

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 15-11-19-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE NO. 01-01-18-01 WHICH ESTABLISHED THE MARSHALL'S HARBOR PLANNED DEVELOPMENT DISTRICT ("PDD") AS AMENDED BY ORDINANCE NO. 13-06-06-02 (ZONE-1045) ESTABLISHING THE ZONING REQUIREMENTS FOR THE MONTECHINO PLANNED DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS

WHEREAS, Montechino, LP, owner of the property known as Lots 1 through 26, Lots 67 through 74, Lots 34, 45, 48, 49AA, 49BB, 50, 52, 57, 60, 61, 68, 70-72 and Lot B, Marshall's Harbor Subdivision (the "Subdivision") according to the map or plat recorded in Document #200000248, Official Public Records of Travis County, Texas (the "Property") has requested certain amendments to the Marshall's Harbor PDD as it would affect Lots 1 through 26 and Lot B to accommodate the planned development on Lots 1-26 as the same may be replatted in the future; and

WHEREAS, after giving fifteen (15) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission held a public hearing on the proposed re-zoning and forwarded its recommendations on the proposed amendment to the Montechino PDD Ordinance to the City Council; and

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the requests and circumstances of the Property and finds that a substantial change in circumstances of the Property is sufficient to warrant a change in the zoning of the Property as provided below has transpired; and

WHEREAS, the applicant has requested a modification to the current PDD, adopted under Ordinance No. 13-06-06-02, to generally improve the functionality and marketability of the development by increasing uses and lot development standards; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the PDD Modification requested herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the Property and protect third party property owners in the city and/or abutting said Property, and to ensure the benefits of planned development and enhanced tax base that are achieved through the PDD Modification to the Property; and

WHEREAS, the City, entered into a Subdivision Construction Agreement dated November 30, 2006 which controls the construction within the Marshall's Harbor Subdivision, the terms of which still control development of the Property and the Parties agree to have such Agreement remain in full force and effect unless at a future date the Parties agree to new or amended development controls; and

WHEREAS, the City also approved a Settlement Agreement dated September 5, 2007 which also addresses various aspects of the plans and development within the Marshall's Harbor Subdivision, the terms of which also still control various aspects of development of the Property and the Parties agree to have such Settlement Agreement remain in full force and effect unless at a future date the Parties agree to new or amended development controls.

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

Section I. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of the City of Lago Vista Zoning Ordinance.

Section II. Revocation and Replacement and Conflict. Ordinance No. 13-06-06-02 is hereby revoked and replaced with this Ordinance, provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual lot set forth herein and as depicted on the map exhibits attached hereto as Exhibit "A", the requirements set forth herein shall control.

Section III. Rezoned Property. The Zoning Ordinance and the current Montechino Planned Development District ("PDD") are hereby amended by changing the zoning district to a revised PDD zoning designation subject to this ordinance (this "Ordinance") for the land described as:

All that certain real property included in and described on the map or plat of the Marshall's Harbor Subdivision according to the map or plat recorded in Document #200000248, Official Public Records of Travis County, Texas, described as LOTS 1-26 AND COMMERCIAL LOT B.,

Section IV. Identification of the Parcels within the PDD: The Property consists of the following parcels of land which are also depicted in Exhibit "A" attached hereto and incorporated herein for all purposes:

- Area 1- Single Family Type 1 Lots (SF Type 1)
- Area 2- Single Family Type 2 Lots (SF Type 2)
- Area 3- Single Family Type 3 Lots (SF Type 3)
- Area 4- Garden Homes
- Area 5- Commercial Lots
- Area 6- Residential Community Center Area
- Area 7- Open Space

Section V. Zoning Requirements: The zoning requirements established for the Property (hereinafter referred to as "Montechino PDD") shall be those as established and adopted by Ordinance No. 98-04-27-03, as amended, except as specifically set forth below.

1. Zoning for the Single Family Type 1 Lots
 - A. The residential lot areas identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "SF Type 1" lots shall comply with the zoning requirements and development standards for Single Family Zoning "R-1(G)", except as hereinafter modified.
 - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot.
 - C. Minimum lot size: 8,000 square feet
 - D. Building setbacks generally:
 - (i). Minimum front yard setback: 25 feet
 - (ii). Minimum rear yard setback: 15 feet
 - (iii). Minimum any side yard setback: 5 feet each side. Minimum total side yard setback: 15 feet.
 - (iv). Minimum corner setback: 15 feet
 - E. Additional setbacks along the southern and eastern external boundaries of the subdivision property:
 - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
 - (ii). Minimum building structure setback line as measured from the internal edge of the vegetated buffer: 30 feet.
 - F. Building exteriors must be a minimum of 100 percent masonry.
 - G. Construction of residential units in the SF Type 1 area shall be permitted on slopes up to 35 percent.
 - H. Utility service connections constructed to serve residential lots accessed via joint use driveways shall have meters located at the public/private ROW.

2. Zoning for the Single Family Type 2 Lots
 - A. The residential lot areas identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “SF Type 2” lots shall comply with the zoning requirements and development standards for Single Family Zoning “R-1(G)”, except as hereinafter modified.
 - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot
 - C. Minimum lot size: 8,400 square feet
 - D. Minimum living area: 2,000 square feet
 - E. Building setbacks generally:
 - (i). Minimum front yard setback: 25 feet
 - (ii). Minimum rear yard setback: 15 feet
 - (iii). Minimum any side yard setback: 5 feet each side. Minimum total side yard setback: 15 feet.
 - (iv). Minimum corner setback: 15 feet
 - F. Additional setbacks along the southern and eastern external boundaries of the subdivision:
 - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
 - (ii). Minimum building structure setback line as measured from the internal edge of the vegetated buffer: 30 feet.
 - G. Building exteriors must be a minimum of 100 percent masonry.
 - H. Construction of residential units in the SF Type 2 area shall be permitted on slopes up to 35 percent.

3. Zoning for the Single Family Type 3 Lots
 - A. The residential lot areas identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “SF Type 3” lots shall comply with the zoning requirements and development standards for Single Family Zoning “R-1(G)”, except as hereinafter modified.
 - B. Maximum Building Heights: 35 feet as measured from the highest point on the lot
 - C. Minimum lot size: 20,000 square feet
 - D. Minimum living area: 3,000 square feet
 - E. Required setbacks along the southern and eastern external boundaries of the subdivision:
 - (i). Minimum undisturbed, vegetated buffer as measured from the property line: 20 feet
 - (ii). Minimum building structure setback line as measured from the edge of the vegetated buffer or, if a road exists along the property boundary, from the internal edge of the road ROW: 30 feet
 - F. All structures on lots adjacent to Austin Blvd. shall have minimum building structure setbacks of 30 feet from the Austin Blvd. edge of pavement and 25 feet from the Austin Blvd. ROW line.
 - G. Lots located in the SF Type 3 category shall not have direct driveway access to Austin Blvd. Access to lots along Austin Blvd. shall occur from joint use driveways.
 - H. All residences accessed from joint access driveways shall have a minimum 20 foot building setback from the joint use driveway internal edge of pavement.
 - I. Building exteriors must be a minimum of 100 percent masonry.
 - J. Construction of residential units in the SF Type 3 area shall be permitted on slopes up to 35 percent.
 - K. Utility service connections constructed to serve residential lots accessed via joint use driveways shall have meters located at the public/private ROW.

4. Zoning for Area 4 Garden Homes
 - A. Construction of multi-family residential units in Area 4 identified on the Montechino PDD Map Exhibit “A” attached hereto and incorporated herein by reference, identified as “Area 4 – Garden Homes” shall comply with the zoning requirements and development standards for the R-0 Single-family Residential District, except as hereinafter modified.
 - B. Maximum building height: 35 feet above highest point on lot
 - C. Minimum living area square footage: 1,000 square feet
 - D. Building setbacks generally:
 - (i). Minimum front yard setback: 10 feet
 - (ii). Minimum rear yard setback: 0 feet

- (iii.) Minimum any side yard setback: 5 feet each side or 10 feet one side in zero-lot line configuration.
 - (iv.) Minimum corner setback: 10 feet
 - (v.) Minimum garage setback: 20 feet.
 - E. Maximum Lot Coverage: 75%
 - F. Building exteriors must be a minimum of 80% masonry
 - G. The maximum total number of residential townhomes, condominiums and casitas in Area 4 shall not exceed 60 units.
- 5. Zoning for the Commercial Parcel - Area 5
 - A. The parcel identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "Area 5 - Commercial Lots", shall be retail/office, commercial, hotel, restaurant, community center, and exhibition ground use and comply with the zoning requirements and development standards of the "C-1C" Commercial zoning category except as hereinafter modified:
 - B. Building exteriors must be a minimum of 75% masonry.
 - C. A temporary construction/sales trailer or temporary building shall be permitted in Area 5. This structure shall be permitted to exist at the site for a period no longer than 12 months. The City Manager shall approve the site plan for this structure.
 - D. Minimum building setback from the Lohmans Ford Road ROW (after expansion of 15 feet per separate agreement between the developer and the city): 25 feet.
 - E. Maximum building height: 35 feet as measured from the high point on the lot with provision for no more than six (6) tower or cupola architectural features which may extend to 45 feet vertically above the high point on the lot.
 - F. Maximum Lot Coverage: 60 percent.
 - G. Additional setbacks along the southern external boundaries of the subdivision property:
 - (i.) Minimum undisturbed, vegetative buffer as measured from the property line: 20 feet.
 - (ii.) Minimum building structure setback line as measured from the internal edge of the vegetative buffer: 30 feet.
 - H. The restaurant will have an outdoor area. Entertainment and/or musical groups performing at the restaurant facility shall comply with the City of Lago Vista noise ordinance.
- 6. Zoning for the Residential Community Center - Area 6
 - A. The parcel identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "Area 6 - Residential Community Center Area", shall comply with the zoning requirements and development standards of the "P-1A" Park, except as hereinafter modified.
 - B. A pavilion, tennis courts, and a fire pit are permitted.
 - C. Maximum Building Height: 35 feet above the highest point on the lot.
- 7. Zoning for Open Space –Area 7
 - A. The parcel identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as "Area 7- Open Space", shall comply with the zoning requirements and development standards for the "P2 Park" zoning category, except as hereinafter modified:
 - B. This area may contain disc golf, lakes, waterfalls, dams/berms, trails/walkways, and benches.
- 8. The total number of living units shall not exceed two hundred sixty-two (262).
- 9. The lot frontage at the ROW line within the Single Family Type 1 area shall not be less than 20 feet. The lot frontage at the ROW line within the Single Family Type 2 and Type 3 areas shall not be less than 30 feet. Lots frontage for all lots with joint use driveways shall have a minimum of 30 feet when measured at the internal edge of the pavement of the joint use driveway.
- 10. Joint use driveway building setback. Building setback from the edge of the pavement of a joint use driveway shall be at least 20 feet.

11. The City of Lago Vista shall have a public safety and utility easement over all private streets and roadways and all easements and green belts dedicated for general community use by the Montechino Subdivision as currently platted or replatted in whole or in part.
12. Each developed lot within the PDD shall be served by the City of Lago Vista water and wastewater utility services after having been constructed by the Developer and accepted by the City of Lago Vista. Wastewater utilities located within this Subdivision are public utilities up to the point of connection to each lot's lot line. Water utilities are part of the public system up to the point of construction to a private service meter.
13. Water and wastewater service shall not be provided by the City to any lot or development within the jurisdictional area of this zoning ordinance unless and until the terms of such service have been approved by the City Council by development agreement or as part of final plat approval.
14. No sidewalks shall be required for any lots.
15. No street lights will be allowed until approved by the City (City Manager and City Council through subdivision and site development processes). Prior to installation of any street lights, the Developer shall submit lighting physical appearance documentation and technical specifications including brightness characteristics to the City Manager for review and approval.
16. Cut and/or fill slopes on the Property shall not exceed 4 feet in height without a variance. All cut and fill variances on the Property may be approved administratively by the City Staff and City Engineer provided the cut and fill slopes greater than 4 feet are appropriately sloped or terraced, or, through installation of retaining walls, are considered adequate to control erosion and sedimentation. All cut slopes shall be stable based upon geotechnical analyses provided to the City by a Professional Engineer. Site grading shall comply with accepted engineering practices and any other applicable federal, state, or regional regulations.
17. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
18. No building or other structure other than a marina structure and boat docks and their necessary access and appurtenances may be constructed within the CWQZ.
19. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance and other City ordinances, as amended from time to time, shall apply.
20. Off street parking for each single family dwelling in areas 1, 2 and 3 shall be provided by an enclosed garage capable of parking two (2) automobiles and having a minimum floor area of 400 square feet.
21. Private street rights-of-way (ROW) shall be a minimum of fifty feet (50') wide and have a minimum paved width of twenty four feet (24') with an eighteen inch (18") concrete ribbon curb on each side of the pavement. For any existing roadways which will be included within the subdivision and do not currently have ribbon curb, the Developer shall provide for at his own expense design and construction of ribbon curb.
22. All fences, walls, hedges and other similar structures shall comply with the fencing provisions of the City of Lago Vista fence ordinance except that chain link and barbed wire fences shall be prohibited. Upon review and approval by the City Manager, eight (8') foot fences constructed of iron, stucco, or stone may be allowed.
23. No boats or recreational vehicles may be parked on any residential lots within the Montechino PDD unless fully screened and not visible from the street.
24. The Property within the Montechino PDD shall be re-platted subject to compliance with City subdivision and development regulations except as modified herein. The 30 foot wide conservation easement shown on recorded plats shall not be vacated. There shall be a 30 foot wide area along

Austin Blvd. that shall not be built upon except for driveways and mail boxes. All trees in this area shall be protected except where there are driveways or private streets.

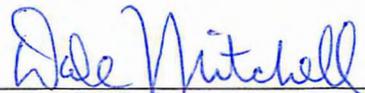
25. The Property, as a condition of approval of plats, must have a funded Home Owners Association obligated to maintain within the boundaries of the Property all open space, private roads and community amenities.
26. Prior to approval of a preliminary plat for any part of the PDD, the City shall approve a Traffic Impact Analysis (TIA), the extent of which shall be determined by the city engineer, that includes any improvement or cost sharing required of the developer to mitigate any adverse impact. All preliminary and final plats on Lohman's Ford or Austin shall show lot driveway and street intersection locations. All lots on Lohman's Ford shall be required to have interconnecting parking lots, unless a variance is granted by the City Council during site development permit review.
27. Within multi-family and commercial/office site development areas, no ash-juniper tree 14 inches in caliper or greater and no other tree 10 inches in caliper or greater as measured 40 inches above the ground shall be removed unless approved by City Council through the site development permitting process. Replacement of trees approved for removal shall occur on a caliper inch for caliper inch basis. Replacement tree species shall be from the City's approved replacement tree list in effect at the time of site development. Within single family residential areas, tree protection and replacement shall conform to the tree preservation and landscape standards in effect at the time of subdivision approval.
28. No building permit shall be issued prior to satisfying terms of separate agreement(s) between the Developer and the City of Lago Vista.
29. Improvements required for conformance with Highland Lakes Watershed Ordinance for this development are set forth in the currently approved Water Quality Master Plan for the development.

Section VI. Special Exception and Variance. To the extent any authorization or approval of this PDD is in conflict with the water quality requirements of any agreement entered into between the City of Lago Vista and any other city, such authorization or approval shall be deemed to have been granted by special exception and variance by a finding of public necessity through the duly adopted governing body of the City of Lago Vista.

Section VII. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section VIII. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

PASSED AND APPROVED on this 19th day of November, 2015.



Dale Mitchell, Mayor

ATTEST:



Sandra Barton, City Secretary