SIGN RESTRICTIONS

ADOPTED PURSUANT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
GATEWAY PARK
MARBLE FALLS, BURNET COUNTY, TEXAS

Dated: August 9, 1993

Declarant: Gateway Park, Inc.,
to the Public

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SIGN RESTRICTIONS
OF
GATEWAY PARK
A SUBDIVISION IN THE CITY OF MARBLE FALLS,
BURNET COUNTY, TEXAS

Article 1 - APPLICATION & PERMIT

1.1 APPLICATION CONTENTS. A permit from the ACC shall be required prior to the erection of any permanent sign. An application for a sign permit shall contain the following information.

- Name, address, telephone number of the applicant and date of application;
- Numerical location of building structure upon its lot; block and plat designation; and street address upon which the sign is to be located;
- Section number and paragraph of the section of this Appendix under which the application is being made;
- Position of the sign on the building or on the ground in both plan view, drawn to scale, and elevation views, drawn to scale;
- Three 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;
- A color sketch, color photograph, or similar presentation of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another;
- Name of person or persons constructing or erecting the sign;
- Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;
- If required by the ACC, 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 Sign Restriction and all laws and ordinances of the City; and
- Linear feet of frontage.

1.2 REVIEW GUIDELINES.
1.2.1 Harmony with Subdivision Scale. Sign location, configuration, design, materials and colors should be harmonious with the hill country setting and the rural scale of the Subdivision and the City.
1.2.2 Materials. Sign materials should 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 ACC they meet the design criteria of the Subdivision.
1.2.3 Architectural Harmony. The sign and its supporting structure should be in architectural harmony with the surrounding structures.
1.2.4 Colors. Natural colors (earth tones) should be favored and bright colors should be used only for
1.2.5 Landscaping. Landscaping is required and should be designed to harmonize with the building and surrounding natural landforms and native plants, as reflected in specific requirements contained herein.

1.2.6 Reflective Surfaces. Glare producing surfaces are not allowed.

1.2.7 Lighting. All lighting shall be indirect lighting as defined herein and all flood lights 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 search lights is prohibited.

1.2.8 Moving Parts. No sign shall contain any moving parts.

1.2.9 Logos, 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:

1.2.9.1 General Design Review. The design and materials comprising the logo shall be consistent with the Design Review Guidelines herein;

1.2.9.2 Categories, Where Permitted. Logos shall be permitted only on sign categories set forth in subsection B, items 4, 6, 7, 9 and 14 of Section 4.1; and

1.2.9.3 Consistency. Logos shall be consistent with those generally utilized by applicant on business cards, stationery, and other similar uses.

Article 2 - SIGN CATEGORIES

2.1 DESIGNATED. There are here described those types of permanent and temporary signs requiring a sign application permit under the provisions of this ordinance. This section further includes the purpose of each sign type, size, height, number, location, design and landscaping requirements, and special provisions for each type of sign.

2.2 PERMITTED CATEGORIES. The following is a listing of sign categories permitted under the provisions of this ordinance:

2.2.1 Residential nameplate signs;

2.2.2 Traffic-control signs upon private property;

2.2.3 Freestanding, real estate signs;

2.2.4 Freestanding commercial signs, multi-tenant shopping center or office complex, Option I and Option II;

2.2.5 Freestanding commercial signs, single-business use;

2.2.6 Projecting, wall and hanging commercial signs, individual business within a multi-tenant shopping center or office complex;

2.2.7 Joint directory commercial signs for a multi-tenant shopping center or office complex;

2.2.8 Public information signs (temporary);

2.2.9 Temporary site development signs; and

2.2.10 Driveway Entrance Sign for Multi-Tenant Center.

2.3 CATEGORIES NOT PERMITTED.

2.3.1 Political Signs.

2.3.2 Garage Sale Signs.

2.4 RESIDENTIAL NAME-PLATE SIGNS.

2.4.1 Purpose: To identify a house, showing the family name and/or the home name and the address.

2.4.2 Size: Shall not exceed two (2) square feet per single family or duplex structure or one-half square foot for each multi-family unit.

2.4.3 Height: No part of the sign shall extend above eight (8) feet from average grade.

2.4.4 Number: Limited to one (1) sign for each dwelling unit.

2.4.5 Location: On-premise within the setback lines.
2.4.6 Design: In accordance with the criteria in Section 1.2.
2.4.7 Lighting: Indirect.
2.4.8 Special provisions shall be as follows:
   2.4.8.1 Joint directory nameplate signs must be kept current; and
   2.4.8.2 Individual nameplates of a joint directory must be of a standard design and size.
   2.4.8.3 No Permit Required. If the proposed residential nameplate sign conforms to all the requirements of this section, no permit shall be required.

2.5 Traffic Control Signs on Lots. Traffic-control signs upon Lots shall be regulated as follows:

   2.5.1 Purpose: To relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private property.
   2.5.2 Size: All vehicular traffic-control signs shall not exceed two square feet.
   2.5.3 Height: No part of the sign shall extend above six (6) feet from average grade.
   2.5.4 Number: Not to exceed 12 signs for Sections R-5 and C-3 and 24 signs for Sections I-1 and I-2.
   2.5.5 Location: Shall be determined by the ACC, with a letter of approval from the Chief of Police of the City for any sign placed adjacent to a public street or way.
   2.5.6 Design: In accordance with criteria in Section 1.2.
   2.5.7 Lighting: Indirect.
   2.5.8 Landscaping: At the discretion of the ACC.
   2.5.9 Special provisions shall be as follows:
      2.5.9.1 Mounting. May be either freestanding or wall mounted, with same size requirements;
      2.5.9.2 Traffic Signs. All traffic control signs shall be of a uniform design approved by the ACC.

2.6 Free-standing Real Estate Signs. Only signs of the Developer or its agent may be utilized in any Section.

2.7 Freestanding-Commercial Signs, Multi-tenant Shopping Center or Office Complex. Multi-tenant shopping centers or office complexes in section C-3 may have the option of using freestanding commercial signs (Option I) or a monument-type sign, (Option II) such signs to be regulated as follows:

   2.7.1 OPTION I. Freestanding Commercial Signs
      2.7.1.1 Purpose: To identify the multi-tenant shopping center or office complex.
      2.7.1.2 Size: A maximum area of thirty-six (36) square feet, with a horizontal dimension of no greater than twelve (12) feet.
      2.7.1.3 Height: No part of the sign shall extend above eight (8) feet from average grade.
      2.7.1.4 Number: One (1) sign on the major traffic street or main entrance. If a multi-tenant shopping center has two or more public entrances, a separate sign is permitted on the subordinate driveway, which shall be limited in size to twelve (12) square feet and no part of this sign shall extend above five feet (51) from average natural grade.
      2.7.1.5 Location: On premises of the center or complex and adjacent to major traffic way which the building abuts, within the building setback lines so as not to create a traffic hazard.
      2.7.1.6 Design: The sign shall contain only the name of the multi-tenant shopping center or office complex along with its street address (e.g. GATEWAY CENTER, 1234 Gateway Parkway) shown not to create a traffic hazard.
      2.7.1.7 Lighting: Indirect.
      2.7.1.8 Landscaping shall be as follows:
         1. A landscaped area of one hundred twenty (120) square feet at the base of the sign;
         2. All landscaped areas shall be maintained in a neat and healthy condition throughout the life of the permit; and
3. A plan showing the landscaping must be submitted to the ACC by the applicant at the time of application.

2.7.2 Option II: Driveway Entrance Sign (Monument Type)

2.7.2.1 Purpose: To identify the name of the shopping center and the retail businesses located therein.

2.7.2.2 Size: A maximum size of thirty-six (36) square feet, with a horizontal dimension of no greater than nine (9) feet.

2.7.2.3 Height: No part of the sign shall extend above eight (8) feet from average grade, including an eighteen (18) inch base.

2.7.2.4 Number: One sign adjacent to the main driveway entrance to the shopping center intersecting with a public street. If a center has two or more public entrances, any subordinate sign shall be limited to the name of the Center and the street address and shall be limited in size to twelve (12) square feet.

2.7.2.5 Location: On premises of the center or complex and adjacent to major traffic way which the building abuts, within the building setback lines so as not to create a traffic hazard.

2.7.2.6 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. Under certain conditions and when recommended by ACC, a larger monument sign showing the names of retail tenants may be permitted. Lettering designating the name of the shopping center and street address shall not exceed a maximum of seven (7) inches in height. Other subordinate lettering designating retail businesses shall not exceed three (3) inches in height. The base of the monument sign shall have a maximum height of eighteen (18) inches in a landscaped setting, and any design shall be shown not to create a traffic hazard.

2.7.2.7 Lighting: Indirect.

2.7.2.8 Landscaping shall be as follows:
1. A landscaped area of one hundred twenty (120) square feet;
2. All landscaped areas shall be maintained in a healthy, neat and clean condition; and
3. A plan showing the landscaping must be submitted to the ACC by the applicant at the time of application.

2.8 Freestanding Commercial Signs - Single-Business Use. Freestanding commercial signs, single-business use, shall be regulated as follows:

2.8.1 Purpose: To identify a business or organization being the sole business occupant of a lot or tract.

2.8.2 Size: A maximum area of twenty-four (24) square feet, with a horizontal dimension of no greater than six (6) feet. The Building Design Committee may initiate with consent of applicant a variance of up to fifteen percent (15%) of the maximum allowed dimensions to improve readability and maintain an appropriate ratio of printed material to background space.

2.8.3 Height: No part of the sign shall extend above eight (8) feet from the average grade.

2.8.4 Number: One (1) sign on the major traffic street or main entrance, subject to the approval of the ACC. If a building has two or more public entrances, any subordinate sign on a secondary driveway shall be limited to the name of the business and the street address and shall be limited in size to twelve (12) square feet.

2.8.5 Location: On premises of the building and within the setback lines adjacent to the vehicular street which the building abuts, subject to approval of the Zoning and Planning commission.

2.8.6 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.

2.8.7 Lighting: Indirect.

2.8.8 Landscaping shall be as follows:
1. A landscaped area of one hundred twenty (120) square feet;
2. All landscaped areas shall be maintained in a healthy, neat and clean condition; and
3. A plan showing the landscaping must be submitted to the ACC by the applicant at the time of application.

2.9 PROJECTING, WALL AND HANGING COMMERCIAL SIGNS - INDIVIDUAL BUSINESS WITHIN A MULTI-TENANT SHOPPING CENTER OR OFFICE COMPLEX. Projecting, wall and hanging commercial signs, individual business within a multi-tenant shopping center or office complex for tenants who have their own separate exterior entrances shall be regulated as follows:

2.9.1 Purpose: To identify a business or organization which has its own separate exterior public entrance within a multi-tenant building.

2.9.2 Size: Four (4) square feet for each five (5) front linear feet of the individual business for an organization having its own exterior public entrance in a multi-tenant building, with a maximum length of ten (10) feet and area of twelve (12) square feet. A minimum area of six (6) square feet will be allowed if a business has insufficient frontage. The size of a multi-paneled 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 twelve (12) square feet.

2.9.3 Height: Minimum clearance of eight (8) feet to bottom of sign above pedestrian walkways.

2.9.4 Number: One (1) sign per pedestrian way on which the building abuts, as determined by the administrator with a maximum of two (2) signs, subject to review by the ACC.

2.9.5 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.

2.9.6 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.

2.9.7 Lighting: Indirect.

2.9.8 Landscaping: Not applicable.

2.9.9 Special provisions shall be as follows:
1. A joint directory sign is permitted subject to the provisions of this Sign Restriction;
2. A business or organization having a projecting or hanging sign is not excluded from participating in a joint directory;
3. Businesses or organizations not having exterior public entrances are subject to the provisions of the joint directory signs for multi-tenant building of this ordinance, Section 4.9; and
4. An individual business with a basement entrance with no calculable frontage may have one (1) sign with a maximum area of six (6) square feet.

2.10 JOINT DIRECTORY COMMERCIAL SIGNS FOR A MULTI-TENANT SHOPPING CENTER OR OFFICE COMPLEX. Joint directory commercial signs for a multi-tenant shopping center or office complex shall be regulated as follows:

2.10.1 Purpose: To list all tenants within a multi-tenant building and to guide the pedestrian to the individual tenant within the building.

2.10.2 Size: Two (2) square feet per tenant within the multi-tenant building.

2.10.3 Height: A minimum clearance of three (3) 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 twelve (12) feet from average grade.

2.10.4 Number: One (1) 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 ACC; the proposal shall conform to the other provisions of this section.

2.10.5 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.

2.10.6 Design: In accordance with criteria in Section 1.2.

2.10.7 Lighting: Indirect.
2.10.8 Landscaping shall be as follows:
1. A landscaped area of two (2) 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 twenty-four (24) square feet;
2. All landscaped areas shall be maintained in a neat, clean and healthy condition; and
3. A plan showing the landscaping must be presented to the ACC by the applicant at the time of application.

2.11 Public Information Signs.

2.11.1 Purpose: Permanent or temporary signs and noncommercial banners with the intended use of identifying community, civic events and activities, social events, or identifying newly opened retail businesses; permanent public information signs shall be an integral part of an approved commercial retail business sign.

2.11.2 Size: The size of a temporary public information or banner sign may be up to a maximum of thirty-six (36) square feet; banners over public streets shall not exceed the dimensions of thirty-six (36) feet long by four (4) feet high and conform to the City of Austin specifications and details for banners; temporary sign to identify a newly opened retail business or non-profit fund raising program to benefit the community shall not exceed twelve (12) square feet.

2.11.3 Height: Banners over a public street will be a minimum of thirteen feet six inches (13.611) above a city-controlled street and nineteen feet (191) above a state-controlled highway; no part of a sign shall extend above eight feet (8') from average grade.

2.11.4 Number: Maximum of one (1) sign or banner for any and all uses.

2.11.5 Duration: Subject to the approval of the ACC but not to exceed one (1) month; banner signs over streets not to exceed fifteen (15) days.

2.11.6 Lighting: Indirect.

2.11.7 Landscaping: Not applicable.

2.12 Temporary Site Development Signs. Temporary site development signs shall be regulated as follows:

2.12.1 Purpose: Signs with the intended use of identifying or indicating construction and development projects within the city limits.

2.12.2 Size: The size of the temporary site development sign shall be a maximum of six (6) square feet.

2.12.3 Height: No part of the sign shall extend above eight (8) feet from average grade.

2.12.4 Number: One (1) sign per lot or tract of land.

2.12.5 Location: On premises and located within the setback lines of a lot or tract subject to the approval of the Chairman of the ACC.

2.12.6 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 (1) year.

2.12.7 Lighting: Not applicable.

2.12.8 Landscaping: Not applicable.

2.12.9 Special provisions shall be as follows: The information permitted on temporary site development signs is limited to the project name, project address, general contractor, and architect.

2.13 Driveway Entrance Sign for a Multi-Tenant Shopping Center.

2.13.1 Purpose: To identify the name of the shopping center and the retail businesses located therein.

2.13.2 Size: A maximum size of fifty-four (54) square feet, with a horizontal dimension of no greater than twelve (12) feet.

2.13.3 Height: No part of the sign shall extend above twelve (12) feet from average grade.

2.13.4 Lettering: Lettering design subject to ACC recommendation.
2.13.5 Number: One (1) sign adjacent to each driveway entrance to the shopping center intersecting with a public street.
2.13.6 Lighting: Indirect.
2.13.7 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.
2.13.8 Landscaping shall be as follows:
1. A landscaped area of one hundred twenty (120) square feet;
2. All landscaped areas shall be maintained in a healthy, neat and clean condition; and
3. A plan showing the landscaping must be submitted to the ACC by the applicant at the time of application.

Article 3 - EXEMPTED SIGNS DESIGNATED

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

3.1 MEMORIAL SIGNS or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other metal;

3.2 OFFICIAL GOVERNMENTAL NOTICES, and notice 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;

3.3 TEMPORARY DECORATIONS OR DISPLAYS, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, provided that such decorations are maintained in an attractive condition and do not constitute a fire or traffic or pedestrian hazard;

3.4 UTILITY OR CONSTRUCTION HAZARD WARNINGS. Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices;

3.5 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

Article 4 - WIND PRESSURE AND DEAD LOAD REQUIREMENTS

Any sign as defined in this Sign Restriction, shall be designed and constructed to withstand wind pressures and receive dead loads as required by the City.

Article 5 - LIABILITY NOT RELIEVED

Provisions of this ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation 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, firm or corporation, its agents, employees or workmen, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this ordinance. Nor shall it be construed as imposing upon the Developer or its officers, employees, or the ACC, any responsibility or liability by reason of the approval of any signs, materials, or devices under the provisions of this ordinance.
Article 6 - SIGN MAINTENANCE, REPAIR & REMOVAL

6.1 VIOLATION; NOTICE. If the ACC finds that any sign is maintained in violation of the provisions of this ordinance, it shall give written notice of the violation by certified mail to the owner or person entitled to possession of the sign or the owner of the property where the sign is located.

6.2 FAILURE TO COMPLY; REMEDIATION. If the person fails to alter or remove the sign so as to comply with this ordinance within ten (10) days after the receipt of the notice, the ACC 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.

6.3 LIEN. The ACC 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 thirty (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 and a personal liability of the Owner.

6.4 COSTS. The costs shall include the actual cost of repair or removal of the sign, plus fifteen percent (15%), and in addition thereto, shall include an amount equal to ten percent (10%), representing penalty and interest for the cost of collection, and reasonable attorney’s fees.

6.5 MAINTENANCE. All signs in the Subdivision shall be properly maintained at all times to the satisfaction of the ACC. The ACC shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. Notification shall be by certified mail. If within fifteen (15) days, the maintenance orders are not complied with, the ACC may order the sign removed at the owner’s expense under the provisions of this Sign Restriction.

ADOPTED August 9, 1993 by the Declarant pursuant to Article 8 of that certain document entitled "First Restated Declaration of Covenants, Conditions and Restrictions" which is dated August 9, 1993 and was filed of record in the Real Property Records of the Burnet County, Texas, County Clerk’s Office.

GATEWAY PARK, INC.

August 23, 1993

By:

Marvin E. Finn, President

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Janet Parker
Janet Parker, County Clerk
Burnet County, Texas

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