mounting shall not exceed 30 percent of the total surface area of sign.

Temporary sign. A banner, pennant, poster, or advertising display constructed of papers, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be intended or is determined by the city planner to be displayed for a limited period of time.

Traffic-control sign. A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

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 and not projecting more than nine inches from the face of the wall at any point.

Zone. A zoning district as shown on the official zoning map of the city.

Sec. 32.01.013 Design review guidelines

(a) Harmonious with city scale. Sign location, configuration, design, materials, and colors should be harmonious with the Hill Country setting and the rural scale of the city.

(b) Materials. Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood. Other materials may be substituted when in the opinion of the building design committee they meet the design criteria of the city.

(c) Architectural harmony. The sign and its supporting structure shall be in architectural harmony with the surrounding structures.

(d) Colors. Black and earth tones shall be favored and bright colors shall be used only as accent colors. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay earth pigments such as umber, ochre, and sienna.

(e) Landscaping. Landscaping is required and shall be designed to harmonize with the building and surrounding natural landforms and native plants, as reflected in specific requirements contained herein.

(f) Reflective surfaces. Glare-producing surfaces on signs are not allowed.

(g) Lighting. All lighting of signs shall be indirect lighting as defined herein and all floodlights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.

(h) Moving parts. No sign shall contain any moving parts.

(i) Commercial logo/logograms. Graphic symbols, used to represent or identify a business entity or organizations, are permitted to be displayed on signs only under the following conditions:

(1) The design and materials comprising the logo shall be consistent with the guidelines in this section;

(2) Commercial logos shall be permitted only on sign categories set forth in section 32.03.001(b)(4), (6), (7), and (9); and

(3) Commercial logos shall be consistent with those generally utilized by applicant on business cards, stationery, and other similar uses.

Sec. 32.03.006 Bee Cave Road and Loop 360 corridor street number

Numerical street address for multitenant center or office complex on Bee Cave Road or Loop 360 shall be regulated as follows:

(1) Purpose. To identify the numerical street address of a multitenant shopping or office complex.

(2) Size. A maximum of four numbers, and each number with a vertical dimension of no greater than 24 inches and a horizontal dimension of no greater than 12 inches.

(3) Height. No part of the numbers shall extend above the roof line of the building.

(4) Number. One set of numbers facing the westbound lane of Bee Cave Road or Loop 360 and one set of numbers facing the east lane of Bee Cave Road or Loop 360.

(5) Location. On the building complex at the corner of the complex closest to the street.

(6) Design. The sign shall contain only the number of the street address (e.g., 3415).

(7) Lighting. None.

(8) Landscaping. None.

Sec. 32.03.008 Projecting, wall and hanging commercial signs

Projecting, wall, and hanging commercial signs, individual business within a multitenant shopping center or office complex for tenants who have their own separate exterior entrances, shall be regulated as follows:

(1) Purpose. To identify a business or organization which has its own separate exterior public entrance within a multitenant building.

(2) Size. Four square feet for each five front linear feet of the individual business for an organization having its own exterior public entrance in a multitenant building, with a maximum length of ten feet and area of 12 square feet. A minimum area of six square feet will be allowed if a business has insufficient frontage. The size of a multipaneled sign shall be determined by dividing the maximum size allowed by the number of panels. Combined maximum area for more than one sign shall not exceed 12 square feet.

(3) Height. Minimum clearance of eight feet to bottom of sign above pedestrian walkways.

(4) Number. One sign per pedestrian way on which the building abuts, as determined by the administrator with a maximum of two signs, subject to review by the zoning and planning commission.

(5) Location. Perpendicular to, hung from, or attached to a projecting structural element of the exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts.

(6) Design. The sign shall contain only the name of the business, its address and logo or nature of business, and, if desired, hours of operation. Except for those in B-3 districts, no additional fee shall be required for new signs in a multitenant shopping center or office complex where the zoning and

planning commission has approved a uniform design for every sign in the entire complex and the city administrator certifies that the proposed new sign meets the uniform design approved by the city.

(7) Lighting. Indirect.

(8) Landscaping. Not applicable.

(9) Special provisions. Shall be as follows:

(A) A joint directory sign is permitted subject to the provisions of this chapter;

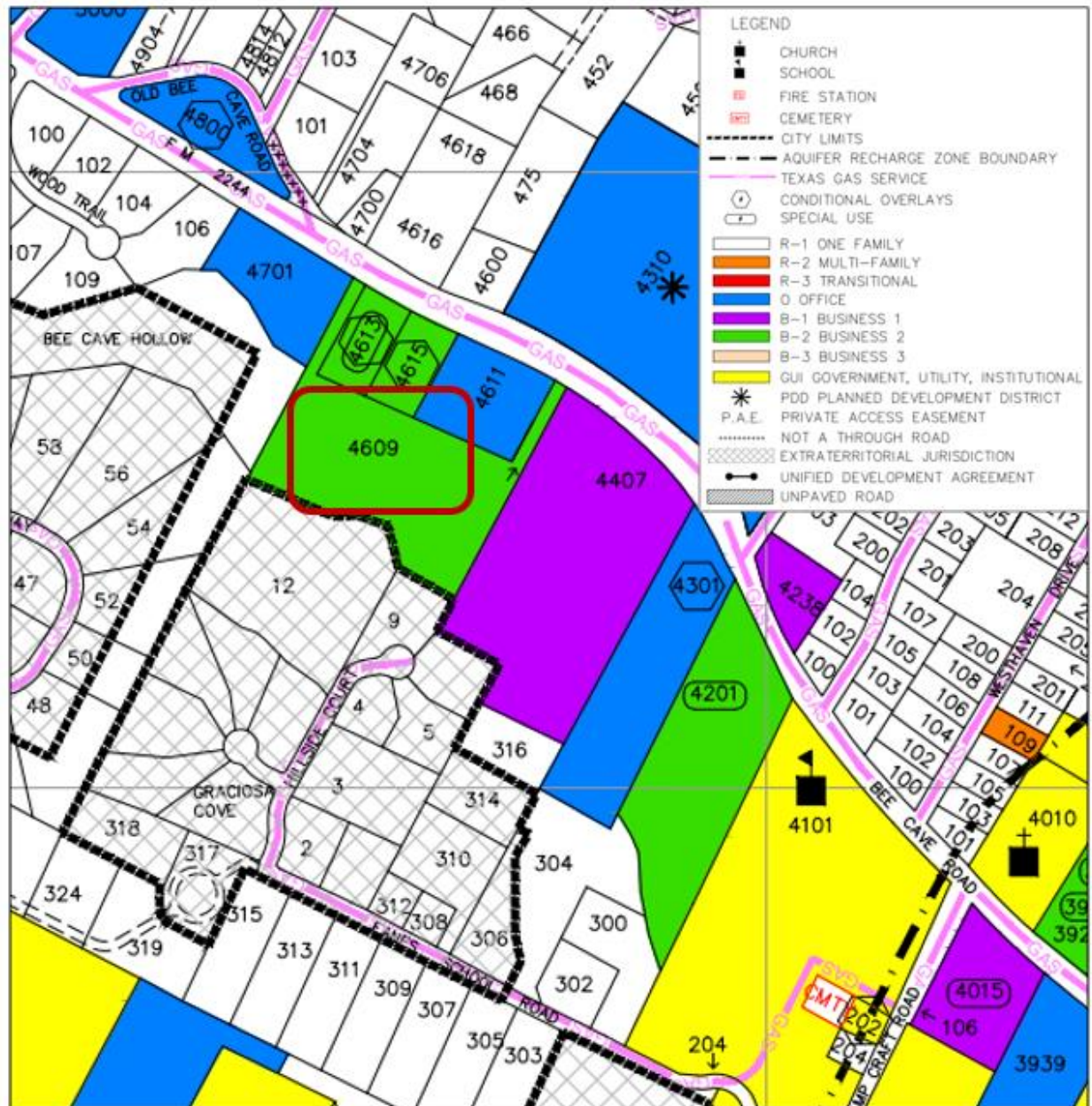
(B) A business or organization having a projecting or hanging sign is not excluded from participating in a joint directory;

(C) Businesses or organizations not having exterior public entrances are subject to the provisions of the joint directory signs for multitenant building, in section 32.03.009; and

(D) An individual business with a basement entrance with no calculable frontage may have one sign with a maximum area of six square feet.

(10) Increase of size, number. Notwithstanding the foregoing, the maximum size of a projecting, wall or hanging commercial internal sign for a business within a shopping center designated B-3 may be increased to 24 square feet for a retail store with less than 20,000 square feet of retail use floor area, and to 36 square feet for a retail store with more than 20,000 square feet but less than 35,000 square feet of retail use floor area, and to 48 square feet for a retail store with more than 35,000 square feet of retail use. If site conditions permit two sides of a retail store to be visible from the interior of the site, a sign may be approved for each of the two sides.

Zoning:



Aerial:



APPLICATION COVER SHEET

Property Address: 4609 BEE CAVE RD
Applicant Name: BOGLE FAMILY REALTY
Designated Agent (if any, Power of Attorney Required): L M HOLDER II FAIA
Applicant Phone Number: 512-484-7468 Email Address: philip@holder3.com
Date Application was Submitted: 5-1-2020
Variance(s) Requested: Size of building sign

Applicant completes above section; City Staff completes the section below:

Variance File Number: _____ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ _____ ☐ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) – Designated Representative: _____
Staff Analysis completed on _____ by _____
Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
Notice to Proceed Letter sent to Applicant on _____ by _____
• Notification Letter must be postmarked by _____ ☐ Confirmed by _____
• Sign must be posted by _____ ☐ Confirmed by _____
15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: _____
ZAPCO Action Letter sent on _____ by _____
ZAPCO Recommendation: _____
Conditions/Comments (if any): _____
Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____
BOA/Council Action: _____
Conditions/Comments (if any): _____
BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
• Notifications added to Incode on _____ by _____

Postponement History (if any): _____
Notes: _____

LETTER TO ZAPCO CHAIRPERSON

DATE:

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman:

We are completing inspections on a new 2.5 story office building below and behind the existing Hills development on Bee Cave Road. Our 4609 Bee Cave Rd building is essentially not visible from the street and accessed by a steep two-way private driveway looping through the complex. We are surrounded on three sides by a mix of existing trees and our 195 new trees, so we are locating our building sign on the open side along the private driveway. Our variance request is to increase sign larger than ordinance so it can be read from both directions. We believe that when a building is complete obscured from the road, a variance for a large building-mounted sign that itself cannot be seen from outside the campus is a reasonable solution.

"Creekside at the Hills" Signage Variance:
Proposed sign length of 22.5' is longer than 10'.
Proposed sign size is 63.83 sf larger than 12 sf.
Color- to meet code.

The sign is close to our main entrance and close to the point where our various parking options are visible. We believe this location and size is the best way to conclude the way-finding through the campus. The proposed location is not visible from neighbors and does not interfere with the existing Hills office campus. We are not imposing any burden or distraction on our neighbors. We attempted to amend the campus signage agreement but we were told that since our lot is a different landowner we should submit a variance application and a new sign permit.

Thank you,

Philip Southwick, AIA
philip@holder3.com

L M HOLDER III FAIA
ARCHITECTURE . PLANNING . ENERGY CONSULTATION
04/30/2020

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. *(Feel free to respond to these questions on a separate page or document.)*

- (1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

Because the hill slopes sharply down from the street, the top of our new 2.5 story building is actually below street level and hidden behind existing buildings. A private two-way driveway arcs through the complex with our building at the most remote and densely vegetated point on the loop. Because driveway traffic is two-way, a standard sign would be only visible from one traffic direction.

- (2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

This variance allows us to keep the existing vegetation and the additional 195 required trees that we planted to balance a previous development by others. The steep hill will be unchanged.

- (3) What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

We looked at providing "Creekside" signs on both ends of the building, where they could be smaller, but it caused confusion about how to get to the building entrance and potentially stopped traffic at the tiny west parking lot before it arrived at our main parking lot and garage on the east. We also attempted to amend the existing Hills campus signage agreement to include our wayfinding in the campus signage masterplan but that is a different landowner and we are not eligible.

- (4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

We believe that up-sizing the one sign is a simple and direct solution that does not have any impact on neighbors outside this development and does not require us to trim or remove any existing trees. To be a legible size, we have calibrated the design using 3d models and site visits.

- (5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

The signage (much like the building) is not visible from the public street or sidewalk and have no impact on the neighborhood. The "Creekside at the Hills" sign faces our private driveway and the back of some covered parking spaces in this same Hills development.

- (6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

Because it is located on the north, facing internal within the complex, we anticipate no visibility from other lots outside the development. Within the development, it faces a playground fence and the back of another office building's covered parking.

Property Address: 4609 BEE CAVE RD







5213 Tucker Hill Ln.
Cedar Creek, TX 78612
512.888.9788
WWW.CNDSIGNS.COM

Creekside at The Hills

4609 Bee Caves Rd
West Lake, TX 78746

PAGE 2 OF 6

ART
VERSION 190550-6

DATE 04/21/19

SALES Paul

PM PM

DESIGN Capo

04/21/20 REMOVE ILLUMINATION
ON BUILDING NUMBERS

CONCEPTUAL DESIGN ONLY FINAL
DIMENSIONS DETERMINED AT
PRODUCTION.

ALL DESIGNS ARE PROPERTY OF AND FOR
THE SOLE USE OF CND SIGNS. CND SIGNS
RETAINS RIGHTS TO ALL ARTWORK,
DESIGNS AND LAYOUTS UNTIL FURTHER
ARRANGEMENTS ARE MADE IN A
WRITTEN CONTRACTUAL AGREEMENT.
CND SIGNS DOES NOT HESITATE TO
PROSECUTE FOR UNAUTHORIZED
REPRODUCTION OF ITS DESIGNS UPON
DISCOVERY THAT A DESIGN HAS BEEN
SHARED, RECREATED OR REPRODUCED
WITHOUT APPROPRIATE PERMISSIONS.

A/ ILLUMINATED WALL SIGN (NORTH ELEVATION)

FONT: APPLE CHANCERY & CENTURY GOTHIC BOLD
SQ. FT: 63.83
SCALE: 1:100

SCOPE OF WORK: FABRICATE AND INSTALL **ONE (1)** SIGN TO SPECIFICATIONS

REVERSE CHANNEL LOGO:

- WELDED SQ. TUBE FRAME CABINET WITH ROUTED OUT .090" ALUMINUM PLATE FINISHED TO MATCH PMS BLUE 2758 C AND PMS RED 187 C
- 3/16" CLEAR LEXAN BACKS
- .063" RETURNS FINISHED TO MATCH PMS BLUE 2758 C
- 1/2" ACRYLIC PUSH THRU STAR WITH OPAQUE WHITE VINYL OVERLAID ON FIRST SURFACE
- WHITE LEDS
- INTERIORS FINISHED MP WHITE FOR LIGHT ENHANCEMENT
- PIN MOUNTED

CREEKSIDE AT THE HILLS:

- .090" ALUMINUM FACES FINISHED TO MATCH DARK BRONZE
- .063" RETURNS FINISHED TO MATCH DARK BRONZE
- 3/16" CLEAR LEXAN BACKS
- WHITE LEDS
- INTERIORS FINISHED MP WHITE FOR LIGHT ENHANCEMENT
- PIN MOUNTED



PMS BLUE 2758 C



PMS RED 187 C



COLOR TO MATCH DARK BRONZE

MINIMUM ELECTRICAL REQUIREMENTS:

QTY. T.B.D. 120V 20A DEDICATED CIRCUITS WITHIN 6' OF SIGN,
INSTALLED BY OTHERS

NOTE: CONFIRM NUMBER OF CIRCUITS PRIOR TO INSTALLATION



PROPOSED



NIGHT VIEW



Cnd SIGNS DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have: 1. A minimum of two dedicated 120V 20A circuits 2. Junction box installed within 6 feet of sign 3. Three wires: Line, Ground, Neutral
TECL 18581- REGULATED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION P.O. BOX 12157, AUSTIN, TEXAS 78711, 1-800-803-9202, 512-463-6599; WEBSITE: WWW.LICENSE.STATE.TX.US/COMPLAINTS



5213 Tucker Hill Ln.
Cedar Creek, TX 78612

512.888.9788

WWW.CNDSIGNS.COM

FONT: APPLE CHANCERY & CENTURY GOTHIC BOLD
SQ. FT: 63.83
SCALE: 3/8"

Creekside at The Hills

4609 Bee Caves Rd
West Lake, TX 78746

PAGE 3 OF 6

ART
VERSION 190550-6

DATE 04/21/19

SALES Paul

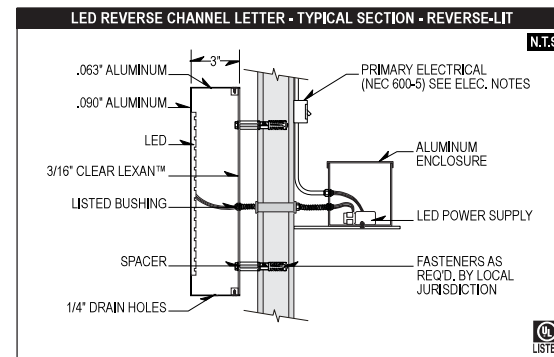
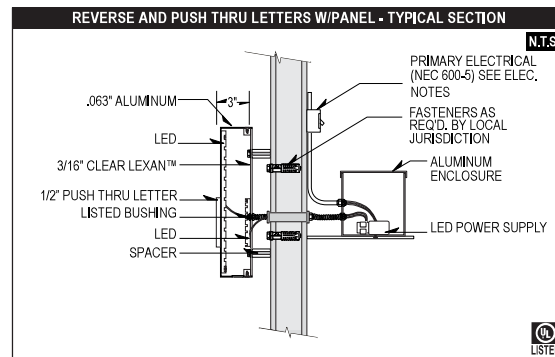
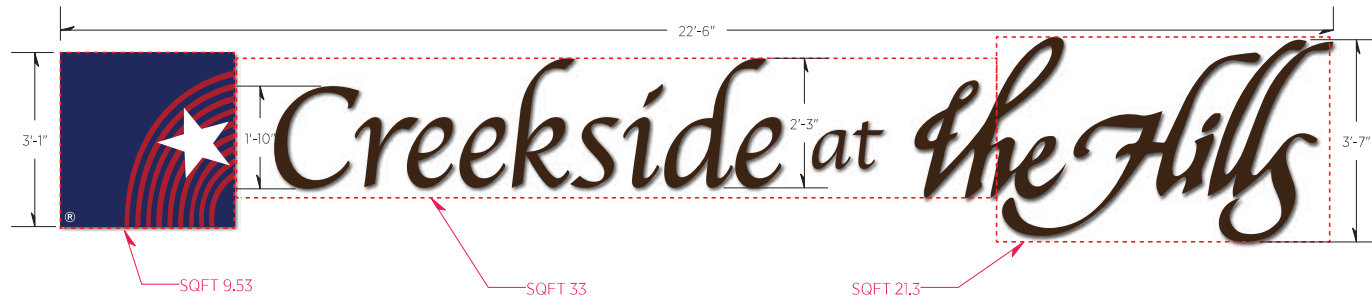
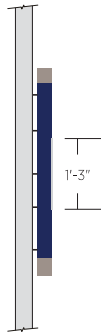
PM PM

DESIGN Capo

04/21/20 REMOVE ILLUMINATION
ON BUILDING NUMBERS

CONCEPTUAL DESIGN ONLY FINAL
DIMENSIONS DETERMINED AT
PRODUCTION.

ALL DESIGNS ARE PROPERTY OF AND FOR
THE SOLE USE OF CND SIGNS. CND SIGNS
RETAINS RIGHTS TO ALL ARTWORK,
DESIGNS AND LAYOUTS UNTIL FURTHER
ARRANGEMENTS ARE MADE IN A
WRITTEN CONTRACTUAL AGREEMENT.
CND SIGNS DOES NOT HESITATE TO
PROSECUTE FOR UNAUTHORIZED
REPRODUCTION OF ITS DESIGNS UPON
DISCOVERY THAT A DESIGN HAS BEEN
SHARED, RECREATED OR REPRODUCED
WITHOUT APPROPRIATE PERMISSIONS.



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TECL 18581- REGULATED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION P.O. BOX 12157, AUSTIN, TEXAS 78711, 1-800-803-9202, 512-463-6599; WEBSITE: WWW.LICENSE.STATE.TX.US/COMPLAINTS



SIGN PERMIT APPLICATION

Date of Receipt: _____ Permit Fees: _____
Collected By: _____ Date Permit Issued: _____

APPLICANT INFORMATION

Property Address: 4609 BEE CAVE ROAD, WESTLAKE, TEXAS 78746

Street City State Zip

Block: _____ Lot: _____ Tax Parcel ID: _____ Zoning District: _____

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: _____ Phone: _____ Email: VERO@CNDSIGNS.COM

Address: 4609 BEE CAVE ROAD, WESTLAKE, TEXAS 78746 City: _____ State: _____ Zip: _____

Agent (with written approval from Owner):

Name: _____ Phone: _____ Email: VERO@CNDSIGNS.COM

Address: _____ City: _____ State: _____ Zip: _____

Signature: _____ Date: _____

Sign Contractor: CND SIGNS LLC Phone: 512-888-9788 Email: VERO@CNDSIGNS.COM

Address: 5213 TUCKER HILL LANE City: CEDAR CREEK State: TX Zip: 78612

SIGN SPECIFICATIONS*

Check one option below:

☒ Permanent Sign ☐ Temporary Sign ☐ Uniform Sign Agreement Amendment

Sign Category (refer to Code, Sec. 32.03): _____

Is the property subject to a Uniform Sign Agreement? ☐ Y ☒ N

Dimensions: 22'6"L x 3'7" H Total Square Feet: 63.83 # of Signs Proposed: 1

Type of Material: ALUMINUM AND ACRYLIC Sign Colors: PMS Blue 2758C, PMS Red 187 C

Method of Attachment: PIN MOUNTED

Type of Sign Lighting (if applicable): WHITE LEDS

Width of Storefront: 171'1" Linear Frontage of Business: _____

Sign Message: CREEKSIDE ON THE HILLS

Temporary Signs Only:



SIGN PERMIT APPLICATION

Duration – Start Date: _____ End Date: _____

*Application must include sign renderings showing sign dimensions, letter dimensions, color, material, location, lighting specifications (refer to Chapter 24, Article 24.03 & Chapter 32), landscaping plans if applicable, and any other details required by staff. Commercial sign applications should include an Assumed Name Certificate/DBA for Business. If sign is under a Uniform Sign Agreement, sign must comply with the Agreement or else applicant must request an Amendment to the Uniform Sign Agreement.

VARIANCES & AMENDMENTS TO UNIFORM SIGN AGREEMENT

Variance

Are you applying for a variance to the Sign Ordinance? ☒ Yes ☐ No
(If yes, you will also need to submit a separate variance application and fee)

Amendment to Uniform Sign Agreement

Name/Address of Uniform Sign Agreement: _____
Reason for Amendment: _____

Please attach a separate sheet describing the sign specifications applicant is requesting to change/remove/add to the Uniform Sign Agreement. Please also submit a cover letter addressed to the ZAPCO Chairperson explaining your project.

APPROVAL NOTES – FOR COMPLETION BY STAFF ONLY

Administrative Approval Sign Meets Requirements: ☐ Yes ☐ No

Approved by City Administrator: _____ Date: _____

City Council Approval (Non-Administrative Approval)

BDC Date and Comments: _____

ZAPCO Date & Recommendation: _____

City Council Date & Action: _____



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, BOGLE FAMILY REALTY
have made, constituted and appointed L M HOLDER II FAIA
to be my duly authorized representative in connection with an application dated MAY 1, 2020,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

BOGLE FAMILY REALTY

Property Owner/Applicant Name

Haren Bogle, EXEC VP
Property Owner/Applicant Signature

7301 N 16TH ST, SUITE 201

Street Address

PHOENIX

City

AZ

State

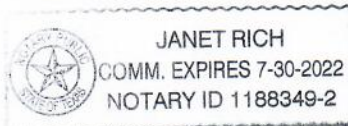
85020

Zip Code

602-371-3860, X2424
Property Owner/Applicant Phone Number

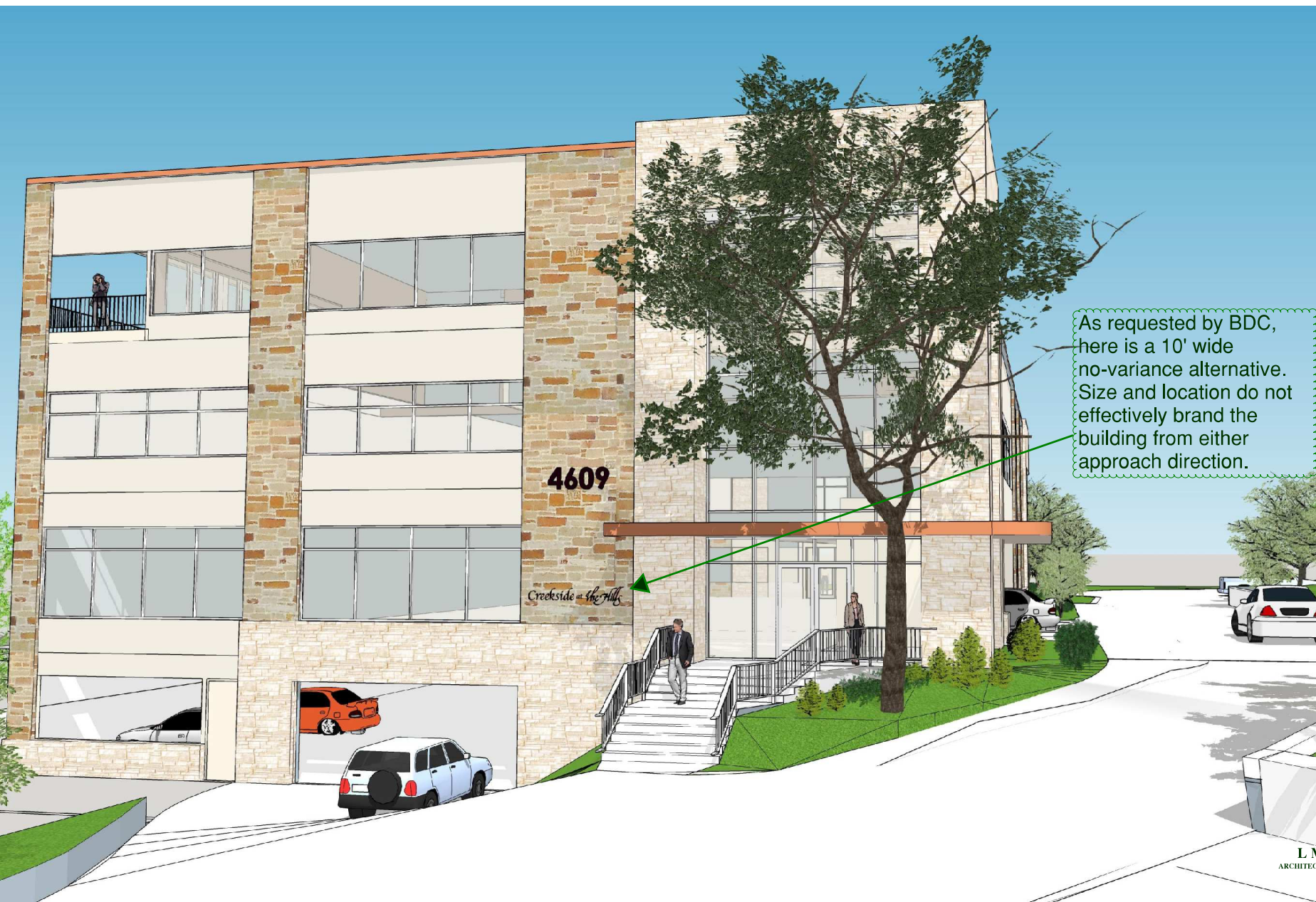
This instrument was acknowledged before me on this the 29th day of April, 20 20.

Janet Rich
Notary Public in and for the State of Texas





As requested by BDC, here is a rendering of the sign from the other approach-- the sign is large enough that you can actually see a bit of it from each internal traffic direction.



As requested by BDC, here is a 10' wide no-variance alternative. Size and location do not effectively brand the building from either approach direction.



TREE VARIANCES STAFF REPORT

JUNE 17, 2020

Project Name: 622 Cortona Drive – variance request to remove six trees 14” or greater

Requested Action: Removal of six trees 14” or greater for the construction of a new residence

Agenda Item: Land Use: **622 Cortona Drive:** Discussion/recommendation of a request for six (6) tree variances to construct a new residence: Tree # 7224 (Multi-Stem Cedar, 24.25"); Tree # 7321 (Multi-Stem Cedar, 16"); Tree # 7589 (Multi-Stem Cedar, 18.25"); Tree # 7586 (Multi-Stem Cedar, 15"); Tree # 7712 (Multi-Stem Cedar, 29.25"); and Tree # 7684 (Multi-Stem Cedar, 20.25") (West Lake Hills Code Section 22.03.304). Owners Steve and Cari Henry/Applicant Clint Garwood.

Applicant Information: Owners Steve and Cari Henri (Applicant/Power of Attorney Clint Garwood)

Hearing Dates:

June 17, 2020	ZAPCO
June 24, 2020	City Council

Location: The subject property is located north of Bee Cave Road, west of Westlake Drive, south of Buckeye Trail.

Zoning & Site Characteristics:

The subject property is a vacant lot zoned R-1 – One-Family Residential. The surrounding neighborhood is also zoned R-1. The property is steeply sloped and includes a natural drainage canal and wet weather creek. It is approximately 1.78 acres.

Background & Analysis:

The property owners are seeking variances to remove six Cedar trees that are 14” diameter or greater in order to construct a new two-story home. The tree survey indicates there are over 600 trees on the property, including 37 that are 14” or greater. Four of the requested variance trees (Tree # 7224, #7321, #7589, and #7586) are located in the proposed driveway footprint. The location of the driveway is limited by the City’s driveway setback requirements in addition to site constraints including the wet weather creek and drainage easement. Tree #7712 is located in the proposed garage location, and Tree #7684 is located in the footprint of the proposed house.

The proposed building footprint is located in an area of the lot with the fewest trees and also takes into consideration other site constraints including a natural drainage canal and steep topography.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
The application states – “Our lot is a “flagpole” shape, with the “flag” portion of the lot located at the back and the “pole” portion extending about 450’ to the street access. The site hosts a natural wet weather creek and Cliffside, as well as a natural drainage canal, which both further restrict the buildable area to the back of the lot.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “Our site contains over (600) trees that create a nearly full canopy across all but a small portion of the site. Of the (37) protected (14” diameter) trees, we wish to remove (6), all ashe juniper (“cedar”) trees...Our proposed driveway and building footprints are concise and consolidated, including slight “jogs” to accommodate the natural terrain and flora.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “As mentioned above, 622 Cortona Drive is a “flagpole” lot with vehicular access to the buildable area limited to a narrow “pole” between a drainage easement and the 10’ driveway setback. This, along with the natural creek and drainage canal site features, as well as standard building setbacks, buildable area is limited and isolated to a relatively small area (approximately 10%) of the property.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “Our driveway and residence footprint have been carefully laid out to preserve maximum trees and minimize tree removal.”
5. The variance does not violate the intent of the Zoning Ordinance or the goals of the City’s Comprehensive Plan.
The application states – “Given the property’s size, 1.78 acres, natural undisturbed buffers of 25’ – 100’ wide would exist upon completion of construction between the proposed improvements and the property lines. This, along with neighboring property setbacks and natural buffer zones, would maintain a natural and native Central Texas aesthetic on and around the property. Additionally, the proposed new

residence would be fully concealed from public view with now portion of the proposed residence being visible from City of West Lake Hills' rights of way."

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – "Our proposed residence would create maximum distance between it and its neighboring residences. Additionally, given the aforementioned buffer zones, remaining tree canopy and shape of the lot, there would be minimal visual and audial connection between properties."

Traffic/Transportation

No traffic impact is anticipated if the requested variances are approved.

Lighting

Outdoor lighting is not part of the variance application, and will be reviewed at a later time with the building permit application.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

Per the Comprehensive Plan, areas located in Area 1 (Residential) shall have careful site planning to avoid unnecessary clearing or disturbing of the land and to protect native trees and the thin soil mantle in the area. One of the general goals of the Comprehensive Plan is to "Preserve the natural, wooded, rural character."

Staff Recommendation

Staff recommends approval of the requested variances due to the unique site characteristics including the creek, natural drainage channel and topography that pose a hardship. If the requested variances are granted, the property owners will be responsible for replacing the trees (150% of the total variance tree diameter inches) per City Code requirements.

Sec. 22.03.304 Tree and vegetation removal and replacement

- (a) Removal policy.

- (4) The removal of trees greater than or equal to 14 inches in diameter measured at a point 54 inches above the ground is prohibited except as allowed under section 22.03.303(b)(7) and therefore such removal requires a variance from the city council. (Ordinance 223 adopted 9/14/11)

(d) Calculating tree replacement requirements.

(1) Trees of any species with a trunk diameter of less than 6 inches do not require replacement.

(2) Conifer and Juniper trees (commonly referred to as “cedars”) with a trunk diameter of less than 12 inches that are removed to establish a fire safety buffer zone in accordance with section 22.03.303(b)(5) do not require replacement.

(3) Conifer and Juniper trees (commonly referred to as “cedars”) with a trunk diameter of 3 inches or less that are removed as a fire prevention measure in accordance with section 22.03.303(b)(6) do not require replacement.

(4) To compensate for the removal of live trees that are not diseased, dying or dead (as defined in accordance with section 22.03.303(b)(7)) and that are removed in accordance with this section, the property owner must install replacement trees according to the following requirements:

(A) All trees with trunk diameters equal to or greater than six inches and less than 14 inches must be replaced on a 75% basis. In such cases, the replacement trees planted must have trunk diameters of at least 3 inches. For example, if a 12-inch tree is removed, then a total of 9 replacement inches must be planted using trees with a minimum trunk diameter of 3 inches.

(B) All trees with trunk diameters greater than or equal to 14 inches require a variance to subsection (a)(4) above and must be replaced on a 150% basis. For example, if a 16-inch tree is removed, then a total of 24 replacement inches must be planted using single-trunk trees with a minimum trunk diameter of at least 3 inches.

Trunk diameter <6 inches: No replacement required.

From 6 inches to <14 inches: 75% replacement required: Must use replacement trees with trunk diameters of at least 3 inches.

14 inches and larger: Requires variance; 150% replacement required: Must use replacement single-trunk trees with trunk diameters of at least 3 inches.

(5) To compensate for the loss of diseased or dying trees removed in accordance with this section and with section 22.03.303(b)(7), the property owner must install replacement trees on a 50% basis. In such cases, the replacement trees planted must have trunk diameters of at least 1-1/2 inches. For example, if a 9-inch tree is removed, then a total of 4-1/2 replacement inches must be planted using trees with a minimum trunk diameter of 1-1/2 inches.

(6) In the case of dead trees removed in accordance with this section and with section 22.03.303(b)(7), no replacement is required.

(7) For purposes of calculating the replacement inches as required above, the trunk diameters of all replacement trees shall be measured at a point 12 inches above the ground.

(8) Replacement trees shall count on an inch-for-inch basis.

(9) When using a species with multiple trunks (e.g., Texas Mountain-Laurel, Yaupon Holly, etc.) for replacement purposes, the following chart shall be used to convert the planting container measurement to the equivalent trunk diameter for the purposes of this section:

<u>Planting Container Size</u>	<u>Equivalent Trunk Diameter</u>
20 gallons	3 inches
30 gallons	4 inches
40 gallons	5 inches

(10) The planting of native grasses or ground cover is encouraged, but shall not satisfy any tree replacement requirement.

Sec. 22.03.514 Criteria required for granting variance

No variance shall be granted under this chapter unless the following criteria are fulfilled:

(1) Findings. The applicant has established by competent evidence that:

(A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

(B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

(C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

(D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

(2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:

(A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and

(B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and

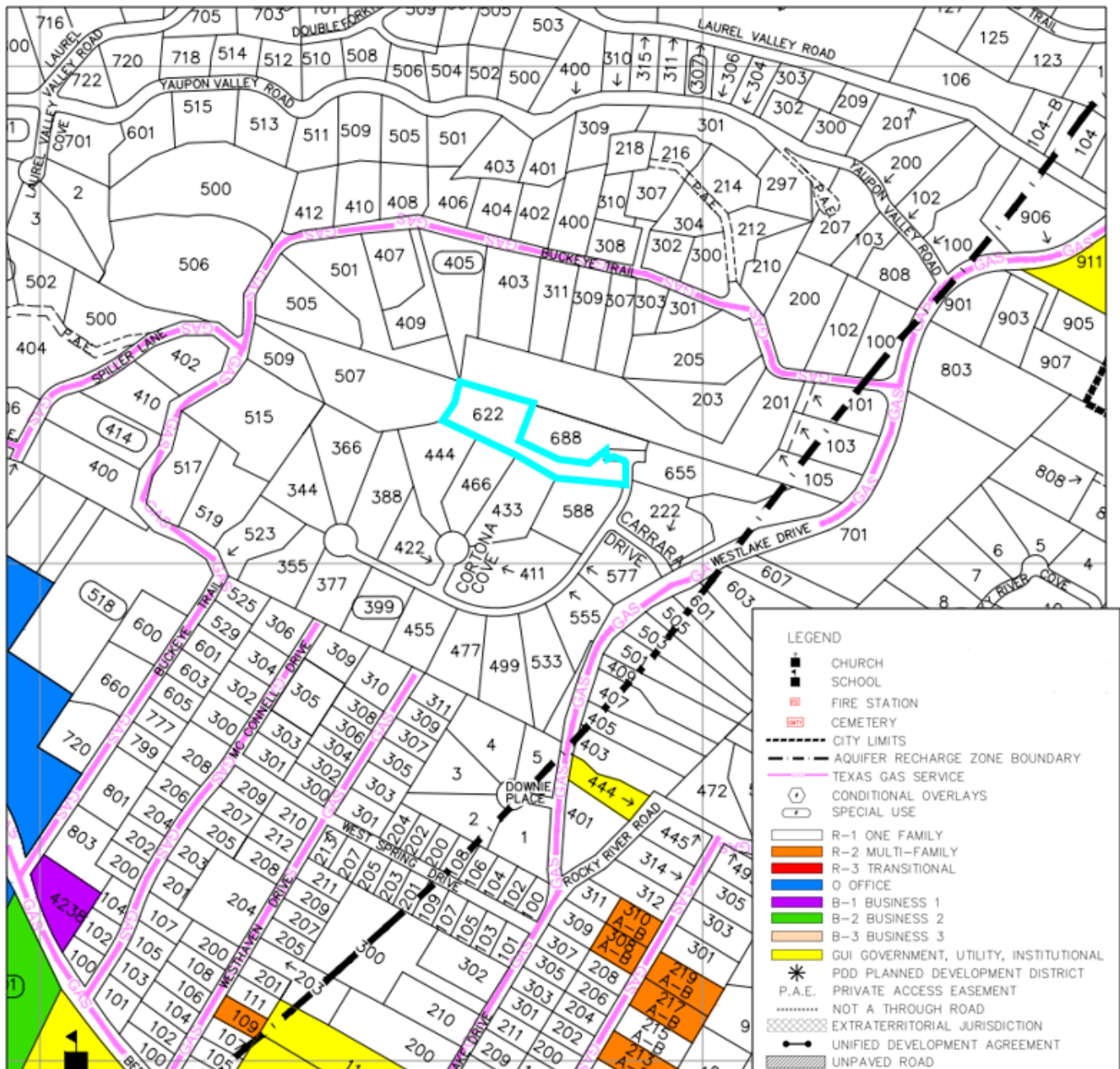
(C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the Commercial Overlay District are necessary to achieve one or more of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

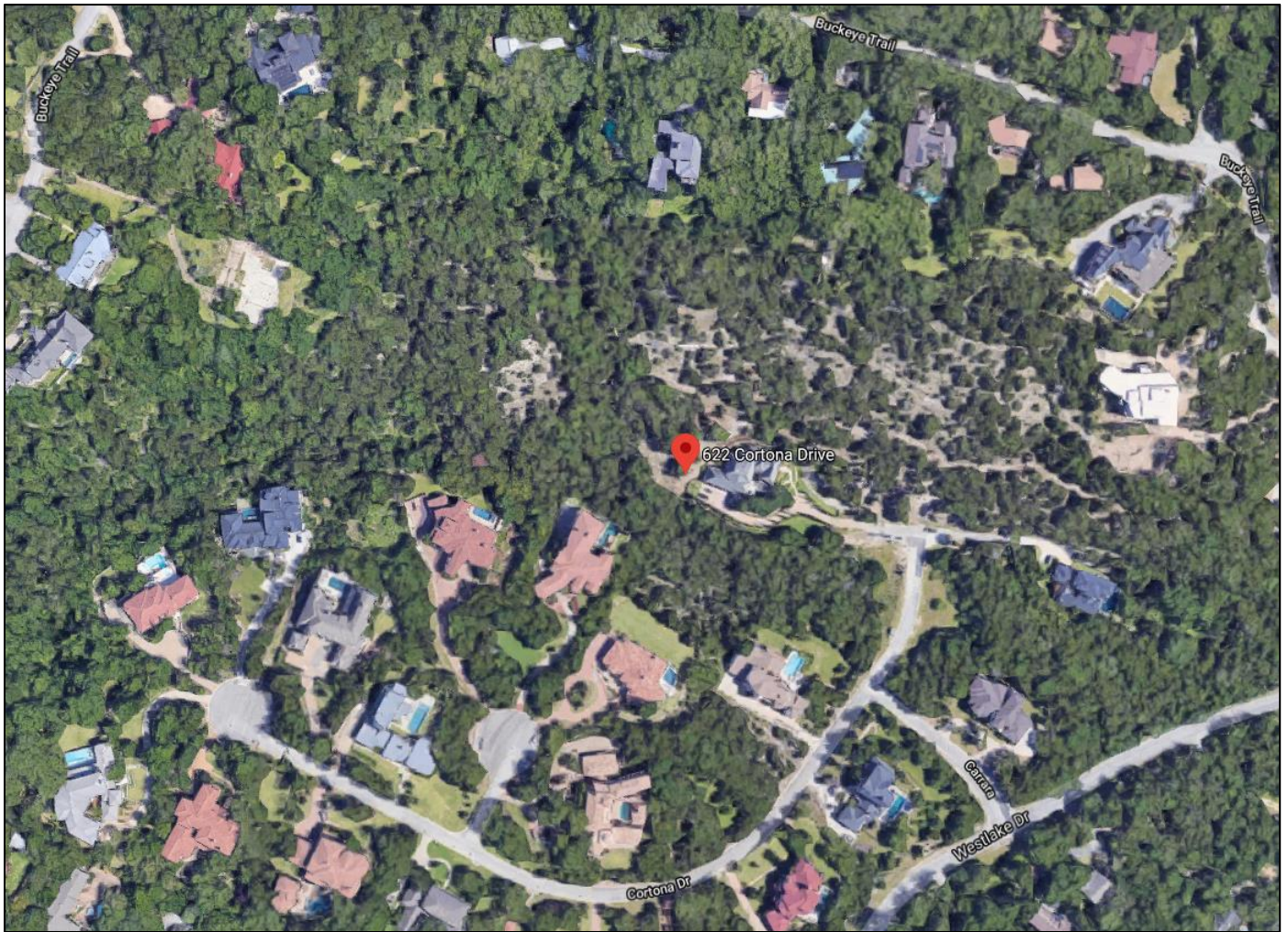
(Ordinance 137, att. A, adopted 9/15/08)

(Maps to follow)

Zoning:



Aerial:



APPLICATION COVER SHEET

Property Address: 622 Cortona Drive, West Lake Hill, TX 78746
Applicant Name: Steve and Cari Henry
Designated Agent (if any, Power of Attorney Required): Clint Garwood, AIA
Applicant Phone Number: 512.484.2405 Email Address: [REDACTED]
Date Application was Submitted: May 04, 2020
Variance(s) Requested: Removal of (6) protected (14"+ diameter) trees

Applicant completes above section; City Staff completes the section below:

Variance File Number: _____ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ _____ ☐ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) – Designated Representative: _____
Staff Analysis completed on _____ by _____
Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
Notice to Proceed Letter sent to Applicant on _____ by _____
• Notification Letter must be postmarked by _____ ☐ Confirmed by _____
• Sign must be posted by _____ ☐ Confirmed by _____
15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: _____
ZAPCO Action Letter sent on _____ by _____
ZAPCO Recommendation: _____
Conditions/Comments (if any): _____
Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____
BOA/Council Action: _____
Conditions/Comments (if any): _____
BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
• Notifications added to Incode on _____ by _____
Postponement History (if any): _____
Notes: _____



GARWOOD ARCHITECTURE

May 04, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman:

We seek approval to remove (6) protected cedar trees at 622 Cortona Drive in order to build a new two-story residence and swimming pool.

The property contains over 600 trees, with (37) being protected (14" diameter), all ashe juniper. The lot is "flag shaped", with the buildable area being approximately 450' from the street access. This necessitates a long driveway to accommodate daily and emergency vehicular access. Our planned driveway would require removal of only (4) of the protected trees. Our proposed building footprint is isolated to an area of the property with the fewest trees and would require minimal disturbance to the existing wet weather creek and drainage canal on the site. The building and swimming pool footprint would require removal of only (2) of the protected trees.

During our design efforts we considered 'jogging' the driveway around protected tree 7224, but determined doing so would still require removal of its multiple trunks that have grown horizontally and low to the ground. They span the width of possible vehicular access and would impede emergency vehicular access regardless of driveway location. Additional considerations were made to adjust the overall footprint, and found other scenarios created further impact to the existing wet weather creek and drainage canal on the property. During our design efforts, careful consideration was made to balance a respect for existing trees as well as the existing creek and drainage canal. In short, we feel we have saved as many protected trees as reasonably possible, consistent with our goal to preserve as natural a landscape on the lot as possible.

Thank you for considering our variance request.

Sincerely,
Clint Garwood, AIA
Garwood Architecture



City of West Lake Hills Variance Approval Criteria Questions Regarding 622 Cortona Dr:

1. Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

Our lot is a “flagpole” shape, with the “flag” portion of the lot located at the back and the “pole” portion extending about 450’ to the street access. The site hosts a natural wet weather creek and cliffside, as well as a natural drainage canal, which both further restrict the buildable area to the back of the lot. There are a few protected (14” diameter) trees on the buildable area, as well as a few along the “pole” portion that will have to be removed for construction of the driveway. In other words, this lot simply could not be built upon without some allowance for protected tree removal/replacement.

2. Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

Our site contains over (600) trees that create a nearly full canopy across all but a small portion of the site. Of the (37) protected (14” diameter) trees, we wish to remove (6), all ashe juniper (“cedar”) trees. Thus, relative to the total tree population on the lot, we plan to remove a small minority, of which a very small proportion are protected.

Our proposed driveway and building footprints are concise and consolidated, including slight ‘jogs’ to accommodate the natural terrain and flora. Of the total 77,500 sq ft of property (total lot area), we seek to disturb less than 25% of the lot area with construction, with the remaining 75%+ left completely natural and undisturbed. Of this lot disruption, 8% would be necessary to install a driveway to facilitate daily and emergency vehicular access to the new residence. Additionally, the lower level floor height of our proposed residence steps up seven times in order to follow the natural terrain and minimize cut and fill of the site.

3. What other reasonable alternatives have you considered? Why don’t these other options alleviate the difficulty or hardship that you think exists?

As mentioned above, 622 Cortona Drive is a “flagpole” lot with vehicular access to the buildable area limited to a narrow “pole” between a drainage easement and the 10’ driveway setback. This, along with the natural creek and drainage canal site features, as well as standard building setbacks, buildable area is limited and isolated to a relatively small area (approximately 19%) of the property.



4. Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty of hardship you think exists?

Our proposed driveway and residence footprint have been carefully laid out to preserve maximum trees and minimize tree removal.

5. Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

Given the property's size, 1.78 acres, natural undisturbed buffers of 25'-100' wide would exist upon completion of construction between the proposed improvements and the property lines. This, along with neighboring property setbacks and natural buffer zones, would maintain a natural and native Central Texas aesthetic on and around the property. Additionally, the proposed new residence would be fully concealed from public view with no portion of the proposed residence being visible from City of West Lake Hills' rights of way.

6. Why do you believe the variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

Our proposed residence would create maximum distance between it and its neighboring residences. Additionally, given the aforementioned buffer zones, remaining tree canopy and shape of the lot, there would be minimal visual and audial connection between properties.



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Steven L. Henry
have made, constituted and appointed Clint Garwood & Associates
to be my duly authorized representative in connection with an application dated _____,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

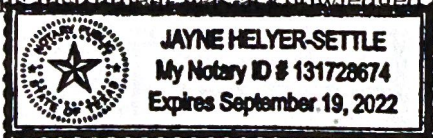
Steven L. Henry
Property Owner/Applicant Name

SHenry
Property Owner/Applicant Signature

622 Cortona Dr. Austin TX 78746
Street Address City State Zip Code

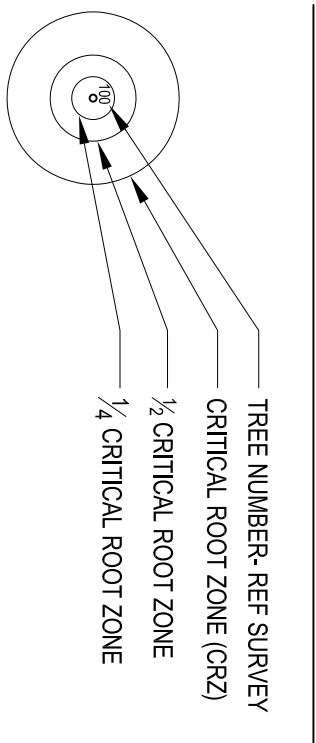
512.484.0307
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 23 day of April, 2020.



Notary Public in and for the State of Texas

Jayne H. Settle

[illegible]

*NOTE: ONLY PROTECTED (14" DIAMETER AND GREATER),
SHOWN, REF SHEET A0.0 FOR FULL TREE SURVEY

SHEET SHEET TITLE SITE PLAN A0.1	REV	DESCRIPTION	DATE
		ISSUED FOR REVIEW	05.04.2020
			DRAWN BY: CRG

Henry Residence
622 Cortona Dr
West Lake Hills, Texas 78746

NOT FOR REGULATORY
APPROVAL, PERMITTING
OR CONSTRUCTION

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architecture
512.730.3747
www.garwoodarchitecture.com



Tree 7224- Request for tree removal 01



Tree 7321- Request for tree removal 02



Tree 7589- Request for tree removal 03



Tree 7586- Request for tree removal 04



Tree 7712- Request for tree removal 05



Tree 7684- Request for tree removal 06



Drainage canal



Wet weather creek



Wet weather creek



Wet weather creek





SIGN CODE AMENDMENTS STAFF REPORT

JUNE 17, 2020

Agenda Item: Land Use: City of West Lake Hills Code Chapter 32 – Signs:

Discussion/recommendation on proposed amendments to the Sign Ordinance, Title II, Chapter 32 of the City of West Lake Hills Code of Ordinances amending processes for sign application approvals; definitions and terms; and other related amendments.

Hearing Dates:

June 17, 2020 Zoning and Planning Commission
June 24, 2020 City Council

Background/Analysis:

Under direction of the City Administrator, staff has drafted amendments to the City's Sign Ordinance, Chapter 32 of the West Lake Hills Code. The primary purpose of the amendments is to help expedite the permitting process by shortening the steps required for signs that comply with the Code. Currently, commercial signs that are not part of a Uniform Sign Agreement require consideration and hearings at Building Design Committee (BDC), Zoning and Planning Commission (ZAPCO), and City Council meetings. Staff proposes to remove BDC and ZAPCO from this process to shorten the timeframe for approval of commercial signs that meet Code requirements. Approval will still be required by City Council. Signs with variance requests would have to be considered by ZAPCO and City Council.

Staff is taking the opportunity to propose other amendments including correcting the staff who reviews sign applications; clarifications where needed; amendments to be in compliance with Scenic City standards to help achieve more points in the next Scenic City renewal cycle; clarification of temporary signs categories; and removal of after-the-fact variance processes and fees (signs constructed without obtaining a variance if necessary would just be subject to penalties/fines).

The table below summarizes the proposed amendments including the reasons for the amendments.

	<u>Section & Page #</u>	<u>Proposed Amendment</u>	<u>Reason for Amendment</u>
1)	Throughout	Amended "city planner" with "director of building and development services"	To match current staff title
2)	Throughout	Change "administrative secretary" to "planning and zoning secretary"	To match current staff title
3)	Throughout	Remove requirements of review by BDC and ZAPCO under various sign categories	To align with new proposed process (See #s 6 & 7 below)

	<u>Section & Page #</u>	<u>Proposed Amendment</u>	<u>Reason for Amendment</u>
4)	Sec. 32.01.001 – Definitions, p. 6	Added new definition for Uniform Sign Agreement.	Currently undefined though this is an existing category.
5)	Sec. 32.01.016 – Prohibited Signs, p. 11	Added Item 15 – Roof Signs and Item 16 – Changeable electronic variable message signs	To align more closely with Scenic City standards (West Lake Hills is a Silver Scenic City). While these types of signs are not permitted already, they are not expressly listed under the Prohibited Signs section.
6)	Sec. 32.02.001 – Permits, certificates and approval required, p. 11	Amend sign application process to remove BDC & ZAPCO from process for signs that do not need variances	Streamlining and expediting sign approval process for signs that comply with the Sign Ordinance. Part of a larger effort under new City Administrator to shorten permitting timeframes.
7)	Sec. 32.02.002 – Application procedure for signs requiring permits, pgs. 11-12	Amend sign application process to remove BDC & ZAPCO from process for signs that do not need variances	Streamlining and expediting sign approval process for signs that comply with the Sign Ordinance. Part of a larger effort under new City Administrator to shorten permitting timeframes.
8)	Sec. 32.03.003 – Signs in non-residential districts not requiring a permit, p. 15	New section clarifying temporary signs in non-residential districts not requiring a permit	Clarification for types of temporary signs allowed without permits
9)	Sec. 32.03.012 – Banners, p. 21	Amended section header to “Banners over public streets” and removed other temporary sign regulations from section (created new section – see below)	Clarification and separation of the different types of temporary signs
10)	Sec. 32.03.013 – Temporary Signs in non-residential districts requiring a permit	New section to separate other temporary signs requiring permits from banner sign section as described above	Clarification and separation of the different types of temporary signs. Added new language for duration of these types of signs
11)	Sec. 32.04.003 – Fees, pgs. 23-24	Removed after-the-fact fees for variance applications; references Fee Schedule	Signs constructed prior to approval of necessary variances will be subject to penalties/fines already established in the Code
12)	Sec. 32.04.007 – City council action, pgs. 24-25	Removal of after-the-fact variance process	Signs constructed prior to approval of necessary variances will be subject to penalties/fines already established in the Code

Staff Recommendation

Staff recommends approval of the proposed Code amendments.

CITY OF WEST LAKE HILLS

ORDINANCE No. _____

SIGNS

AN ORDINANCE AMENDING CHAPTER 32: SIGNS OF THE WEST LAKE HILLS CODE OF ORDINANCES; UPDATING DEFINITIONS AND REGULATIONS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council seeks to promote orderly and safe use of property within the City of West Lake Hills, Texas (“City”); and

WHEREAS, the City Council 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 creating a safety issue; and

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

WHEREAS, regulation of signs in the City will substantially promote the City’s interest in preserving the aesthetic beauty of the City; and

WHEREAS, the City is a Silver certified Scenic City recognized by the Scenic City Certification Program of Scenic Texas; 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); and

WHEREAS, the Zoning and Planning Commission held discussion and a public hearing held on _____, 2020; and

WHEREAS, the City Council held discussion and a public hearing held on _____, 2020; and

WHEREAS, the City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of West Lake Hills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills, 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

Chapter 32: Signs, of the Code of Ordinances, City of West Lake Hills, Texas, is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

All ordinances, resolutions, 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.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately after passage.

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, Chapter 551.

PASSED & APPROVED this, the _____ day of _____ 2020, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: _____

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

ATTACHMENT “A”

CITY OF WEST LAKE HILLS CODE OF ORDINANCES

TITLE II: BUILDING AND DEVELOPMENT REGULATIONS

CHAPTER 32

SIGNS

ARTICLE 32.01 GENERAL PROVISIONS^{*}

Sec. 32.01.001 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator. A member of the city staff appointed by the city administrator, designated to administer and enforce this chapter.

Average grade. The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, if the sign is attached to the structure.

Billboard. Any sign that is freestanding or attached to or part of a building and is an off-premises sign.

Building design committee (BDC). A subcommittee of the zoning and planning commission consisting of three members.

City. The City of West Lake Hills, Travis County, Texas, and its area of extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code chapter 42.

Commercial sign. A sign which directs the attention of the general public to a place of business that sells goods or services, or other contains commercial or business activity.

Commission or zoning and planning commission. The zoning and planning commission (ZAPCO) of the city.

Compensable cost. Those costs for which the owner of a nonconforming sign required to be relocated, reconstructed or removed by this chapter is entitled to be compensated pursuant to V.T.C.A., Local Government Code chapter 216, which costs, if required to be paid by the statute, shall be calculated in accordance with the formula set forth in the statute.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics, or any physical operation on the premises which is required for the construction of a sign, including excavation, site clearance, landfill, and the like.

Freestanding sign. Any sign which is not attached to or on the walls, face, or exterior of a building.

Government sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by a property owner as mandated by the federal, state, or local government either directly or to

enforce a property owner's rights.

Handheld sign. Any sign held by a person.

Indirect lighting. A light source from a shielded and hooded fixture mounted to the top of the sign, pointed towards the ground and that is diffused to provide an even illumination without glare. This type of lighting must conform with the lighting requirements in [article 24.03](#).

Landscaping. To change the natural features by adding trees, bushes, flowers, etc.

Manual on Uniform Traffic-Control Devices (MUTCD). The state publication for streets and highways.

Notice. Actual notice or written notice sent by registered or certified mail.

Office complex. Two or more offices and/or office establishments, sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership, or on separate tracts or lots of land.

Official sign. Any sign erected by or at the direction of any governmental body.

Off-premises sign. Any sign other than an on-premises sign.

On-premises sign. A commercial sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

Premises. A lot or tract within the city, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way therefor.

Projecting or hanging sign. Any sign attached to a building and extending in whole or in part more than nine inches beyond the building line. Allowable size does not include supporting structure.

Reflective surface. Any material or device which has the effect of intensifying reflected light, such as scotch light, day glow, glass beads and luminous paint.

Restoration. The routine maintenance and painting of existing, approved signs that do not change the approved design and color in any way.

Shopping center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether such stores and/or establishments occupy separate structures or are under separate ownership or on separate lots on tracts of land.

Sign. A name, identification, image, light device, figure, painting, drawing, message, plaque, poster, billboard, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, window (attached inside or outside), or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Displays of merchandise customarily sold at the site without illumination or lettering which are placed behind a store window are not signs or parts of signs.

Surface area of a sign. The total surface including frame and mounting. The actual area of the sign shall be calculated using trigonometric methods when the sign is not a simple rectangle. The allowed area of the sign as stated in the ordinance equals one side of a freestanding back-to-back sign, provided the freestanding sign's sides are back to back or angled with no greater separation between sides at its widest point than four feet and provided that both sides have the identical sign. Frame and mounting shall not exceed 30 percent of the total surface area of sign.

Temporary sign. A banner, pennant, poster, or advertising display constructed of papers, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be

intended or is determined by the ~~city planner~~director of building and development services to be displayed for a limited period of time.

Traffic-control sign. A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

Uniform sign agreement. ~~A comprehensive document~~An agreement approved by the city and property owner(s) containing specific regulations for an entire the project's or property's signs to establish uniform signage.

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 and not projecting more than nine inches from the face of the wall at any point.

Zone. A zoning district as shown on the official zoning map of the city.

Sec. 32.01.002 Enforcement

(a) Violation; notice. If the administrator finds that any sign is maintained in violation of the provisions of this chapter within the city limits or within the extraterritorial jurisdiction, the administrator shall give written notice of the violation to the owner or person entitled to possession of the sign or the owner of the property where the sign is located.

(b) Failure to comply; city abatement. If the person fails to alter or remove the sign so as to comply with this chapter within ten days after the receipt of the notice, the administrator may cause the sign to be altered or removed at the expense of the owner or person entitled to possession of the property or sign, and shall, upon the determination of the expenses, certify them to the city.

(c) Lien. The city shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for the alteration or removal and destruction of the sign, and if that person fails within 30 days after the date of notification to pay the entire costs and expenses of the repair, alteration or removal, then the costs and expenses shall become a lien against the property.

(d) Costs. The costs incurred under this section shall include the actual cost of repair or removal of the sign, plus 15 percent, and in addition thereto, shall include an amount equal to ten percent, representing penalty and interest for the cost of collection, and reasonable attorney's fees.

Sec. 32.01.003 Penalty, other remedies for violations

(a) Any person convicted of a violation of any provision of this chapter shall be fined in an amount not to exceed \$500.00. Each day of violation under this chapter shall be a separate violation.

(b) Additionally, the city administrator or the administrator's designee shall have the authority, and the duty, to remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising erected, placed, altered, maintained, or neglected in violation of this chapter, if the same is located on, in, or above any public street, right-of-way or sidewalk area, or other public property.

(c) The cost of any such removal or impoundment shall be chargeable to the person or persons, jointly and severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties.

(d) Any item impounded by authority of this section shall be held for a period of 30 days and then disposed of in any manner designated by the city administrator. During the 30 days, the owner of such item upon proof of same may reclaim such item at the place of storage by paying to the city the actual cost of removal and impounding. This charge shall in any event be not less than \$25.00.

Sec. 32.01.004 Liability

The provisions of this chapter shall not be construed as relieving or limiting in any way the

responsibility or liability of any person erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, or such person's agents, employees or workers, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this chapter. Nor shall it be construed as imposing upon the city or its officers, employees, or the zoning and planning commission, any responsibility or liability by reason of the approval of any signs, materials, or devices under the provisions of this chapter.

Sec. 32.01.005 Maintenance required; enforcement

All signs and structures supporting signs in the city and extraterritorial jurisdiction shall be properly maintained at all times to the satisfaction of the administrator. The administrator shall have the authority to order the painting, repair, or removal of a sign, sign structure, or accompanying landscaping which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. [The administrator's](#) ~~its~~ decision shall be subject to review by the city council in accordance with the provisions of this chapter. Notification shall be by certified mail. If, within 15 days, the maintenance orders are not complied with, the administrator may order the sign removed at the owner's expense under the provisions of this chapter. A permit is not required for simple routine maintenance, adjustments, replacement of light globes, etc. on existing conforming signs.

Sec. 32.01.006 Acts prohibited

It shall be unlawful for any person to do any of the following acts:

- (1) Post, paint, or otherwise exhibit any commercial advertisement, poster, bill, or other notice or sign on any property not owned or controlled by the person, without the permission of the person owning or controlling such property.
- (2) Tear down, remove, or otherwise interfere with any notice, sign, advertisement, bill or poster erected by another, unless the same was placed or maintained on the property of the person removing the same, without permission previously given.
- (3) Paint, mark or write on, or post or otherwise affix, any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, streetlamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph, wire pole or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, or lifesaving equipment, street sign or traffic sign in the city or the extraterritorial jurisdiction. Any handbill or sign found posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the police department or other department or individual so designated by the city. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof. The city administrator is authorized to effect the collection of such cost.
- (4) Place or cause to be placed anywhere in the city or in the extraterritorial jurisdiction any poster, placard, handbill, or advertising material on any vehicle, or in any location, in such a manner that the same may reasonably be expected to be blown about by the wind. It shall be presumed that the person's name that appears on such poster, placard, handbill, or advertising material has knowledge of the location and manner that such item was placed. It shall be further presumed that if a large number of such items are found scattered about and being blown about by the wind that the items were placed in such a manner that they might reasonably be expected to be blown about by the wind.
- (5) Erect, maintain, or paint any sign, or other message or outdoor advertising upon a tree, rock, or other natural feature.

(6) Erect within the city limits, or the extraterritorial jurisdiction of the city, any sign or outdoor advertising without having prior thereto obtained from the city a permit therefor, except as specifically exempted by the provisions of this chapter.

(7) Remove, alter, change, or obscure, without authorization of the city administrator, any official tag or identification which was placed on any outdoor advertising or sign material.

(8) Violate any provision contained in this chapter within the corporate limits of the city and its extraterritorial jurisdiction.

Sec. 32.01.007 Permitted signs restricted

The only signs permitted in the city are those which meet the requirements of this chapter, and amendments thereto, and which have received the necessary approval.

Sec. 32.01.008 Exempted signs designated

The provisions of this chapter shall not apply to the following signs:

(1) Memorial signs or tablets, when cut into any masonry surface or when constructed of bronze or other metal up to six square feet as part of a building;

(2) Official governmental notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic or for other regulatory purposes such as neighborhood crime watch areas, or to identify streets, or to warn of danger;

(3) Temporary or permanent signs erected by public utility companies or construction companies on property where dangerous or hazardous conditions are present including, but not limited to, excavation, or the presence of underground cables, gas lines and similar devices;

(4) Commercial signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business, indicating the name of the owner, business and location (e.g., moving vans, delivery trucks, rental trucks and trailers and the like); provided, that the primary purpose of the vehicles is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles normally used in the course of business and are in operable condition, carry a current and valid license plate and state inspection tag; and

(5) Any sign required to be erected by a property owner through a mandate of the federal, state, or political subdivision or a department or agency of the federal, state, or political subdivision; or

(6) On a lot zoned residential, one permanent sign for each dwelling on a lot, not to exceed two square feet per lot, that is less than six feet from average grade in height, located on the lot between the right-of-way and the building setback lines as provided in chapter 38 and that meets the design criteria in [section 32.01.013](#) with indirect or no lighting.

(7) Flags are authorized to be placed on any property without a permit, including two flags with noncommercial messages and one flagpole per premises shall be allowed on each property. Each flag must be a maximum of fifteen (15) square feet in area. The flagpole must be a maximum of (25) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flagpoles must meet the minimum yard setback requirements for a principal building.

(8) Changing a commercial message to a noncommercial message on any legal sign surface does not require a permit. Any legal sign surface on which a commercial message is displayed may have a noncommercial message in its place.

Sec. 32.01.009 Obstructions to passageways

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

Sec. 32.01.010 Traffic hazards

No sign or sign structure shall:

- (1) Obstruct free and clear vision at any street intersection.
- (2) Interfere with, obstruct the view of, or cause confusion with any authorized traffic sign, signal or device because of its position, shape or color.
- (3) Use illumination resembling an emergency signal.
- (4) Be the cause of a recurring traffic slow down, whether because of its positioning, visual impact, or a combination of these or other factors.

Sec. 32.01.011 Street right-of-way protected

- (a) A person may not place a sign on the right-of-way of a street or highway within the city or extraterritorial jurisdiction unless explicitly authorized by this chapter.
- (b) Signs placed in violation of this chapter are hereby declared a public nuisance, and may be removed and disposed of by the city without notice and without compensation to the sign owner.

Sec. 32.01.012 Utility right-of-way protected

Any sign authorized by the city to be placed in the right-of-way, if any, may not inhibit access to or interfere with a utilities or drainage easement.

Sec. 32.01.013 Design review guidelines

- (a) Harmonious with city scale. Sign location, configuration, design, materials, and colors should be harmonious with the Hill Country setting and the rural scale of the city.
- (b) Materials. Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood. Other materials may be substituted when in the opinion of the building design committee they meet the design criteria of the city.
- (c) Architectural harmony. The sign and its supporting structure shall be in architectural harmony with the surrounding structures.
- (d) Colors. Black and earth tones shall be favored and bright colors shall be used only as accent colors. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay earth pigments such as umber, ochre, and sienna.
- (e) Landscaping. Landscaping is required and shall be designed to harmonize with the building and surrounding natural landforms and native plants, as reflected in specific requirements contained herein.
- (f) Reflective surfaces. Glare-producing surfaces on signs are not allowed.
- (g) Lighting. All lighting of signs shall be indirect lighting as defined herein and all floodlights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.
- (h) Moving parts. No sign shall contain any moving parts.
- (i) Commercial logo/logograms. Graphic symbols, used to represent or identify a business entity or organizations, are permitted to be displayed on signs only under the following conditions:
 - (1) The design and materials comprising the logo shall be consistent with the guidelines in this section;
 - (2) Commercial logos shall be permitted only on sign categories set forth in [section](#)

[32.03.001](#)(b)(4), (6), (7), and (9); and

(3) Commercial logos shall be consistent with those generally utilized by applicant on business cards, stationery, and other similar uses.

Sec. 32.01.014 Wind pressure and dead load requirements

Any sign that requires a permit shall be designed and constructed to withstand wind pressures and receive dead loads as required in the International Building Code (IBC) as adopted by the city.

Sec. 32.01.015 Nonconforming signs

(a) Determination. A nonconforming sign shall be, on the effective date of the ordinance from which this section was derived, any sign which:

- (1) Was erected prior to October 7, 1969 [sic] February 28, 2018;
- (2) Was a nonconforming sign under the provisions of Ordinance 358, dated February 28, 2018, or becomes nonconforming due to amendments to the ordinance;
- (3) Was erected while not under the jurisdiction of the local ordinances, laws or regulations applicable at the time of its erection and area was later annexed by the city; and
- (4) Was in compliance prior to adoption of Ordinance 358, dated February 28, 2018, as amended, but due to the provisions of this chapter is determined to be nonconforming.

(b) Removal. Nonconforming signs shall be terminated immediately upon the occurrence of the following event specified:

- (1) A sign that, having been permitted to remain in place as a nonconforming use, is required to be removed because the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign; for purpose of this subsection, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the type at the same location;
- (2) A nonconforming sign that has been abandoned;
- (3) A nonconforming sign that has been discontinued for a continuous period of 90 days; and
- (4) A nonconforming sign that has become obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or danger.

Sec. 32.01.016 Prohibited signs

Any sign not expressly authorized by this chapter, or specifically authorized from the provisions hereof, is prohibited. Examples of prohibited signs include, but are not limited to:

- (1) Portable signs, except those used for temporary purposes as otherwise provided for in this chapter.
- (2) Cloth, canvas, paper, soft plastic, balloons, flags, or similar advertising signs or devices except as provided for in this chapter.
- (3) Molded plastic, plastic sheet or flex-face signs.
- (4) Signs that have the appearance of traffic safety signs and lights, or municipal vehicle warnings, from a distance.
- (5) Boxes stored in view of the street, etc. which have large product identification that serves as a sign.
- (6) Signs or advertising materials that are worn, held, or attached to a person's body advertising the sale of goods or services.

- (7) Signs that contain moving parts. Apparent motion of the visual message, caused by, but not limited to the illusion of moving objects, moving letters, moving patterns or boards of light, expanding, contracting or rotating shapes, or similar effects such as “scrolling” or “running” messages are prohibited except as otherwise provided for in this chapter.
- (8) Signage, advertising or messages of any type affixed to or painted upon natural features such as trees or rocks.
- (9) New billboards (off-premises signs) with commercial advertising are prohibited.
- (10) Signs that violate the city’s lighting or any other code requirements.
- (11) Signs that are attached to any utility pole or wire, traffic sign, or city easement or are placed on city-owned property unless placed by permission of the city.
- (12) Feather banners.
- (13) Balloon signs.
- (14) Inflatable signs.
- (15) Roof signs (including signs that are otherwise permitted but are placed on the roof of a building)
- (16) Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs

ARTICLE 32.02 PERMITS AND INSPECTIONS

Sec. 32.02.001 Permits, certificates and approval required

(a) It is an offense for any person to erect, alter, or relocate any sign within the city and its area of extraterritorial jurisdiction, without complying with the following requirements:

- (1) Completion of a sign application permit;
- (2) Review by the director of building and development services or city planner/designee for permits;
- ~~(3) Review and comments by building design committee;~~
- ~~(4) Review and approval by the zoning and planning commission; and, as applicable, forwarding to the city council for a variance or appeal action~~ the city council; and
- ~~(5) Completion of certificate of sign inspection after final inspection by the city inspector.~~

(b) Variance requests shall follow the process described by Article 32.04 of this chapter.

~~(c)~~ This section does not apply to the placement of a sign if this chapter exempts a sign from requiring a permit or a sign is being placed pursuant to a uniform sign agreement.

Sec. 32.02.002 Application procedure for signs requiring permits

The procedures to be followed in fulfilling the intent of this chapter are as follows:

- (1) The applicant shall submit a sign permit application any application for variances to the administrative planning and zoning secretary and pay the applicable permit and variance fees. The administrative planning and zoning secretary shall forward the applications to the city planner/director of building and development services.
- (2) The city planner/director of building and development services or the planner’s/his/her designee

shall confer with the applicant and explain the provisions of this chapter. After reviewing the sign application(s) for completeness and code compliance, the ~~planner-director of building and development services~~ shall promptly ~~set a date for city council schedule a conference with the building design committee (BDC)~~ to consider the application(s) based on the meeting schedule of the ~~BDC city council~~. ~~After the BDC has met with the applicant and offered comments to develop the most effective and appropriate design, the sign permit application and variance applications, if any, shall be forwarded to the zoning and planning commission with amendments, if needed.~~ The city council shall consider the sign permit application and variance applications, if any, at its next regularly scheduled meeting or as promptly as practicable at a subsequent regular meeting of which the applicant is given written notice.

~~(3) The commission shall consider the sign permit application and variance applications, if any, at its next regularly scheduled meeting or as promptly as practicable at a subsequent regular meeting of which the applicant is given written notice.~~

~~(4) The commission shall review the sign application permit in the presence of the applicant or the applicant's representative at one of its regularly scheduled meetings.~~

~~(5) The commission shall either:~~

~~(A) Make a recommendation of approval or denial to city council at the meeting; or~~

~~(B) Postpone its recommendation on the request of the applicant; or~~

~~(C) Postpone its recommendation to its next regular meeting for good cause based on need for further review by the commission. Upon request of applicant, the commission may allow one postponement of the variance request(s) to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request(s) to the board of adjustment/city council without a recommendation.~~

~~(6) The commission will recommend approval, rejection, or approval upon condition the sign permit application and variance applications, if any, based upon its conformance with the provisions of this chapter and its aesthetic value.~~

~~(7) Once the commission approves a recommendation to city council, it shall forward its recommendation to city council for review at the council's next regular meeting or as soon as practicable. The applicant shall be notified when its applications will be considered by city council.~~

~~(38)~~ The city council shall ~~either~~:

(A) Approve, reject, or approve upon condition the sign permit application and variance application, if any, at its meeting;

~~(B)~~ Approve, reject, or approve upon condition the sign ~~permit application and~~ variance application, if any, at its meeting;

~~(BC)~~ Postpone its decision on the request of the applicant; or

~~(CD)~~ Postpone its decision to its next regular meeting for good cause based on need for further review by the city council.

~~(94)~~ Upon approval by the council ~~of~~, the sign permit application and variances, if any, the permit shall be issued by the city administrator or the administrator's designee.

~~(105)~~ Upon the conclusion of the construction and erection of the approved sign, the applicant will apply for a certificate of sign inspection from the city inspector.

~~(116)~~ The inspector will inspect the sign in its proper location and will, if the sign is found to be in compliance with the approval, issue the certificate of inspection completing the sign application procedures.

~~(12) — If the after the fact variance application(s) are denied or withdrawn prior to approval, the applicant has fourteen (14) days to bring the property into compliance or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance. If the deviation(s) are not corrected within the fourteen (14) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by [section 2.02.041](#) of this Code may be taken to bring the property into compliance.~~

Sec. 32.02.003 Sign permit application procedure for uniform signage agreements

If an applicant desires to apply for a sign permit or permits under a uniform signage agreement, the applicant shall:

- (1) Submit a sign permit application and permit fees to the [administrative planning and zoning](#) secretary;
- (2) Any sign permit application under a uniform signage agreement shall contain the written consent of the property owner;
- (3) The ~~city planner~~[director of building and development services](#) shall promptly review the sign permit application for completeness and compliance with the uniform signage agreement;
- (4) If the sign conforms to the agreement, the sign permit may be approved administratively by the city administrator;
- (5) If the city administrator finds that the sign permit application does not conform to the uniform signage agreement, the city administrator shall forward the application to the ~~city planner~~[director of building and development services](#) to follow the procedure under [section 32.02.002](#).

Sec. 32.02.004 Sign permit application, information required

An application for a sign permit shall contain the following information:

- (1) Name, address, telephone number of the applicant and date of application;
- (2) Numerical location of building structure upon its lot; block and plat designation; and street address upon which the sign is to be located;
- (3) Section number and paragraph of the title under which the application is being made;
- (4) Position of the sign on the building or on the ground in both plain view, drawn to scale, and elevation views, drawn to scale;
- (5) Fifteen sets of scale drawings of the plans and specifications, including size and color of the sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and associated landscaping;
- (6) A color sketch, color photograph, or similar presentation of the sign and building, and copies of the PMS color samples proposed, as well as any contiguous street or building in order to display how they would appear in relation to one another;
- (7) Name of person constructing or erecting the sign;
- (8) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;
- (9) Signature of administrator or the administrator's designee stating that sign meets the general requirements of this chapter other than requested variances;
- (10) [For sign applications requiring variance\(s\), the report from the zoning and planning commission.](#) Minutes of the zoning and planning commission shall constitute the report from the zoning and planning commission;

(101) If required by the city administrator or city planner~~director of building and development services~~, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressures in any direction in the amount required by this chapter and all other laws and ordinances of the city;

(112) Linear feet of frontage; and

(123) Any sign permit application shall contain the signature of the applicant and the property owner if not the same individual.

Sec. 32.02.005 Representations by applicant

All representations, whether oral or written, made by the applicant or the applicant's agent on behalf of the application for a sign permit under this chapter become conditions upon which a permit is issued. It shall be unlawful for the permittee to vary from such representation unless the permittee first makes application, as required by the provisions of this chapter, to amend the permit and such amendment is approved by the proper authority.

Sec. 32.02.006 Certificate of sign inspection

A certificate of sign inspection shall contain the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Numerical location of building structure upon its lot; block and plat filing designation; and the street address upon which the sign is to be attached; and
- (3) Signature and date of approval by the city inspector.

Sec. 32.02.007 Permit fees

At the time the administrative-planning and zoning secretary accepts the sign application permit, the applicant shall pay the required fee per sign permit application, per sign, and for any variance requests. An application may include all the signs for a single lot or tract.

Sec. 32.02.008 Review by commission and city council

The zoning and planning commission shall consider variance requests under this chapter. The zoning and planning commission and city council shall review the appearance, lighting, form, color, character, dimensions, and materials of all signs required under this chapter to obtain approval; determine that all signs requiring approval under this chapter are in conformance with this chapter; and consider variance requests, if any. The commission and city council shall determine that all signs requiring approval under this chapter are in conformance with this chapter and consider variance requests if any.

ARTICLE 32.03 SIGN CATEGORIES

Sec. 32.03.001 Generally

- (a) This article concerns those types of permanent and temporary signs to which this chapter applies. This article further includes the purpose of each sign type, size, height, number, location, design and landscaping requirements, and special provisions for each type of sign.
- (b) The following is a listing of sign categories permitted under the provisions of this chapter:
 - (1) Temporary signs;
 - (2) Freestanding commercial signs, multitenant shopping center or office complex, option I and option II;
 - (3) Bee Cave Road and Loop 360 Corridor Street Number;

- (4) Freestanding commercial signs, single-business use;
- (5) Projecting, wall and hanging commercial signs, individual business within a multitenant shopping center or office complex;
- (6) Joint directory commercial signs for a multitenant shopping center or office complex;
- (7) Commercial signs in/on windows/doors;
- (8) Public information signs (temporary); and
- (9) Driveway entrance sign for a B-3 district multitenant center.

Sec. 32.03.002 Signs in residential districts not requiring permit

(a) No sign shall be allowed in residential districts except the following categories of signs which comply with the provisions of this chapter and have received approval when necessary:

- (1) One sign on any property zoned residential (R-1, R-2 or R-3) not to exceed two (2) square feet as described in [section 32.01.008\(6\)](#);
 - (2) One temporary sign not to exceed six square feet in size per lot may be located on the owner's property for a period of ninety (90) days prior and seventy-two (72) hours after an election involving candidates for a federal, state, or local office that represents the area in which the property is located or an election that involves a measure on the ballot of an election within the area;
 - (3) One temporary sign on a lot where the owner consents and the property is being offered for sale or lease while for sale or lease and up to seventy-two (72) hours after the property is sold or leased; and
 - (4) A property owner may place a temporary sign on the lot that is not larger than four square feet so long as the sign contains a noncommercial message.
- (b) Signs in this section do not need a permit if they meet the requirements of this section and all other applicable provisions of the sign code.
- (c) No sign under this section shall have lighting or moving parts.
- (d) This section does not limit the noncommercial content of the sign allowed under this subsection.

Sec. 32.03.003 Signs in non-residential districts not requiring permit

(a) The following signs in non-residential districts do not require a permit:

- (1) One temporary sign per lot or unit where the owner consents and the property is being offered for sale or lease while for sale or lease and up to seventy-two (72) hours after the property is sold or leased and shall not exceed six (6) square feet.
 - (2) One temporary sign not to exceed six square feet per lot on the owner's property for a period not to exceed ninety (90) days.
- (b) Signs in this section do not need a permit if they meet the requirements of this section and all other applicable provisions of the sign code.
- (c) No sign under this section shall have lighting or moving parts.
- (d) This section does not limit the noncommercial content of the sign allowed under this subsection.

Sec. 32.03.~~003~~—004 Traffic-control signs upon private commercial property

Traffic-control signs other than uniform traffic-control devices (see definition of MUTCD in [section](#)

[32.01.001](#)) upon private commercial property shall be regulated as follows:

- (1) Purpose. To relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private commercial property.
- (2) Size. All vehicular traffic-control signs shall not exceed two square feet.
- (3) Height. No part of the sign shall extend above six feet from average grade.
- (4) Number. Not to exceed 12 signs for districts O, B-1, and B-2, and not to exceed 24 signs for B-3 district.
- (5) Location. Shall be submitted for approval by the ~~city planner~~director of building and development services, with a letter of approval from the chief of police for any sign placed adjacent to a public street or right-of-way.
- (6) Design. In accordance with criteria in [section 32.01.013](#).
- (7) Lighting. Indirect.
- (8) Landscaping. At the discretion of the council.
- (9) Special provisions. Shall be as follows:
 - (A) May be either freestanding or wall mounted, with same size requirements;
 - (B) All traffic-control signs shall be of a uniform design approved by the ~~zoning and planning commission~~city council. No individual sign shall be approved unless it conforms to an overall sign program for the entire site, submitted by the applicant; and
 - (C) No sign shall contain any advertising, but may identify the owner by name.

Sec. 32.03.~~004~~—005 Traffic-control signs upon private residential property

Traffic-control signs other than uniform traffic-control devices (see definition of MUTCD in [section 32.01.001](#)) upon private residential property shall be required if needed for directional or public safety purposes as determined by the police chief and city administrator and:

- (1) Size. All vehicular traffic-control signs shall not exceed two square feet.
- (2) Height. No part of the sign shall extend above six feet from average grade.
- (3) Number. Not to exceed number of signs necessary for public safety or directional purposes as determined by the city administrator and police chief.
- (4) Location. Shall be determined by the city administrator and chief of police for any sign placed adjacent to a public street or way.
- (5) Design. In accordance with criteria in [section 32.01.013](#).
- (6) Lighting. Indirect.

Sec. 32.03.~~005~~—006 Freestanding commercial signs, multitenant shopping center or office complex; option I, option II, and option III

Multitenant shopping centers or office complexes zoned O, B-1, B-2 or B-3 may have the option of using freestanding commercial signs (option I), a monument-type sign (option II), or a single-business use sign (option III). Such signs shall be regulated as follows:

- (1) Option I: Freestanding commercial signs.
 - (A) Purpose. To identify the multitenant shopping center or office complex (subject to the limitations contained in subsection (F) below).
 - (B) Size. A maximum area of 36 square feet, with a horizontal dimension of no greater than 9 feet.

(C) Height. No part of the sign shall extend above 8 feet from average natural grade, including a base no greater than 18 inches tall.

(D) Number. One sign on the major traffic street or main entrance. If a multitenant shopping center has two or more public entrances, a separate sign is permitted on the subordinate driveway, which shall be limited in area to 12 square feet, and no part of this sign shall extend above 5 feet from average natural grade.

(E) Location. On premises of the center or complex and adjacent to major trafficway which the building abuts, between the right-of-way and the building setback lines so as not to create a traffic hazard.

(F) Design. The sign shall contain only the name of the multitenant shopping center or office complex along with its street address (e.g. Bee Cave Center, 3425 Bee Cave Road). Lettering designating the name of the shopping center or office complex and street address shall not exceed a maximum of 10 inches in height. Any design shall be shown not to create a traffic hazard. The name of the multitenant shopping center or office complex may not be the same or similar to any individual tenant or business located in such shopping center or office complex.

(G) Lighting. Indirect lighting.

(H) Landscaping. Shall be as follows:

(i) A landscaped area of 120 square feet at the base of the sign;

(ii) All landscaped areas shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and

(iii) A plan showing the landscaping must be submitted to the [city](#) council by the applicant at the time of application.

(2) Option II: Driveway entrance sign (monument type).

(A) Purpose. To identify the name of the multitenant shopping center or office complex (subject to the limitations contained in subsection (F) below) and the businesses located therein.

(B) Size. A maximum size of 36 square feet, with a horizontal dimension of no greater than 9 feet.

(C) Height. No part of the sign shall extend above 8 feet from average natural grade, including a base no greater than 18 inches tall.

(D) Number. One sign on the major traffic street or main entrance. If a multitenant shopping center has two or more public entrances, a separate sign is permitted on the subordinate driveway and such sign shall be limited in area to 12 square feet, no part of such sign shall extend above 5 feet from average natural grade and such sign shall only contain the name of the center (subject to the limitations contained in subsection (F) below) and the street address.

(E) Location. On premises of the center or complex and adjacent to major trafficway which the building abuts, between the right-of-way and the building setback lines so as not to create a traffic hazard.

(F) Design. The monument sign design shall contain the name of the center and the address at the top of the sign; the individual businesses may be listed under the name of the complex. Lettering designating the name of the shopping center and street address shall not exceed a maximum of 7 inches in height. Other subordinate lettering designating retail businesses shall not exceed 3 inches in height. The base of the monument sign shall have a maximum height of 18 inches in a landscaped setting, and any design shall be shown not to create a traffic hazard. The name of the multitenant shopping center or office complex may not be the same or similar to any individual tenant or business located in such shopping center or office complex.

(G) Lighting. Indirect lighting.

(H) Landscaping. Shall be as follows:

(i) A landscaped area of 120 square feet at the base of the sign;

(ii) All landscaped areas shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and

(iii) A plan showing the landscaping must be submitted to the council by the applicant at the time of application.

(3) Option III: Single-business use sign. In lieu of the sign types of option I and option II described in this section, a multitenant shopping center or office complex may elect to erect a sign under [section 32.03.0087](#).

Sec. 32.03.~~006~~—007 Bee Cave Road and Loop 360 corridor street number

Numerical street address for multitenant center or office complex on Bee Cave Road or Loop 360 shall be regulated as follows:

(1) Purpose. To identify the numerical street address of a multitenant shopping or office complex.

(2) Size. A maximum of four numbers, and each number with a vertical dimension of no greater than 24 inches and a horizontal dimension of no greater than 12 inches.

(3) Height. No part of the numbers shall extend above the roof line of the building.

(4) Number. One set of numbers facing the westbound lane of Bee Cave Road or Loop 360 and one set of numbers facing the east lane of Bee Cave Road or Loop 360.

(5) Location. On the building complex at the corner of the complex closest to the street.

(6) Design. The sign shall contain only the number of the street address (e.g., 3415).

(7) Lighting. None.

(8) Landscaping. None.

Sec. 32.03.~~007~~—008 Freestanding commercial signs, single-business use

Freestanding commercial signs, single-business use, shall be regulated as follows:

(1) Purpose. To identify a business or organization being the sole business occupant of a lot or tract.

(2) Size. A maximum area of 24 square feet, with a horizontal dimension of no greater than 6 feet.

(3) Height. No part of the sign shall extend above 8 feet from the average natural grade, including a base not greater than 18 inches tall.

(4) Number. One sign on the major traffic street or main entrance. If a single-business use building has two or more public entrances, a separate sign is permitted on the subordinate driveway, such sign shall be limited to the name of the business and the street address and shall be limited in area to 12 square feet, and not part of this sign shall extend above 5 feet from average natural grade.

(5) Location. On premises of the building and adjacent to major trafficway which the building abuts, between the right-of-way and the building setback lines so as not to create a traffic hazard.

(6) Design. The sign shall contain only the name of the business, its address and logo. Lettering designating the name of the business and street address shall not exceed a maximum of 10 inches in height.

(7) Lighting. Indirect lighting.

(8) Landscaping. Shall be as follows:

- (A) A landscaped area of 120 square feet at the base of the sign;
- (B) All landscaped areas shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and
- (C) A plan showing the landscaping must be submitted to the [city](#) council by the applicant at the time of application.

Sec. 32.03.~~008~~—009 Projecting, wall and hanging commercial signs

Projecting, wall, and hanging commercial signs, individual business within a multitenant shopping center or office complex for tenants who have their own separate exterior entrances, shall be regulated as follows:

- (1) Purpose. To identify a business or organization which has its own separate exterior public entrance within a multitenant building.
- (2) Size. Four square feet for each five front linear feet of the individual business for an organization having its own exterior public entrance in a multitenant building, with a maximum length of ten feet and area of 12 square feet. A minimum area of six square feet will be allowed if a business has insufficient frontage. The size of a multipaneled sign shall be determined by dividing the maximum size allowed by the number of panels. Combined maximum area for more than one sign shall not exceed 12 square feet.
- (3) Height. Minimum clearance of eight feet to bottom of sign above pedestrian walkways.
- (4) Number. One sign per pedestrian way on which the building abuts, as determined by the ~~administrator~~ [city administrator](#) with a maximum of two signs, ~~subject to review by the zoning and planning commission.~~
- (5) Location. Perpendicular to, hung from, or attached to a projecting structural element of the exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts.
- (6) Design. The sign shall contain only the name of the business, its address and logo or nature of business, and, if desired, hours of operation. Except for those in B-3 districts, no additional fee shall be required for new signs in a multitenant shopping center or office complex where the zoning and planning commission has approved a uniform design for every sign in the entire complex and the city administrator certifies that the proposed new sign meets the uniform design approved by the city.
- (7) Lighting. Indirect.
- (8) Landscaping. Not applicable.
- (9) Special provisions. Shall be as follows:
 - (A) A joint directory sign is permitted subject to the provisions of this chapter;
 - (B) A business or organization having a projecting or hanging sign is not excluded from participating in a joint directory;
 - (C) Businesses or organizations not having exterior public entrances are subject to the provisions of the joint directory signs for multitenant building, in [section 32.03.01009](#); and
 - (D) An individual business with a basement entrance with no calculable frontage may have one sign with a maximum area of six square feet.
- (10) Increase of size, number. Notwithstanding the foregoing, the maximum size of a projecting, wall or hanging commercial internal sign for a business within a shopping center designated B-3 may be increased to 24 square feet for a retail store with less than 20,000 square feet of retail use floor area, and to 36 square feet for a retail store with more than 20,000 square feet but less than 35,000

square feet of retail use floor area, and to 48 square feet for a retail store with more than 35,000 square feet of retail use. If site conditions permit two sides of a retail store to be visible from the interior of the site, a sign may be approved for each of the two sides.

Sec. 32.03.~~009~~—010 Joint directory commercial signs for a multitenant shopping center or office complex

Joint directory commercial signs for a multitenant shopping center or office complex shall be regulated as follows:

- (1) Purpose. To list all tenants within a multitenant building and to guide the pedestrian to the individual tenant within the building.
- (2) Size. Two square feet per tenant within the multitenant building.
- (3) Height. A minimum clearance of three feet to the bottom of sign above the average grade if the sign is a wall sign or if the sign is freestanding. No part of the sign shall extend above 12 feet from average grade.
- (4) Number. One sign per tenant on the major pedestrian way which the building abuts. If a building has two or more major public entrances on distinct, separate pedestrian ways, proposals for additional joint-business directories may be approved at the discretion of the zoning and planning commission; the proposal shall conform to the other provisions of this section.
- (5) Location. Attached to the building at the major pedestrian entrance or if freestanding at a site within the parking area where the sign is not visible from a public street.
- (6) Design. In accordance with criteria in [section 32.01.013](#).
- (7) Lighting. Indirect.
- (8) Landscaping. Shall be as follows:
 - (A) A landscaped area of two square feet for each square foot of each side of the sign shall be required at the base of the sign, with a minimum area to be landscaped of 24 square feet;
 - (B) All landscaped areas shall be maintained in a neat, clean and healthy condition; and
 - (C) A plan showing the landscaping must be presented to the [city](#) council by the applicant at the time of application.

Sec. 32.03.~~010~~—011 Commercial signs in/on windows/doors

Commercial signs in/on windows or doors, or window signs, may be used ~~in lieu of, but not in~~ addition to, a sign authorized under [section 32.03.0087](#) or [section 32.03.0098](#) and shall be regulated as follows:

- (1) Purpose. To identify a business or organization as the occupant of the space on the other side of the window.
- (2) Size. A maximum area of ~~24-12~~ square feet or no more than half the area of the window, whichever is smaller. A maximum area of six square feet is allowed if the area of the window/door is less than 12 square feet. Area used for the address, hours of operation, and open or closed status is excluded from the maximum size limit. ~~The building design committee may initiate with the consent of The~~ applicant may request a variance of up to 15 percent of the maximum allowed dimensions to improve readability and maintain an appropriate ratio of lettering/symbols to the area of the window.
- (3) Height. No part of the sign shall extend above eight feet from the average grade unless a greater height is necessary to center the sign in the window.
- (4) Number. One sign per street or pedestrian way which the building faces or abuts, as

determined by the city administrator, with a maximum of two signs, ~~subject to review by the zoning and planning commission.~~

- (5) Location. In/on the window/door and entirely within the perimeter of the window/door.
- (6) Design/message. The sign may contain only the name of the business or organization, its address, logo, nature of business, hours of operation, and open or closed status, as desired.
- (7) Lighting. Indirect.
- (8) Landscaping. Not applicable.
- (9) Special provisions. None.

Sec. 32.03.011—012 Banners over public streets

Banners shall only include noncommercial messages and shall be regulated as follows:

- (1) Purpose. Permanent or temporary signs and noncommercial banners with the intended use of identifying community, civic, neighborhood, social activities/events, or identifying soon-to-be newly opened retail businesses. Permanent public information signs shall be an integral part of an approved commercial retail business sign. Specifications for banners over public streets as described below shall conform to the City of Austin specifications for banners.
- (2) Size. Banners with a noncommercial message over public streets shall not exceed 36 feet in length nor four feet in height ~~and shall conform to the City of Austin specifications and details for banners. Temporary signs shall not exceed 12 square feet in O, B-1, B-2, or GUI zoning districts nor 24 square feet in B-3 districts. "Neighborhood" signs (lost/found pet, garage/yard sale, etc.) shall not exceed three square feet.~~
- (3) Height. Banners over a public street will be a minimum of 13 feet six inches above a city-controlled street and 19 feet above a state-controlled highway; no part of a sign shall extend above eight feet from average grade. ~~.~~
- (4) Number and locations. Maximum of one sign or banner in a location approved by the city administrator for any and all uses.
- (5) Duration. Banner signs over streets may be displayed for a maximum of 15 days.
- (6) Lighting. Banner signs shall not be lit.

Sec. 32.03.013 Temporary signs in non-residential districts requiring a permit

Temporary signs may be permitted in addition to permanent signs, and shall be regulated as follows:

- (1) Purpose. Temporary signs in non-residential districts to identify community, civic, neighborhood, social activities/events, or identifying soon-to-be newly opened retail businesses.
- (2) Size. Temporary signs shall not exceed 12 square feet in O, B-1, B-2, or GUI zoning districts nor 24 square feet in B-3 districts.
- (3) Number and locations. Maximum of one per property or one per individual unit in a multitenant complex no more than 3 times per year in a location approved by the city administrator.
- (4) Duration. Maximum three (3) times per year for a cumulative period not to exceed ninety (90) days.
- (5) Lighting. Temporary signs shall not be lit.

Sec. 32.03.012—014 Temporary signs on lots undergoing construction or development projects

- (a) Each lot undergoing construction or development may have one additional temporary sign regulated as follows:

- (1) Size. The size of the temporary sign at lot undergoing construction or development shall be a maximum of six square feet.
 - (2) Height. No part of the sign shall extend above eight feet from average grade.
 - (3) Number. One sign per lot or tract of land.
 - (4) Location. On premises and located within the setback lines of a lot or tract subject to the approval of the city administrator.
 - (5) Duration. Not to be erected before a building permit is issued by the city and shall be removed when the certificate of occupancy is issued by the city, but under no circumstances to exceed more than one year.
 - (6) Lighting. Not applicable.
 - (7) Landscaping. Not applicable.
- (b) Notwithstanding the provisions set forth above, the following requirements shall apply to temporary site development signs for a multitenant shopping center located in a B-3 zoning district:
- (1) Size. The size of such sign shall be a maximum of 48 square feet.
 - (2) Height. No part of the sign shall extend above 16 feet from average grade.
 - (3) Number. Two signs per lot or tract of land subject to overall site plan.

Sec. 32.03.~~013~~—015 Commercial driveway entrance signs

Driveway entrance signs for a commercial multitenant shopping center in a B-3 business 3 district shall be regulated as follows:

- (1) Size. A maximum size of 54 square feet, with a horizontal dimension of no greater than 12 feet.
- (2) Height. No part of the sign shall extend above 12 feet from average grade.
- (3) Lettering. Lettering design subject to ~~BDC~~ recommendation [the director of building and development services](#).
- (4) Number. One sign adjacent to each driveway entrance to the shopping center intersecting with a public street.
- (5) Lighting. Indirect.
- (6) Design. The individual business portion of the sign shall contain only the name of the business. The name portion of the sign shall contain the name of the business and address.
- (7) Landscaping. Shall be as follows:
 - (A) A landscaped area of 120 square feet;
 - (B) All landscaped areas shall be maintained in a healthy, neat and clean condition; and
 - (C) A plan showing the landscaping must be submitted to the [city](#) council by the applicant at the time of application.

Sec. 32.03.~~014~~—016 Uniform signage agreements

The ensuing buildings are subject to uniform signage agreements:

Property

Adoption Date

West Lake Court, 3663 Bee Cave Road	April 26, 1995
Village at Westlake, 701 South Capital of Texas Highway	April 30, 1996
The Hills Medical, 4615 Bee Cave Road	October 25, 2006
Westlake Medical, 5656 Bee Cave Road	July 28, 2004
Westbank Market, 3300 Bee Cave Road	December 12, 2007
Five Star Center, 3636 Bee Cave Road	September 20, 1995
Five Star Center, 3620 Bee Cave Road	September 16, 1998

ARTICLE 32.04 VARIANCES

Sec. 32.04.001 Purpose; limitations

(a) In order to lessen practical difficulties and prevent unnecessary physical hardships, variances from the regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a structure, or the location of the structure, from topographic or physical conditions on the site or in the immediate vicinity, or from other physical limitations, street locations or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.

(b) A variance may be granted with respect to any regulation contained in this chapter.

Sec. 32.04.002 Application

Application for a variance from the provisions of this chapter shall be made upon a form provided by the administrator. The variance application shall include the application for a sign permit and shall also state the applicant's reasons for requesting variance in accordance with the criteria set forth in this chapter.

Sec. 32.04.003 Fees

(a) The city shall establish fees to defray the cost of processing requests for variances to this chapter. ~~If work requiring a variance is begun/completed before obtaining approval for such variance, the owner of the property and/or the person/entity responsible for the commencement of such work shall have the choice of~~ Sign variance application fees are established in the Fee Schedule, Appendix A, Section A9.002 – Signs of the City's Code of Ordinances.

~~(1) Requesting approval of an “after-the-fact” variance and voluntarily consenting to pay triple the established fee; or~~

~~(2) Being cited for violation of this chapter and having the citation adjudicated in municipal court while requesting approval of an after-the-fact variance at the established fee.~~

~~(b) Acceptance of the increased fee by the city does not constitute any commitment or warranty to approve the variance requested, nor relieve any person/entity from fully complying with the requirements of this chapter. A stop-work order shall be in effect until a decision on approval/denial is taken.~~ Fees shall not be refunded if the request for variance is disapproved.

Sec. 32.04.004 Hearing

Upon receipt of a variance application under this article, the [planning and zoning](#) secretary shall set a date for hearing before ~~the building design committee~~, the zoning and planning commission, and the city council [after the application is reviewed by the director of building and development services](#).

Upon request of applicant, the commission may allow one postponement of the variance request(s) to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request(s) to the board of adjustment/city council without a recommendation. The notice provisions outlined in [section 38.05.036](#) apply.

Sec. 32.04.005 Action on application

Within 20 days of the closing of a hearing on a variance application, the zoning and planning commission shall act on the application. The commission may recommend approval of the application as submitted, or may recommend approval of the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this chapter, or the commission may recommend denial of the application. A variance may be revocable or may be granted for a limited time period. If the commission fails to act within this 20-day timeframe, the application is deemed recommended for approval without conditions.

Sec. 32.04.006 Criteria for approval

~~Where the building design committee determines that the sign dimensions need to be varied to allow an effective sign, the committee may initiate, with consent of applicant, the action and/or variance procedure.~~ The zoning and planning commission may be authorized to recommend changes ~~up to 15 percent of the sign area to accommodate longer words and names~~ while retaining appropriate scale and proportions of lettering to open space for readability and aesthetic consideration [and with consideration of the hardship criteria described in section 32.04.001 of this chapter.](#) ~~Permitted wording may be expanded to allow addition of hours of operation, when needed, and identification or nature of business.~~

Sec. 32.04.007 City council action

The recommendation of the zoning and planning commission ~~and the building design committee~~ shall be promptly transmitted to the applicant and to the city council. At its next regularly scheduled meeting following receipt of the recommendation of the zoning and planning commission or as promptly as practicable at a subsequent regular meeting of which the applicant is given written notice, the city council shall hold a hearing to review the recommendation of the commission, and shall either approve the application as submitted, approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this chapter, or deny the application. If the city council deems insufficient information is adduced at the hearing to provide the basis for a sound decision, it shall continue the hearing to one or more subsequent meetings. The city council shall render a decision on the appeal within sixty (60) days after the final hearing, unless additional time is required for good cause, and serve a copy of its decision on the applicant by mail to the applicant's last known address. ~~If the after-the-fact variance application(s) are denied or~~

~~withdrawn prior to approval, the applicant has fourteen (14) days to bring the property into compliance or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance. If the deviation(s) are not corrected within the fourteen (14) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this Code may be taken to bring the property into compliance.~~