

ORDINANCE NO. 23-08-03-02

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 3.104 OF CHAPTER 3 AND SECTIONS 2.10 AND 4.20 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO DISTINGUISH THE DETERMINATION OF THE MAXIMUM BUILDING HEIGHT PERMITTED BY THE ZONING ORDINANCE ON NON-CONFORMING FLAG LOTS FROM OTHER LOTS WITHIN THE MUNICIPALITY; 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 provisions within both Chapter 3 and Chapter 14 of the Lago Vista Code of Ordinances regarding the method to be used in determining the height of a building; and

WHEREAS, members of the public have recently brought a concern about the effectiveness of those provisions specifically related to non-conforming flag lots to the attention of the staff, the City Council, and some members of the Planning and Zoning Commission; and

WHEREAS, following a general discussion about the many significant problems associated with non-conforming flag lots at their meeting on June 15, 2023, the Lago Vista City Council requested that the Planning and Zoning Commission initiate a review and potential amendment to those existing provisions; and

WHEREAS, the Planning and Zoning Commission has undertaken a review of those existing provisions within Chapter 14 of the Lago Vista Code of Ordinances following a public hearing conducted at their regular meeting on July 13, 2023; and

WHEREAS, after determining that provisions regarding the method to be used in determining the height of a building area also included in Chapter 3 of the Lago Vista Code of Ordinances, the Building and Standards Commission has undertaken a review of those provisions at their special call meeting on July 19, 2023; and

WHEREAS, after determining that the provisions within Chapter 14 of the Lago Vista Code of Ordinances do not adequately address concerns regarding the method of determining the height of a building on non-conforming flag lots, the Planning and Zoning Commission has forwarded a recommendation to the City Council to amend Section 2.10 and Section 4.20 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, after determining that there is no need for duplicate provisions regarding the method of determining the height of a building, the Building and Standards Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend Section 3.104 of Chapter 3 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on August 3, 2023, reviewed the recommendation, and found the changes to be warranted.

WHEREAS, the City Council desires to amend 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 OF FACT. 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. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 3 and Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit “A”** and **Exhibit “B.”**

SECTION 3. REPEALER. 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. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.013 of the *Texas Local Government Code*.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 7. 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 3rd day of August 2023.


Ed Tidwell, Mayor

ATTEST:


Lucy Aldrich, City Secretary



On a motion by Councilor Prince, seconded by Councilor Roberts, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.100 BUILDING CODES AND CONSTRUCTION REQUIREMENTS

Section 3.104 Definitions

Definitions not supplied herein shall be obtained from adopted editions of the International Building Code, International Mechanical Code, International Plumbing Code, National Electrical Code, International Property Maintenance Code, International Fuel Gas Code, International Energy Conservation Code, the International Fire Code and Webster's Third New International Dictionary of the English language, unabridged.

Building. Any structure either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal or property of any kind, including, but not limited to, tents, awnings or vehicles situated on private property and used for the purpose of a building.

Building height. See Section 2.10 of Chapter 14.

Building or Other Independent Support Structures. Buildings or other structures such as water towers, church steeples, utility poles and other creative locations.

EXHIBIT “B”

CHAPTER 14

ZONING

Section 2 Definitions

2.10 Definitions

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

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:

- (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. For non-conforming “flag lots” as defined in Section 1.12 of Chapter 10, the building height shall instead be measured from the finish first floor elevation of a foundation that does not exceed the depth required by the terrain below the structure. 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 LINE: A line measured at the wall of a building or structure that is parallel to the property line or lines in question and extends to the adjoining property lines. In establishing the building line, the building wall shall not include permitted encroachments of architectural features, such as roof overhangs (eaves), protruding windows, paved areas, or steps.

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. In addition, “Industrialized Housing” as defined in Section 3.104 of Chapter 3 and meeting the following requirements shall be permitted in any of these residential districts:
 - (1) Meets all the requirements of the Texas Industrialized Building Code Council including the placement of a decal or seal issued by that agency on each transportable modular section or modular component indicating compliance with mandatory building codes;
 - (2) Meets or exceeds the development standards of any single-family dwelling within five hundred feet of the proposed industrialized housing location and the applicable development standards specified in Table A, Table of Development Standards; and
 - (3) Has a value, as documented by a Texas licensed appraiser, of both the proposed location and industrialized housing, that equals or exceeds the median taxable value for each single-family residence located within five hundred feet, as determined by the most certified tax appraisal roll for Travis County. Whenever only vacant lots are within five hundred feet of the proposed location, the appraisal shall be required to meet or exceed the value of the nearest single-family residence.
- (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. In addition, the minimum lot size in these districts shall be 8,400 square feet with a minimum depth of 110 feet. Except for lots that front entirely on a cul-de-sac or curve, the minimum width or the total of all segments shall be 65 feet. Lots that front entirely on a cul-de-sac or curve shall include a minimum chord length of 40 feet. All single-family residences shall have a garage with a minimum area of four hundred (400) square feet. See Section 3.123 of Chapter 3 for exterior appearance requirements.
- (d) Parking Area. Each dwelling shall include off-street parking in accordance with Section 7, herein.

EXHIBIT "A"

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.100 BUILDING CODES AND CONSTRUCTION REQUIREMENTS

Section 3.104 Definitions

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Building. Any structure either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including, but not limited to, tents, awnings or vehicles situated on private property and used for the purpose of a building.

Building height. ~~Building height is defined as follows:~~ See Section 2.10 of Chapter 14.

- (a) ~~The vertical distance measured from the highest natural contour 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 is excluded from total height considerations.~~
- (b) ~~In those cases where an "on grade" foundation finish floor elevation of the first floor of a residential living unit would be below the elevation of the one percent (1%) annual chance flood boundary; then the city shall ensure that the first habitable floor elevation will be one (1) foot above the federally designated one percent (1%) annual chance flood height (called the base flood elevation). In these cases, the maximum roof height of the building may be measured from one (1) foot above the federally designated one percent (1%) annual chance flood height.~~

Building or Other Independent Support Structures. Buildings or other structures such as water towers, church steeples, utility poles and other creative locations.

EXHIBIT "B"

CHAPTER 14

ZONING

Section 2 Definitions

2.10 Definitions

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

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:

- (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. **For non-conforming "flag lots" as defined in Section 1.12 of Chapter 10, the building height shall instead be measured from the finish first floor elevation of a foundation that does exceed the depth required by the terrain below the structure.** 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 LINE: A line measured at the wall of a building or structure that is parallel to the property line or lines in question and extends to the adjoining property lines. In establishing the building line, the building wall shall not include permitted encroachments of architectural features, such as roof overhangs (eaves), protruding windows, paved areas, or steps.

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. In addition, “Industrialized Housing” as defined in Section 3.104 of Chapter 3 and meeting the following requirements shall be permitted in any of these residential districts:
- (1) Meets all the requirements of the Texas Industrialized Building Code Council including the placement of a decal or seal issued by that agency on each transportable modular section or modular component indicating compliance with mandatory building codes;
 - (2) Meets or exceeds the development standards of any single-family dwelling within five hundred feet of the proposed industrialized housing location and the applicable development standards specified in Table A, Table of Development Standards; and
 - (3) Has a value, as documented by a Texas licensed appraiser, of both the proposed location and industrialized housing, that equals or exceeds the median taxable value for each single-family residence located within five hundred feet, as determined by the most certified tax appraisal roll for Travis County. Whenever only vacant lots are within five hundred feet of the proposed location, the appraisal shall be required to meet or exceed the value of the nearest single-family residence.
- (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. **In addition, the minimum lot size in these districts shall be 8,400 square feet with a minimum depth of 110 feet. Except for lots that front entirely on a cul-de-sac or curve, the minimum width or the total of all segments shall be 65 feet. Lots that front entirely on a cul-de-sac or curve shall include a minimum chord length of 40 feet. All single-family residences shall have a garage with a minimum area of four hundred (400) square feet in-area. See Section 3.123 of Chapter 3 for exterior appearance requirements.**
- ~~**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.
