The City of Lago Vista

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

NOTICE OF A SPECIAL MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, September 6, 2016, 7:00 PM
COUNCIL CHAMBERS
CITY HALL - 5803 THUNDERBIRD ST.

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the City of Lago Vista, Texas will hold a meeting on the above date and time for discussion and possible action to be taken on the following:

CITIZEN COMMENTS FOR NON-HEARING RELATED ITEMS:
In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

PUBLIC HEARING

1. Discussion and potential action regarding removal of chickens from the requirements of a Special Use Permit, clarification on allowance of chickens, additions and changes to Chapter 14 and Chapter 2 for definitions and limits on chickens
   A. Staff Presentation
   B. Discussion
   C. Open Public Hearing
   D. Close Public Hearing

2. Discussion and potential action regarding revisions to Chapter 14, Article 14.100, Section 6 concerning accessory buildings.
   A. Staff Presentation
   B. Discussion
   C. Open Public Hearing
   D. Close Public Hearing

ORDINANCE

1. Recommendation of an Ordinance of the City of Lago Vista, Texas amending Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry, and Pets, and Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, and Chapter 2, Animal Control, Article 2.200, Animal Control Generally, all of the Lago Vista Code of Ordinances; Adding Provisions Relating to the Definitions, Regulations Concerning Chickens; Distances from Private Residences and Public Buildings in New Section 2.238; Providing a Savings Clause, Effective Date, and Open Meetings Clauses; and Providing for Related Matters.

2. Recommendation of an Ordinance of the City of Lago Vista, Texas amending Chapter 14, Zoning, Article 14.100, Section 6, Supplementary Requirements, Subsection 6.10 Accessory Buildings and Uses of the Lago Vista Code of Ordinances; Clarifying Language; Adding Landscaping and Architectural Standards; Adding Restrictions on Maximum Floor Area; Providing a Savings Clause, Effective Date, and Open Meetings Clauses; and Providing for Related Matters.

ADJOURNMENT

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 _____, 2016.

_____
Sandra Barton, 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.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING & ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTATIONS

Development Services Department

STAFF REPORT

Public Hearing Item #1

Date: August 30, 2016

DEVELOPMENT SERVICES DEPARTMENT COMMENTS

In April, the City Council wanted Staff to bring code changes forward to allow for chickens and potentially other types of livestock. These were brought forward to the Commission in May. Based on Commission input Staff has modified the Ordinance request to exclude all other animals except Chickens. Staff will summarize the changes to the present Ordinance below:

1. Excludes chickens from the Special Use Permit (SUP) requirements while retaining all other farm birds as an SUP or allowed by right within the PDD zoning.

2. Sets numbers of chickens as defined in the Animal Control Ordinance

3. Exempts maximum numbers of chickens for up to six (6) months if approved by an SUP.

4. Gives definitions for chickens in the Animal Control Section.

5. Requires these animals be kept in enclosures.

6. Prohibits male species of chickens.

7. Prohibits enclosures closer than fifty (50) feet of any building or dwelling inhabited by human beings or golf course.

8. Required moving provisions for enclosures closer than fifty (50) feet if a building or dwelling inhabited by human beings appears after installation; this becomes a removal provision if the enclosure cannot be moved on the property to keep it further than fifty (50) feet from a building or dwelling inhabited by human beings within one (1) year of such non-compliance.

Staff has also included news clipping from a local newspaper that discussed neighboring communities' animal related ordinances.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14, ZONING, EXHIBIT A, PART III, ZONING DISTRICTS, SECTION 6, SUPPLEMENTARY REQUIREMENTS, SUBSECTION 6.35, LIVESTOCK, POULTRY AND PETS, AND PART IV, ADMINISTRATION AND ENFORCEMENT, SECTION 18.20, APPLICABILITY AND USES AND STRUCTURES REQUIRING A SPECIAL USE PERMIT (SUP), ITEM L, AND CHAPTER 2, ANIMAL CONTROL, ARTICLE 2.200, ANIMAL CONTROL GENERALLY, ALL OF THE LAGO VISTA CODE OF ORDINANCES; ADDING PROVISIONS RELATING TO DEFINITIONS, REGULATIONS CONCERNING CHICKENS; DISTANCES OF FROM PRIVATE RESIDENCES AND PUBLIC BUILDINGS IN NEW SECTION 2.238; PROVIDING A SAVINGS CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry and Pets, City of Lago Vista Code of Ordinances ("Ordinances") has previously allowed animals that meet the definition of the term "Livestock" within the Ordinances, only in areas granted a Specific Use Permit or within a Planned Development District; and

Whereas, Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, provides for description of those items that require a Special Use Permit and presently includes "Livestock and/or poultry keeping, caring or shelters"; and

Whereas, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of such regulations and forwarded a recommendation to the City Council and thereafter, the City Council has considered the requests of some residents and hereby desires to modify such Zoning provisions; and

Whereas, Chapter 2, Animal Control, Article 2.200, Animal Control Generally, set out in the Ordinances defines "Livestock" and needs to be modified to address more fully animals that the City desires to allow within certain areas of the City and therefore must define and regulate them separately; and

Whereas, it is necessary for the City to amend all of the Sections set out above, as well as add an additional section pertaining specifically to the allowance of such specific.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the amending or addition of rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amending Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry and Pets, City of Lago Vista Code of Ordinances Subsection 6.35(A), Section 6, Chapter 14, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

6.35 Livestock, Poultry and Pets.

(A) No animals, livestock or poultry of any kind, except as set forth below, 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. At no time shall any animals be kept or used for breeding purpose and they may not kept in quantities which create an annoyance or nuisance. The above exceptions must fully comply with all regulations of the City of Lago Vista and with state law.

(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.

(3) Chickens (females only) may be kept in numbers and within enclosures defined in the Animal Control Ordinance throughout the City; all other domestic farm birds must be permitted by SUP or PDD.

(4) Chickens may be kept in larger numbers than those allowed in the Animal Control Ordinance for educational agricultural purposes (FFA or 4-H) for a period not to exceed six (6) months if permitted by SUP.

Section 3. Amending Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, Lago Vista Code of Ordinances. Section 18.20, Part IV, Administration and Enforcement, Chapter 14, Zoning, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

(L) Livestock and/or poultry keeping, except chickens (female only), caring or shelters.

Deleted: provided there is no

Deleted: commercial

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Section 4. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to define "Chickens," found therein Lago Vista Code of Ordinances. Section 2.201, Definitions is hereby added to read as follows:

Chickens. Any particular domesticated farm or ranch animal of the particular fowl family, *Gallus domesticus* developed in a number of breeds for its flesh, eggs, and feathers but does not include ducks, geese, turkeys, or other domesticated fowl.

Section 5. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to add Section 2.238 pertaining to Chickens within the city limits. Article 2.200, Animal Control Generally, is modified to add Section 2.238 pertaining to the allowance of Chickens within the City limits with regulations as follows:

Sec. 2.238 Chickens within City Limits

(a) Running at-large prohibited. It shall be unlawful for any person owning chickens to permit such chickens to run at-large within the corporate limits of the city.

(b) Male Chickens. It shall be unlawful for any person to own and/or raise any male chickens within the corporate limits of the city.

(c) Enclosure requirements. No person shall maintain chickens within the city limits unless the following requirements are met:

(1) There shall be a minimum of two (2) square feet for each small chicken (Bantams) or three (3) square feet for light breeds (white leghorn) kept in the city limits. An enclosure shall be provided on the premises which shall be no closer than fifty feet (50') to any building or dwelling occupied and/or used by human beings or nearer than fifty (50') to any portio of the golf course. The enclosure must be of such construction as will allow for ease in cleaning and airing and kept in such a manner as not to become offensive to adjacent neighbors or the public. No more than ten (10) Bantams or six (6) light breed chickens may be maintained on any single lot or tract.

(2) It shall be the duty of every person raising, keeping, or harboring any chickens to keep the premises and/or pen or other enclosure in a sanitary condition.

(d) Should such chickens be kept on a lot in the City and such surrounding area is later developed to bring it closer to any building or dwelling occupied and used by human beings closer than fifty (50) feet, such enclosure may be required to be moved to keep in compliance or if unable to keep in compliance, such animals shall be required to be removed from such premises within one (1) year of such non-compliance.

(e) Chickens, other fowl and rabbits may be kept on property zoned and used for veterinary hospitals or educational facilities for such purposes such as FFA or 4-H in larger numbers than allowed provided such location has sought and obtained a special use permit (SUP) from the City's Planning and Zoning Commission.

Section 6. Amendment of Ordinances. Chapter 14, Subsection 6.35 and 18.20 and Chapter 2, Animal Control, Section 2.201 are hereby amended in their entirety as provided

in this Ordinance, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 7. **Savings Clause.** All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 8. **Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 9. **Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this _____ day of September, 2016.

ATTEST: **THE CITY OF LAGO VISTA, TEXAS**

_____ _____

Sandra Barton, City Secretary Dale Mitchell, Mayor

ORDINANCE

Leander to update animal ordinances

Could include changes to chicken regulations

By Caitlin Perrone

Multiple Leander residents have spoken before City Council over the past three months to request a change to a city animal ordinance.

A handful of citizens have asked council members to institute a new limit for the distance chickens are required to be kept from a residence. The current ordinance states that animals such as chickens cannot be kept within 200 feet of any residence or within 500 feet of any building.

Some residents told council members the ordinance has made it difficult to own chickens. During a June 2 meeting, Rosie Miller, an Emerald Isle Drive resident, told the council she previously owned 13 chickens and spoke of the positive benefit the animals had on her family.

"My kids would take a red fire wagon, load it up with the veggies from our garden and chicken eggs, and we would go around and give eggs to neighbors," she said. "So we started to build relationships; it really built community; it was a great opportunity for my kids."

Department of Animal Services Supervisor Edna Stambaugh said the department has reviewed all the ordinances, but has suggested few changes. Some other possible animal ordinance alterations include changing the pet registration ordinance to allow micro-chipping a pet as a form of registration.

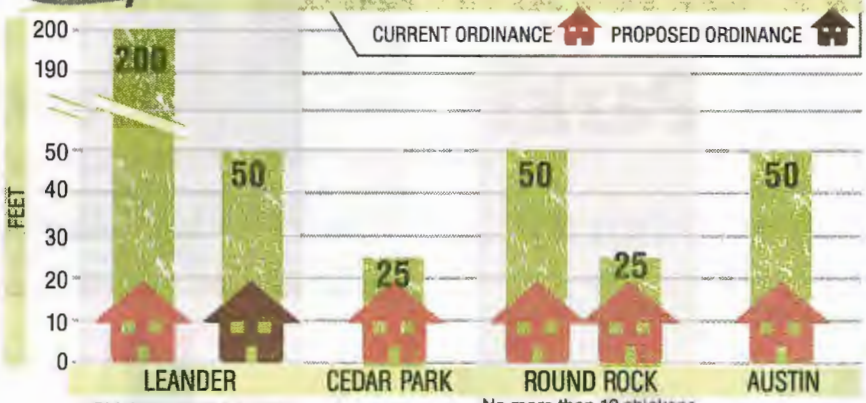
The department sent the first draft of possible new ordinances to the city manger's office in May and followed up with a revised version in the beginning of June. City Manager Kent Cagle said he hopes to bring the revised ordinances before council at its July 21 meeting, which could be followed by public hearings.

Leander Police Chief Greg Minton said the city has been in the process of changing its animal control ordinances, including the chicken ordinance, prior to citizens communicating their concerns to council.

The animal ordinances were last updated in 2003, and Minton said he wanted to ensure city staff is knowledge-

Local ANIMAL ORDINANCE requirements

Animal ordinances in the cities below require chickens to be confined in an enclosure, and Leander, Round Rock and Austin exclude their ordinances' distance requirements from the residence or business of the owner of the chickens. Some of these cities also do not permit chickens in certain zoning areas.



Sources: cities of Leander, Cedar Park, Round Rock and Austin/Community Impact Newspaper

understandable for our citizens when they read them," she said. "So that they do understand what is required of them as pet owners and livestock owners."

One contradiction is seen in article 2.03.008, which states all chickens, or fowl, shall be kept within a pen, coop or hutch that must be at least 50 feet from a residence. However, article 2.03.011 states that chickens must be kept 200 feet away from a residence.

"So [the chickens] have to be kept in a pen, coop or hutch 50 feet from a residence, but the chickens themselves have to be kept 200 feet from any residence," Stambaugh said. "You can't do that—you can't meet keeping the coop 50 feet [away] and putting the chickens 200 feet away when they have to be in that coop."

Stambaugh said she hopes to lower the distance requirement for chickens from 200 feet to 50 feet. She said the animal control office researched an optimal distance and checked ordinances of other nearby cities and determined 50 feet as the best option for residents who want chickens and for those who prefer some space from their neighbor's birds.

"We have both types of citizens in our city. We have—just to be frank—our distance requirement in the chicken ordinance until new ordinances are adopted. In general, however, he said his department is willing to work

Cedar Park ALSO CHANGES ANIMAL ORDINANCE AMENDMENT

The Cedar Park City Council amended an animal control ordinance that involves dangerous dogs and cats in June.

During a public hearing June 9, City Attorney J.P. LeCompte said a few recent cases involving dangerous dogs highlighted the need for clarification of a portion of the ordinance that involves a municipal court's seizure warrant authority and hearing processes. LeCompte said the proposed amendment clarifies the following:

- How and when municipal court judges can issue warrants to seize animals
- The ways in which a hearing can be set to determine whether a dog or cat is dangerous
- Allows municipal judges to order continued impoundment after the hearing until an owner has complied with court-mandated safety precautions

City staff added a provision regarding false reports to the amendment and council approved the changes during a June 23 meeting.

Development Services Department

STAFF REPORT

Public Hearing Item #2

Proposed Zoning Code Changes

Date: August 30, 2016

Reasons for Proposed Changes

There are currently accessory buildings under construction within the City that several citizens have expressed concerns due to the size and materials on these buildings. The attached Code changes are designed to address these issues. Several new additions include the following:

1) Established maximum floor area sizes for accessory buildings based on the floor area of the principal building which will limit the size.

2) Established additional landscaping standards on the street side façade requiring landscaping to soften a wide building parallel to the street, including mandatory irrigation systems for vegetation.

3) Begin regulation of façade materials on all accessory buildings by requiring materials match the principal building.

4) Provide additional regulation on façade colors by requiring they match the principal building versus being similar to the principal building.

Staff has provided current and proposed changes in a table format with anything in a ~~red cross thru~~ being removed from the current code; with additions indicated in red underline.

For purposes of legal requirements, the Ordinance is attached reflecting the actual code changes. This is in case the Commission desired to recommend approval of the Ordinance.

Staff has also included a past staff report showing proposed code changes from 2011 which changed the Ordinance to our present Code as currently shown in subsection 6.10(B)(4). At that time the Commission had recommended approval of a different option and shown as blue dashes.

Current Code	Proposed Code
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 (2) 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.	
(3) Accessory buildings smaller than 120 sq. ft.	(3) Accessory buildings ~~smaller than~~ 120 sq. ft. and smaller
(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.	
Current Code	**Proposed Code**
(4) Accessory buildings 120 sq. ft. and larger.	(4) Accessory buildings larger than 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.	(a) Placement and setback. These buildings shall meet the same front, side and rear yard 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.~~ or accessory building shall have a minimum front yard setback of 20', whichever results in the greatest front yard setback.
(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.	(b) Additional Regulations on ~~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.~~ must meet landscaping and standards prescribed in subsection (e)(2).
(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.	(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~~ principal building. 2. For accessory buildings ~~other than front-yard accessory garages, other types of siding or~~ the facade material and colors 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.~~ must match the principal building. 3. The roof pitch should be similar to that of the principal building.
(d) Height. The maximum height shall be 18 feet measured from the ground below the accessory building.	

	(e) Additional Restrictions 1. The floor area of the accessory building cannot exceed fifty percent (50%) of the floor area of a principal building. 2. The accessory building must be screened with landscaping from any street side with xeriscape evergreen shrubs a minimum of two (2) feet in height at time of plantings and maximum of three (3) feet on center. This excludes portions of the façade with pedestrian doors, vehicular access doors, and areas of the façade with two (2) feet or less between any doors and/or end of the façade. Plantings shall be located near the building walls to the satisfaction of the City. Plantings shall be maintained and replaced as necessary to maintain this standard. 3. Placement of permanent irrigation will be required for any plantings in this subsection. Irrigation shall be maintained and replaced as necessary to maintain function of the system.
Current Code	**Proposed Code**
(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	

Current Code	Proposed Code
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. (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."	[redacted]

Memo

To: Mayor and City Council

From: Frank Robbins

Cc. Bill Angelo

Subject: Accessory Building and Use Ordinance

Date: July 25, 2011

Metal siding. It appeared in June that the only issue was associated with the large accessory building material rules, whether metal would be allowed or not. The P&Z recommended draft is attached.

That provision on page 3 of the P&Z recommended draft ordinance follows:

> *(c) Architecture and material. These accessory buildings should look similar to the principal building. To accomplish this the following standards apply:*
>
> 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. *Other siding or façade of the building shall be the same material and color as that on the principal building.*
> 3. *Accessory buildings of this size may not have an exterior of metal unless the principal building has a metal exterior.*
> 4. *The roof shall be the same material and color as that on the principal building. The roof pitch should be similar to that of the principal building.*

The alternative to that was as follows:

> *(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. *Other siding or façade of the building is unregulated and may be metal.*
> 3. *The roof pitch should be similar to that of the principal building.*

Item approved by Council. Reflected in present Code

Council held a public hearing on the draft on July 21, 2011. A vote was not taken.

Carports. There was a consensus at the public hearing to allow carports as a conditional use. The draft ordinance attached has been modified to enable that and is shown in track change format.

1 attach: as

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. Front yard accessory building garages shall have the same proportion and type of masonry as the principal building. These accessory buildings shall not be taller than the principal building. Screening is not required.

(c) Architecture and material. These accessory buildings should look similar to the principal building. To accomplish this the following standards apply:

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. Other siding or façade of the building shall be the same material and color as that on the principal building.
3. Accessory buildings of this size may not have an exterior of metal unless the principal building has a metal exterior.
4. The roof shall be the same material and color as that on the principal building. The roof pitch should be similar to that of the principal building.

Pre-2011 Code before above approved changes

(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.

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Deleted: Elsewhere, carports are not permitted.

(C) Commercial and Multi-family Districts.

(1) Accessory buildings incident to any of the listed commercial or multi-family 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.

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(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.

(2) Boat docks and boat houses.

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

(b) Boat docks and boat houses 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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14, ZONING, ARTICLE 14.100, SECTION 6, SUPPLEMENTARY REQUIREMENTS, SUBSECTION 6.10 ACCESSORY BUILDINGS AND USE OF THE LAGO VISTA CODE OF ORDINANCES; CLARIFYING LANGUAGE; ADDING LANDSCAPE AND ARCHITECTURAL STANDARDS; ADDING RESTRICTIONS ON MAXIMUM FLOOR AREA; PROVIDING A SAVINGS CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, Chapter 14, Zoning, Article 14.100, Section 6, Supplementary Requirements, Subsection 6.10, Accessory Buildings and Use, City of Lago Vista Code of Ordinances ("Ordinances") has previously set no maximum floor area ratio, set limited architectural and landscaping related elements, and lacked clarity of regulation; and

Whereas, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of such regulations and forwarded a recommendation to the City Council and thereafter, the City Council has considered the requests and hereby desires to modify such Zoning provisions; and

Whereas, it is necessary for the City to amend all of the Sections set out below.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the amending or addition of rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amending Chapter 14, Zoning, Article 14.100, Section 6 Supplementary Requirements, Subsection 6.10 Accessory Buildings and Uses, City of Lago Vista Code of Ordinances is hereby amended to read as follows:

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 (2) 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.

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

(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.

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

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(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 larger than 120 sq. ft.

(a) Placement and setback. These buildings shall meet the same front, side and rear yard setback standards as the principal building, or accessory building shall have a minimum front yard setback of 20', whichever results in the greatest front yard setback.

(b) Additional Regulations on Accessory Garages. It shall be at least 250 sq. ft. in size. These accessory buildings shall not be taller than the principal building. Screening must meet landscaping and standards prescribed in subsection (e)(2).

(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 principal building.

2. For accessory buildings the facade material and colors of the accessory building must match the principal building.

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

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

(e) Additional Restrictions

1. The floor area of the accessory building cannot exceed fifty percent (50%) of the floor area of a principal building.

2. The accessory building must be screened with landscaping from any street side with xeriscape evergreen shrubs a minimum of two (2) feet in height at time of plantings and maximum of three (3) feet on center. This excludes portions of the façade with pedestrian doors, vehicular access doors, and areas of the façade with two (2) feet or less between any doors and/or end of the façade. Plantings shall be located near the building walls to the satisfaction of the City. Plantings shall be maintained and replaced as necessary to maintain this standard.

3. Placement of permanent irrigation will be required for any plantings in this subsection. Irrigation shall be maintained and replaced as necessary to maintain function of the system.

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Deleted: 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.

Deleted: The only type of accessory building permitted in the front yard is a garage and i

Deleted: 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.

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Deleted: other than front-yard accessory garages, other types of siding or

Deleted: is unregulated and may be metal, except the facade shall be of a similar color as that of the principal 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.

(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."

Section 6. Amendment of Ordinances. Chapter 14, Zoning, Article 14.100, Section 6 Supplementary Requirements, Subsection 6.10 Accessory Buildings and Uses are hereby amended in their entirety as provided in this Ordinance, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 7. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this _____ day of _____, 2016.

ATTEST: **THE CITY OF LAGO VISTA, TEXAS**

_____ _____

Sandra Barton, City Secretary Dale Mitchell, Mayor