



The City of Lago Vista

*To provide and maintain a healthy, safe, vibrant
community, ensuring quality of life.*

**NOTICE OF A REGULAR MEETING
PLANNING AND ZONING COMMISSION
THURSDAY, May 8, 2014, 7:00 PM
COUNCIL CHAMBERS
CITY HALL - 5803 THUNDERBIRD**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the City of Lago Vista, Texas will hold a Regular Meeting in the Council Chambers, City Municipal Building, 5803 Thunderbird, on the above date and time for discussion and possible action on the following:

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS

CONSENT AGENDA

All matters listed in Item 1, Consent Agenda, are to be considered routine by the Commission and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Consider Approval Of The Following Minutes:

- A. August 1, 2013 City Council & Planning & Zoning Commission Joint Public Hearing
- B. September 5, 2013 City Council & Planning & Zoning Commission Joint Public Hearing
- C. April 10, 2014 Regular Meeting
- D. April 16, 2014 Special Meeting

ITEMS FOR INDIVIDUAL CONSIDERATION

2. Discussion and Consideration of future pathway on Boggy Ford Rd., ribbon curbs, bike/pedestrian trails, possibility of using 100 year floodplain for parkland use, backyard parking, accessory building ordinance, future land use map.

PUBLIC HEARINGS

3. Amendments to the City's Zoning Ordinance for the City of Lago Vista related to the Airport Overlay District to promote the regulation of land uses and heights in the vicinity of the airport, as well as modifications to land use near the airport to ensure the protection of the airport, as well as updates to the zoning districts recommended for each future land use district.
4. Amendments to the City's Zoning Ordinance for the City of Lago Vista to modify notice requirements for special exceptions, posting dates of notice signs, and locations of posting of notice signs.

ORDINANCES

5. Recommendation of Ordinance O-11-14, an Ordinance of the City Council of the City of Lago Vista, Texas, modifying Chapter 14, Article 14.100, Section 2, Subsection 2.10 Code of Ordinances; creates Chapter 14, Article 14.100, Section 4, Subsection 4.11 Code of

Ordinances; creates Chapter 14, Article 14.100, Section 6, Subsection 6.90 Code of Ordinances; modifies Chapter 14, Table A Code of Ordinances; modifies Chapter 14, Table B Code of Ordinances; providing a savings clause; providing a severability clause; and, providing an effective date.

6. Recommendation of Ordinance O-12-14, an Ordinance of the City Council of the City of Lago Vista, Texas, modifies Chapter 14, Article 14.100, Section 11, Subsection 11.60 Code of Ordinances; modifies Chapter 14, Article 14.100, Section 13, Subsection 13.40; providing a savings clause; providing a severability clause; and, providing an effective date.

7. Future Agenda Items

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at _____ on the _____ day of _____, 2014.

Christina Buckner, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
AUGUST 1, 2013**

BE IT REMEMBERED that on the 1st day of August, 2013 the City Council held a Joint Public Hearing at 6:30 P.M., at City Hall, 5803 Thunderbird, in said City, there being present and acting the following:

Randy Kruger	Mayor	Dennis Jones	Interim City Manager
Richard Bohn	Mayor Pro Tem	Frank Robbins	Assistant City Manager
Darrel Hunt	Council Member	Danny Smith	Police Chief
D'Anne Gloris	Council Member	Christina Buckner	City Secretary
Ron Smith	Council Member		
Ed Tidwell	Council Member		

Mayor Kruger called the Joint Public Hearing to order and recognized that all Council Members were present except Dale Mitchell.

Tara Griffin
Jim Moss
Paul Smith
Gary Zaleski
Richard Brown

Tara Griffin recognized that all members of the Planning and Zoning Commission were present except Bob Besett, Lisa Marie Contaldi and Vernon Reher and a quorum exists. Richard Brown arrived at 6:32 p.m.

PUBLIC HEARING:

1. Mayor Kruger stated the purpose of the public hearing is to receive citizen input concerning rezoning about 6 acres at the site of the old Highland Lakes club house at 20552 Highland Lakes Dr. from G-1 to Planned Development District (PDD) for a hotel and associated facilities.

Jim Otwell gave a presentation regarding the request. He displayed a layout of the proposal. He stated he and his wife own Nature's Point, which is a wedding venue in the Marshall's Ranch Subdivision area. He stated they've been there since February of 2005. He stated they hold about 100 weddings per year with an average of 150 attendees at each, so they bring approximately 15,000 people to the Lago Vista area per year. He stated their biggest complaint is that there is no place to stay out here. He stated they didn't really want to build a hotel and they have been waiting for someone else to do so, but since no one else is, they decided to build one themselves. He stated they were originally going to build on property they already own, but when he came in to the city to inquire about restrictions he was told about the Highland Lakes golf club. He stated they looked into it and determined it is viable for their business. He stated their plan is to refurbish the existing structure. He stated the exterior walls will pretty much remain the same, but will be refaced with stone and stucco, and the interior footprint will remain pretty much the same. He stated they will maintain the restaurant, bar and grill but will be adding a hotel section where the cart barn is. He stated the cart barn will be moved to another piece of the property which he indicated on the proposed layout. He stated they would also be adding a pavilion where the putting green is currently located which will primarily be for golf tournaments and possibly some other smaller events. He presented a slide show and requested they look at what they've done in the past. He stated they purchased a property that was vacant and had been in probate for 10 years, and completely redid it, similar to what they're proposing with the golf club now. He stated this can be viewed on their website at www.naturespoint.com. He stated they receive great reviews and are one of the most sought after venues in the Austin area. He stated in their 8 years there they have only had two noise complaints, both of which were unfounded and no tickers were given. He stated there, they are an outdoor venue, and here, everything will be indoors, with the exception of the pool area. He stated they have a noise policy and decibel meter which they check several times per night. They tell the DJs, bands and main contact for the weddings what their policies are and monitor that closely. He stated the last time they had a complaint was March of this year, and when the Sheriff's department came out they measured the decibel level and they were under what was allowed by law. He stated that's the kind of neighbor they're going to be moving forward.

Mayor Kruger questioned what time they usually shut down their venues.

Jim Otwell stated they have to be out by 11:00 pm so they usually shut them down around 10:30 pm. He stated right now the Island gets a lot of their business, but the bulk goes to Cedar Park and the Arboretum area. He stated they now offer packages and bus people in on 65 passenger buses, so of the approximately 15,000 people coming into Lago Vista, most don't stay here. He stated that not only does the city miss out on the tax base, but businesses in the area miss out on that as well. He stated they're doing it because it's good for them as well.

Mayor Kruger referred to the site plan, stating the addition appears to be at the end of the clubhouse and questioned how far out it will project.

Jim Otwell stated it is about 160'.

Mayor Kruger questioned whether it's 60' wide.

Jim Otwell stated that was correct and stated it's a 60 room hotel.

Mayor Kruger questioned whether it's proposed to be three stories.

Jim Otwell stated that was correct.

Mayor Kruger questioned that one of the stories appears to be below the hill.

Jim Otwell stated that was correct.

Mayor Kruger questioned that the other two stories would probably not exceed the existing building height or be close to it, so it would probably be about the same height.

Jim Otwell stated that was correct. He indicated where the existing cart barn is and where it will move to on the plan. He indicated where the proposed pavilion is on the plan, stating it is over the existing putting green and that the city will probably move the putting green. He stated they will be adding about 35 parking spaces and indicated the area on the plan. He stated he started his first business with \$400 and an old truck and he's had several businesses since then which have all been successful. He stated this is the safest business he's ever done because they already have an established business and this is a feeder business. He stated they can fill their own beds and fill the restaurant. He stated Lago Vista has had a hard time getting any good restaurants here and they will be catering their own weddings and will be serving approximately 15,000 meals per year, so their chef and menus will be a high priority for them. He stated they will have some rehearsal dinners on this site. He stated they anticipate walk-in business, but can sustain themselves even without that. He stated it will flow down to the grill as well, and the golf course will be a big part of their business plan. He stated they plan to actively bring in tournaments themselves to help fill beds and their wedding guests will probably play as well. He stated this is why they feel it's a sustainable business and where others might not try this.

Mayor Kruger questioned that the existing clubhouse will have first class restaurant and possibly a deck that pushes out past where the old restaurant was.

Jim Otwell stated that was correct. He indicated they are proposing a deck for dining where the existing restaurant is now, and part of the grill for golfers will be underneath that, which gives them a little more room and they can eat outside.

Mayor Kruger stated it appears that the hotel guests will be entering through the old entry of the clubhouse, which is going to be revitalized, and that all of the activity in the clubhouse and hotel will be on the front side, other than the pool area, which existed in the old clubhouse at one time. He questioned whether Mr. Otwell will rehab the old bar but make it more of a classy bar.

Jim Otwell stated it will be a more expensive bar, and they are not after locals coming in for a drink, so they will probably price point it out of that. He stated the bar will be primarily to service their hotel guests.

Mayor Kruger opened the floor for comments from the Council and Commission.

D'Anne Gloris questioned what the size of the pavilion will be.

Jim Otwell stated it will probably be 40' by 60'.

D'Anne Gloris questioned whether it would be similar to the one at Bar-K.

Jim Otwell stated it will match the motif of the building, and can be closed in or opened up.

D'Anne Gloris questioned whether it would have facilities similar to the pavilion at Bar K, like a bar and indoor restrooms, and whether it will function for other events such as rehearsal dinners as well.

Jim Otwell stated that was correct.

Ron Smith questioned whether they envision running weddings at the clubhouse.

Jim Otwell stated yes, but it would probably be smaller weddings and they don't want to compete with what they already have going on.

Ron Smith questioned whether they would have bands around the pool.

Mrs. Otwell stated there is probably not enough space around the pool to have guests so that's probably not a viable option.

Ron Smith stated the new hotel extension appears to be 60 to 100 feet away from a rooftop and questioned whether it was someone's home.

Mrs. Otwell stated yes.

Ron Smith questioned whether Mr. Otwell had talked to them.

Jim Otwell stated yes and noted that they're here tonight.

Jim Moss questioned that the hotel is designed to accommodate wedding parties and asked how much use of the hotel will be available to the general public.

Jim Otwell stated whatever rooms are open, but they anticipate heavier usage Thursday through Sunday. He stated he thinks the big problem will be a shortage of beds. He stated it will be open to the public, but he can't say how many beds will be sold to the public.

Mayor Kruger stated that Mr. Otwell indicated they anticipate a 60 to 70% average occupancy rate, which is about a 40 to 45 room average per day.

Richard Brown questioned whether they anticipate a 100% occupancy Thursday through Sunday.

Jim Otwell stated yes.

Tara Griffin questioned what the setback requirements are from the street to the hotel, and from the parking lot to Eisenhower and Earhart, and what the buffering requirements are.

Mayor Kruger stated the areas she's asking about are existing and there are no plans to add anything there.

Tara Griffin questioned how far the new hotel addition will be from the street.

Mayor Kruger stated the cart barn that is being moved is 75 feet long and the hotel addition is about 130 feet. He stated he would think it is still about 150 feet from the road.

Jim Otwell stated the actual hotel will be about 150' to 160' long. He stated he is not positive what setbacks are but they are not asking for any variances at this time. He stated they will have to abide with whatever the setbacks and

height restrictions are.

Frank Robbins stated the setback from the side property line on the south is five feet in the draft PDD.

Tara Griffin questioned whether that is from the property line.

Frank Robbins stated that is 5 feet from the property line of the adjoining residential lot. He stated the side setback in C-1A (the proposed development standards) is 5 feet, but noted that can be added to because we are in a PDD process.

Mayor Kruger questioned whether that building is currently 75 feet from the property line.

Frank Robbins stated yes.

Gary Zaleski questioned how many surveys were sent out.

Richard Bohn stated 24.

Gary Zaleski asked how many responses were received.

Frank Robbins stated 25 went out, one of which was to the city, and as of 2:00 p.m. today 6 responses in opposition to and none in favor of the request have been received, but the count will continue until the time the Council votes. He stated that as of today, 15.6% of the land area within 200 feet is in opposition, but the 20% rule has not been triggered.

Richard Bohn questioned whether people can change their vote if they've already voted.

Frank Robbins stated yes.

Richard Bohn questioned how they do that.

Frank Robbins stated it has to be submitted to the city in writing.

Christina Buckner reported that one response in favor of the request had been received.

Ed Tidwell questioned what time the bar facility will close to guests.

Jim Otwell stated it would probably be open until 1:00 or 2:00 a.m.

Mayor Kruger stated it's the same bar that's been in existence.

D'Anne Gloris questioned what the property tax value was in its hay day and what it is now.

Mayor Kruger stated the current value of this property on the tax rolls is \$500,000 which produces ad valorem tax of approximately \$6,000 to \$7,000 for the city.

D'Anne Gloris stated with the current condition being deteriorated and a blight, the idea of making it beautiful again is attractive, in addition to knowing that, as a tax payer she's not subsidizing it, and that it will improve area property values and the city will get revenue from the business.

Mayor Kruger stated when this property is fully developed, he estimates it will generate an excess of \$100,000 of revenue to the city through ad valorem, hotel motel, and sales taxes, based on a property valuation of \$6 million.

Jim Otwell stated he's been questioned about it being in the middle of a residential area and why he would do this. He stated he did some research and this is not the first time this has been done. He stated Lakeway and Barton Creek have similar facilities in residential neighborhoods which have restaurants, bars and hotels.

D'Anne Gloris stated that someone could open a golf course clubhouse with a bar and restaurant without a zoning

change because it is already allowed. She stated the only reason for the zoning change is for the hotel motel.

Mayor Kruger stated he had that discussion with Frank Robbins and a person could just rehab that club and have a bar and restaurant because it's already existing.

Ed Tidwell questioned whether G-1 covers any resort type of facilities or allows anything with any type of rooms to be built.

Mayor Kruger stated no it's golf course.

Richard Bohn questioned whether the pro shop will be located back to its original position.

Jim Otwell stated yes there will be a grill and pro shop with additional outside seating under the deck to be built above it.

Mayor Kruger opened the floor for comments from the audience.

Chad Hendricks, of 20568 Highland Lake Drive, stated he has been a resident and local business owner since 2007. He indicated his house on a map stating it is 75 feet away. He stated he's been in the house since 2007. He indicated he is in favor of a hotel, bar, restaurant, assisted living facility or any business that would benefit the city but he is 100% against the proposal of this hotel. He expressed concerns with regard to the decrease in area property values, stating the current economy has made it difficult to sell homes and there are people that depend on the equity in their homes to be able to care for themselves. He stated this will create a public and private nuisance from his property. He stated the courts value the rights of the people to a peaceful uninterrupted enjoyment of their property. He stated the argument that zoning laws authorize the activity does not exclude any party from liability; it's been proven in the courts. There are a lot of lots in the city that are zoned PDD and would serve a hotel better than one being placed in the middle of a residential neighborhood 5 miles away from other businesses that could have an immediate benefit from a hotel. He stated he expressed this to Mr. Otwell whose response was that he didn't own those properties. He stated Mr. Otwell doesn't own this property yet either. He stated the city has a right to do what's right for the residents and not just the city and Mr. Otwell. He stated a hotel placed on 1431 or Lohman Ford Road would not only serve the city but the businesses it surrounds and in turn bring in more attention and success back to that hotel which would benefit our tax revenue. He stated he was informed that a study was done that proves the marketability for a hotel on this property. He stated there is no study that could ever prove that allowing a hotel to be built in the middle of a residential neighborhood is an ethical or moral decision. He stated he tried to discuss this with Mr. Otwell and he snickered at him about it and doesn't agree. He questioned, if his house was their house, whether they would approve a 60 unit hotel with a bar open until 2:00 am to be constructed 75 feet from your property, 100 feet from your 7 year old's bedroom, parties consisting of drunk and loud strangers right outside your house, individuals wandering the neighborhood any time of the night, and 60 units of people staring at your children as they play in your yard. He stated the city codes require Mr. Otwell to place one tree every 25 feet and questioned whether that would protect his family. He expressed concern with the fact that some of the individuals wandering could be potential child molesters or sex offenders. He stated with no way to verify if registered sex offenders are staying in the hotel, there is no way to protect their children and homes from being trespassed and the individuals have the ability to be back in the hotel within 30 seconds. He stated Mr. Otwell told him he wouldn't want this in his back yard but he stated the city is going to approve the zoning change and if he doesn't build it, someone else will. He questioned whether this proposal is already on the fast track and whether the Council and Commission members have already approved this. He questioned whether so much money has already been spent that their ability to protect the residents of the city is inhibited. He asked that they allow families and neighborhoods to remain safe and quiet and free from proposals such as this one. He stated in time, the appeal that brought all of us to Lago Vista will only bring more people to this city; individuals such as himself who made the decision to move his family, friends and business here. He stated he is pleading for his family's privacy and the safety of his children and his neighbors and neighborhood. He stated there is always a better way, safer way and moral way, and they can work together to find it. He questioned whether alternative visions of what this property should be are wanted and asked that he be given a chance to sit down with each of them to discuss safer alternatives than the one proposed. He stated he has lived in several golf communities where the courses were owned by the city and watched them prosper. He stated the reason for their success is the cities' commitment to the residents that surround the courses and the manner in which they seek knowledgeable and professional representatives to manage and advertise the courses. He stated they invest in the growth of the golf community and offer many programs to build the member base starting with the youngest. He stated these courses have a clubhouse with a restaurant, a bar, a pool, and convention rooms, yet

they've never needed a hotel to remain profitable. He stated these communities would never have allowed a hotel surrounding residences. He stated he would be happy to share these success stories with them and encouraged them to visit these communities and talk to their leaders to see how it's supposed to be done. He proposed the city look at different options that won't diminish the value of a single property owner yet would create a sustainable plan for our courses and build a reputable and thriving golf community. He requested they question themselves "if my house was yours" when given the opportunity to vote.

Hans Schuster, of 3004 Davenport Cove, stated a number of the neighbors met regarding this issue and came to somewhat of a consensus. He stated not all of them are speaking tonight and some couldn't be here so he requested that their position be included in the minutes verbatim. He read their position from a written statement which is attached hereto and made part of the minutes.

Ron Smith questioned how many people that statement represented.

Chad Hendricks stated everyone that they've talked to at this point.

Anthony Harrison, of 20548 Highland Lake Drive expressed concern with regard to the traffic on Highland Lake Drive and the safety of the children in the neighborhood. He stated he's not against the business, and he desires to see something happen, but he believes a hotel is too much on that corner.

Risé Johns, of 20925 Waterside, spoke in opposition to the request. She stated she respects Mr. Otwell's need to have a hotel and stated Lago Vista desperately needs a hotel, but she can think of 2 reasons she's for it and 25 reasons she's against it. She stated she thinks it's the right facility in the wrong location. She stated people purchased on the golf course with the intention of having the equity and increased appreciation of being on the golf course, but thinks having a hotel there will negatively impact their decision and people probably would not have purchased there. She stated she currently has one house on the market at 20567 Highland Lake and the owner didn't receive a notice. She stated he is opposed to the rezoning.

Kim Hight, of 21802 Bluejay Blvd., expressed concern with regard to traffic, stating we already have enough problems with traffic on Boggy Ford and Lohman Ford Road. She stated this will affect more than just the people on Highland Lake Drive.

Dan Archer, of 3604 Revere Cove, spoke in favor of the request, stating he commends the idea. He stated its current condition invites trouble and vagrancy. He stated the footprint is minimal and it's unfortunate that someone has to get hurt but makes more sense than on American Drive where the Inn used to be. He stated it makes economical sense.

Dr. Irwin Stein, of 20543 Highland Lake Drive, stated he has been a resident since 1995 and visiting area since the early 1950s. He expressed concerns with regard to the drought and lake levels stating he believes the current drought cycle is going to last another 10 years and there won't be a lake. He questioned why the developer came to this community and what his plans are if there were no lake.

Mariana Sedillo, of 20570 Highland Lake Drive, stated she does not condone the hotel but questioned the name of the hotel chain.

Mayor Kruger stated it would be an individually owned hotel, not a chain.

Laura Kneblick, of 21912 Mockingbird, stated we already had a hotel here by the Shores years ago that didn't make it and asked why they can't build a hotel over there.

Edda Schuster, of 3004 Davenport Cove, stated her house is right beneath the 1st tee and questioned whether the outhouse that was put there for the golfers is going to remain or whether bathrooms for the golfers will be included in the club.

Mayor Kruger stated everything is not yet worked out but there has been a question as to whether or not they should maintain outside facilities. He stated if they do, it will be structurally beautiful. He stated it was made to be moved and the city doesn't own that property.

Don Ross questioned whether there is any way the building can be moved further over and made 2 stories so it ties in more and doesn't look like a big hotel.

Mayor Kruger stated he can address that with the developer but that it is his understanding that he intends to blend it in so you would hardly notice the difference.

Don Ross questioned whether it could be moved further away from the homes and whether they would tear the ceiling off and make the dining room ceiling higher.

Mayor Kruger stated they aren't going to get into the design of the clubhouse right now.

Jim Otwell stated they chose the cart barn area because a lot of it is already sub grade and felt it would be more of a concern to surrounding properties if they moved it to the higher part of property.

Mayor Kruger advised Chad Hendricks that this is a PDD and it will be designed with a lot of people's input if it passes. He stated he is familiar with his home. He stated it faces away from the club and there's a lot of shrubbery along that one side so he's surprised he can even see the cart barn. He advised Mr. Hendricks that if he has concerns walls can be built or more shrubs could be planted. He stated the PDD can be designed to try to accommodate complaints.

Chad Hendricks questioned how they will protect his 7 year old.

Mayor Kruger stated that's a good question but asked him how he does it anyway.

Chad Hendricks stated the city lets him know if there's a sex offender in his neighborhood but Jim Otwell is not going to check that. He stated people will have the ability to walk out the door and do whatever they want in a residential neighborhood.

Mayor Kruger stated the reality is that it used to be a very big club and the dining room and bar were full but it ultimately failed due to economics. He stated this is as close to guaranteed success as you can get due to his wedding venue.

Chad Hendricks questioned why Mr. Otwell can't put the hotel on property he owns stating it would be a guaranteed success. He stated due to height restrictions somebody has to get hurt.

Mayor Kruger stated this is a PDD and things can be done to alleviate his concerns. He said he can't take responsibility for how to protect his children but we do have police. He stated believes property values will go up more than with what's there now.

Chad Hendricks asked to be given 90 days to provide them with a better proposal. He stated two feasibility studies have been done that were paid for by Highland Lakes; one on Bronco and one at the end of American. He stated the report on Bronco is very positive and the one at the end of American is very weak because it would be a resort hotel. He stated that's what Mr. Otwell and the city are getting themselves in the middle of. He stated you're tying yourselves to this hotel because you own the property next to it.

Mayor Kruger stated we have a blight in the most beautiful and scenic area of the city.

Chad Hendricks stated they should fix it without hurting anybody.

Mayor Kruger questioned whether he thinks opening a clubhouse would protect him.

Chad Hendricks stated a hotel hurts people. He indicated the Mayor has already made his decision.

Don Ross stated it is not the Mayor's position to take a position and that he should be neutral.

Mayor Kruger stated that was correct and apologized if people felt he was doing that.

Don Ross told the Mayor he thinks he has taken a position.

Chad Hendricks stated the Mayor lead Mr. Otwell through his presentation by questioning him.

Randal Frisbie, of 21908 Crystal Way, stated there are a lot of people here that are against this, noting that many probably didn't attend, and suggested the Council consider that.

Ron Baselice questioned the timetable for the work if the zoning change goes through.

Jim Otwell stated they would start pretty quickly. He stated it will probably take five to six months to refurbish the existing building and five to six months to design and build it.

Bill Wilson, of 20925 Waterside, stated we do need hotel but it is a bad move to put it in the middle of a residential area and property values will go down. He stated there are others places to put a hotel such as Bronco, 1431 and at the end of American Drive.

2. Mayor Kruger stated the purpose of the public hearing is to receive citizen input concerning rezoning about 2.4 acres on Bison Trail about 200 feet west of its intersection with Bluff Ridge from R-1A to PDD for a private drive and additional development standards.

Mayor Kruger opened the floor for comments from the Council and Commission.

Jim Moss questioned how local is "local" under M. of the modifications to the base district.

Brian Adams stated any local quarries in the Texas area. He stated he's just looking at not using something like brick shipped in from California or other things that wouldn't fit in with the architecture of the area.

Jim Moss referred to item N. of the modifications to the base district, and questioned what they will do about vehicle parking.

Brian Adams stated in the driveways.

Jim Moss questioned that it doesn't block any traffic.

Brian Adams stated that was correct.

D'Anne Gloris questioned whether the way into the homes on the back side would also be from Bison.

Brian Adams stated he has a hardship with these flag lots that would produce more or less 5 private roads due to the grading of that area. He was trying to help out many things by bringing one driveway down where it plateaus off and bringing it across as opposed to 5 across a steep slope. He stated it will help with water runoff and water quality issues and so forth.

D'Anne Gloris asked for clarification that the access to the properties on the back side will be from the new road.

Brian Adams stated it would be from one of the existing flag private roads as opposed to 5 entry points off of Bison.

Mayor Kruger stated it was his understanding that they're doing this primarily due to grading.

Brian Adams stated yes. He stated they will be paved roads with concrete ribbon curb. He stated there will be 7 lots and they will have to create an HOA to maintain the road.

Richard Brown asked whether it will be gated.

Brian Adams stated yes.

Jim Moss referred to item P. under the modifications to the base district stating it indicates what type of fences are not permitted and questioned what is permitted.

Brian Adams stated he guesses that leaves iron, or a rock and iron combination.

Jim Moss stated it says non-metal so he assumes that means rock.

Brian Adams stated non-metal refers to plastic or composite.

Jim Moss questioned they will decide what can and can't be done.

Brian Adams stated as soon as the owner gives him that answer.

Jim Moss questioned whether the "roundabouts" referred to under item 3 were for emergency vehicle access.

Mayor Kruger stated it was his understanding that it was designed so that if two cars meet on that single lane road they could get by each other and asked whether that was correct.

Brian Adams stated yes. He stated they also had the fire chief looked at the situation and he had no objections.

Jim Moss stated that it says a POA will be formed to provide maintenance of the road easement and questioned whether it has any other purpose.

Brian Adams stated no, other than the gate, the strips alongside the road, the road itself and any trees that may be in the easement.

Mayor Kruger opened the floor for comments from the Audience.

Carolyn Leveque, of 8709 Bluff Ridge Trail, stated she didn't understand and questioned what the impact on her would be and whether it would affect her view or increase any exit or access from either Bar K or Bison.

Brian Adams stated the benefits will be that there will be less access points to those lots off of Bison.

Carolyn Leveque questioned whether they're going to block off Bison in any way.

Brian Adams stated there will be one driveway coming off of Bison as opposed to five.

Sally Griffith, of 8709 Bluff Ridge Trail, questioned whether the road is going from the top of Bison to the bottom of Bison.

Brian Adams stated no it doesn't connect, it's a one way private road.

Sally Griffith questioned whether it would be gated.

Brian Adams stated yes.

Carolyn Leveque stated the only impact is going to be down Bison.

Brian Adams stated the impact should be better. He stated the lots are all buildable as is but it seems like there wasn't much thought given to the grading when they were platted.

Carolyn Leveque questioned why we have to go from R-1A to PDD for this project.

Frank Robbins stated he wanted a private drive which required some modifications to our existing standards, for instance, he wanted a shorter setback (10' as opposed to 25') and he's adding additional standards above those in our regulations, and the way to do that is with a PDD.

Sally Griffith questioned whether the additional development standards includes things like the gate.

Frank Robbins stated that is correct. He stated it also includes things discussed earlier like the kind of stone that

will be used and landscaping standards that are more restrictive than our current standards. He asked her to contact him and he could provide her with the entire list.

Brian Adams stated they are also installing all of the electric underground, they're installing one community mailbox and are requiring a higher finish on all of the driveways.

Sally Griffith asked for clarification that there would be five homes and asked if that is all or whether there is a plan to develop more.

Brian Adams stated there are 9 lots.

Frank Robbins stated the plan will be part of the PDD ordinance and they have to develop it exactly that way. He stated there won't be any more homes than what it's planned for.

Carolyn Leveque questioned whether they vote on this tonight, referring to the speaker forms.

Frank Robbins stated they can give it to us tonight or some other time. He stated the Council can accept them up until the time they vote.

Sally Griffith asked when the vote will be.

Frank Robbins stated probably in 2 weeks. He stated the Planning and Zoning Commission will consider it next Thursday and generally makes a recommendation to Council, and the Council would then decide in 2 weeks.

3. Mayor Kruger stated the purpose of the public hearing is to receive citizen input concerning rezoning about 20.52 acres in the Emerald Bend subdivision between Blue Jay Blvd., Cardinal Ave., Falcon Lane, and Crystal Way from R-1E to R-1T that would allow homes to be 35 feet tall.

Mayor Kruger opened the floor for comments from the Council and Commission.

There was a brief discussion by the Council regarding the request.

Mayor Kruger opened the floor for comments from the Audience.

Randal Frisbie, of 21908 Crystal Way, spoke in opposition to the request.

Dennis Glover, of 21802 Mockingbird St., spoke in opposition to the request.

Kim Hight, of 21802 Bluejay Blvd., spoke in opposition to the request.

Christina Frisbie, of 21908 Crystal Way, spoke in opposition to the request.

Dan Archer, of 3604 Revere Cove and owner of 21402 and 21404 Bluejay Blvd., spoke in opposition to the request.

Laura Kneblick spoke in opposition to the request.

Emma Lou Hight, of 21802 Bluejay Blvd., spoke in opposition to the request.

Michelle Seib, of 21906 Mockingbird St., spoke in opposition to the request.

Debby Moerbe, of 21603 Cardinal Ave., spoke in opposition to the request.

Leigh Harvey, of 21712 Bluejay Blvd., spoke in opposition to the request.

Chris Eagle, of 21401 Cardinal Way, spoke in opposition to the request.

There being no further comments, Mayor Kruger closed the Public Hearings and adjourned the meeting at 8:52 p.m.

Respectfully submitted,

Randy Kruger, Mayor

Tara Griffin, Chairperson
Planning and Zoning Commission

ATTEST:

Christina Buckner, City Secretary

On a motion by Council Member _____, seconded by Council Member _____, the above and foregoing instrument was passed and approved this 17th day of April, 2014.

The above and foregoing instrument was passed and approved by the Planning and Zoning Commission on the _ day of _____, 2014.

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
SEPTEMBER 5, 2013**

BE IT REMEMBERED that on the 5th day of September, 2013 the City Council held a Joint Public Hearing at 6:33 P.M., at K-Oaks Clubhouse, 7000 Bar K Ranch Road, in said City, there being present and acting the following:

Randy Kruger	Mayor	Dennis Jones	Interim City Manager
Richard Bohn	Mayor Pro Tem	Frank Robbins	Assistant City Manager
Darrel Hunt	Council Member	Danny Smith	Police Chief
D'Anne Gloris	Council Member	Christina Buckner	City Secretary
Ron Smith	Council Member		
Ed Tidwell	Council Member		

Mayor Kruger called the Joint Public Hearing to order and recognized that all Council Members were present except Dale Mitchell.

Paul Smith
Gary Zaleski
Jim Moss
Richard Brown
Vernon Reher

Jim Moss recognized that all members of the Planning and Zoning Commission were present except Bob Besett and Tara Griffin and a quorum exists.

PUBLIC HEARING:

1. Mayor Kruger stated the purpose of the public hearing is to receive citizen input concerning rezoning about 6 acres at the site of the old Highland Lakes club house at 20552 Highland Lakes Dr. from G-1 to Planned Development District (PDD) for a hotel and associated facilities.

Jim Otwell gave a presentation regarding the request.

Mayor Kruger opened the floor for comments from the Council and Commission. There was a lengthy discussion between the Council and Commission.

Mayor Kruger opened the floor for comments from the audience.

Doug Casey, President of the Lago Vista and Jonestown Economic Development Alliance, spoke in favor of the request on behalf of the EDA.

Dewey Nunley, of 20405 Green Cove, spoke in favor of the request.

Gene Hammonds, of 21401 Lakefront Dr. and owner of Highland Lakes Real Estate, spoke in favor of the request.

Bette Green, of 20569 Highland Lake Drive, spoke in opposition to the request.

Elaine Bohn, of 21640 High Drive, spoke in favor of the request.

Sherilyn Beal, of 20507 Highland Lake Dr., spoke in opposition to the request.

Bob Bradley, of 4127 Rockwood Dr., spoke in favor of the request.

Mary Cowan, of 17 Oaks Place, spoke in favor of the request.

Jim Sweat spoke in favor of the request.

Dale Beeber, of 20201 Byrd Ave., spoke in favor of the request.

Anna Roehrl, of Boone Dr., spoke in favor of the request.

Enrique Lopez, of 6002 Lynn Lane, spoke in favor of the request.

Doug Wagley spoke but was neither for or against the request.

Nancy Oliver, of 21005 Twisting Trl., spoke in favor of the request.

Jim Wood, of 9404 Rolling Hills Trl., spoke but was neither for or against the request.

Dorm Vincent, of Highland Lake Drive, spoke in favor of the request.

Kathy Tidwell, of 20573 Highland Lake Dr., spoke in opposition to the request.

Don DeGroot, of 20902 Magellan Cv., stated he was neither for or against the request.

Daniel Garza, General Manager of The Shores AT Lake Travis, stated he was neither for or against the request.

Risè Johns, of 20925 Waterside Dr., spoke in opposition to the request.

Kristina Tidwell, of 531 Demarett Dr., Point Venture, TX 78645, spoke in opposition to the request.

Keith Billington, of 4208 Hillside Drive, spoke in favor of the request.

Richard Skipper, of 3404 Amor Dr. #3208, spoke in favor of the request.

Dickie Halsted, of 20658 Highland Lake Drive, spoke in favor of the request.

There being no further comments, Mayor Kruger closed the Public Hearings and adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Randy Kruger, Mayor

Tara Griffin, Chairperson
Planning and Zoning Commission

ATTEST:

Christina Buckner, City Secretary

On a motion by Council Member _____, seconded by Council Member _____, the above and foregoing instrument was passed and approved this 17th day of April, 2014.

The above and foregoing instrument was passed and approved by the Planning and Zoning Commission on the _____ day of _____, 2014.

MINUTES
Thursday April 10th, 2014 Regular Meeting
Planning and Zoning Commission
City of Lago Vista

Chairperson Tara Griffin called the meeting to order at 7:03 P.M. at the City Municipal Building, 5803 Thunderbird Lago Vista, Texas. Members present were Tara Griffin, Jim Moss, Gary Zaleski, Paul Smith, Vernon Reher, Richard Brown, and Andy White. Bob Besett, Jr. was absent. Development Services Director David Harrell, City Council Liaison Dale Mitchell, Development Services Secretary Sherry McCurdy and Tim Haynie were also present.

1. PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.

There were no public comments.

2. CONSIDER THE MARCH 13TH, 2014 MINUTES.

On a motion by Paul Smith and seconded by Vernon Reher the Planning and Zoning Commission unanimously approved the March 13th, 2014 Planning and Zoning minutes.

3. SUB-1057 REPLAT OF LOTS 1-2 OF THE LAGO VISTA HIGH SCHOOL SUBDIVISION.

David Harrell presented his staff report.

There was a brief discussion regarding the re-plat.

On a motion by Paul Smith and seconded by Vernon Reher the Planning and Zoning Commission voted unanimously to recommend approval to the City Council of SUB-1057 with highlighted area on plat to be included. Voting members were Jim Moss, Tara Griffin, Gary Zaleski, Paul Smith and Vernon Reher.

4. FUTURE AGENDA ITEMS

Tara Griffin stated she would like all future agenda items from the four previous meetings to be reviewed. Tara would also like accessory structures used for occupation and the Future Land Use Map be placed on the agenda.

Jim Moss would like to receive updates on local developments.

On a motion by Vernon Reher and seconded by Paul Smith the Planning and Zoning Commission meeting adjourned at 7:30 P.M.

Tara Griffin, Chairperson

Sherry McCurdy, Development Services Secretary

On a motion by _____, seconded by _____, the above and foregoing instrument was passed and approved this 8th day of May, 2014.

MINUTES
Thursday April 16th, 2014 Special Meeting
Planning and Zoning Commission
City of Lago Vista

Chairperson Tara Griffin called the meeting to order at 7:00 P.M. at the City Municipal Building, 5803 Thunderbird Lago Vista, Texas. Members present were Tara Griffin, Jim Moss, Gary Zaleski, Paul Smith, Vernon Reher, Richard Brown, and Andy White. Bob Besett, Jr. was absent. City Manager Joseph Portugal, Development Services Director David Harrell, City Council Liaison Dale Mitchell and Development Services Secretary Sherry McCurdy were also present.

1. PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.

There were no public comments.

2. ZON 1028-HINES LAKE TRAVIS LAND II LIMITED PARTNERSHIP, REQUESTS TO AMEND ORDINANCES 09-12-17-01 AND 12-07-19-01, TESSERA ON LAKE TRAVIS PLANNED DEVELOPMENT DISTRICT, TO ALLOW FOR CHANGES IN SIGNAGE REQUIREMENTS; CHANGES TO THE HEIGHT OF THE ENTRY TOWER; DEVELOPMENT WITHIN THE PROJECT TO CONFORM WITH THE 2014 TEXAS DEPARTMENT OF LICENSING AND REGULATIONS CODE, INCLUDING EXCEPTIONS FOUND IN THIS CODE; AND TO PERMIT SCHOOLS, PUBLIC OR PRIVATE, INCLUDING ALL LEVELS UP TO AND INCLUDING SECONDARY AND EQUIVALENT CURRICULUM INCLUDING SUPPORT FACILITIES.

David Harrell presented his staff report.

Duke Kerrigan representing Hines gave a summary of changes being requested in the PDD Amendment and welcomed questions.

Tara Griffin opened the Public Hearing at 7:04 PM

There were no public comments.

Tara Griffin closed the Public Hearing at 7:05 PM.

The Planning and Zoning Commission members, David Harrell, Joseph Portugal and Duke Kerrigan discussed signage compared to The Hollows entrance, variance being requested for height of clock tower, reason for asking for variance that exceeds Lago Vista City Ordinance sign requirements, lighting, design of road and TXDOT approval of design, quality of signs being requested and possible precedent. Other topics discussed included possible special condition for time frame that temporary billboard could remain, number of signs being requested, placement of proposed signs, possible take down schedule, importance of using signs in marketing, visual mock up, way finding signs, community signs, 2014 TDLR ADA Code request, possible permitting of schools in Tessera, opposition to size of billboard, sign permits and HOA management of signs.

Gary Zaleski made a motion to accept the proposal of ZON-1028 presented by Duke Kerrigan acting on behalf of the Hines Corporation and send before City Council with a five year review by staff for items # 27 and 28 in the Amendment to Tessera Lake Travis PDD text. Jim Moss seconded the motion. The Commission voted 3 ayes (Gary Zaleski, Jim Moss and Vernon Reher) and 2 nays (Tara Griffin and Paul Smith) to recommend the PDD Amendment with the above noted conditions for approval to the City Council.

3. AMENDMENTS TO THE CITY'S ZONING ORDINANCE FOR THE CITY OF LAGO VISTA TO RECODIFY THE CITY'S BOARD OF ADJUSTMENT AND THE CITY'S PLANNING AND ZONING COMMISSION TO WITHIN THE CITY'S ZONING CODE, AS WELL AS MODIFY THE NUMBERS OF MEMBERS OF THE PLANNING AND ZONING COMMISSION, REMOVE ALTERNATES TO SUCH COMMISSION, AS WELL AS MODIFY SELECTION OF CHAIRPERSON, NOTICE REQUIREMENTS FOR SPECIAL EXCEPTIONS, POSTING DATES OF NOTICE SIGNS, AND LOCATION OF POSTING OF NOTICE SIGNS.

Joseph Portugal presented to the Commission the reasons for needing to make the planned changes. He explained the commission is being asked to change to a seven member voting board and become designated as the Airport Zoning Commission and the Board of Adjustment would be changed to a five member voting board. He went on to explain the change will take the Planning and Zoning Commission and the Board of Adjustment out of the Code of Ordinances and place them in the Zoning Ordinance.

Dale Mitchell recognizing that the Planning and Zoning is currently six members with two alternates and in light of what is being proposed as a seven member board with all to be voting members spoke with Mr. Besett. Mr. Besett realizing there was going to need to be a considerable amount of work done and due to his availability graciously resigned.

Tara Griffin opened the Public Hearing at 9:07 PM. There were no speakers for the Public Hearing. The Public Hearing was closed at 9:08 PM.

There was a discussion between the members of the Planning and Zoning Commission, Joseph Portugal, Dale Mitchell and David Harrell. Items discussed included terms of service, appointment of chairpersons, quorums and majority votes.

On a motion by Paul Smith and seconded by Vernon Reher the Planning and Zoning Commission voted unanimously to recommend approval to the City Council to change to a seven member Planning and Zoning Commission and a five member Board of Adjustment, City Council will select the Chairperson, leave where it is in Personnel, and change 3 votes to majority. Voting member were Jim Moss, Paul; Smith, Gary Zaleski and Vernon Reher.

4. AMENDMENTS TO THE CITY'S ZONING ORDINANCE FOR THE CITY OF LAGO VISTA RELATED TO THE AIRPORT OVERLAY DISTRICT TO PROMOTE THE REGULATION OF LAND USES AND HEIGHTS IN THE VICINITY OF THE AIRPORT, AS WELL AS MODIFICATIONS TO LAND USE NEAR THE AIRPORT TO ENSURE THE PROTECTION OF THE AIRPORT, AS WELL AS UPDATES TO THE ZONING DISTRICTS RECOMMENDED FOR EACH FUTURE LAND USE DISTRICT.

Items # 4 was postponed to the may 8th, 2014 Planning and Zoning Commission meeting.

On a motion by Vernon Reher and seconded by Paul Smith the Planning and Zoning Commission meeting adjourned at 9:45 P.M.

Tara Griffin, Chairperson

Sherry McCurdy, Development Services Secretary

On a motion by _____, seconded by _____, the above and foregoing instrument was passed and approved this 8th day of May, 2014.

Item #2

PLANNING & ZONING REPORT

TO: Chairwoman and Members of the Planning & Zoning Commission

FROM: David Harrell, Development Service Director

DATE: May 1, 2014

SUBJECT: Discussion and Consideration of future pathway on Boggy Ford Rd., ribbon curbs, bike/pedestrian trails, possibility of using 100 year floodplain for parkland use, backyard parking, accessory building ordinance, future land use map.

GENERAL INFORMATION:

Future pathway on Boggy Ford Rd, ribbon curbs, bike/pedestrian trails, possibility of using 100 year floodplain for parkland use.

To be discussed by Tim Haynie, City Engineering Consultant and David Harrell, Development Services Director at the time of hearing.

Backyard parking

Staff is providing the following code citations concerning this item.

Section 2 Definitions

PARKING SPACE: An area on a parking lot, enclosed or unenclosed, not on a public street, with an all-weather surface, used or intended, to be used for parking motor vehicles. The parking space must be connected to a street by an all-weather surface driveway, which may be an easement and which permits free ingress and egress.

Section 6 Supplementary Requirements

6.65 Storage and Parking of All Vehicles, Including Boats, Trailers, and Recreational Vehicles.

(A) Storage of junked or unlicensed vehicles, including recreational vehicles, boats and trailers, outside a building that completely screens it from view from any direction except from above, on any lot or parcel is prohibited. Covering the vehicle with any material is not screening.

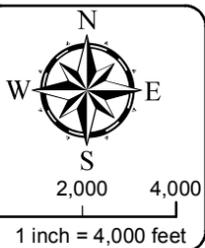
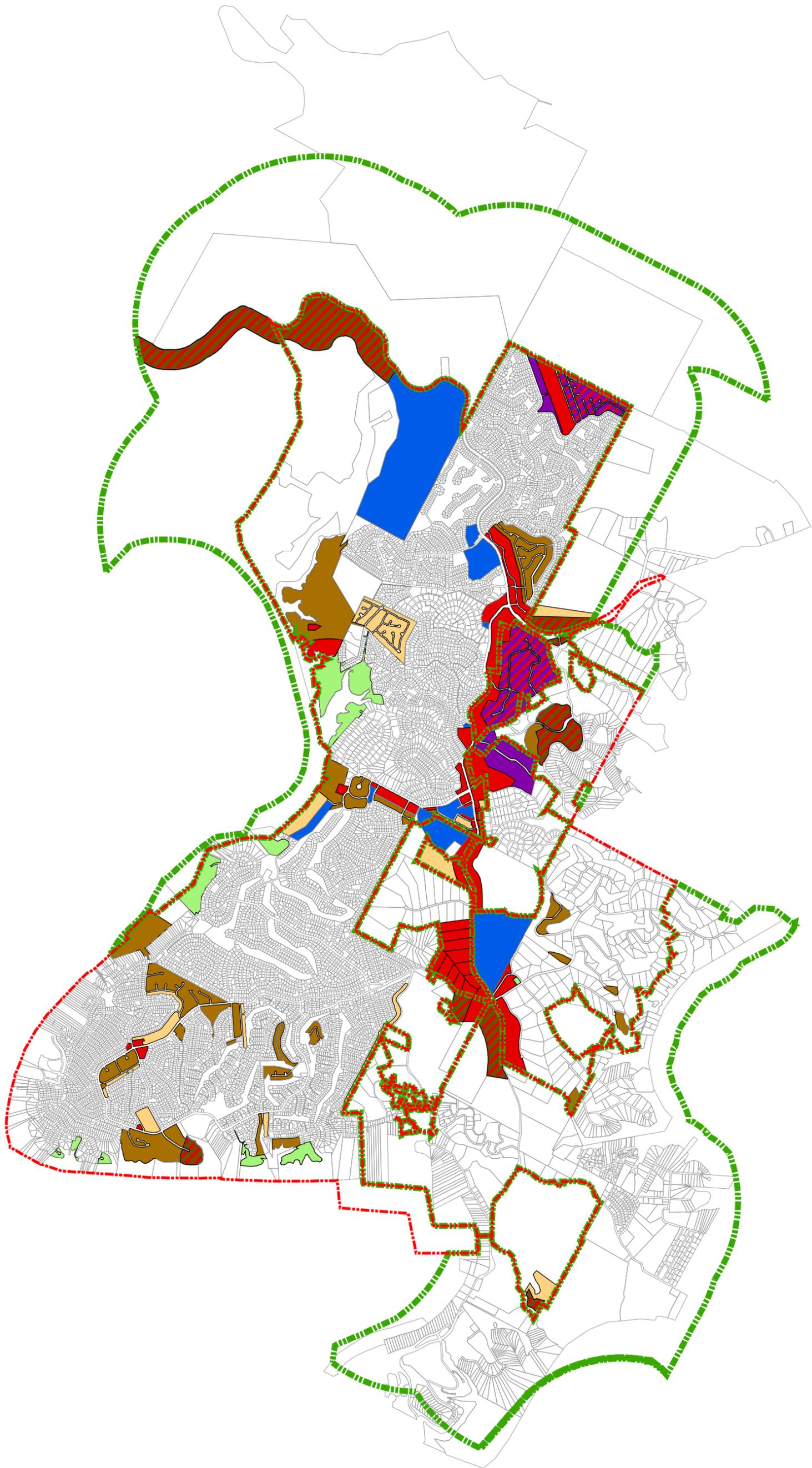
(B) (1) All vehicles, including but not limited to recreational vehicles, boats, trailers, commercial vehicles and trailers, that are not involved in permitted or authorized construction or development activity parked in front of the building setback line or in front of the rear yard in the side setback shall be on a concrete or asphalt driveway or parking apron, or an improved surface capable of supporting the vehicle such as concrete, asphalt, pavers or similar material.

Item #2

- (2) Such improved surface shall be located inside the property line of property with a principal (not accessory) use building.
 - (3) Such improved surface shall at all times be free of weeds, grass, refuse, debris, or standing water.
 - (4) Such improved surface shall be calculated as part of the lot's impervious cover, which shall not exceed 50%. The degree to which a parking surface is pervious shall be determined by the building official. The building official may require a registered professional engineer to certify that the improved surface is pervious or the degree to which the improved parking surface is pervious.
 - (5) No vehicles shall be parked or stored in the front yard or corner side yard facing a street not an alley unless the vehicle is parked or stored on a driveway.
 - (6) For purposes of this section, the front yard and corner side yard facing a street shall be the area between the building facing the street and the street, excluding the area outside lines drawn from the side of the building perpendicular to and extending to the street.
 - (7) Access to the improved parking surface need not be improved.
- (C) Vehicles parked in front of the setback building line or in front of the rear yard in the side setback by occupants or their guest are prohibited unless such parking is of a temporary nature to accommodate vehicles, including recreational vehicles, boats, and trailers belonging to a guest attending a function or visiting the occupants on an overnight type basis for a brief period of time (not to exceed 72 hours). Extended parking of guest vehicles may be authorized by permit issued by the Chief of Police.
- (D) Commercial vehicles and trailers of all types shall not be parked or stored on any lot in any residential district except in accordance with the following provision(s): No more than one (1) commercial vehicle, which does not exceed one and one-half (1-1/2) tons rated capacity, per family living on the premises shall be permitted, except when the vehicle or trailer is involved in construction, moving, or delivery of a product or service to the residence. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products or earth moving equipment or vehicles be permitted.

For purposes of this section a commercial vehicle is a motorized vehicle or trailer with a load capacity greater than 1-1/2 tons that is used in a commercial enterprise, or has a business or service or product sign on the vehicle, or whose principal use is to carry equipment or material.

6.70 Storage of Vehicles on Unimproved Property. Storage of any vehicle on unimproved property or vacant property that is not a parking lot built in accordance with the city code is prohibited unless such vehicle is involved in permitted or authorized construction or development activity.



Future Land Use Map EXHIBIT 1

Drawn By: CM

Date: 03/15 /2013

The City of Lago Vista, Texas

This document was made on 8.5 x 11 paper. If it appears otherwise, please scale accordingly.

Legend

- | | |
|--------------------------|------------------------------|
| Lago Vista City Limits | Commercial |
| Lago Vista ETJ | Industrial |
| Low Density Residential | Mixed Com & Indust |
| Med Density Residential | Mixed Com & High Density Res |
| High Density Residential | Parks |
| | Public/Semi Public |



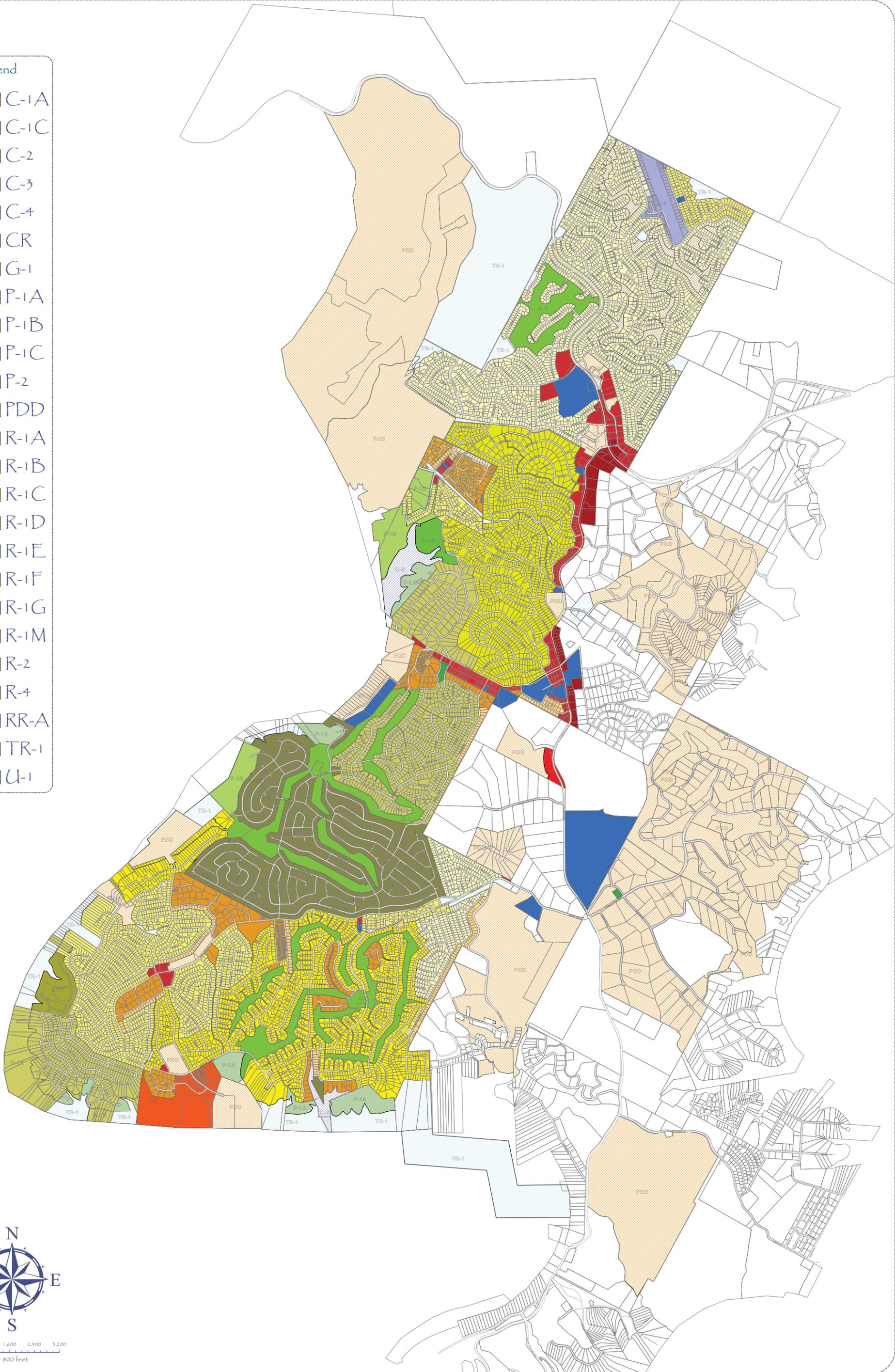
The City of Lago Vista, Texas

Zoning Map



Legend

-  C-1A
-  C-1C
-  C-2
-  C-3
-  C-4
-  CR
-  G-1
-  P-1A
-  P-1B
-  P-1C
-  P-2
-  PDD
-  R-1A
-  R-1B
-  R-1C
-  R-1D
-  R-1E
-  R-1F
-  R-1G
-  R-1M
-  R-2
-  R-4
-  RR-A
-  TR-1
-  U-1



0 800 1,600 2,400 3,200
1 inch = 800 feet

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Section 7 Minimum Parking and Loading Requirements

7.10 General Requirements.

(A) Off-Street Parking Space Required. Every use shall be provided with off-street parking spaces in accordance with the requirements specified herein.

(B) Automobile Parking Dimensions. The following basic dimensions shall be observed for parking and loading spaces.

(1) Standard Spaces. Each space shall have a vertical clearance of not less than 7.5 feet. Each space shall be independently accessible.

(2) Minimum standard parking area dimensions shall be as follows:

Type of Parking	Length 90° to Aisle (ft)	Width (ft)	Access Lane Width Two-Way (ft)	Access Lane Width One-Way (ft)	Width of Stall Parallel to Aisle (ft)
90 degree	18.5	9	24	24	9
60 degree	18	9'	20	17.5	11
45 degree	17	9	20	13.5	13
30 degree	16	9	20	12.5	18

(3) Handicapped Spaces. Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 13.0 feet wide by 18.5 feet long, with a vertical clearance of 7.5 feet, shall be located in an area not exceeding a 2% slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons. Parking spaces for the handicapped shall be restricted for use by the handicapped only. Handicapped parking shall be provided, designed, and marked in accordance with ADA standards.

(4) Access. Each parking and loading space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley. Each parking space and the adjacent maneuvering area shall be located entirely upon private property. Except for dwellings, there shall be adequate provisions for ingress and egress to all parking spaces, without the need to back into public rights-of-way.

(5) Stripping. In parking areas with five or more parking spaces the parking spaces shall be delineated by stripping the parking spaces.

(6) Construction. Parking areas shall be properly graded for drainage, surfaced with a two course treatment of asphalt and aggregate, asphaltic concrete, concrete, or pavers approved by the building official for one- and two-

Item #2

family parking or the city engineer for nonresidential parking. Temporary parking for parking greater than the number required by this Section may not have to be paved or have pavers, if approved by the city manager or his designee, for instance on land which is essentially solid rock.

(7) Required parking may not be obstructed.

(8) Parking space overhang. The length of a parking space may include a two-foot overhang of a curb or wheel stop, so long as the overhang is not over a walkway or there is no structure over six inches tall within the two feet.

(C) Floor Area. For purposes of determining the number of required parking spaces, requirements shall be based on gross floor area, unless stated otherwise below, but shall not include enclosed or covered areas used for off-street parking or loading.

(D) Location. All parking spaces required herein shall be located on the same lot as the building or use served, except as follows:

(1) Off-site Parking. Where an increase in the number of spaces is required by a change of use or where such spaces are used jointly by two (2) or more nonresidential buildings or establishments, the required space may be located not to exceed three hundred (300) feet from a building in a C-1, Commercial District, and not to exceed five hundred feet (500') from any other nonresidential building.

(2) Shared Parking.

a. Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, and the like or restaurants open only in the evening, and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

b. The city manager or his designee may approve shared parking based on an applicant-submitted parking study demonstrating significantly different peak parking demand.

(3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are jointly provided (shared parking) and used, a written agreement assuring their retention for such purposes shall be executed by the parties, approved by the City Attorney, recorded with the County of Travis, and filed with the application for a building permit.

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(4) Where off-street parking lots are provided in excess of the minimum amounts specified herein, or when off-street parking facilities are provided but not required by this chapter, they shall comply with the minimum requirements for parking specified herein.

(E) Mixed Uses. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(F) Building Enlargement. Whenever a building or its uses, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or other to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or uses is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall comply with the parking requirements set forth herein.

(G) Review by Building Official or City's Engineer. Off-street parking lots, including ingress and egress, for more than five (5) vehicles shall be reviewed by the Building Official or the city's engineer for compliance with this chapter prior to the issuance of a building permit or site development permit. The Building Official shall insure [ensure] compliance during inspections of construction.

7.20 Residential Parking.

(A) Single- and Two-Family Residential Districts. Two (2) off-street spaces per dwelling unit. Enclosed garages are required. The enclosed garage may be attached to or detached from the principal dwelling. This garage shall be a minimum of 400 square feet in area. All garages shall be set back from the street at least the same distance as required of the dwelling but in no case less than 20 feet.

(B) Mobile Home District. One (1) off-street parking space per dwelling unit shall be provided. Garages or carports may be constructed if they meet the requirements described in Subsection (A) above.

(C) Multifamily Residential District. One and one half (1-1/2) covered off-street parking spaces per each two (2) bedroom or more dwelling unit, or one (1) covered parking space for each one (1) bedroom or bachelor apartment shall be provided. Every unit shall be provided with at least sixty (60) square feet of enclosed storage space.

7.30 Nonresidential Parking.

(A) Restaurants. One (1) off-street space for each one hundred (100) square feet of customer floor area, including waiting area and outside dining area, shall be provided by lunch counters, nightclubs, indoor and drive-in restaurants, and all other similar dining and drinking establishments.

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(B) Auditorium. One (1) off-street space for each four (4) seats in the main auditorium shall be provided by churches, mortuaries, theaters, and motion-picture houses. The applicable International Building Code provisions shall be used to define capacity.

(C) Office and Retail Buildings. One (1) off-street space for each three hundred (300) square feet of gross floor area shall be provided by banks and other financial institutions, service stations, retail establishments, or office areas in wholesale establishments, shopping centers containing any combination of the above areas, all office buildings, medical and dental clinics, and laboratories.

(D) Child Care and/or Family Home Facilities. One (1) off-street space for each classroom shall be provided by these facilities. There shall further be provided an off-street driveway and loading space for a minimum of four (4) cars for the transferring of passengers.

(E) Health Institutions. One (1) off-street space for each four (4) employees (based on maximum employee shift), plus one and one-half (1-1/2), spaces for each four (4) patient beds, plus one (1) space for each staff doctor shall be provided by convalescent homes, homes for the aged or infirm, hospitals, and all other similar institutions.

(F) Industrial Uses. One (1) off-street space per one thousand (1,000) square feet of gross floor space shall be provided for all industrial uses.

(G) Transient Accommodations. One (1) off-street space for each bedroom shall be provided by tourist homes and other such transient accommodations.

(H) Vehicular repair and/or service. One space per service bay or 200 sq. ft. of gross floor area, whichever is greater shall be provided.

(I) Hotel/Motel. One space for each sleeping room, plus one space for every 400 square feet of meeting or assembly area and restaurant seating area shall be provided.

(J) Other. Parking requirements for parks, marinas, airports, bus depots, motor vehicle sales or repair establishments, truck terminals, terminal facilities, and all other personnel or material terminal facilities shall be determined by the city manager or his designee only after review of a site plan, and shall be based upon all relevant factors required to provide an adequate amount of parking to serve the public, including the size of the facility, number and type of patrons anticipated, and reasonableness when compared to similar facilities.

(K) Handicapped/Accessible Spaces. In each parking facility a portion of the total parking spaces shall be specifically designed, located, and reserved for vehicles licensed by the State for use by the handicapped, according to the following schedule:

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Total Number of Parking Spaces Provided per Lot	Total Minimum Number of Accessible Parking Spaces Van and Passenger	Van Accessible with Minimum 96" Wide Access Aisle	Passenger Vehicle 60" Wide Accessible Aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	1	8
501 to 1,000	2% of total spaces provided in each lot.	1/8 of total minimum accessible spaces.	7/8 of total minimum accessible spaces.
1,001 and over	20 plus 1 for each 100 over 1,000.	1/8 of total minimum accessible spaces.	7/8 of total minimum accessible spaces.

The spaces will be designed and constructed according to U.S. Department of Justice standards required by the ADA Standards for Accessible Design on file in the Development Services Department.

(L) Fractional Requirement. Where the application of the above standards result in a fractional requirement, a fraction of 0.5 or greater shall be resolved to the higher whole number.

(M) Maintenance. All parking lots for Multifamily and Commercial Districts shall provide adequate surfacing and screening so as to emit no offensive dust, dirt, glare, or noise. All parking lots and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such lots and facilities shall be maintained free of refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

7.40 Off-Street Loading Facilities.

(A) Any building in a Commercial District hereafter constructed or altered shall provide adequate off-street facilities for loading and unloading of merchandise and goods within or adjacent to the building. Loading space shall be provided in accordance with the following requirements:

Off-Street Loading Sq. Feet Floor Area	Spaces (min 12 X 45)
---	-----------------------------

Item #2

Under 10,000	0
10,000–75,000	1
75,000–150,000	2
150,000–200,000	3

(B) Loading Spaces. Each off-street loading space shall consist of a rectangular area not less than 12 feet wide and 45 feet long, with a vertical clearance of not less than 15 feet.

7.50 Adjustments. For a use of a site subject to a PDD, the minimum requirements of this section may be adjusted in their application provided such change is determined by the Council to provide improved design, usability, attractiveness, and protection to abutting uses, in a manner equal to or greater than the specific requirements of this section.

Accessory building ordinance

Staff is providing the following code citations concerning this item.

Section 2 Definitions

ACCESSORY BUILDING: A building detached from the principal building and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building.

DWELLING, SINGLE-FAMILY: A detached building designed and having facilities for year-round human habitation by one family only.

DWELLING, TWO-FAMILY: A detached building designed and having facilities for year-round human habitation by two families each in a separate dwelling unit.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

GUEST QUARTERS: An accessory dwelling located on the same lot as the principal building and used occasionally for habitation for guests but not for remuneration.

SCREENING DEVICE: Any wall or fence which does not contain openings and is constructed so as to create a visual barrier.

Item #2

SETBACK: The minimum required horizontal distance between the property line and the corresponding wall or any projection of a building, excluding uncovered steps, uncovered balconies, uncovered porches, and roof overhangs that are in accordance with the building code.

SHORT-TERM OCCUPANCY: Occupancy of a dwelling unit for less than 30 days. For purposes of this chapter, this term does not include occupancy by house guests for which no compensation of any kind is involved in the occupancy.

Section 6 Supplementary Requirements

6.10 Accessory Buildings and Uses. Construction, placement, operation, and maintenance of accessory buildings and uses shall comply with the following standards and procedures.

(A) Accessory uses and buildings shall not be permitted on a lot or parcel in the absence of a principal use or building on the lot or parcel except as provided in [Section 4.90](#) (commercial resorts), [Section 17](#) (conditional uses) of this chapter, or the lots or parcels with the principal and accessory use(s) or building(s) are platted into one lot. Once an accessory use such as an accessory building, boat dock or fence exists on a replatted or single lot, it cannot be subdivided until (1) a principal use or building is established on the lot containing the accessory building or use[;] or (2) the accessory use or building has been removed from the lot, unless otherwise approved in accordance with [Section 17](#), conditional uses, of this chapter.

(B) Residential Districts. In zoning districts permitting one- or two-family dwellings, accessory buildings and uses are permitted according to the following:

(1) Number. No more than two accessory buildings shall be permitted on a lot or parcel.

(2) Screening and Landscaping. For accessory buildings to be located on property (a) adjacent to a one- or two-family use or a zoning district that allows one- or two-family use[;] and (b) for which a wall or walls face and are closer than 25 feet to adjoining property, the accessory building wall shall be screened as follows:

(a) One shrub, cactus, tall ornamental grasses, dwarf palm or combination thereof that is/are at least two feet tall or from a five-gallon bucket shall be planted within four feet of the wall to be screened for every three feet or fraction thereof wall to be screened; and

(b) One tree at least 1-1/2 inches in diameter at 3.5 feet above the ground shall be planted within 10 feet of the wall to be screened for every 25 feet or fraction thereof wall to be screened.

(c) Existing shrubs or other low screening plants that are at least two feet tall and trees may be used to meet the screening requirement.

(d) In lieu of landscape screening, the accessory building wall may be screened by a solid fence or hedgerow that is at least six feet tall.

Item #2

(e) If the adjoining property to be screened has an existing solid fence or hedgerow that is at least six feet tall, screening of the accessory building is not required.

(f) Screening of accessory vehicular garages permitted in the front yard of a principal building is not required.

(3) Accessory buildings smaller than 120 sq. ft.

(a) Placement and setback. These buildings shall not be placed within the front yard. They may be placed within the side and rear yard, but no closer than five feet to a side or rear lot line. Setback from a corner side lot line shall be at least 15 feet.

(b) Height. These buildings shall be no taller than nine feet measured from the ground below the building and no taller than six feet at the eaves.

(4) Accessory buildings 120 sq. ft. and larger.

(a) Placement and setback. These buildings shall meet the same front, side and rear setback standards as the principal building, except any accessory building in a side yard or where the setback is less than 20 feet that is designed to store a vehicle with four or more wheels (a garage or RV storage building for instance) shall be setback at least 20 feet from a street right-of-way.

(b) Front-yard accessory garages. The only type of accessory building permitted in the front yard is a garage and it shall be at least 250 sq. ft. in size. They shall meet the same front setback standard as the principal building. At least 25% of the front-yard garage must be masonry that is the same type, material, color, and texture as that on the principal building. The other material/siding must be the same as on the principal building. The roof pitch should be similar to that of the principal building and the roof shall be the same material and color as the roof on the principal building. These accessory buildings shall not be taller than the principal building. Screening is not required.

(c) Architecture and material.

1. At least 25% of the building facade shall be masonry. This masonry shall be the same material, size, color, shape, and texture as that on the main building.

2. For accessory buildings other than front-yard accessory garages, other types of siding or facade material of the accessory building is unregulated and may be metal, except the facade shall be of a similar color as that of the principal building.

3. The roof pitch should be similar to that of the principal building.

Item #2

(d) Height. The maximum height shall be 18 feet measured from the ground below the accessory building.

(5) Carports. Carports are allowed in manufactured home zoning but only by conditional use permit in other zoning districts. In manufactured home districts, they may be attached or detached and there are no architecture or material standards.

(C) Commercial Districts.

(1) Accessory buildings incident to any of the listed commercial uses shall be allowed, provided that such be not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance, or not in compliance with Local, State, or Federal laws. No accessory building shall be constructed upon a lot until the construction of the main-use building has actually commenced, nor shall an accessory building be used unless the main use building on the lot is also being built or used.

(2) Setback. All accessory buildings must comply with the setback restrictions for the district in which the main-use building is located, as stated in [Table A](#), Table of Development Standards.

(3) Height. Height shall not exceed 18 feet measured from the ground below the accessory building.

(D) All Districts.

(1) Temporary buildings erected during the term of construction, including tents, shacks, shanties or other structures, or trailers or mobile homes, shall not be placed on any lot except for uses incidental to construction work on commercial projects. All temporary buildings shall be removed upon the completion or abandonment of construction work. Trailers or mobile homes shall not be permitted on lots during construction of residential buildings, unless authorized in writing by the city manager or his designee and may be permitted if a residential building that was significantly damaged or destroyed and is being rebuilt, replaced by another residential building or repaired.

(2) Boat docks and boathouses.

(a) Boat docks and boathouses anchored in the lake below the 681 elevation are exempt from number, location, setback, material, and screening standards.

(b) Boat docks and boathouses are not eligible for conditional use application without a principal building on the same or nearby lot that is owned by the boat dock owner.

(3) Aircraft parking. Improved parking pads or lots for aircraft on property that has direct aircraft ground access to an airport may be constructed without a principal building on the property.

Item #2

(4) Exceptions, Conditional Use Permit. A property owner may apply for a conditional use permit in accordance with the procedures of this chapter for any exception to any accessory building standard stated in this section, such as number, height, setback, screening, and architecture and material. The planning and zoning commission may recommend and the city council may decide to approve with additional conditions and restrictions a conditional use permit exception if a satisfactory aesthetic outcome would be achieved rather than following a standard herein.

(5) Accessory buildings for which a city permit was issued before September 1, 2011 that does not conform to the above standards shall be considered legally nonconforming, also known as “grandfathered.”

Future land use map.

Please see attachments to the report. Staff has provided a land use and zoning map for your review.

PLANNING & ZONING REPORT

TO: Chairwoman and Members of the Planning & Zoning Commission

FROM: David Harrell, Development Service Director

DATE: April 26, 2014

SUBJECT: Recommend Amendments to the City's Zoning Ordinance for the City of Lago Vista related to the Airport Overlay District to promote the regulation of land uses and heights in the vicinity of the airport, as well as modifications to land use near the airport to ensure the protection of the airport, as well as updates to the zoning districts recommended for each future land use district.

RECOMMENDATION:

Staff recommends approval.

ALTERNATIVES:

The Planning & Zoning Commission may:

- Recommend Approval Of The Ordinance Changes
- Recommend Denial Of The Ordinance Changes

GENERAL INFORMATION:

In order to facilitate development around the airport and provide for additional safety regulations in and around its airspace staff proposes the following changes to the City Code:

1. Modification to Chapter 14, Article 14.100, Section 2, Subsection 2.10 to add the following definitions:

AIRPORT: Lago Vista Rusty Allen Airport

AIRPORT, APPROACH RUNWAY: means a runway with any published approach procedure.

AIRPORT, APPROACH ZONE: The area longitudinally centered on the extended runway centerline and proceeding outward from each end of the primary zone for a distance of ten thousand (10,000) feet at a slope of 40:1 for a maximum width of sixteen thousand (16,000) feet at a horizontal distance. The width of the approach zone shall match the width of the primary zone at each runway end and shall expand uniformly to the stated width at the outer boundary.

AIRPORT, CONICAL ZONE: A surface which extends outward and upward from the periphery of the horizontal zone at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

AIRPORT, HAZARD: Any structure, tree, installation, electronic and/or visual interference, or use of land or water which obstructs the airspace required for flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT, HORIZONTAL ZONE: The area encompassing the runways, primary zones, approach zones, and transitional zones of the airport defined by swinging ten thousand (10,000) foot radii arcs from the intersection of the primary zone and the runway centerline at each runway end and connecting these arcs by tangent lines to form an enclosed shape.

AIRPORT, NAUTICAL HEIGHT ZONE: Height limitations on properties beyond the approach, conical, horizontal, and primary based on nautical miles from the airport as defined by this Chapter.

AIRPORT, OBSTRUCTION: means a structure, growth, or other object, including a mobile object, that exceeds a limiting height established by federal regulations or by an airport hazard area zoning regulation.

AIRPORT, PRIMARY ZONE: The area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway, with a width of two hundred and fifty (250) feet for non-precision instrument runway approaches and one thousand (1,000) feet for precision instrument runway approaches.

AIRPORT, RUNWAY: means a defined area of an airport prepared for the landing and taking off of aircraft along its length.

AIRPORT, RUNWAY ELEVATION: The airport runway elevation is defined at one thousand two hundred and thirty (1,230) feet above sea level.

AIRPORT, TRANSITIONAL ZONE: The area extending outward from the sides of the primary zones and approach zones and connecting to the horizontal zones and conical zones.

OVERLAY DISTRICT: A special zoning district overlaying an existing district as specified by Code. These districts place additional and/or special regulatory standards in addition to those required by this Chapter.

2. Addition of Chapter 14, Article 14.100, Section 4, Subsection 4.11 to establish the Airport Overlay District (AOD).

(A) Purpose. It is the intent of this overlay district to promote the regulation of land uses in the vicinity of the airport, to ensure the protection of the airport where it has been determined that they are an essential economic element of the City, County, and surrounding cities. It is also the purpose of this section to protect the health, safety, and general welfare of the public where it is recognized that aircraft accidents and excessive noise have the potential for endangering or harming the lives and or property of users or occupants of land in the vicinity of the airport that serve the City, preventing the destruction or impairment of the utility of an airport, and the public investment therein, and to aid and implement the overriding Federal and State interest in safe operation of airports and the security of land surrounding them.

(B) Permitted Uses. The permitted uses are specified in Table B, Table of Allowed Uses for Zoning for property located with the Bar K Subdivision, Block 15. Permitted Uses

(C) Development Standards. The permitted standards shall be as specified in Table A, Table of Development Standard for property located within the Bar K Subdivision, Block 15. Additional maximum heights shall be as follows within specific height zones at the ends of the runway:

1. Primary Zone: No Structure will be permitted within the primary zone, except those required to assist the takeoff and landing of aircraft, that is higher than the nearest point on the runway centerline.

2. Horizontal Zone: No Structure higher than one hundred fifty (150) feet above the airport elevation will be allowed within the horizontal zone without prior approval of the FAA.

3. Conical Zone: Height limitations vary within this zone from one hundred fifty (150) feet at the horizontal zone to three hundred fifty (350) feet at the outer edge of the conical zone. Height increase within the zone is one (1) foot vertically for every twenty (20) feet horizontally measured from the horizontal zone. Heights are measured from the official airport elevation.

4. Approach Zone: Maximum Structure or object height shall be calculated using the approach zone slope as defined in Airport, Approach Zone. The maximum height calculation shall be based on the closest horizontal distance between the primary surface and the Structure or object.

5. Transitional Zone: Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins, and increase at a rate of one (1) foot vertically for every seven (7) feet of horizontal distance measured at right angles from the runway centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the approach zone that extends beyond the conical zone.

6. Nautical Height Zones: No Structure shall be erected, to a height of two hundred (200) feet above the airport elevation within three (3) nautical miles; to a height of three hundred (300) feet between three (3) and four (4) nautical miles; to a height of four hundred (400) feet between four (4) and five (5) nautical miles; and to a height of five hundred (500) feet beyond five (5) nautical miles, unless it can be shown to meet all of the following tests:

i. That notice of proposed Construction or alteration has been given to the affected airport and the FAA as required by Part 77 of the Federal Aviation Regulations,

ii. That the proposed Structure will not raise the Federal Aviation Administration's established minimum descent altitude or decision

height for approach to any runway, or cause minimum obstruction clearance altitude or minimum en route altitude to be increased, and
iii. *That the Structure does not otherwise constitute an obstruction to air navigation.*

3. Addition of Chapter 14, Article 14.100, Section 6, Subsection 6.90 to establish restrictions within Two (2) Miles of the Airport

(A) No operation of Use shall produce smoke, glare, or other visual hazards.

(B) No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated with the Federal Aviation Administration's (FAA) Texas Airports Development Office prior to approval.

(C) All lights or illuminations used in conjunction with street, parking, Signs, or use of land and Structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public use airport or in vicinity thereof.

(D) The owner of any Structure over two hundred (200) feet above ground level within the City must install on that Structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular (AC) 70-7460-ID, as amended from time to time.

(E) Outdoor Lighting

No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:

1. Criteria

a. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e., long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.

b. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City.

2. Lighting Fixture Design

a. Fixtures shall be of a type and design appropriate to the lighting application.

b. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City may approve the use of luminaries that are Fully Shielded or comply with IESNA cutoff criteria.

c. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.

3. Billboards and Signs

a. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.

b. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.

c. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

d. The use of highly reflective signage that creates nuisance glare or a safety hazard is not permitted.

4. Criteria

a. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle

and fixture placement. Glare surface suppressants that effectively reduce glare may also be utilized.

b. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.

c. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.

d. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-Cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.

e. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

4. Modification of Chapter 14, Table A to establish the Airport Overlay District (AOD) Standards.

COMMERCIAL	Max. Impervious Cover %	Min. Living Area (sq. ft.)	Front Setback (ft.)	Rear Setback (ft.)	Min. Side-Yard Setback (ft.)	Total Side-Yard Setback (ft.)	Corner Setback (ft.)	Building Height (ft.)
<i>AOD – Airport Overlay District</i>	<i>80 if located in Bar K Block 15 Subdivision. Underlying zoning standards apply in other areas.</i>	<i>Buildings meet LI standards in Bar K Block 15 Subdivision. Underlying zoning standards apply in other areas.</i>						<i>60 if located in Bar K Block 15 subdivision. Underlying zoning standards apply in other areas*.</i>

** Additional maximum height restrictions within the primary, horizontal, conical, approach, transitional and nautical height zones may affect minimum height standards within the underlying zoning. See Section 4.11(C) for maximum heights and necessary maps.*

5. Modification of Chapter 14, Table B to establish the Airport Overlay District (AOD) Uses.

Accessory Building or Use; Aircraft hangar, servicing, repair, operations; Beverage Bottling or distribution; Carting, hauling, storage warehouse; Expressing, baggage, delivery service; Fire Station; Fuel storage; Heliports; Helistops; Laundromat; Laundry-commercial; Machine shop, metal products, welding; Manufacturing and Assembly; Mini warehouse (inside storage only); Mini

warehouse (with outside storage); Office, Medical and general; Open storage; Park-and-ride facilities; Parking lot, commercial; Police station; Public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities; Substation-public utility; Warehouse; Water tank-surface, subsurface, public; Wholesale distribution

CHAPTER 14

ZONING

ARTICLE 14.100 GENERAL PROVISIONS*

(Reserved)

ARTICLE 14.200 ZONING ORDINANCE

PART II. DEFINITIONS

Section 2 Definitions

2.10 Definitions: The words used in this chapter and not defined in this section shall have their ordinarily accepted meaning. For the purposes of this chapter the following words and phrases shall have the meaning respectively ascribed to them herein:

ABUTTING: Adjacent, joining at a boundary.

ACCESSORY BUILDING: A building detached from the principal building and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building.

ADJACENT: Abutting and directly connected to or bordering.

AIRPORT: Lago Vista Rusty Allen Airport

AIRPORT, APPROACH ZONE: The area longitudinally centered on the extended runway centerline and proceeding outward from each end of the primary zone for a distance of ten thousand (10,000) feet at a slope of 40:1 for a maximum width of sixteen thousand (16,000) feet at a horizontal distance. The width of the approach zone shall match the width of the primary zone at each runway end and shall expand uniformly to the stated width at the outer boundary.

AIRPORT, CONICAL ZONE: A surface which extends outward and upward from the periphery of the horizontal zone at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

AIRPORT, HAZARD: Any structure, tree, installation, electronic and/or visual interference, or use of land or water which obstructs the airspace required for flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

Exhibit 1

AIRPORT, HORIZONTAL ZONE: The area encompassing the runways, primary zones, approach zones, and transitional zones of the airport defined by swinging ten thousand (10,000) foot radii arcs from the intersection of the primary zone and the runway centerline at each runway end and connecting these arcs by tangent lines to form an enclosed shape.

AIRPORT, NAUTICAL HEIGHT ZONE: Height limitations on properties beyond the approach, conical, horizontal, and primary based on nautical miles from the airport as defined by this Chapter.

AIRPORT, OBSTRUCTION: means a structure, growth, or other object, including a mobile object, that exceeds a limiting height established by federal regulations or by an airport hazard area zoning regulation.

AIRPORT, PRECISION INSTRUMENT RUNWAY: means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

AIRPORT, PRIMARY ZONE: The area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway, with a width of two hundred and fifty (250) feet for non-precision instrument runway approaches and one thousand (1,000) feet for precision instrument runway approaches.

AIRPORT, RUNWAY: means a defined area of an airport prepared for the landing and taking off of aircraft along its length.

AIRPORT, RUNWAY ELEVATION: The airport runway elevation is defined at one thousand two hundred and thirty (1,230) feet above sea level.

AIRPORT, TRANSITIONAL ZONE: The area extending outward from the sides of the primary zones and approach zones and connecting to the horizontal zones and conical zones.

ALCOHOLIC BEVERAGE: Any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

AMUSEMENT CENTER OR PARLOR[:] Any establishment, whose primary purpose is for public entertainment, containing three or more pool or billiard tables, pinball, and electronic games offered for hire.

ANTENNA SUPPORT STRUCTURES:

- a) GUYED LATTICE ANTENNA STRUCTURE: A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

Exhibit 1

b) **LATTICE ANTENNA STRUCTURE:** A steel lattice, self supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

c) **MONOPOLE ANTENNA STRUCTURE:** A self supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless telecommunication transmission.

APARTMENT: Means a room or group of rooms used as a dwelling for one (1) family unit which includes full kitchen facilities for the preparation of meals and cooking therein.

APARTMENT HOTEL with Commercial: Means a building used or intended to be used for one, two or multiple living units for transient or permanent residents, in which building may be located on the first floor living units, and/or retail sales, office, and/or service uses.

AUTOMOBILE SERVICE STATION (Service Station): An establishment selling fuel for motor vehicles and/or performing any of the following services on motor vehicles:

- (A) Lubrication and oil change;
- (B) Installing parts and accessories, including tires, batteries and mufflers;
- (C) Tune-ups; and
- (D) Any minor repair or adjustment work[.]

BED AND BREAKFAST ESTABLISHMENT: An owner occupied dwelling unit that is used to provide Short-Term lodging for guests or “tourists” with a morning meal being provided.

BOARD: Board of Adjustment of the City of Lago Vista, Texas.

BOAT DOCK PRIVATE: A boat dock with one or more slips, located on residential property, which is used for private purposes and does not have services, other than electricity and water to it.

BOAT SLIP/DAY SLIP: A structure used strictly for the mooring of watercraft and has no other auxiliary services (such as a restaurant, retail shop or fuel sales).

BUILDING: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING HEIGHT:

Exhibit 1

(A) The vertical distance measured from the highest undisturbed natural grade of the applicable lot to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest gable of a pitched or hipped roof. Chimney height and the height of air-conditioning units, evaporative coolers, and other similar objects are excluded from total height considerations. (See [Section 6.15](#) herein).

(B) Special consideration may be given to the condition encountered when the highest point in elevation of the building lot is at or below the federally designated 100-year flood level.

(C) In an area below the elevation of the 100-year flood level, the first floor elevation will be one (1) foot above the federally designated flood level. In these cases, the maximum roof height of the building may be measured from one (1) foot above the federally designated flood level.

BUILDING OFFICIAL: The City Manager of City of Lago Vista, Texas or his designee.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

CHILD CARE INSTITUTION: A child care facility that provides care for any number of children of any age group, for all or part of the 24-hour day, including facilities known as children's homes, half-way houses, residential treatment camps, emergency shelters, and training or correction schools for children. This facility shall comply with all applicable Federal and State requirements. Schedule of allowed uses are C-1, C-2 and U-1.

CITY: The City of Lago Vista, Travis County, Texas.

CLUB: A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, and a constitution and bylaws.

COMMISSION: The Planning and Zoning Commission of the City of Lago Vista, Texas.

COMMON AREA: Means privately owned land and improvements within a townhouse, condominium, planned development, or community unit development including buildings, common open space, central services and utilities, streets, walks, parking areas, fencing and screening walls, landscaping, and any other elements and facilities under common ownership and available for the use of all owners or tenants.

COMMON OPEN SPACE: Means that portion of the common area which is designated for outdoor recreation area, private park, play lot, plaza, athletic court, swimming pool, fountain, stream or pond, ornamental landscaping or natural vegetation offering visual amenity, and which is open to general view and conveniently accessible to pedestrians within the project.

Exhibit 1

COMMUNITY CENTER: A facility used for recreational, social, educational, and cultural activities.

COMMUNITY HOME: A home for disabled persons in accordance with the Community Home for Disabled Persons Act, licensed or certified or operated by the State of Texas for the residence of not more than six persons, regardless of relationship, with disabilities and two supervisors.

COMPREHENSIVE PLAN: The Master Plan for the City of Lago Vista, Texas.

CONDITIONAL USE PERMIT: Permit authorized by the City Manager for an accessory structure after the primary use has been established on the same lot. Denial by the City Manager of a conditional use permit may be appealed to the Planning and Zoning Commission and the city council. A conditional use permit for a home occupation must meet the requirements of [Section 16](#).

CONDOMINIUM: Means a building or group of buildings in which dwelling units are owned individually, while the structure and common areas and facilities are owned by all the owners on a proportional, individual basis.

CONTIGUOUS: Property whose property lines are separated by only a street, alley, easement, right-of-way or buffer.

CONTOUR MAP: A map or plat prepared by a registered engineer, architect, or land surveyor which accurately reflects the surface of the area surveyed with contour intervals of two (2) feet within the building site area and with contour intervals of five (5) feet in all other areas where the slope exceeds two percent (2%).

COUNCIL: The City Council of the City of Lago Vista, Texas.

DEVELOPMENT: Any buildings, roads, and other structures; or any construction, excavation, dredging, grading, filling, and clearing or removing of vegetation.

DRIVE-IN SERVICE: The serving of a patron while in a motor vehicle or the permitting of consumption of food or drink while in a motor vehicle parked on the premises.

DWELLING, MULTIFAMILY: A building containing three or more dwelling units and a lot or tract of land with at least three dwelling units of which one or more detached one- or two-family dwellings are constructed as well as multifamily dwelling buildings.

DWELLING, SINGLE-FAMILY: A detached building designed and having facilities for year-round human habitation by one family only.

DWELLING, TWO-FAMILY: A detached building designed and having facilities for year-round human habitation by two families each in a separate dwelling unit.

Exhibit 1

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY: One or more persons related by blood, marriage or adoption occupying a living unit as an individual housekeeping organization. A family may include no more than three persons not related by blood, marriage or adoption.

FAMILY HOME FACILITY: A single-family residence in which a person who resides within the residence provides compensated care for children, provided that not more than six (6) children under fourteen (14) years of age, including children who live in the residence or whose care is provided without compensation, shall be cared for at any such facility, and provided further that compensated care shall not be provided in such facility for any child for an overnight stay or for a period in excess of sixteen (16) hours in any 24-hour period. A Family Home Facility shall comply with all applicable federal and state requirements.

FENCE: A fence or screen eighteen (18) inches or more in height made or constructed of any materials, including but not limited to living vegetation, e.g. trees, bushes, shrubs, the purpose of which is to provide protection from intrusion (physical and/or visual), to prevent escape, mark a boundary, or provide decoration. A wall shall be considered a fence unless it is a restraining wall for the purpose of diverting water and/or retaining soil. Traffic guardrails and railings along steps, ramps, decks or sidewalks are not considered fences or screening devices[.]

FRONT BUILDING LINE: Shall mean either the required front-yard setback line or the line which runs from the front wall of the structure and extends to the side property lines, whichever is further from the front property line.

GUEST QUARTERS: An accessory dwelling located on the same lot as the principal building and used occasionally for habitation for guests but not for remuneration.

HANGAR: Means a building or structure, suitable for the primary use of housing, storing and sheltering an aircraft, which is designed and constructed on C-4 district property accessible to aircraft from the municipal airport via a paved ramp.

HANGAR-RESIDENCE: Means a building or structure, suitable for the primary use of housing, storing and sheltering aircraft, which is designed and constructed on single-family residential property accessible to aircraft from the municipal airport via a paved ramp.

HELIPORT: An area of land or water or a structural surface which is used, or intended for use, for the landing and taking-off of helicopters, and any appropriate areas which are used for the storage, fueling, repair or maintenance of helicopters.

HELISTOP: An improved site (usually a concrete pad) or water where helicopters may land regularly but no hangars, fueling, repairs or maintenance activities are performed.

HOME OCCUPATION: An accessory use of a dwelling unit for gainful employment involving the manufacture, assembly, provision or sale of goods and/or services. The accessory use is

Exhibit 1

conducted entirely within the dwelling unit. The use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

HOME OCCUPATION PERMIT: A written permit issued by the City of Lago Vista authorizing a resident to establish a home occupation at his/her residence.

HOTEL: Means a building which is open to the public in which lodging is provided and offered for consideration with 24-hour rates to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, or inn. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined in Section 156.001, Tex. Tax. Code.

IMPERVIOUS COVER: Any structure including roof outline or surface not permitting the absorption of water.

INDUSTRIAL: A commercial enterprise designed for the production, manufacture, storage or assembly of goods or materials, or for the production of services oriented or ancillary to such purposes.

INDUSTRIALIZED BUILDING: A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems.

INDUSTRIALIZED HOUSING: A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residence and is erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term shall not mean nor apply to:

- (A) Housing constructed of sectional or panelized systems not utilizing modular components; or
- (B) Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

LIQUOR STORES: A store selling alcoholic beverages for off-premises consumption only.

Exhibit 1

LIVING AREA: The sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior structural walls for the purpose of computing the minimum allowable living area in a building unit. The living area measurement is exclusive of unfinished attics, breezeways, garages, carports, open and covered porches, decks, or accessory buildings not designed and used directly and specifically for dwelling purposes.

LOT: A designated parcel, tract or area of land, established by plat or otherwise as permitted by law, to be used, developed or built upon as a unit.

MARINA FACILITY: Any commercial or public structure or combination of structures for mooring or servicing of watercraft, with more than three mooring slips, and including all structures (docks, breakwaters, etc.) and associated anchoring facilities (e.g., fuel facilities, restaurants, etc.) which abut the water-based entity.

MOBILE HOME: A structure designed for, or used as semipermanent habitation and which is transportable on its own chassis in one or more sections and which is capable of being used without a permanent foundation.

MOBILE HOME PARK: Any area or tract of land where one or more mobile home lots or spaces are rented or held for rent.

MOTEL: An establishment providing sleeping accommodations for transients and in which access to rooms may be through a lobby and/or the rooms may have direct access without the necessity of going through a lobby.

NONCONFORMING FENCE, STRUCTURE, OR USE: A fence, structure, or use that does not conform to the standards or requirements of this chapter.

NONCONFORMING FENCE, STRUCTURE and USE, LEGAL (“grandfathered”): An activity, fence, use, or structure that was lawful and existing at a specific location on a date prior to the adoption of an ordinance that made it fail to conform to the present requirements of this chapter.

NUISANCE FACTOR: Any offensive or unpleasant thing which annoys or disturbs one in free use, possession, or enjoyment to of his property of which endangers one’s health or life or property, including but not limited to the following:

- (A) Noise
- (B) Electronic or atomic radiation
- (C) Dust
- (D) Effluent
- (E) Smoke

Exhibit 1

- (F) Vibration
- (G) Fumes
- (H) Shock waves
- (I) Odor
- (J) Gases
- (K) Glare
- (L) Vicious, mischievous, and barking dogs
- (M) Flashes
- (N) Unlawful diversion of drainage

OPEN AIR COMMERCIAL AMUSEMENTS: Any land, buildings, structures, devices or activities for amusement and profit visible from a public right-of-way, such as drive-in theaters, miniature golf courses, water slides, motor vehicle courses or tracts, and similar enterprises.

OVERLAY DISTRICT: A special zoning district overlaying an existing district as specified by Code. These districts place additional and/or special regulatory standards in addition to those required by this Chapter.

PARKING LOT: An area which contains five (5) or more off-street parking spaces.

PARKING SPACE: An area on a parking lot, enclosed or unenclosed, not on a public street, with an all-weather surface, used or intended, to be used for parking motor vehicles. The parking space must be connected to a street by an all-weather surface driveway, which may be an easement and which permits free ingress and egress.

PLANNED DEVELOPMENT DISTRICT (PDD): An area of land which is approved for development in accordance with a detailed plan which has been subjected to a specified approval process. All use regulations and physical restrictions for structures within a PDD are contained in the plan for that PDD.

RECREATION FACILITY, COMMERCIAL: A place designed and equipped for the conduct of indoor or outdoor sports and leisure-time activities and operated as a business and open to the public for a fee.

RECREATION VEHICLE: A vehicle designed for human habitation for recreational purposes and capable of being used on a highway. Recreational vehicles shall include a motor home, travel trailer, and camping trailer, but shall not include a mobile home.

Exhibit 1

RECREATIONAL VEHICLE PARK: Any area or tract of land where one or more recreational vehicle lots or spaces are rented or held for rent.

RESORT ACCESSORY USE: Means a use other than an enclosed building that is customarily incidental to a resort such as a swimming pool, shuffleboard court, miniature golf course, tennis court, frisbee golf course, golf driving range, golf putting course, jogging trail, volleyball or basketball court, pavilion, gazebo, and playground. Boat slips and fuel facilities are not considered accessory uses.

RESTAURANT: A commercial establishment at which food is prepared for consumption on or off the premises.

SCREENING DEVICE: Any wall or fence which does not contain openings and is constructed so as to create a visual barrier.

SETBACK: The minimum required horizontal distance between the property line and the corresponding wall or any projection of a building, excluding uncovered steps, uncovered balconies, uncovered porches, and roof overhangs that are in accordance with the building code.

SHORT-TERM OCCUPANCY: Occupancy of a dwelling unit for less than 30 days. For purposes of this chapter, this term does not include occupancy by house guests for which no compensation of any kind is involved in the occupancy.

SPECIAL USE PERMIT: A permit issued for a specific use or structure in accordance with the special use permit procedures in this chapter.

STRUCTURE: Anything constructed, assembled, or erected, the use of which requires location on the ground or attachment to something having location on or in the ground.

TOWNHOUSE: Means a structure on a separately platted lot, which is one of a series of three (3) or more attached dwelling units designed and used for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other, and which have their own front and rear access to the outside. No dwelling unit is located over another unit. A condominium apartment (as defined in Section 81, Tex. Prop. Code) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it.

TRAILER-COMMERCIAL USE: Every vehicle designed for carrying heavy machinery, vehicles, and equipment used for commercial purposes, and is drawn on the highway by a motor vehicle.

TRAILER-UTILITY USE: Every vehicle designed for carrying personal property, or recreational equipment such as golf carts, boats, and motorcycles, and is drawn on the highway by a motor vehicle.

Exhibit 1

VEHICLE: Every device by which any person or property may be propelled, moved or drawn upon a highway.

WIRELESS COMMUNICATION SYSTEM: means antennae and antenna support structures for mobile and land based telecommunications facilities including, but not limited to: Whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities, commercial mobile radio service and radio or television (commercial only) broadcasting towers and transmitting stations. This definition is inclusive of the placement of the above referenced equipment on a monopole tower, guyed steel lattice tower and any communication tower which does or does not utilize guy wire support in addition to existing buildings or other independent support structures. This system shall also allow as one of its components an unmanned equipment shelter.

YARD: An open space that lies between the principal building or buildings and the nearest lot line. This is the required minimum building setback.

PART III. ZONING DISTRICTS

Section 3 Establishment of Districts

3.10 Classification of Districts. The City of Lago Vista is hereby divided into the following zoning districts:

ABBREVIATED
DESIGNATION

ZONING DISTRICT

AOD

Airport Overlay District

R-0

Single-family, Zero Lot Line

R-1A through G

Single-Family Residential

R-1LL

Single-Family Residential, Large Lot

R-1M

Mobile Home

R-1T

Single-Family, Tall

R-2

Two-Family Residential

R-4

Multifamily Residential (Apartments, Townhouses and Single Family)

RR-A

Restricted Single Family With Aircraft

C-1A and C-1C

Professional, Business Office, Low Density Retail

C-2

Commercial; Large Scale

C-3

Commercial, Marina

C-4

Commercial, Airport

C-6

Commercial, Large Commercial/Retail

Exhibit 1

CR	Commercial Resort
U-1	Utility, Governmental, Educational, and Institutional
P, P-1A, P-1B, P-1C, P-2	Park District
G-1	Golf Courses & Supporting Facilities
LI	Light Industrial
PDD	Planned Development District
TR-1	Temporary Restricted zoning designation to be used upon property annexation.

3.20 Coordination with Other Documents. This chapter may overlap other city ordinances in the areas of land use and physical restrictions to construction within the City of Lago Vista and its extraterritorial jurisdiction. In the event of a conflict between this and other city ordinances, the following rules shall apply:

- (A) Conflicts concerning the physical size of a structure or its placement on a land parcel shall be resolved in favor of the more restrictive regulation.
- (B) Conflicts concerning the zoning classification of a particular land parcel or concerning the permitted uses within a zoning district shall be resolved in favor of this chapter.

3.30 Official Zoning Map. The city council of the City of Lago Vista, Texas provided for the division of the City of Lago Vista, Texas into Zoning Districts and its amendment pursuant to Title 7, Chapter 211, Section 211.005 of the Local Government Code by Ordinance 89-03-16-02 adopted 3/16/89. The locations and boundaries of zoning districts established by this chapter shall be recorded on an Official Zoning Map adopted and amended in the manner specified in this chapter. Recording on the official map is not a prerequisite to the effectiveness of a zoning ordinance.

- (A) Changes in the zoning classification of particular parcels of areas of land, approved by the Council in accordance with the provisions of this chapter, shall be noted promptly on the Official Zoning Map which shall be maintained in the city geographical information system (GIS). The ordinance that changed the Official Zoning Map shall be maintained in the office of the city secretary.
- (B) No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures in this chapter.
- (C) In the event that the Official zoning map becomes damaged, destroyed, lost or difficult to interpret, the Council may by Ordinance adopt a new Official Zoning Map which shall exactly duplicate the original except for updates, corrections of errors and omissions.

Exhibit 1

3.40. Rules for Interpreting District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries which appear to follow streets, roads or streams shall be construed to follow the centers thereof;
- (B) Boundaries which appear to follow the lines of lots or other parcels of record shall be construed as following such lines;
- (C) Boundaries which appear to follow City Limit lines shall be construed as following such lines; and
- (D) In case of uncertainty as to the true location of a district boundary line not covered by the above rules, the city council shall make a determination of the true location of such lines.

3.50 Zoning of Newly Annexed Areas.

- (A) Any land hereinafter annexed to the City of Lago Vista, Texas shall automatically be temporarily classified as TR-1 (Temporary Unzoned) until reclassified in accordance with this chapter.
- (B) The Commission and/or city council shall, as soon as practicable after the annexation of any territory to the City, institute proceedings on its own motion to give the newly annexed territory a permanent zoning classification.
- (C) Zoning may also be instituted by the city or the property owner of the land being annexed simultaneously with the consideration of annexing land. The ordinance permanently zoning newly annexed property shall be considered after the property is annexed.

3.60. Construction Permits in Newly Annexed Areas. Upon annexation, no existing building or structure within any territory newly annexed to the City of Lago Vista, Texas, shall be altered, remodeled, or constructed without a permit as required by the building code of the City of Lago Vista, Texas. In granting such permits the city manager or his/her designee shall ensure that proposed construction is in consonance with this chapter and state law.

Section 4 Use Regulations and Physical Restrictions

4.10 Use Regulations. No structure or land shall be used, and no structure shall be constructed, erected, placed, enlarged, altered, or continued, except as authorized by this chapter. Additionally, no building addition, accessory, fence, wall, patio or other improvement shall be commenced or erected, nor shall any addition to, or change or alteration therein, be made until such has been properly approved as specified in the city building codes and this chapter.

4.11 AOD Airport Overlay District

Exhibit 1

(A) Purpose. It is the intent of this overlay district to promote the regulation of land uses in the vicinity of the airport, to ensure the protection of the airport where it has been determined that they are an essential economic element of the City, County, and surrounding cities. It is also the purpose of this section to protect the health, safety, and general welfare of the public where it is recognized that aircraft accidents and excessive noise have the potential for endangering or harming the lives and or property of users or occupants of land in the vicinity of the airport that serve the City, preventing the destruction or impairment of the utility of an airport, and the public investment therein, and to aid and implement the overriding Federal and State interest in safe operation of airports and the security of land surrounding them.

(B) Permitted Uses. The permitted uses are specified in Table B, Table of Allowed Uses for Zoning for property located with the Bar K Subdivision, Block 15. Permitted Uses

(C) Development Standards. The permitted standards shall be as specified in Table A, Table of Development Standard for property located within the Bar K Subdivision, Block 15. Additional maximum heights shall be as follows within specific height zones at the ends of the runway:

1. Primary Zone: No Structure will be permitted within the primary zone, except those required to assist the takeoff and landing of aircraft, that is higher than the nearest point on the runway centerline.

2. Horizontal Zone: No Structure higher than one hundred fifty (150) feet above the airport elevation will be allowed within the horizontal zone without prior approval of the FAA.

3. Conical Zone: Height limitations vary within this zone from one hundred fifty (150) feet at the horizontal zone to three hundred fifty (350) feet at the outer edge of the conical zone. Height increase within the zone is one (1) foot vertically for every twenty (20) feet horizontally measured from the horizontal zone. Heights are measured from the official airport elevation.

4. Approach Zone: Maximum Structure or object height shall be calculated using the approach zone slope as defined in Airport, Approach Zone. The maximum height calculation shall be based on the closest horizontal distance between the primary surface and the Structure or object.

5. Transitional Zone: Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins, and increase at a rate of one (1) foot vertically for every seven (7) feet of horizontal distance measured at right angles from the runway centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the approach zone that extends beyond the conical zone.

Exhibit 1

6. Nautical Height Zones: No Structure shall be erected, to a height of two hundred (200) feet above the airport elevation within three (3) nautical miles; to a height of three hundred (300) feet between three (3) and four (4) nautical miles; to a height of four hundred (400) feet between four (4) and five (5) nautical miles; and to a height of five hundred (500) feet beyond five (5) nautical miles, unless it can be shown to meet all of the following tests:

i. That notice of proposed Construction or alteration has been given to the affected airport and the FAA as required by Part 77 of the Federal Aviation Regulations,

ii. That the proposed Structure will not raise the Federal Aviation Administration's established minimum descent altitude or decision height for approach to any runway, or cause minimum obstruction clearance altitude or minimum en route altitude to be increased, and

iii. That the Structure does not otherwise constitute an obstruction to air navigation.

4.15 R-0 Zero Lot Line District

(A) Purpose. This district is intended to provide for districts of single-family detached dwelling units where said units may be constructed on a designated lot line according to the plat and to protect the integrity of such districts by prohibiting the mixture of residential and incompatible nonresidential uses.

(B) Permitted uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning. Single-family detached dwelling units not built on a property line are permitted in this district.

(C) Development Standards. The maximum Building Height and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. All single-family structures must have twenty-five percent (25%) masonry on the exterior of the structure. Accessory uses shall be permitted as long as they meet all other codes and ordinances. Each unit may have one exterior side of the structure located with the roof eave or wall abutting the side property line. This sidewall will have no openings. No dwelling shall be closer than ten (10) feet to a neighboring dwelling or commercial structure, regardless of zoning category of the neighboring dwelling or commercial structure, and in no case shall the side building setback not where there is a zero setback be less than five feet. Only one lot line may be used as the zero lot line or where there will be a dwelling built on the side lot line with no building setback.

Exhibit 1

(D) Maintenance Easement. All property adjoining the “zero” lot line where a zero lot line dwelling would be constructed shall have a minimum five foot wide landscape, drainage, and maintenance easement in favor of the zero lot line dwelling property prior to issuance of a building permit for the zero lot line dwelling.

(E) Roof Overhangs. No roof or part of a roof or structure may extend beyond or overhang the lot line.

(F) Minimum Parking Area. Off-street parking shall be provided in accordance with [Section 7](#), herein.

4.20 R-1A through R-1G-Single-Family Residential Districts.

(A) Purpose. These districts are intended to include lands being used, or intended to be used, for single-family residential purposes and associated uses. The district is designed to provide sufficient, suitable residential neighborhoods, protected from incompatible uses, and provided with necessary facilities and service.

(B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.

(C) Development Standards. The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. All single-family residences must have twenty-five percent (25%) masonry on the exterior of the structure. For purposes of this calculation, the exterior shall not include the area of roofs or door or window openings.

R-1C. All residences in the R-1C district shall require not less than the minimum number of square feet of floor area and garage.

(D) Parking Area. Each dwelling shall include, off-street parking in accordance with [Section 7](#), herein.

4.22 R-1LL Single-Family Residential District, Large Lot.

(A) Purpose. This district is intended to include lands being used, or intended to be used, for low density single-family residential purposes and associated uses. The district is designed to provide sufficient, suitable residential neighborhoods, protected from incompatible uses, and provided with necessary facilities and service, preservation of rural character and environmentally sensitive land.

(B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.

Exhibit 1

(C) Development Standards. The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. All single-family residences must have twenty-five percent (25%) masonry on the exterior of the structure. For purposes of this calculation, the exterior shall not include the area of roofs or door or window openings.

(D) Parking Area. Each dwelling shall include, off-street parking in accordance with [Section 7](#), herein.

(E) Minimum lot size, width and depth. Minimum lot size shall be one acre. Minimum lot width measured at the front building setback line as shown on a plat or 25 feet, whichever is greater, shall be 130 feet. Minimum lot depth shall be 200 feet.

4.25 R-1M, Mobile Home District.

(A) Purpose. This district is intended to include lands, within the corporate limits of the City which are used, or intended to be used, for single-family, mobile home dwelling units not built on site.

(B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.

(C) Development Standards. The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in the [Table A](#), Table of Development Standard.

(D) Parking Area. Each dwelling shall include at least one (1) off-street parking space in accordance with [Section 7](#), herein. Garages are not required and carports are permitted.

(E) Additional Restrictions. The following additional restrictions shall apply to all mobile homes placed in this district:

(1) No mobile home may be placed on any lot or parcel of land until approved by the city manager or his/her designee as to size, condition, appearance, and placement.

(2) A small utility closet not larger than seven feet (7) by nine feet (9) in floor area and conforming in general appearance to the mobile home may be added to the mobile home.

(3) All mobile homes shall be securely tied down, blocked and skirted within ninety (90) days from date moved onto lot.

Exhibit 1

- (4) Skirting between mobile home and ground or slab must be enclosed with matching metal, masonry or other materials.

4.27 R-1T Single-Family Residential, Tall

- (A) Purpose. This district is intended to include lands being used, or intended to be used, for tall home single-family residential purposes and associated uses. The district is designed to provide sufficient, suitable residential neighborhoods, protected from incompatible uses, and provided with necessary facilities and service, preservation of rural character and environmentally sensitive land,[]
- (B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.
- (C) Development Standards. The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. All single-family residences must have twenty-five percent (25%) masonry on the exterior of the structure. For purposes of this calculation, the exterior shall not include the area of roofs or door or window openings.
- (D) Parking Area. Each dwelling shall include, off-street parking in accordance with [Section 7](#), herein.

4.30 R-2 Two-Family Residential District.

- (A) Purpose. This district is intended to include lands within the corporate limits of the City being used or intended to be used for duplex dwellings. This district is at moderate densities. It may be used as a transitional zone between low density residential and multifamily or commercial uses.
- (B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.
- (C) Development Standards. The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards. All two-family residences must have twenty-five percent (25%) masonry on the exterior of the structure. For purposes of this calculation, the exterior shall not include the area of roofs or door or window openings.
- (D) Parking Area. Each dwelling shall include off-street parking in accordance with [Section 7](#) herein.

4.35 R-4 [Multifamily] Residential District

Exhibit 1

- (A) Purpose. This district is intended to include lands within the corporate limits of the City used, or intended to be used, for apartment houses, townhouses, single-family, and for three or more dwelling units of any type on a single lot. It may be used as a transitional zone between low density residential and commercial uses.
- (B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.
- (C) Development Standards. The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards.
- (D) Minimum Parking Area[.] Each dwelling unit shall have off-street parking in accordance with [Section 7](#), herein.

4.40 C-1A and C-1C Professional, Business Office, Low Density Retail District

- (A) Purpose. These districts are intended to include lands within the corporate limits of the City which are used, or intended to be used, for professional offices, or groups of offices, and for limited retail convenience shopping and personal service shops providing day-to-day needs of the residents.
- (B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.
- (C) Development Standards. The maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.
- (D) Minimum Parking Area. Buildings and development in these districts shall have off-street parking in accordance with [Section 7](#), herein.

4.45 C-2 Commercial Zoning District.

- (A) Purpose. This district is intended to include lands within the corporate limits of the City to be used for the development of hotel/motel facilities, relatively large-scale administrative facilities, research facilities, specialized processing and assembling plants, manufacturing, and related undertakings which generate large degrees of traffic, might involve multi-shift employment, and might require large parcels of land, This district also provides space for financial, administrative, and business services compatible with the district's function as one focal point of community activity.
- (B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.
- (C) Development Standards. The maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.

Exhibit 1

(D) Minimum Parking Area. Buildings and development shall have an off-street parking unit in accordance with [Section 7](#), herein.

4.46 C-6 Large Commercial/Retail Zoning District.

(A) Purpose. This district is intended to include lands within the corporate limits of the City to be used for the development of super stores, shopping centers and related undertakings which generate large degrees of traffic, might involve multi-shift employment, and might require large parcels of land. This district also provides space for financial, administrative, and business services compatible with the district's function as one focal point of community activity.

(B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.

(C) Development Standards. The Maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.

(D) Minimum Parking Area. Buildings and development shall have off-street parking in accordance with [Section 7](#), herein.

4.47 LI Light Industrial Zoning District

(A) Purpose. This district is intended to include those lands and improvements within the corporate limits of the City used, or intended to be used, for functions related to the development of manufacturing or assembly facilities, warehouse or self storage facilities, machine shop or fabrication facility, automotive repair or body shop facilities, salvage or recycling facilities, cargo unloading or transfer facilities, electrical substations or generation facilities, asphalt or concrete production facilities, quarry, mining or rock crushing facilities, and any undertakings that might involve multi-shift employment and might require a large parcel of land.

(B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.

(C) Development Standards. The maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.

(D) Minimum Parking Area. Buildings and development shall have an off-street parking unit in accordance with [Section 7](#), herein.

4.50 C-3 Commercial Marina District.

(A) Purpose. This district is intended to include those lands and improvements within the corporate limits of the City used, or intended to be used, for functions

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related to the commercial docking, mooring, storage and servicing facilities for waterborne craft.

(B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning. If personnel-oriented recreational service, such as bar service, food service, grocery service, or recreation areas are desired, a PDD or special use permit shall be required. Additionally, all marinas shall comply with the provisions of the latest version of the Lower Colorado River Authority rules governing marinas.

(C) Development Standards. The maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.

(D) Minimum Parking Area. Buildings and development shall have an off-street parking unit in accordance with [Section 7](#), herein.

4.55 C-4 Airport District.

(A) Purpose. This district is intended to include lands within, the corporate limits of the City to be used for the commercial development of an airport, to include aircraft operating and refueling facilities, hangars and ramp space related to aviation. This district also provides space for financial, administrative, and business services compatible with the district's function as one focal point of community activity.

(B) Permitted Uses. The permitted uses are specified in [Table B](#) Table of Allowed Uses for Zoning.

(C) Development Standards. The Maximum Building Height, Minimum Yard Requirements, and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards and subsection (E) below.

(D) Minimum Parking Area. Buildings and development shall have an off-street parking in accordance with [Section 7](#), herein.

(E) Single-family residence within a C-4 structure is allowed based on the following conditions:

(1) Application. Any person proposing to establish a single-family residence within a C-4 structure shall apply for a building permit in conformance with the City's Building Ordinance. The application will include:

(a) The site plan shall be a survey or drawing on one or more pages which shall be drawn to scale with distances marked. The site plan shall provide the following information:

(1) The lot, tract or parcel covered by the site plan;

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- (2) The location of each existing building and use in the area covered by the site plan;
 - (3) The location and dimensions of the proposed residential unit, location and dimensions of all curb cuts, public and private streets, parking and loading area on and abutting the lot;
 - (4) Location and dimensions of the proposed residential unit;
 - (5) Location and dimensions of all proposed additional curb cuts, driveways and parking areas on and abutting the lot;
- (b) Information that there are adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
- (c) Information that the single-family residential unit will be located within a hangar or other commercial or business structure and occupied by the owner of the property;
- (d) The application shall contain such additional documentation as necessary to show that the structures and buildings as existing or proposed to be improved prior to occupancy will comply with the requirements of this chapter.
- (2) Parking. Two (2) off-street parking spaces shall be required in addition to the number of parking spaces required for the existing or proposed commercial and business use within the C-4 zoning district.
- (3) Minimum Living Area. The minimum living area required for any residential unit located within the C-4 zoning district shall be 750 square feet.
- (4) Building Code Requirements. Residential units within the C-4 zoning district shall comply with the building standards and regulations applicable to mixed-use occupancy. A certificate of occupancy for any such residential unit shall be issued only upon the residential unit being found to comply with the city building code requirements for mixed-use occupancy, including, but not limited to, requirements for firewalls, separation, ingress and egress, construction materials, etc.
- (5) Permits and Certificates. A building permit or certificate of occupancy will not be issued for any residential unit or occupancy within the C-4 zoning district unless the residential unit for which a permit or certificate is requested is in a mixed-use structure designed for use both as a single-family dwelling, and a hangar, or other commercial or business use. Such building permits and certificates of occupancy shall otherwise be issued upon compliance with the Building Code of the City.

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4.60 G-1 Golf Courses and Country Club District.

- (A) Purpose. This district is intended to include those lands and improvements within the corporate limits of the City used, or intended to be used, for functions related to the operation of golf courses and country clubs.
- (B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning[.]
- (C) Development Standards. The maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.
- (D) Minimum Parking Area. Off-street parking shall be provided in accordance with [Section 7](#) herein.

4.65 U-1 Utility, Governmental, Educational, and Institutional District.

- (A) Purpose. This district is intended to include those lands and improvements within the corporate limits of the City used, or intended to be used, for those functions which are normally supportive of governmental, educational, religious, public or City-wide activities which benefit the citizenry as a whole and often require large amounts of land.
- (B) Permitted Uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning.
- (C) Development Standards. The maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.
- (D) Minimum Parking Area. Off-street parking shall be provided in accordance with [Section 7](#) herein.

4.70 P-Park District.

- (A) Purpose. This district is intended to include lands within the corporate limits of the City which are used, or intended to be used, for development of parks, greenbelts, and campgrounds.
- (B) Permitted Uses:
 - (1) The permitted uses are specified in this Section.
 - (2) Boat launching facilities may be constructed for any P-1 park area abutting Lake Travis. Other facilities, structures, and/or buildings may be permitted depending on the Park classification. There are four (4) classifications of parks. Their type and permitted uses are as follows:

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(a) P-1A-Undeveloped Park (Active). No structures shall be permitted except for barbecue pits, small picnic shelters, bathhouses, game courts and/or restroom facilities.

(b) P-1B-Developed Park Districts (Active). Usages permitted in P-1A, plus playing fields, swimming pools and similar recreational structures, marina, large picnic shelters, administrative offices for the park proper [property] and property owners association, equipment rental and snack shops, community center and on-site residence for a park manager meeting R-1A (single-family residence) or R-1M (single-family mobile home) standards.

(c) P-1C-Park-Campground Districts (Active). Usages permitted in P-1B, plus campsites, recreational vehicle sites and utility hookups, cabana and lean-to shelters, and group shelters, cooking and eating facilities ancillary to family or group camping.

(d) P-2-Park and Greenbelt District (Passive). No structures shall be permitted except for benches, water fountains, and children's playground equipment.

(C) Development Standards. The Maximum Building Height and Minimum Yard Requirements shall be as specified in [Table A](#), Table of Development Standards.

(D) Minimum Parking Area. Off-street parking shall be provided in accordance with [Section 7](#) herein.

4.75 TR-1-Temporary Restricted.

Purpose. This district is intended to include lands within the corporate limits of the city which have been newly annexed or which are to be held in status quo until permanent zoning is adopted for the property.

No development or construction of buildings is permitted until the property is permanently zoned.

4.80 RR-A Restricted Residential with Aircraft

(A) Purpose. This district is available only to residential property that abuts the municipal airport or C-4 zoning at a location at which a permit may be issued in compliance with the applicable rules and regulations of the Federal Aviation Administration, the Rusty Allen Airport Property Owners Association, and the applicable restrictive covenants, if any, provided in any grant or contract with a Federal or State agency. The purpose of this district is to provide an appropriate zoning district so that qualifying property may be used for a single-family dwelling with a hangar, and has "through the fence" access to the municipal airport.

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(B) Permitted Uses. The permitted uses in the RR-A District shall be a single-family dwelling with a hangar-residence.

(C) Parking. Each dwelling in the RR-A District shall include a covered, off-street parking area, as required in the zoning ordinance for single-family dwellings, and a hangar-residence.

(D) Development Standards. The Minimum Yard Requirements, Minimum Area of Dwelling, Height, and Setbacks are set forth in [Table A](#), Table of Development Standards.

[(E) Reserved.]

[(F) Reserved.]

(G) Special Requirements. No property shall be zoned RR-A save and except:

(1) Such property shall abut property adjoining the municipal airport and zoned C-4 and shall have an easement or taxiway to the municipal airport;

(2) The owner of the property shall hold a valid City permit and any easement required to access the municipal airport by aircraft from the property being zoned RR-A; and

(3) The owner of the property shall give written assurance that his or her access to the municipal airport and use of the airport property and facilities shall be subject to and in conformance with the rules and regulations of the City, the Rusty Allen Airport Property Owners Association, and Federal and State agencies; and

(4) All hangars shall be required to have doors for each entrance/exit capable of reasonably securing the hangar, and shall be attached directly to the residence or connected to the residence by a breezeway;

(5) The hangar and driveway shall be designed and constructed in a manner to prevent the aircraft from exiting to or entering any public street from the property; and

(6) Aircraft are required to be housed in their hangars and are not permitted to be tied down or parked elsewhere on the lot except for aircraft of guests temporarily visiting the occupants, which may be tied down for a period not to exceed three days.

(H) A building permit or certificate of occupancy will not be issued for any property in the RR-A zoning district unless the application for a building permit, and the completed construction for which a certificate of occupancy is requested, makes

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provision for both a single-family dwelling and a hangar. The building permits may be separately issued provided that both the residence and the hangar must be completed within twelve (12) months from the date the first building permit is used for either structure. No certificate of occupancy shall be issued for either structure until both structures are complete and in compliance with the ordinances and codes of the City. Building permits and certificates of occupancy shall otherwise be issued in compliance with the Building Code of the City.

4.90 CR [Commercial] Resorts District

(A) Purpose. This district is intended to provide a mixed-use development of residential, retail, office, hotel/motel, commercial, recreational and similar uses in a park-like setting. These regulations facilitate a mix of land uses not provided for in other zoning districts. These regulations protect adjacent development from adverse impacts, promote economic development, and promote efficient and coordinated land use through physical design standards. Physical design standards include lighting, building facades, signage, colors, landscaping and extensive open space. It is the intent to allow a variety of employment opportunities and to allow development to occur in a single stage or in approved development phases. Development shall be consistent with a CR Master Development Plan approved by the city council after conducting a public hearing and following the same procedures for a change in zoning.

(B) Permitted uses. The permitted uses are specified in [Table B](#), Table of Allowed Uses for Zoning, but only after the use has been approved by the city council as shown on a CR Master Development Plan.

(C) Additional Permitted Uses. Condominium marinas are allowed in the CR Zoning District so long as the owner or property owner association for the Condominium Marina establishes and maintains a contractual relationship with one or more of the primary land use facilities located in the CR Zoning District. Condominium Marinas must obtain the appropriate marina permits from the LCRA or provide a letter from the LCRA that permits are not required. Condominium marinas must fulfill and meet the requirements of the City's Site Development Ordinance and obtain appropriate building permits prior to construction or expansion.

[(D) Reserved.]

[(E) Reserved.]

(F) Development Standards - The maximum Building Height and the Minimum Area of Dwelling shall be as specified in [Table A](#), Table of Development Standards and as may be shown on an approved CR Master Development Plan.

(G) Minimum Parking Area. Off-street parking shall be provided in accordance with [Section 7](#), herein.

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Section 6 Supplementary Requirements

6.10 Accessory Buildings and Uses. Construction, placement, operation, and maintenance of accessory buildings and uses shall comply with the following standards and procedures.

(A) Accessory uses and buildings shall not be permitted on a lot or parcel in the absence of a principal use or building on the lot or parcel except as provided in [Section 4.90](#) (commercial resorts), [Section 17](#) (conditional uses) of this chapter, or the lots or parcels with the principal and accessory use(s) or building(s) are platted into one lot. Once an accessory use such as an accessory building, boat dock or fence exists on a replatted or single lot, it cannot be subdivided until (1) a principal use or building is established on the lot containing the accessory building or use[;] or (2) the accessory use or building has been removed from the lot, unless otherwise approved in accordance with [Section 17](#), conditional uses, of this chapter.

(B) Residential Districts. In zoning districts permitting one- or two-family dwellings, accessory buildings and uses are permitted according to the following:

(1) Number. No more than two accessory buildings shall be permitted on a lot or parcel.

(2) Screening and Landscaping. For accessory buildings to be located on property (a) adjacent to a one- or two-family use or a zoning district that allows one- or two-family use[;] and (b) for which a wall or walls face and are closer than 25 feet to adjoining property, the accessory building wall shall be screened as follows:

(a) One shrub, cactus, tall ornamental grasses, dwarf palm or combination thereof that is/are at least two feet tall or from a five-gallon bucket shall be planted within four feet of the wall to be screened for every three feet or fraction thereof wall to be screened; and

(b) One tree at least 1-1/2 inches in diameter at 3.5 feet above the ground shall be planted within 10 feet of the wall to be screened for every 25 feet or fraction thereof wall to be screened.

(c) Existing shrubs or other low screening plants that are at least two feet tall and trees may be used to meet the screening requirement.

(d) In lieu of landscape screening, the accessory building wall may be screened by a solid fence or hedgerow that is at least six feet tall.

(e) If the adjoining property to be screened has an existing solid fence or hedgerow that is at least six feet tall, screening of the accessory building is not required.

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- (f) Screening of accessory vehicular garages permitted in the front yard of a principal building is not required.
- (3) Accessory buildings smaller than 120 sq. ft.
- (a) Placement and setback. These buildings shall not be placed within the front yard. They may be placed within the side and rear yard, but no closer than five feet to a side or rear lot line. Setback from a corner side lot line shall be at least 15 feet.
 - (b) Height. These buildings shall be no taller than nine feet measured from the ground below the building and no taller than six feet at the eaves.
- (4) Accessory buildings 120 sq. ft. and larger.
- (a) Placement and setback. These buildings shall meet the same front, side and rear setback standards as the principal building, except any accessory building in a side yard or where the setback is less than 20 feet that is designed to store a vehicle with four or more wheels (a garage or RV storage building for instance) shall be setback at least 20 feet from a street right-of-way.
 - (b) Front-yard accessory garages. The only type of accessory building permitted in the front yard is a garage and it shall be at least 250 sq. ft. in size. They shall meet the same front setback standard as the principal building. At least 25% of the front-yard garage must be masonry that is the same type, material, color, and texture as that on the principal building. The other material/siding must be the same as on the principal building. The roof pitch should be similar to that of the principal building and the roof shall be the same material and color as the roof on the principal building. These accessory buildings shall not be taller than the principal building. Screening is not required.
 - (c) Architecture and material.
 1. At least 25% of the building facade shall be masonry. This masonry shall be the same material, size, color, shape, and texture as that on the main building.
 2. For accessory buildings other than front-yard accessory garages, other types of siding or facade material of the accessory building is unregulated and may be metal, except the facade shall be of a similar color as that of the principal building.
 3. The roof pitch should be similar to that of the principal building.

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(d) Height. The maximum height shall be 18 feet measured from the ground below the accessory building.

(5) Carports. Carports are allowed in manufactured home zoning but only by conditional use permit in other zoning districts. In manufactured home districts, they may be attached or detached and there are no architecture or material standards.

(C) Commercial Districts.

(1) Accessory buildings incident to any of the listed commercial uses shall be allowed, provided that such be not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance, or not in compliance with Local, State, or Federal laws. No accessory building shall be constructed upon a lot until the construction of the main-use building has actually commenced, nor shall an accessory building be used unless the main use building on the lot is also being built or used.

(2) Setback. All accessory buildings must comply with the setback restrictions for the district in which the main-use building is located, as stated in [Table A](#), Table of Development Standards.

(3) Height. Height shall not exceed 18 feet measured from the ground below the accessory building.

(D) All Districts.

(1) Temporary buildings erected during the term of construction, including tents, shacks, shanties or other structures, or trailers or mobile homes, shall not be placed on any lot except for uses incidental to construction work on commercial projects. All temporary buildings shall be removed upon the completion or abandonment of construction work. Trailers or mobile homes shall not be permitted on lots during construction of residential buildings, unless authorized in writing by the city manager or his designee and may be permitted if a residential building that was significantly damaged or destroyed and is being rebuilt, replaced by another residential building or repaired.

(2) Boat docks and boathouses.

(a) Boat docks and boathouses anchored in the lake below the 681 elevation are exempt from number, location, setback, material, and screening standards.

(b) Boat docks and boathouses are not eligible for conditional use application without a principal building on the same or nearby lot that is owned by the boat dock owner.

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(3) Aircraft parking. Improved parking pads or lots for aircraft on property that has direct aircraft ground access to an airport may be constructed without a principal building on the property.

(4) Exceptions, Conditional Use Permit. A property owner may apply for a conditional use permit in accordance with the procedures of this chapter for any exception to any accessory building standard stated in this section, such as number, height, setback, screening, and architecture and material. The planning and zoning commission may recommend and the city council may decide to approve with additional conditions and restrictions a conditional use permit exception if a satisfactory aesthetic outcome would be achieved rather than following a standard herein.

(5) Accessory buildings for which a city permit was issued before September 1, 2011 that does not conform to the above standards shall be considered legally nonconforming, also known as “grandfathered.”

6.15 Air-Conditioning Units.

(A) Air-conditioning units, evaporative coolers, and other similar objects, if placed upon or above the roof of a multifamily or commercial structure shall be architecturally concealed from the front street right-of-way.

(B) Roof-mounted air-conditioning units and evaporative coolers, if placed on a residential structure, shall be architecturally concealed from the front street right-of-way.

6.20 Clotheslines. Clotheslines shall be placed to be concealed from view from the front street right-of-way.

6.25 Disturbance of Lot Conformation.

(A) No parcel of land shall be disturbed by grading, filling, removal of rock, soil, or mineral matter until the owner has received the necessary permits and is in compliance with the City’s Building or Site Development Ordinances regulating building of permanent commercial and residential structures.

(B) Any cut or fill in excess of four (4) feet shall be subject to review by the city manager or his/her designee and may require a permit application prepared by a registered professional engineer.

(C) Compaction of all fill and back material shall be in accordance with accepted standards and as approved by the city manager or his/her designee.

(D) No parcel of land shall be disturbed or altered deliberately in any way that would permit additional quantities of water from any source, other than what nature

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originally intended, to flow from his property onto any abutting property that would create an adverse affect on the abutting property or public right-of-way, as determined by the city manager or his designee.

Section 6.30 Repealed by Ordinance 01-05-03-01. Reserved for future use.

6.32 Enclosure of Swimming Pools.

(A) Enclosure Required. Every outdoor swimming pool constructed or installed after the effective date of this ordinance shall be completely enclosed, by a fence, or a wall, or a combination thereof, which is not less than four (4) feet in height. The fence and/or wall shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates. If a picket fence is erected or maintained, the horizontal spacing between pickets shall not exceed four (4) inches. The walls of a dwelling, house, or accessory building may be used as part of such enclosures.

(B) Gates. All gates and doors opening through an enclosure required pursuant to subsection (A) above shall be equipped with a self-closing device for keeping the gate or door securely closed at all times when not in actual use, provided that a door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped.

(C) Applicability. Subsection (A) above shall be applicable to all existing swimming pools, other than indoor pools, effective April 15, 2003. No person in possession of land within the city, whether as owner, purchaser, lessee, or tenant upon which a swimming pool is constructed or installed shall fail to provide and maintain a secure enclosure around such swimming pool.

(D) Modifications. Persons owning pools may make application to the city council which may authorize modifications and variances in individual cases upon a showing of good cause with respect to the height, nature or location of the fence, wall, gate or latch, or the necessity therefore [therefor], provided the minimum level of protection and security intended by this ordinance is not reduced thereby. The city council may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, gates, and latch required.

(E) Exceptions. The requirements of this subsection shall not apply to swimming pools that are constructed, operated, and maintained in conjunction with a motel or hotel which operates twenty-four (24) hours per day and which provides such pool for the use of its tenants and their guests, or that are covered by and subject to the State requirements governing pools for multiunit rental complexes and property associations set forth in Chapter 757 of Title 9 of the Texas Health and Safety Code.

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(F) Definitions. The term “swimming pool,” as used herein, shall mean a body of water in an artificial or semiartificial receptacle, structure or container located outdoors, either above ground or below ground, used or intended to be used for public, semipublic, or private swimming, and shall include swimming pools used or intended to be used solely by the owner or others without payment of any fee.

6.35 Livestock, Poultry and Pets.

(A) No animals, livestock or poultry of any kind shall be raised, bred or kept outside or in a structure designed to feed them, unless permitted by SUP or PDD. Dogs, cats or other household pets may be kept provided there is no commercial breeding purpose and they are not kept in quantities which create an annoyance or nuisance.

(B) Exceptions are as follows:

(1) Horses are allowed on lot 1980, Lago Vista Estates, Section 6.

(2) Farm operations that have been in existence for at least one year before October 1, 2009, annexed after October 1, 2009, and are exempt from city regulation in accordance with Chapter 215 of the Texas Agricultural Code.

6.40 Liquefied Petroleum Gas Containers.

(A) Above ground containers for liquefied petroleum gas shall be allowed in accordance with the International Fire Code, Texas Railroad Commission rules, and behind the front building line, in the side building line not adjacent to a street and within the rear building line that is not adjacent to a street. They shall be landscaped or screened in such a way as to diminish views from street right-of-way as determined by the building official.

(B) Buried liquefied petroleum gas tanks may be placed anywhere on the lot so long as the tank and related appurtenances comply with the fire code and Texas Railroad Commission rules and shall be landscaped to diminish views from street right-of-way as determined by the building official.

6.45 Moorings, Piers, or Docks. Commercial moorings, piers, and docks shall be erected or installed in accordance with the City’s Marina Ordinance.

6.50 Signs and Advertising. The only signs or advertising permitted in the City, including temporary signs, are those which meet the requirements of the City’s Sign Ordinance, and amendments thereto.

6.55 Solid Waste Containers. In nonresidential districts, storage structures for solid waste containers (dumpsters) are required. The design, location and screening of any dumpster in any

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district shall be approved by the Building Official in advance of their placement on the site. Dumpsters are not permitted in zoning permitting one- or two-family dwellings.

6.60 Storage of Household Effects, Construction Equipment and Vehicles, and Tools.

(A) Tools, household effects, machinery, or containers stored on private property shall be so placed and stored to be concealed from view from the front street right-of-way.

(B) During construction or development a lot or tract of land may be used for the storage of materials and equipment, construction equipment and vehicles, including chemical toilets, used in the construction or development. All materials, vehicles, and equipment shall be removed prior to issuance of a Certificate of Occupancy (see City's Building Code).

6.65 Storage and Parking of All Vehicles, Including Boats, Trailers, and Recreational Vehicles.

(A) Storage of junked or unlicensed vehicles, including recreational vehicles, boats and trailers, outside a building that completely screens it from view from any direction except from above, on any lot or parcel is prohibited. Covering the vehicle with any material is not screening.

(B) (1) All vehicles, including but not limited to recreational vehicles, boats, trailers, commercial vehicles and trailers, that are not involved in permitted or authorized construction or development activity parked in front of the building setback line or in front of the rear yard in the side setback shall be on a concrete or asphalt driveway or parking apron, or an improved surface capable of supporting the vehicle such as concrete, asphalt, pavers or similar material.

(2) Such improved surface shall be located inside the property line of property with a principal (not accessory) use building.

(3) Such improved surface shall at all times be free of weeds, grass, refuse, debris, or standing water.

(4) Such improved surface shall be calculated as part of the lot's impervious cover, which shall not exceed 50%. The degree to which a parking surface is pervious shall be determined by the building official. The building official may require a registered professional engineer to certify that the improved surface is pervious or the degree to which the improved parking surface is pervious.

(5) No vehicles shall be parked or stored in the front yard or corner side yard facing a street not an alley unless the vehicle is parked or stored on a driveway.

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(6) For purposes of this section, the front yard and corner side yard facing a street shall be the area between the building facing the street and the street, excluding the area outside lines drawn from the side of the building perpendicular to and extending to the street.

(7) Access to the improved parking surface need not be improved.

(C) Vehicles parked in front of the setback building line or in front of the rear yard in the side setback by occupants or their guest are prohibited unless such parking is of a temporary nature to accommodate vehicles, including recreational vehicles, boats, and trailers belonging to a guest attending a function or visiting the occupants on an overnight type basis for a brief period of time (not to exceed 72 hours). Extended parking of guest vehicles may be authorized by permit issued by the Chief of Police.

(D) Commercial vehicles and trailers of all types shall not be parked or stored on any lot in any residential district except in accordance with the following provision(s): No more than one (1) commercial vehicle, which does not exceed one and one-half (1-1/2) tons rated capacity, per family living on the premises shall be permitted, except when the vehicle or trailer is involved in construction, moving, or delivery of a product or service to the residence. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products or earth moving equipment or vehicles be permitted.

For purposes of this section a commercial vehicle is a motorized vehicle or trailer with a load capacity greater than 1-1/2 tons that is used in a commercial enterprise, or has a business or service or product sign on the vehicle, or whose principal use is to carry equipment or material.

6.70 Storage of Vehicles on Unimproved Property. Storage of any vehicle on unimproved property or vacant property that is not a parking lot built in accordance with the city code is prohibited unless such vehicle is involved in permitted or authorized construction or development activity.

6.75 Structures in the City's Right-of-Way. No part of any structure shall intrude upon the City's right-of-way, unless approved by license agreement. Mailboxes may be placed in the City's right-of-way in accordance with the City's Building Code so long as the stand or stanchion upon which the mailbox is placed is on a permanent support installed in the ground and meets the standards of the U.S. Postal Service, and is setback from the pavement by at least one foot.

6.80 Television Antennas/Satellite Dishes/Radio Antennas. Surface-mounted satellite dishes are permitted within the city, provided they do not exceed twelve (12) feet in diameter, extend no higher than the building roof line and are located no closer to the street right-of-way than the front building line as defined in [Part II](#) Definitions. Satellite dish antennas, not to exceed twenty-four (24) inches in diameter, may be placed on the roof provided the height is no greater than necessary to ensure unobstructed reception of satellite signals. Nondish television and radio antennas may be surface or roof-mounted with no height restrictions imposed by this chapter.

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See [Section 19](#), herein, for standards and procedures for commercial antennas, towers, and wireless communication systems.

6.85 Trash Collection. Trash for collection may be placed at the street right-of-way line on regular collection days for a period not to exceed twelve (12) hours prior to pickup. Containers will be removed from the right-of-way within twelve (12) hours following collection.

6.90 Restrictions within Two (2) Miles of the Airport

(A) No operation of Use shall produce smoke, glare, or other visual hazards.

(B) No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated with the Federal Aviation Administration's (FAA) Texas Airports Development Office prior to approval.

(C) All lights or illuminations used in conjunction with street, parking, Signs, or use of land and Structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public use airport or in vicinity thereof.

(D) The owner of any Structure over two hundred (200) feet above ground level within the City must install on that Structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular (AC) 70-7460-ID, as amended from time to time.

(E) Outdoor Lighting

No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:

1. Criteria

a. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e., long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.

b. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City.

Exhibit 1

2. Lighting Fixture Design

a. Fixtures shall be of a type and design appropriate to the lighting application.

b. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City may approve the use of luminaries that are Fully Shielded or comply with IESNA cutoff criteria.

c. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.

3. Billboards and Signs

a. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.

b. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.

c. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

d. The use of highly reflective signage that creates nuisance glare or a safety hazard is not permitted.

4. Criteria

a. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily

Exhibit 1

through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Glare surface suppressants that effectively reduce glare may also be utilized.

b. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.

c. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.

d. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-Cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.

e. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

6.95 Industrialized Buildings or Housing (Structure). Industrialized buildings or housing, when erected, shall be the equivalent of any site-built structure of equal size.

6.100. Temporary Living. No property shall be used for camping or temporary living accommodations, at any time, or shall a recreational vehicle be occupied more than 18 hours, except as authorized by the city manager or his designee in order to secure equipment and supplies on a large commercial or building site or where a residential building has been damaged or destroyed by nature or disaster and a permit has been issued for the reconstruction of a residential structure on the property in accordance with this chapter; except in a P district.

6.105 Exterior Appearance Multifamily and Nonresidential Buildings. This section shall apply to all nonresidential and multifamily buildings except those in the C-4, Airport District.

(a) 75% of the front wall and 75% of each side wall of all commercial buildings shall consist of or be covered with the following acceptable materials:

- (i) Fired bricks.
- (ii) Natural or polished stone.
- (iii) Textured masonry block.
- (iv) Tilt wall concrete panels with architectural details or imbedded textural materials.

Exhibit 1

- (v) Applied stucco.
- (vi) Tile, clay or ceramic.
- (vii) Glass, [.]
- (viii) Split face concrete block [.]

Note: Painted corrugated sheet metal and concrete impregnated siding are not acceptable materials.

For purposes of this calculation, the exterior shall not include the area of roofs or door or window openings.

- (b) Stainless steel, chrome, standing seam and premium grade architectural metal may be used as an architectural accent, but shall not cover more than 10% of the front or any side wall of the building.
- (c) Metal overhead doors shall not be located within the front wall or within the required 75% architectural side walls of a building. Exceptions: Businesses that require daily auto entrance.
- (d) Metal roofing shall be permitted provided they are painted with nonglare, nonreflective paint.

Exhibit [A](#)

TABLE A								
TABLE OF DEVELOPMENT STANDARDS								
RESIDENTIAL	Max. Impervious Cover %	Min. Living Area (sq. ft.)	Front Setback (ft.)	Rear Setback (ft.)	Min. Side-Yard Setback (ft.)	Total Side-Yard Setback (ft.)	Corner Setback (ft.)	Building Height (ft.)
Single-family								
R-0	50	1,200	25	25	0	10	15	15
R-1A	50	1,200	25	25	5	15	15	15
R-1B	50	1,500	25	25	5	15	15	15
R-1C	50	1,700	25	25	5	15	15	152
R-1D	50	1,200	25	25	5	15	15	18
R-1E	50	1,500	25	25	5	15	15	18
R-1F	50	1,500	25	25	5	15	15	18
R-1G	50	1,800	25	25	5	15	15	18
R-1LL	20	1,500	25 or as shown on a recorded plat whichever is greater.	25	5	15	15	18
R-1M	60		10	15	5	10	10	15
R-1T	50	1,800	25	25	5	15	15	35, not to exceed two stories.
RR-A	60	1,800	25	25	5	15	15	28

TABLE A

TABLE OF DEVELOPMENT STANDARDS

Exhibit A

COMMERCIAL	Max. Impervious Cover %	Min. Living Area (sq. ft.)	Front Setback (ft.)	Rear Setback (ft.)	Min. Side-Yard Setback (ft.)	Total Side-Yard Setback (ft.)	Corner Setback (ft.)	Building Height (ft.)
Commercial								
C-1A Low Density**	60		20	10	5	10	15	28
C-1C Low Density	60		25	25	10	20	25	28
C-2 Intense	60	Buildings meet C-1C standards						28
C-3 Marina	60	Buildings meet C-1C standards						25
		Boat slips 20' above water surface						

TABLE A

TABLE OF DEVELOPMENT STANDARDS

COMMERCIAL	Max. Impervious Cover %	Min. Living Area (sq. ft.)	Front Setback (ft.)	Rear Setback (ft.)	Min. Side-Yard Setback (ft.)	Total Side-Yard Setback (ft.)	Corner Setback (ft.)	Building Height (ft.)
C-4 Airport*	Buildings meet C-1C standards							
Lots 1-21	100	750 if provided	25*	0	0			
Lots 22-43	100	750 if provided	7.5*	0	0			
Lots 44-47	100	750 if provided	25*	0	0			
Lots 48-563	100	750 if provided	0*	20*	0			

Exhibit A

(3 includes 12 un-parcels between 44 & 52 contiguous to Lot 57)								
<u>AOD – Airport Overlay District</u>	<u>80 if located in Bar K Section 15 Subdivision. Underlying zoning standards apply in other areas.</u>	<u>Buildings meet LI standards in Bar K Section 15 Subdivision. Underlying zoning standards apply in other areas.</u>					<u>60 if located in Bar K Section 15 Subdivision. Underlying zoning standards apply in other areas*.</u>	
C-6 Large Commercial/Retail Super Store	60	Buildings meet C-1C standards					54	
CR Resorts			25	25	10	20	25	28
Condominiums	60	700	20	5	5	10	5	28
Townhouses	60	980	20	5	5	10	5	28
Hotel or Motel and all other uses.	same as C-1C standards							

Lots 1-21 front setback is from Rolling Hills. Lots 44-47 front setback is from Rawhide and Bar K. Lots 22-43, 7.5 ft. from Rawhide.

3 Lots 48-56 front setback is from property line facing runway and rear setback is from opposite side/rear of lot. There is no setback for a hangar fronting a taxiway.

* Additional maximum height restrictions within the primary, horizontal, conical, approach, transitional and nautical height zones may affect minimum height standards within the underlying zoning. See Section 4.11(C) for maximum heights and necessary maps.

** In the area platted as Lago Vista Travis Plaza, impervious cover excludes the area of the 66 ft. wide common parking area as shown in the plat for this property. Front setback in Lago Vista Travis Plaza is 10 feet from Dawn Drive.

TABLE A

Exhibit A

TABLE OF DEVELOPMENT STANDARDS								
Utility, Governmental, Educational, Institutional	Max. Impervious Cover %	Min. Living Area (sq. ft.)	Front Setback (ft.)	Rear Setback (ft.)	Min. Side-Yard Setback (ft.)	Total Side-Yard Setback (ft.)	Corner Setback (ft.)	Building Height (ft.)
U-1	60		25	25	10	20	25	60
Park								
P-1A, Undeveloped	No structures allowed except for barbeque pits, small picnic shelters, bathhouses, game courts and/or restroom facilities							
P-1B, Developed	Buildings meet C-1C standards							
P-1C, Campground	Buildings meet C-1C standards							
P-2. Parks/ Greenbelts	No buildings allowed							
Golf Course and Country Club	Buildings meet C-1C standards							
Temporary, Restricted								
TR-1	No development allowed							
Light Industrial (LI)	60%		25	25	10	20	25	35

(Ordinance 12-12-06-01, ex. 2, adopted 12/6/12)

TABLE B

Exhibit A

Barber, Beauty Shop								v	v							v	v
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v is allowed provided it is for the primary use of tenants, customers or persons associated with a primary use.1 For permitted uses in P-1A, P-1B, P-1C and P-2, see [Section 4.70](#).

2 All uses must be in accordance with the City Council approved CR Master Plan.

SUP. Permitted by special use permit only.

STRUCTURE/USE	<u>AOD</u>	R-0	R-1	R-2	R-4	R-1M	RR-A	C-1	C-2	C-3	C-4	G-1	U-1	P1	CR	C-6	LI
Bars, Nightclubs and Taverns									v			v			v	v	v
Bed and Breakfast Establishment			SUP	SUP	v			v	v						v		
Beverage Bottling or distribution	<u>v</u>								v							v	v
Bike/motorbike sales & service									v							v	v
Billiard/Pool Rooms									v						v	v	v
Boat storage (outside)									v	v					v		v
Boat Sales or Service									v	v							v
Boat slips/day slips										v					v		
Boat Ramp, Commercial								v	v	v				SUP	v		
Book/stationary shop								v	v							v	v
Bowling alley establishment									v							v	v
Building material sales									v							v	v
Bus depot									v							v	v
Cabinet shop/commercial									v		v						v

Exhibit [A](#)

Expressing, baggage, delivery service	<u>v</u>								v		v						v
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v is allowed provided it is for the primary use of tenants, customers or persons associated with a primary use.1 For permitted uses in P-1A, P-1B, P-1C and P-2, see [Section 4.70](#).

2 All uses must be in accordance with the City Council approved CR Master Plan.

7 For additional standards, see C-4 district.

SUP. Permitted by special use permit only.

STRUCTURE/USE	<u>AOD</u>	R-0	R-1	R-2	R-4	R-1M	RR-A	C-1	C-2	C-3	C-4	G-1	U-1	P1	CR	C-6	LI
Fabric shop								v	v							v	v
Family home facility		v	v	v	v	v	v										
Farmers markets								v	v							v	v
Fire Station	<u>v</u>	v	v	v	v	v	v	v	v	v	v	v	v	v	v	v	v
Florist								v	v								v
Food store-convenience								v	v							v	v
Food store-supermarket								v	v							v	v
Fractional housing (Fractionals)															v		
Fuel storage	<u>v</u>							v	v	v	v						v
Furniture, appliance store								v	v							v	v
Golf course		v	v	v	v			v	v	v		v	v	v	v		
Golf course-driving range												v		v	v		
Golf course-miniature								v	v			v		v	v		

Exhibit A

Storage & sale of autos, trailers, farm implements & equipment, & similar equipment on open lot									v								v
Studio-artist								v	v		v					v	
Studio-dance								v	v							v	
Studio-health								v	v							v	
Studio-music								v	v							v	
Substation-public utility	<u>v</u>	v	v	v	v	v		v	v		v		v	v			v
Swimming pool-private		v	v	v	v	v		v	v			v		v			v
Swimming pool-public									v				v	v			
Tailor & dressmaking shop								v	v							v	v
Telephone exchange		v	v	v	v	v		v	v		v	v	v	v			
Theater-indoor									v							v	v
Tinsmith & sheet metal									v		v						v
Townhouse					v										v		
Trailer, truck, bus sales									v								v

v is allowed provided it is for the primary use of tenants, customers or persons associated with a primary use.¹ For permitted uses in P-1A, P-1B, P-1C and P-2, see [Section 4.70](#).

2 All uses must be in accordance with the City Council approved CR Master Plan.

4 Permitted only in accordance with [Section 23](#), Short-Term Occupancy.

5 Permitted only in accordance with [Section 8.20](#), Sexually Oriented Businesses.

SUP. Permitted by special use permit only.

Exhibit A

STRUCTURE/USE	<u>AOD</u>	R-0	R-1	R-2	R-4	R-1M	RR-A	C-1	C-2	C-3	C-4	G-1	U-1	P1	CR	C-6	LI
Upholstery shop								v	v		v					v	v
Veterinary hospital, no outside run								v	v								v
Vocational and Private School								v	v						v	v	v
Warehouse	<u>v</u>								v		v						v
Watercraft rental										v					v		
Water tank-surface, subsurface, public	<u>v</u>	v	v	v	v	v		v	v	v	v	v	v	v			v
Wildlife sanctuaries														v			v
Wireless Communications Systems, Radio, television and microwave antennae and towers ⁶								v	v		v	v	v			v	v
Wholesale distribution	<u>v</u>								v		v					v	v

v is allowed provided it is for the primary use of tenants, customers or persons associated with a primary use.¹ For permitted uses in P-1A, P-1B, P-1C and P-2, see [Section 4.70](#).

2 All uses must be in accordance with the City Council approved CR Master Plan.

PLANNING & ZONING REPORT

TO: Chairwoman and Members of the Planning & Zoning Commission

FROM: David Harrell, Development Service Director

DATE: April 28, 2014

SUBJECT: Recommend Amendments to the City's Zoning Ordinance for the City of Lago Vista to modify notice requirements for special exceptions, posting dates of notice signs, and locations of posting of notice signs.

RECOMMENDATION:

Staff recommends approval.

ALTERNATIVES:

The Planning & Zoning Commission may:

- Recommend Approval Of The Ordinance Changes
- Recommend Denial Of The Ordinance Changes

GENERAL INFORMATION:

1. Modification to Chapter 14, Article 14.100, Section 11 to add and subtract the following items:

11.60 Special Exceptions

(A) Exception to Height Standards. Special exceptions to height standards for principal buildings shall be considered according to this section.

(3) Process, Notice and Public Hearing.

(b) ~~Notice of the public hearing shall be made by the city at least 10 days prior to the public hearing to property owners according to the tax roll whose property is within 200 feet of the property on which the special exception is applied for.~~ Notice requirements shall meet the standards in Section 13.40.

2. Modification to Chapter 14, Article 14.100, Section 13 to add and subtract the following items:

13.40 Procedures for Hearings Conducted by the Council, Commission or Board. The Council and Commission shall hold at least one (1) public hearing on all proposed zoning classification changes and general amendments to this chapter. The Board shall hold a public hearing on all requests for a variance or special exception to this chapter.

(1) Written Notice to Property Owners.

(a) Written notice of a proposed zoning change or variance request shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property to be developed, zoned, or rezoned. Such notice shall be mailed, first class, not less than ten (10) days prior to the date set for Commission, Council and Board hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a zoning change proposal or variance request is pending and shall include the date, time, and place of the Commission or Board meeting and a description of the matter under consideration.

(b) A copy of the notice may be delivered to the person to be served, or to his duly authorized agent either in person or by mail to his last known address, or it may be given in such other manner reasonably calculated to give notice and approved by the City.

~~(c) The property owner filing the application shall provide the City a list of all owners affected as described in Section 13.40(A)(1)(a) above, unless waived by the city manager or his designee.~~

~~(cd)~~ The City ~~shall confirm the owner list, and~~ shall complete and mail the individual notices.

(B) Signs Required for Proposed Zoning Change. At ~~the time a proposed zoning change or variance application is filed~~ least fifteen (15) days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:

(1) Each sign shall be erected on the property for which a zoning change or variance application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.

(2) All required signs shall remain on the property until final disposition of the action is determined.

CHAPTER 14

ZONING

ARTICLE 14.100 GENERAL PROVISIONS*

(Reserved)

ARTICLE 14.200 ZONING ORDINANCE†

PART IV. ADMINISTRATION AND ENFORCEMENT

Section 11 Variances, Appeals, and Special Exceptions

11.10 Provisions Subject to Variance. The Board of Adjustment (BOA) may authorize a variance to the provisions of this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings in accordance with the rules and conditions of this section, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the numbers of persons who will reside or work in the proposed use, and the probable effect of such variance upon traffic conditions, and upon the public health, safety, convenience and welfare in the vicinity. The Board may not grant a variance that would allow a use not permitted in a zoning district.

11.20 Conditions Required for Variance. No variance shall be granted unless the Board of Adjustment finds:

- (A) That there are special circumstances or conditions affecting the land involved such that the strict applications of the provisions of this chapter would deprive the applicant of the reasonable use of his land; or would result in significant practical difficulties or unreasonable hardship to the landowner, or unreasonable disruption of the natural terrain, or unreasonable destruction of existing flora.
- (B) That the variance is necessary for the preservation and enjoyment of a substantial right of the applicant.
- (C) That there is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship for which the variance is requested.
- (D) That the variance will be no greater than the minimum required to alleviate the difficulty or hardship for which the variance is requested.

Exhibit “A”

(E) That the granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this chapter. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice is done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

(F) That the variance will not violate the intent of the Zoning Ordinance nor the goals of the City’s Master Plan.

(G) That such variance shall not restrict the reasonable and necessary unobstructed access to sunlight and preservation of views of those other properties which might be affected.

11.30 Interpretive Roles.

(A) Variances to provisions to this chapter should be granted sparingly.

(B) Granting of a variance must be predicated on a finding that the applicant’s request for variance arises from unusual conditions or circumstances, such as exceptional irregularity of shape or topography, which are peculiar to the parcel of land involved and not shared generally by other parcels in the neighborhood, or because no other reasonable alternative is available.

11.40 Variance Procedure.

(A) Application. An application for a variance to the provisions of this chapter shall be made in writing to the City in a form prescribed by the City Manager and shall be accompanied by a site plan and additional information as may be requested in order to properly review the application. Such information may include, but is not limited to: plat plans, site and building plans and contour maps.

(B) Signs Required for Proposed Variance. At the time a proposed zoning change or variance application is filed, the City shall place easily visible signs on the property in accordance with [Section 13.40](#) below.

(C) Review by the Board.

(1) Review. The Board shall review each application for a variance. Members of the Board or duly appointed City officials shall visit the site where the proposed variance will apply and the surrounding area, and shall report their finding to the Board.

(2) Notice and Hearing. The Board shall notify property owners in accordance with [Section 13.40](#) below of a public hearing at which the variance

Exhibit “A”

will be considered. The Board shall hold a public hearing within forty-five (45) days from the date of application acceptance.

(D) Action by Board. The Board shall not grant a variance unless it finds that each of the conditions in [Section 11.20](#) has been established. The burden of proving that such conditions exist is on the applicant. The findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. The concurring vote of four members of the board shall be necessary for any decision in favor of the applicant for any matter upon which it is required to pass or to effect any variation of any ordinance, rule or regulation.

(E) Conditions Imposed by Board. The Board may impose such conditions, limitations, and safeguards as it deems appropriate upon the grant of any variance.

(F) Variance Shall Lapse After Six (6) Months. Any rights authorized by a variance which are not exercised within six (6) months from the date of granting such variance shall lapse. The applicant may apply for one (1) extension without fee. The right to a variance beyond this date maybe re-established only after application and a new hearing pursuant to this section.

11.50 Appeals

(A) Appeals to the board may be made by any person aggrieved, or by an officer, department or an agency of the city affected by a decision or action of a municipal authority concerning the zoning ordinance. Such appeal shall be made within 10 working days of the decision, by filing with the city manager or his designee and with the board a notice of appeal, which shall specify the grounds thereof. The city manager or his designee shall transmit to the board all of the papers constituting the record upon which the action appealed was taken. A filing fee, in an amount provided by ordinance to defray part of the expense of legal publication, accumulating engineering data and other administrative costs shall accompany each such notice.

(B) An appeal from the decision or action of a municipal authority shall stay all proceedings in furtherance of such action unless the city manager or his designee certifies to the board, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In the event the city manager or his designee shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order which may be granted by the board, or by a court of record, upon application of the party aggrieved by the action of the city manager or his designee and after notice to him and upon due cause shown.

(C) The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and shall decide such

Exhibit “A”

appeal within a reasonable time. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.

(D) In exercising the powers set out in this section, the board may, in conformity with the provisions of state law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the city municipal authorities from whose action the appeal is taken.

(E) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the permitting official or a municipal authority, or for any decision in favor of the applicant for any matter upon which it is required to pass or to effect any variation of any ordinance, rule or regulation.

(F) Any person jointly or severally aggrieved by a decision of the board, may present any such matter to a court of record for review.

(G) The reversal by the board of any order, requirement, decision or determination of the municipal authorities or any decision in favor of the applicant, on any matter, shall lapse after the expiration of ninety days where action by the applicant is not taken pursuant thereto within such period. This provision shall not apply when the applicant has presented to the board a development plan which requires a length of time greater than ninety days, in which event, the board may grant a greater length of time. In no event, however, shall such time granted exceed two years.

11.60 Special Exceptions

(A) Exception to Height Standards. Special exceptions to height standards for principal buildings shall be considered according to this section.

(1) The planning and zoning commission or the city council on appeal from a denial by the planning and zoning commission may grant a special exception for a principal building or an addition to a principal building or grant a special exception with conditions if it finds there is no significant adverse impact on views created by the proposed special exception, but in no case shall the special exception exceed a height for the proposed building of 35 feet above the ground measured from the geometric center of the proposed foundation or for more than two stories.

(2) Application.

(a) Ridgepole. After making application with the development services department, the applicant shall erect one or more ridgepoles representing the height to which the applicant desires to build. Ridgepoles shall be

Exhibit “A”

placed at the approximate location of the center of the highest ridgeline. At least one ridgepole shall be in place for a minimum of two weeks prior to the public hearing for which the special exception will be held. The planning and zoning commission and if on appeal the city council may require that additional ridgepoles be established and that a written report stamped by a licensed surveyor be provided certifying the height of the ridgepoles and their location on the property. The ridgepole(s) shall be marked with the height permitted by the standards in which the applicant’s property lies. The mark shall be clearly visible from the street that the lot fronts upon. Unless otherwise directed by the planning and zoning commission or the city council if there is an appeal, the ridgepoles shall be removed no later than two weeks from the final decision by the city.

(b) Application shall be made on a form provided by the city and include the following:

(i) The requested height above natural grade under the geometric center of the proposed foundation and height above the highest point on the lot.

(ii) A topographic survey of the property.

(iii) An accurate front elevation silhouette of the new building, drawn to scale is not required with the initial application but may be required by the planning and zoning commission or the city council.

(iv) Deed restrictions for the property.

(c) Fee. Fees shall be the same as for a variance to the zoning ordinance.

(3) Process, Notice and Public Hearing.

(a) The planning and zoning commission shall hold a public hearing prior to consideration of any special exception.

~~(b) Notice of the public hearing shall be made by the city at least 10 days prior to the public hearing to property owners according to the tax roll whose property is within 200 feet of the property on which the special exception is applied for.~~ Notice requirements shall meet the standards in Section 13.40.

(c) The special exception hearing shall be held at a regular planning and zoning commission meeting. The commission may adjourn the public hearing and reopen the hearing on the site of the special exception at a time announced at the meeting of the original public hearing.

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(d) Commissioners should visit the site. If the commission’s decision is appealed, councilmembers should visit the site. Members who have not visited the site or observed the ridgepoles may not vote on the special exception. A concurring vote of at least four members is necessary to approve the special exception or approve with conditions.

(e) Appeal. The applicant may appeal to the city council if the planning and zoning commission denies the special exception or appeal a condition imposed by the commission. Such appeal must take place at the time the commission takes its vote and will be scheduled for the next regularly scheduled city council meeting, in order for those that attend the public hearing to know if and when the city council will consider the appeal.

(4) Term. The term of a granted special exception shall be three years. If a permit incorporating the special exception is not applied for and approved within that time, the special exception shall be void.

11.70 Definitions and Assumptions

(A) Issuance of permits for the City of Lago Vista is determined as strictly an administrative function and not legislative. Permitting officials shall determine whether proposed construction or proposed land use conforms to appropriate municipal ordinances or regulations.

(B) The provisions of the Texas Local Government Code grant the city the rights to enjoin violations of ordinances or regulations.

(C) A variance or special exception is a request by a person authorized to administer owner’s rights to deviate from existing city ordinance as they apply to zoning or land use.

(D) It is conceived that the planning and zoning commission and the municipal administration are duly constituted with individuals who are fully qualified and are considered to possess the expertise required to fully administer the provisions of the appropriate ordinances. The initial processing of normal permit applications will be submitted to the city for initial evaluation. The city will grant either an approval or disapproval based upon the compliance with applicable ordinance.

(E) The city’s issuance or refusal to issue a permit based on an original request can be appealed within a reasonable time to the board if an alleged error is considered to have occurred in the enforcement of the appropriate ordinance.

Section 13 Zoning Changes and Ordinance Amendments

13.10 Amendments. Amendments to this chapter shall be made by the Council in accordance with the provisions of this section. Amendments shall be of two types:

Exhibit “A”

- (A) A change of the zoning classification of a parcel(s) of land.
- (B) An amendment that supplements, changes, or repeals general provisions of this chapter.

13.20 Procedure for a Change of Zoning Classification of a Parcel of Land.

(A) Who May Initiate Request to Change a Zoning Classification. A request to change the zoning classification of a parcel of land may be initiated by the owner of such parcel or his authorized agent. The City may also propose a zoning change on its own motion, without such a request.

(B) Manner of Initiating a Zoning Change Request.

(a) Application by Property Owner. A property owner or his authorized agent may file an application with the City Manager requesting the zoning or a change of zoning for real property. Such application shall be accompanied by a fee established by the Council, and shall contain the following information, unless waived by the city manager or his designee:

- (1) The legal description and address of the parcel for which the application is made (the “subject parcel”).
- (2) A map showing the present zoning classification, if any, of the subject parcel and of each abutting, adjacent or contiguous parcel.
- (3) The present use of the subject parcel and of each abutting, adjacent or contiguous parcel.
- (4) The type and location of all structures on the subject parcel and on each abutting, adjacent or contiguous parcel.
- (5) The zoning requested and the proposed use of the subject parcel.
- (6) Conceptual plan, if required by ordinance.
- (7) If required by the planning and zoning commission or city council, a traffic impact analysis.
- (8) A map showing the location and line size of the nearest or proposed point of connection to, wastewater and water lines.
- (9) Certification from all applicable taxing authorities that all taxes due on the subject parcel sought to be zoned or rezoned have been paid.

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(10) Any other relevant information requested by the Commission or the Council.

(C) Review of Zoning Change Requests by Planning and Zoning Commission. The Commission shall:

- (1) Review each application for a zoning change.
- (2) Conduct a hearing. Notice of a hearing before the Commission shall be given by notification as prescribed in [Sections 13.40\(A\)\(1\) and \(A\)\(2\)](#) below. Notice of the hearing before the Commission may be combined with the notice given for the hearing on the same matter before the Council.
- (3) Following the hearing on the requested change it shall prepare a recommendation for the Council.

(D) Parcel Change Does Not Conform to Master Plan. A change of zoning proposed by the owner of the parcel affected may be recommended for enactment, even though such proposed change does not conform to the land use map in the City’s Master Plan provided that:

- (1) The Commission finds significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted.
- (2) It is unlikely that the parcel will be developed or used for any use permitted under the zoning classification indicated in the City’s Master Plan.
- (3) The Commission finds that the requested zoning classification is the most appropriate classification for the area affected.

(E) Review of Zoning Change Request by City Council. The Council shall:

- (1) Review the Commission recommendation.
- (2) Before acting upon the zoning change, hold at least one (1) public hearing on the proposed zoning change. Notice of a hearing before the Council shall be given by publication as prescribed in [Section 13.40\(A\)\(2\)](#) below. Separate written notice to property owners is not necessary. Notice of the hearing before the Council may be combined with the notice given for the hearing on the same matter before the Commission.
- (3) Take appropriate action as follows:
 - (a) The Council may enact a proposed change of zoning by ordinance, if it finds that such change is in the public interest. A change of zoning may

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be enacted, even though such proposed change does not conform to the land use map in the City’s Master Plan provided that the Council findings conform to the requirements of [Section 13.20\(D\)](#).

(b) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths of all members of the governing body if a written protest, signed by owners of at least twenty percent (20%) of either:

(1) Lots or land covered by the proposed change;

(2) Lots or land immediately abutting the area covered by the proposed change and extending two hundred feet (200') from that area.

(c) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all members of the governing body, if the Commission has recommended against enactment of a proposed zoning change.

13.30 Procedure for Amending General Provisions of this Chapter.

(A) Initiation of an Amendment by the Planning and Zoning Commission or City Council. Amendments to this chapter may be proposed by the Council or the Commission.

(B) Commission Action. The commission shall:

(1) Review the proposed amendment.

(2) Conduct a hearing. Notice of a hearing before the Commission shall be given by notification as prescribed in [Section 13.40\(A\)\(2\)](#) below. Notice of the hearing before the Commission may be combined with the notice given for the hearing on the same matter before the Council.

(3) Following the hearing on the proposed amendment it shall prepare a recommendation for the Council.

(C) Review of Proposed Amendments by City Council. The Council shall:

(1) Review the Commission recommendation.

(2) Before acting upon the proposed amendment, hold at least one (1) public hearing. Notice of a hearing before the Council shall be given by publication as prescribed in [Section 13.40\(A\)\(2\)](#) below. Notice of the hearing before the

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Council may be combined with the notice given for the hearing on the same matter before the Commission.

(3) Take appropriate action if it finds that the proposed amendment is in the public interest. An amendment to the chapter shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all the members of the governing body, if the Commission has recommended against enactment of a proposed amendment.

13.40 Procedures for Hearings Conducted by the Council, Commission or Board. The Council and Commission shall hold at least one (1) public hearing on all proposed zoning classification changes and general amendments to this chapter. The Board shall hold a public hearing on all requests for a variance or special exception to this chapter.

(A) Notice.

(1) Written Notice to Property Owners.

(a) Written notice of a proposed zoning change or variance request shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property to be developed, zoned, or rezoned. Such notice shall be mailed, first class, not less than ten (10) days prior to the date set for Commission, Council and Board hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a zoning change proposal or variance request is pending and shall include the date, time, and place of the Commission or Board meeting and a description of the matter under consideration.

(b) A copy of the notice may be delivered to the person to be served, or to his duly authorized agent either in person or by mail to his last known address, or it may be given in such other manner reasonably calculated to give notice and approved by the City.

~~(c) —The property owner filing the application shall provide the City a list of all owners affected as described in Section 13.40(A)(1)(a) above, unless waived by the city manager or his designee.~~

~~(cd)~~ The City ~~shall confirm the owner list, and~~ shall complete and mail the individual notices.

(2) By Publication. The City shall publish at least one notice of a proposed Commission, Board, or Council hearing in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the Council, Commission or Board meeting and a description of the matter under consideration.

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(B) Signs Required for Proposed Zoning Change. At ~~the time a proposed zoning change or variance application is filed~~ least fifteen (15) days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:

(1) Each sign shall be erected on the property for which a zoning change or variance application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.

(2) All required signs shall remain on the property until final disposition of the action is determined.

13.50 City Council Postponements. The Council may postpone any action proposed under the provision of this chapter, should such actions be in the best interest of the City or other parties concerned.