

ORDINANCE NO. 19-11-07-03

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 5.10, 5.85 AND 6.105 OF CHAPTER 14, THE ZONING ORDINANCE, TO ADD PROCEDURAL AND SUBSTANTIVE REQUIREMENTS FOR CRITERIA-BASED, DISCRETIONARY SITE DESIGN REVIEW OF ALL MULTIFAMILY AND NON-RESIDENTIAL DEVELOPMENT PRIOR TO PERMITTING; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established procedural and substantive requirements within Chapter 14 of the Lago Vista Code of Ordinances for the rezoning and development of property to accommodate multifamily and non-residential uses; and

WHEREAS, those regulations and development standards are, in many cases, unable to completely and adequately ensure compatibility with adjacent or nearby residential uses; and

WHEREAS, recognition of this problem is identified in several locations within the current Comprehensive Master Plan for the City of Lago Vista, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken an extensive review of those regulations and discussed possible solutions to this problem over a lengthy period of time; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend those requirements contained within Chapter 14 of the Lago Vista Code of Ordinances as described below.

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

SECTION 1. FINDINGS. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby amend Section 5.10, 5.85 and 6.105 of Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit "A."**

SECTION 3. SAVINGS CLAUSE. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall

remain in full force and effect.


SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 7th day of November 2019.





Ed Tidwell, Mayor

ATTEST:



Sandra Barton, City Secretary

On a motion by Mayor Pro Tem Williams, seconded by Councilman Robbins, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 14

ZONING

5.10 Regulations For Adjoining Districts

All multifamily and non-residential development shall be required to obtain design review approval to mitigate potential negative impacts to nearby or adjacent residential districts unless explicitly waived by request in an ordinance that zoned or rezoned the property. See Section 6.105 below.

5.85 Screening Of Non-residential Or Multifamily Uses From Residential District Or Use

A site for non-residential or multifamily use, which abuts a single or two-family residential district, or area designated as such in a PDD shall be screened from view by means of a screening device of at least six feet (6') in height and in accordance with Section 20, herein.

Visual screening shall be accomplished by use of earth berms and landscaping/solid vegetation, or fences, walls, and similar screening devices as specified in the approved design review required by Section 6.105 below.

6.105 Required Design Review Approval for Multifamily and Non-residential Buildings

Prior to the issuance of building permits on any multifamily or non-residential development, design review approval in accordance with the provisions below must be secured in addition to the site development plan approval specified by the requirements within Chapter 3, Chapter 10 and Chapter 10.5 as applicable.

- (a) Purpose. Many areas within the current municipal limits are the result of subdivision approvals that pre-date the City and any comprehensive development standards. As a result, there are an abundance of relatively small and inordinately small lots throughout the jurisdiction. In addition, the existing development pattern does not include locations for multifamily or non-residential facilities except immediately adjacent to or very near one and two-family residences or property. Current growth trends have established a need to accommodate an increasing amount of these types of facilities and an opportunity to establish a more sustainable development pattern that includes a full range of housing choices, retail services and employment opportunities. As such, traditional zoning district approvals alone are insufficient to accommodate this type of growth in an orderly manner and to ensure compatibility with existing use rights. The provisions below are for the purpose of mitigating the potential negative impact of otherwise incompatible development and to increase the likelihood that growth instead adds lasting value to the community and promotes its long-term goals.
- (b) Procedure.

(1) Re-zoning Applications.

An applicant shall incorporate a design approval request as an integral part of a zoning district change application involving any of the applicable zoning districts or uses within a Planned Development District. Required documentation shall include site plans and site elevation concept drawings and any other documents required to illustrate how each of the proposed improvements address the compatibility issues and approval standards identified below. No additional fee is required when the required design approval is part of a zoning district change request.

(2) Property with Sufficient Zoning Use Rights.

An application for design approval for a property that already includes the necessary zoning rights involving one of the applicable districts or uses within a Planned Development District shall be made on a form supplied by the City. The only exemption results from a specific and explicit request approved in the provisions of the existing ordinance adopting the zoning district change. Documentation required for design approval shall include site plans and site elevation concept drawings and any other documents required to illustrate how each of the proposed improvements address the compatibility issues and approval standards identified below. The application shall require a fee equal to the fee established in the ordinance for site development plan approval. A pre-application conference and/or a sufficiency review with City staff is required prior to the application being placed on the next regularly scheduled or special call meeting of the Planning and Zoning Commission for approval. However, staff approval resulting from these meetings is not required and the applicant can request the matter be placed on the next available agenda notwithstanding a staff recommendation to the contrary. A public hearing and notices in accordance with the requirements of Section 13.40 below is not a pre-requisite but can be required at the discretion of the Commission when established during any public meeting.

(3) Site Plan Approval Amendments.

Substantive discrepancies between the design approval required by this section and a permit application require an amendment following the same procedures described above for property with sufficient zoning use rights. A discrepancy shall be considered substantive whenever it materially changes the impact on a particular adjacent or nearby property in a specific way and as encompassed by the approval standards and criteria enumerated below.

(4) Appeals. An applicant or any aggrieved person, as defined in section 2.10, may appeal the final decision of the Planning and Zoning Commissions on a design review application to the Board of Adjustments in accordance with the requirements of section 11.50.

(c) Conditions. If the Planning and Zoning Commission or the City Council incorporates conditions within their design review approval, all plans and drawings submitted as part of an application for a building permit or other similar required approvals must include compliance with those stipulations. Failure to do so shall be considered adequate basis for a denial of that permit or approval.

(d) Approval Standards and Criteria. Issues to be adequately addressed and resolved by the applicant in order to receive design review approval include, but are not limited to the following:

- (1) Conformity with all applicable regulations within the Code of Ordinances, the current Lago Vista Comprehensive Master Plan and any other adopted land use policies.
- (2) The location, arrangement, size, design and general site compatibility of structures and other improvements such as parking, landscaping, fences, lighting, signs and driveway locations to mitigate and otherwise avoid unreasonable negative impact to adjacent property (including public property or a public right-of-way) due to:
 - (A) Reduced privacy;
 - (B) Reduced use, utility or property rights;
 - (C) Avoidable light and sound trespass; or
 - (D) Unwarranted reductions in the visual or aesthetic quality of views beyond that which is an inherent result of development.
- (3) Landscaping, the location and configuration of required offsite parking and the arrangement of open space or natural features on the site shall:
 - (A) Minimize the visual and environmental impact of large expanses of uninterrupted paving;
 - (B) Create a desirable and functional open space environment for all intended site patrons, including pedestrians, bicyclists, and motorists; and
 - (C) Provide buffers and attractive screening to minimize the functional or visual impact of certain uniquely non-residential or multifamily site elements to help create a more logical and natural transition to dissimilar developments.
- (4) Circulation systems, transportation components and off-street parking shall integrate to:
 - (A) Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians, bicyclists, and any potential public transit users;
 - (B) Eliminate or reduce dangerous traffic movements;
 - (C) Minimize driveway or curb cuts by using cross-access servitudes and shared parking whenever possible and appropriate;
 - (D) Accommodate sign locations that do not create sight-obstructions that are potentially hazardous to any transportation mode; and
 - (E) Clearly define a network of pedestrian connections in and between parking lots, sidewalks, open spaces, and structures that is visible, identifiable, and safe.

- (5) Building facades visible from a public right-of-way shall avoid large expanses or massive amounts of unarticulated exterior finish surfaces or that are otherwise lacking in elements that relate to pedestrian or human scale.