

## **ORDINANCE NO. 21-08-19-05**

### **AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTIONS 4.55 AND 4.80 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING THE USE REGULATIONS AND PHYSICAL RESTRICTIONS APPLICABLE TO THE C-4 AND RR-A ZONING DISTRICTS; 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 use regulations and physical restrictions applicable to the C-4 and RR-A zoning districts within Sections 4.55 and 4.80 respectively of Chapter 14, the Zoning Ordinance; and

**WHEREAS**, the staff and members of the Planning and Zoning Commission have become aware of needed improvements to those regulations and physical restrictions; and

**WHEREAS**, these needed improvements will help eliminate the potential for undesirable uses and to instead facilitate the type of development in the vicinity of the Lago Vista Rusty Allen Airport that was originally intended by the recommendations and initiatives included in the current Comprehensive Master Plan and Airport Action Plan; and

**WHEREAS**, the proposed changes should yield results that are more aligned with the expectations of the vast majority of the residents and property owners in that area; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and subsequently conducted a public hearing concerning those regulations at a special call meeting on June 24, 2021; 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 Sections 4.55 and 4.80 of Chapter 14 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 5, 2021, 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 Sections 4.55 and 4.80 of Chapter 14 of the Lago Vista Code of Ordinances as shown in Exhibit "A."

**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.

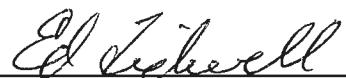
**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**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 19<sup>th</sup> day of August, 2021.



  
Ed Tidwell, Mayor

ATTEST:

  
Sandra Barton, City Secretary

On a motion by Councilmember Sullivan, seconded by Councilmember Williams, the above and foregoing ordinance was passed and approved.

**EXHIBIT "A"**

**CHAPTER 14**

**ZONING**

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**Section 4 Use Regulations and Physical Restrictions**

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**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. However, no lot shall include a hangar without platted access to a taxiway or taxiway easement.
- (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 residences within a C-4 structure are 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:
      - (i) The lot, tract or parcel covered by the site plan;
      - (ii) The location of each existing building and use in the area covered by the site plan;
      - (iii) 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;

- (iv) The location and dimensions of the proposed residential unit; and
- (v) The 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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#### **4.80 Restricted Residential with Aircraft**

- (a) Purpose. This district is available only to residential property that abuts the municipal airport, property in the C-4 zoning district or other property in the RR-A zoning district 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 when it has “through the fence” access to the municipal airport.
- (b) Permitted Uses. The permitted uses in the RR-A District shall be a single-family dwelling with or without a hangar. However, no lot shall include a hangar without platted access to a taxiway or taxiway easement.

- (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) Special Requirements. No property shall be zoned RR-A save and except:
  - (1) Such property shall abut property adjoining the municipal airport, property in the C-4 zoning district or other property in the RR-A zoning district;
  - (2) 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;
  - (3) All hangars shall have access to a taxiway easement or taxiway that provides a connection to the runway of the municipal airport;
  - (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.
  - (7) Home-based businesses shall be permitted in accordance with the requirements in Section 16 of this chapter applicable to all other single-family residential zoning districts.

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