

ORDINANCE NO. 24-10-17-02

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS,
AMENDING THE CODE OF ORDINANCES BY AN ORDINANCE OF THE
CITY OF LAGO VISTA, TEXAS, AMENDING SECTION 3.50 AND
SECTION 6.105 OF CHAPTER 14 TO CLARIFY AMBIGUOUS
LANGUAGE AND TO EXPLICITLY ALLOW THE CITY COUNCIL
DISCRETION TO APPROVE A ZONING CHANGE WHILE DEFERRING
THE DESIGN REVIEW OTHERWISE REQUIRED FOR MULTIFAMILY
AND NON-RESIDENTIAL ZONING DISTRICTS.**

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 Chapter 14 of the Lago Vista Code of Ordinances provisions that require a design review process before property can be zoned; and

WHEREAS, the Planning and Zoning Commission and Development Services staff have encountered situations where a landowner, particularly of newly annexed land, has applied for zoning but is also required to undertake the design review process set out in Section 6.105 of Chapter 14, but the landowner does not have a final plan or an end-user for the property but wants to zone the property to market it; and

WHEREAS, the Planning and Zoning Commission and Development Services staff have also become aware of inconsistent language in Chapter 14 related to the TR-1 zoning district; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken an extensive review of the issue at its meeting on August 8, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend Section 3.50 and Section 6.105 of Chapter 14 to clarify ambiguous language and to explicitly allow the City Council discretion to approve a zoning change while deferring the design review otherwise required for multifamily and non-residential zoning districts as described below; and

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 Section 3.50 and Section 6.105 of Chapter 14 to clarify ambiguous language and to explicitly allow the City Council discretion to approve a zoning change while deferring the design review otherwise required for multifamily and non-residential zoning districts, 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. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to 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.

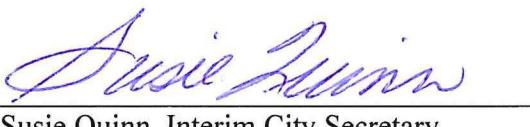
AND, IT IS SO ORDERED.

PASSED AND APPROVED this 17th day of October 2024.



Kevin Sullivan, Mayor

ATTEST:



Susie Quinn, Interim City Secretary

On a motion by Councilmember Prince, seconded by Councilmember Mayor Pro Tem Marvin, the above and foregoing ordinance was passed and approved.

CHAPTER 14

ZONING

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 Restricted) until reclassified in accordance with this chapter.
- (b) The Commission and/or city council may, 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 change process may be started by the City and/or the property owner of the land being annexed following the consideration of annexing land. The ordinance permanently zoning newly annexed property shall only be considered after the effective date of the annexation ordinance.

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 3.5 and Chapter 10 as applicable.

- (a) Purpose. Many areas within the current municipal limits are the result of subdivision approvals that predate 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 whenever adequate detailed information is available to meet the documentation requirements. 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.

"Exhibit A"

No additional fee is required when the required design approval is part of a zoning district change request.

An applicant that seeks approval of a zoning change while deferring the design approval shall state the specific reasons that adequate detailed information to meet the documentation requirements is not available. The City Council and Planning and Zoning Commission may defer the design approval requirement to a subsequent application in accordance with the procedures in Section 6.105(b)(2) below shall be included as a condition of the zoning change as described in Section 6.105(c) below.

- (2) Property with Sufficient Existing 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 review with City staff is required prior to the application being placed on a subsequent 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 a subsequent 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 existing 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 decision of the Planning and Zoning Commissions on an application that seeks design review approval in accordance with Section 6.105(b)(2) above to the City Council in accordance with the procedures for a subdivision variance appeal found in Chapter 10.
- (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. Regardless of whether it is part of a zoning change request or a separate application in accordance with Section 6.105(b)(2) above, issues to be adequately addressed and resolved 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, such as the Interim Growth Management Policy.

"Exhibit A"

- (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.
