

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES CHAPTER 21 (ENTITLED "SIGN REGULATIONS AND STANDARDS") BY INCREASING THE ALLOWABLE MESSAGE AREA FOR WALL SIGNS IN COMMERCIAL ZONING DISTRICTS AND AREAS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City is authorized to license, regulate, control or prohibit the erection of signs and billboards within its corporate boundaries and its extraterritorial jurisdiction pursuant to Texas Local Government Code Section 216.901(a), its inherent power and authority as a home rule municipality, and the constitution and laws of this state; and

WHEREAS, pursuant to such authority City Council has imposed size limitations on business signs; and

WHEREAS, by passage of this Ordinance City Council desires increase the allowable copy area for wall signs in commercial zoning districts and area to be equivalent to allowable for standalone signs in commercial zoning districts and areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Code Amendment. The Code of Ordinances is hereby amended by amending Section 21.22 (entitled "signs in commercial zones") by replacing the existing text in subsection (b)(1) with the text that follows:

- (1) *Maximum wall sign area.* Wall signs may cover a percentage of the wall area of a building as provided herein. The calculation of such percentage for signs painted on a wall shall be by division, with the wall area as the divisor and the entire message figuratively placed in a box as the dividend. No windows, doors, or other openings may be included in the calculation of the percentage of wall area. The maximum allowable wall sign message area is further subject to the following:
 - (A) **Commercial districts or areas (other than Historic District).** The maximum area that may be covered by a wall sign is 20 percent of the wall area or 150 square feet, whichever is less.
 - (B) **Historic District.** The maximum area that may be covered by a wall sign is 20 percent of the wall area or 75 square feet, whichever is less.

(C) **Common wall.** In calculating the maximum allowable sign area for businesses sharing a common wall only the wall area fronting the business shall be considered.

Section two. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section three. Penalty. A violation of this ordinance is unlawful and subject to penalty as prescribed in City Code of Ordinances Sec. 1-6 (entitled “*general penalty*”).

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event section five shall apply.

Section five. Repealer. All ordinances and codes, or parts thereof, which 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 resolved herein.

Section six. Severability. Pursuant to Code of Ordinances of the City of Burnet, Section 1-7, if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting, and of the mayor in approving this Ordinance, that no portion of this Ordinance, or provision or regulation contained in this Ordinance, shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code; as suspended, or otherwise modified, by executive orders of the governor of this state in response to the COVID-19 pandemic.

Section eight. Publication. The publishers of the City Code of Ordinances are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

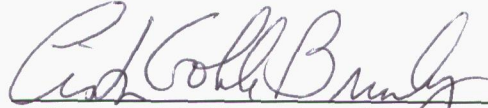
Section nine. Notice. The City Secretary is hereby directed to publish notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

Section ten. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 9th day of February, 2021

Passed and Adopted on the 23th day of February, 2021

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

