



AGENDA
PLANNING AND ZONING COMMISSION SPECIAL MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
APRIL 22, 2024 AT 4:00 PM

JOIN MEETING VIA VIDEO CONFERENCE

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CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Norma Owen

Don Johndrow, Vice-Chairperson

Rachael Rich

Adam Benefield

Dave Snyder

Kathy Koza

Alternate Member: Frank Robbins

CITIZEN COMMENTS

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.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below.

[Citizen Participation Registration Form](#)

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **23-2621-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing “Marshall’s Harbor Planned Development District” (PDD) established by Ordinance No. 01-01-18-01 as amended by Ordinance No. 05-11-03-01 and Ordinance No. 06-06-08-02 to modify the uses permitted on the approximately 65.618 acres of undeveloped property consisting of Lot 49-AA, Lot 49-BB, and Lots 67 through 74 of Marshall’s Harbor subdivision.
 - Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
4. **23-2622-R-REZ:** Consideration of a recommendation regarding a zoning change request from the CR (“Commercial Resort”) zoning district to the R-1M (“Single-Family Residential, Medium Lot”) zoning district for the approximately 17.2879 acres of undeveloped property commonly referred to as being located at 20990 Waterside Drive (legally described as the “amended boat house dockominiums lot” within the Village III at Highland Lake Estates subdivision, Phase 2 revised).
 - Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
5. **23-2623-R-REZ:** Consideration of a recommendation regarding a zoning change request from the Planned Development District (PDD) referred to as “The Majestic” in the concept plan approved in Ordinance No. 08-06-19-01 to the P-1B (“Developed Park, Active”) zoning district for the approximately 8.9092 acres of undeveloped property located on the north side of Boggy Ford Road west of Poe Cove (Highland Lake Estates, Section 21, all of Lots 21234 through 21264 and portions of Lots 21231 through 21233).
 - Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
6. **23-2624:** Consideration of a recommendation to amend the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 8116 Chestnut Cove (Bar-K Ranches Plat 10, 64.96-acre “Golf Course Tract”) from “POA Park” to “Estate Residential.”
 - Staff / Applicant Presentation
 - Open Public Hearing

- Close Public Hearing
- Discussion
- Recommendation

ACTION ITEMS

7. **23-2619:** Consideration of an amended design review approval in accordance with Section 6.105 of Chapter 14 of the Lago Vista Code of Ordinances to allow periodic hosting of a farmer's market at the existing microbrewery with shared parking located at 8001 Bronco Lane (Bar-K Ranches, Section 18, Lot 18008).
 - Staff Presentation
 - Applicant Presentation
 - Discussion
 - Decision

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

8. Consideration of a potential amendment to Section 4, Section 8, and Section 18 of Chapter 14 to update the references to various zoning districts for consistency with Ordinance Number 23-09-07-04 and to accommodate the relocation of certain provisions related to industrialized housing to Chapter 3.
9. Consideration of a potential amendment to Section 11.60(b)(4) of Chapter 14 to correct an error relating to the expiration of special exception approvals.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 2:45 p.m. on the 4th day of April 2024.

Lucy Aldrich, 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 AND 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 NEGOTIATIONS.



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Routine Reports from City staff.



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Routine Reports from City Council Liaison.

RECOMMENDATION:



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2621-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing "Marshall's Harbor Planned Development District" (PDD) established by Ordinance No. 01-01-18-01 as amended by Ordinance No. 05-11-03-01 and Ordinance No. 06-06-08-02 to modify the uses permitted on the approximately 65.618 acres of undeveloped property consisting of Lot 49-AA, Lot 49-BB, and Lots 67 through 74 of Marshall's Harbor subdivision.

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:

[23-2621-PDD-MOD.pdf](#)

LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 22, 2024



P&Z CASE NO:	23-2621-PDD-MOD: Marshall's Harbor PDD
APPLICANT:	City of Lago Vista, Texas (Tracie Hlavinka, City Manager)
LANDOWNER:	Montechino Ventures Group LLC / Caelum Capital LLC
LOCATION:	Varies, see municipal addresses attached to application
ZONING:	Marshall's Harbor PDD as amended
PROPOSED USE:	Amended PDD (concept plan approval only)

GENERAL INFORMATION / LOCATION:

- Like all the applications that require a public hearing on this agenda, this request has been initiated pursuant to the Interim Growth Management Policy that was adopted by the Lago Vista City Council on May 4, 2023. The first item in that policy creates an obligation by the Development Services Department staff to generate and maintain a list of dormant or potentially dormant entitlements for use by the Council. At the most recent Strategic Planning Meeting of the Lago Vista City Council on February 24, 2024, the City Attorney and Development Services Director were instructed to identify existing zoning entitlements from that larger list that might warrant additional review for current or continuing viability. Portions of four existing entitlements were presented for consideration by the Council on March 7, 2024, which resulted in an authorization for the City Manager to initiate the applications scheduled for a public hearing during this meeting.
- This specific application involves two remote tracts of land within the existing Marshall's Harbor subdivision, each of which includes contiguous lots. What is now legally described as Lot 49-AA and Lot 49-BB is located at the termination of Mira Lago Drive. Although the lots have been reconfigured since the uses were initially approved in Ordinance Number 01-01-18-01, no significant attempt to develop either of the approved uses has occurred in the subsequent twenty-three years. One of the two contiguous lots was approved as a "private marina lot" while the other was approved as a "residential condominium lot."
- Lots 67 through 74 of Marshall's Harbor Subdivision were approved as single-family residential lots in Ordinance Number 01-01-18-01, and they remain as configured in the original subdivision plat. The location of these lots is best described by the maps included in the packet as well as the list of municipal addresses attached to the application form. Each lot includes a relatively large amount of area as dictated by the substantial setback requirements. However, Ordinance Number 06-06-08-02 created the "Montechino PDD" using a portion of the property legally described in Ordinance Number 01-01-18-01 and Ordinance Number 05-11-03-01 as the "Marshall's Harbor PDD." It defined these specific lots as "Area 5" or "Lot E" and approved for use as "resort hotel commercial lot." As with Lot 49-AA and Lot 49-BB, there has been no significant attempt to develop this use at the specified location in the eighteen years that followed that approval.

SITE PLAN / CONTEXT CONSIDERATIONS:

- There appear to be physical, regulatory, and economic impediments to the development of the property in accordance with the existing approvals. The cost of developing anything other than single-family residences on relatively large lots that would accommodate a building pad on the severe topography without excessive cuts or fill (precluded by existing approvals) has undoubtedly contributed to the lack of any significant activity on these specific tracts of land.
- Regarding current Lots 49-AA and 49-BB, there is a question whether the typical level of the lake at this specific location would feasibly support a "private marina" even if the necessary permits from the LCRA could be obtained. Moreover, there is concern whether the existing private streets are appropriate for the traffic volume necessary to make either a "private marina" or a condominium development successful. If so, the ability of both the street and the development of the property to remain compatible with the adjacent single-family residential lots with minimum setbacks of 90 feet at the front and 50 feet on each side is highly questionable.

- Another problem with the entitlement related to current Lots 49-AA and 49-BB is that the building height is limited to 25 feet above the highest point on the lot which is 10 feet less than what is permitted for the adjacent single-family residences. Permanent structures are also not allowed to encroach into the 681-foot contour line, already 31 feet below the 100-year floodplain. Since the original lot 49-A (which defines the location for which a condominium can be placed) includes only 4.62 acres of land, the development would need to accommodate an average density of slightly more than 12 units per acre. That is the type of yield that results from a suburban apartment complex on a relatively flat piece of property, often requiring three floor levels. This entitlement seeks to achieve similar results on severe topography within the floodplain with a building height limitation that would probably preclude a pitched roof on any two-story structures. These are likely reasons that the property remains undeveloped in accordance with the current entitlement.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Given the nature and purpose of this application, the most relevant consideration appears to be that the future land use map within the current comprehensive plan designates this property as “rural residential.” This determination was made notwithstanding the fact that the uses that this application questions as feasible were approved a minimum of a decade before that comprehensive plan was originally adopted in 2016. The single-family residential development standards applicable to the balance of the remaining “Marshall’s Harbor PDD” (as distinguished from the “Montechino PDD” that was created from a portion of the original approval) may or may not achieve the minimum densities contemplated by that “rural residential” designation. Nonetheless, requirements such as the relatively large minimum setbacks would seem to go a long way toward ensuring that the existing residential development pattern and densities are maintained.
- Those extraordinary development standards, such as the large minimum setbacks, would also tend to preclude an assertion that the proposed change is not consistent with the comprehensive plan as required by Section 13.20(d) of Chapter 14. The relevant portion of that provision reads as follows: “The adopted Comprehensive Plan documents the current land use policy recommendations applicable within the municipality and serves as a guideline for future zoning decisions that will yield a balanced, diversified, and compatible pattern of development consistent with the vision of its citizens.” It would be difficult to argue that applying the same development standards to these adjacent lots would be incompatible with the remaining existing pattern.
- Moreover, there are several existing single-family residential lots within the development that seemingly fall slightly short of that associated minimum lot size. There is also no guarantee that anything other than “rural residential” densities can be precluded, even in the absence of an approved zoning change. For example, the owner of an existing lot could not be prevented from submitting a resubdivision application involving a single existing lot so long as the development standards within the applicable zoning approval are maintained. However, the subdivision regulations require a “concept plan” for anything involving ten or more building sites, so there is a limit on the size of a resubdivision approval without other more discretionary approvals being potentially involved.
- As such, this application does not seek to broach that issue by introducing any new development standards or use designations to the existing PDD ordinance. Instead, it simply seeks to apply the same single-family residential standards that is applicable to all the property that remains within the original “Marshall’s Harbor PDD.” To avoid ambiguity, the amendment to those existing ordinances that are included in the packet should include a clarification that the property described as both “Area 5” and “Lot E” in Ordinance Number 06-06-08-02 has been eliminated from inclusion in the “Montechino PDD,” including subsequent amendments.
- As the existing division of lots and street network (public and private) are sufficient to qualify as a both a concept plan and detail plan under the provisions of Section 10 of Chapter 14, no future

action or approvals are required for development of the property that is the subject of this application. Section 10.20(c)(2) of Chapter 14 provides as follows: "The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process."

- As this application is the initiative of the City, the current property owners are notified in the same manner as the owners of property within 200 feet of the application. The written objection from the owner of 20 percent or more of the subject property would result in the change requiring the approval of three-fourths of the governing body (the City Council). While there is also no current requirement to include all the property within an existing PDD, the Development Services Department staff has recently begun making that effort. However, in this case the original PDD approval has already been divided in two (the "Marshall's Harbor PDD" and the "Montechino PDD) with each contiguous parcel currently in a distinct approval. Only if the application is approved will Lots 67 through 74 be "reinstated" to the "Marshall's Harbor PDD." In addition, since the current property owners are the most likely to submit written objections, the need to expand the 200-foot notification boundary beyond each contiguous tract would seem marginal.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approving the requested change and the existing configuration of lots as described in the subdivision plat as meeting the requirements for both a concept plan and detail plan approval.
- B. Recommend denying the requested change in anticipation of more clarity following the update to the comprehensive plan.
- C. Recommend denying the requested change as unwarranted in comparison to the existing use approvals.

23-2621-PDD-MOD

Marshall's Harbor (Lot 49-AA, Lot 49-BB, and Lots 67-74)

Attachment 1

Application



**CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645**

LAGO VISTA

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: Tracie Hlavinka **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: (512) 267-1155 x100 **Contact Email:** tracie.hlavinka@lagovistatexas.gov
Property Owner(s):* City of Lago Vista, Texas
Owner's mailing address: PO Box 4727, Lago Vista, TX 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*

Lot 49-AA, Lot 49-BB, and Lots 67 through 74 of Marshall's Harbor subdivision

Municipal Address(es)* if applicable: See attached.

NATURE OF REQUEST

Current Zoning District(s): PDD **Requested District:** PDD Amendment

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

To replace the remaining dormant portions of the Marshall's Harbor PDD with a zoning entitlement that is consistent with the future land use map designations within the current Lago Vista comprehensive plan

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: _____ **Email:** _____

Mailing Address: _____ **Phone:** _____

NOTE: Applications must be complete including all applicable portions of this form, payment of fees,

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.

Jace Hauke

April 1, 2024

Property Owner's signature(s)*

Date

***Attach additional sheets as required**

Municipal Addresses within Legal Description (Marshall's Harbor Subdivision)

- Lot 49-AA: 5450 Mira Lago Drive
- Lot 49-BB: 5424 Mira Lago Drive
- Lot 67: 5100 Shoreline Ranch Drive
- Lot 68: 5000 Shoreline Ranch Drive
- Lot 69: 4824 Shoreline Ranch Drive
- Lot 70: 4800 Shoreline Ranch Drive
- Lot 71: 19240 Austin Boulevard
- Lot 72: 4901 Observatory Hill
- Lot 73: 4929 Observatory Hill
- Lot 74: 4941 Observatory Hill

23-2621-PDD-MOD

Marshall's Harbor (Lot 49-AA, Lot 49-BB, and Lots 67-74)

Attachment 2

Existing PDD Ordinances

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 01-01-18-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THE SUBDIVISION KNOWN AS MARSHALL'S HARBOR FROM DISTRICT TR-1 "TEMPORARY UNZONED" TO A "PLANNED DEVELOPMENT DISTRICT"; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of the property known as Marshall's Harbor described hereinafter (the "Property") has requested that the Property be rezoned;

WHEREAS, after giving ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

WHEREAS, after publishing notice to the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

Section 1. Findings: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance: Ordinance No. 98-04-27-03, as amended, the City of Lago Vista Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property: The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property being 461.108 acres, more or less, out of the D & W R.R. Co. Survey No. 101, A-247 and the W.B. Corwin Survey No. 189, A-2634, Lago Vista, Travis County, Texas, as more particularly described in Exhibit "A" (the "Property"), from the current zoning district TR-1 to zoning district "PDD". The Property is accordingly hereby rezoned to Planned Development District - "PDD" with the uses of individual lots as set forth on the approved subdivision plat as provided in Section 4.

Section 4. Zoning Requirements: The zoning requirements established herein shall apply to the Planned Development District ("PDD") known as Marshall's Harbor Planned Development. The comprehensive zoning requirements of Ordinance No. 98-04-27-03, as amended, shall apply to each property as individually zoned; provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual lots set forth herein, the requirements set forth herein shall control.

1. Zoning.
 - A. Lots 1-48 and 50-74 shall be single family residential lots, and comply with the zoning requirements of R-1A except as hereinafter modified;
 - B. Lots A & B shall be retail/office commercial lots and comply with the zoning requirements of C-1A except as hereinafter modified;
 - C. Lot 49-A shall be a residential condominium lot, and comply with the zoning requirements of R-4 except as hereinafter modified;

D. Lot 49-B shall be a private marina lot, and comply with the zoning requirements of C-3 except as hereinafter modified;

E. Lot C shall be a public park and comply with the zoning requirements of "P-2" zone district except as hereinafter modified; and

F. Lot D shall be a private access lot.

2. The City of Lago Vista shall have a public safety easement over all private streets and roadways and all easements and greenbelts dedicated for general use by the Marshall's Harbor subdivision.

3. Each developed lot within the PDD shall be served by City of Lago Vista water and wastewater utility services. Wastewater utilities located within this subdivision are public utilities up to the point of connection to each lot's lot line. Water utilities are part of the public system up to the point of connection to a private service meter.

4. No sidewalks shall be required for any lots, including those lots within 1,000 feet of a school.

5. No street lights shall be required on private streets. Street lights shall be installed by Declarant on all new public streets constructed by Declarant, not less frequently than every 800 lineal feet.

6. All development shall be in compliance with the LCRA Non-point Source Pollution Control Ordinance and the City of Austin Land Development Code, Section 25-8-181 as adopted on the date this PDD is approved by ordinance.

7. Cut and fill shall be limited to a maximum of 4 feet above grade provided a cut or fill in excess of 4 feet shall be permitted if the cut or fill slope is terraced to control erosion and sedimentation.

8. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.

9. Use and development of all lots in the Marshall's Harbor Planned Development shall be in accordance with all applicable provisions of the Development Agreement for Marshall's Harbor subdivision, executed effective April 27, 2000 by and between the City of Lago Vista and Marshall's Harbor, Ltd.

10. No building or other structure other than a marina structure, necessary access and appurtenances may be constructed below the 681 foot mean sea level contour line of Lake Travis.

11. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance 98-04-27-03 and other City ordinances, as amended from time to time, shall apply.

12. Plat dedicated streets which provide access only to an Exempt Tract defined as any combination of contiguous lots exceeding 70 acres in total area under common ownership need not be built by Declarant, provided at least one point of access across a Plat Dedicated Street to a building site on the Exempt Tract is built. If any Plat Dedicated Street to an Exempt Tract is not constructed prior to Declarant obtaining a Certificate of Completion from the City of Lago Vista for all plat dedicated infrastructure improvements, the City may require a restrictive covenant signed and notarized by the owner of said Exempt Tract which states that the Exempt Tract Owner conveys and restricts the right to sell less than all the lots comprising the Exempt Tract

to a single ownership entity or person prior to completing construction of all Plat Dedicated Street through the Exempt Tract to City Construction Standards within the Plat Dedicated Street right-of-way at such Exempt Tract owner's sole cost and expense.

13. No single-family residence shall be constructed with less than 3,500 square feet of heated and cooled living area.
14. Maximum building height for single family residential lots is thirty-five (35) feet above the highest point on the lot except for structures on an Exempt Tract as defined in the Subdivision Restrictions.
15. Residential structures shall have exterior facades constructed of 100% masonry.
16. Stables for horses may be built on any contiguous lots comprising more than 15 acres in common ownership and horses may be kept on any such contiguous lots. No livestock other than horses is allowed.
17. Commercial structures shall have exterior facades constructed of 50% masonry.
18. Retail/Office Lots A and B shall be restricted to an impervious cover limit of 20% of the area of each lot.
19. The maximum building height for Retail/Office commercial buildings is 35-feet above the highest point on the lot.
20. Residential Condominium Structures:
 - A. Maximum building height for Residential Condominium Structures is 25-feet from the highest point on the lot.
 - B. The exterior facades shall be constructed of a minimum of 75% masonry.
 - C. No residential condominium unit shall be less than 1,000 square feet in living area.
 - D. The maximum number of residential condominium units shall not exceed 30 units.
21. Within the Planned Development District, the following general provisions shall apply to each property, which provision shall control over the requirements of the comprehensive zoning ordinance:
 - A. Building Setbacks are as follows:
 - (i) front yard setback—90 feet;
 - (ii) rear yard setback—50 feet
 - (iii) side yard setback—50 feet
 - B. Building Setbacks shall also serve as conservation and Non-Point Source (“NPS”) vegetative buffer strips unless otherwise designated on the Site Plan.
22. No barbed wire shall be allowed in the construction of any fence on the property. Any fence, wall, hedge or other similar structure shall not exceed 6-feet in height or be composed of a material other than 14 gauge or heavier wire or wrought iron. However, a privacy fence within 35-feet of the extended sideline of a dwelling structure and within 60-feet of the rear foundation of a dwelling structure may be constructed of wood or masonry as well as 14 gauge or heavier wire or wrought iron and of a height up to 6-feet, 6-inches. Such privacy fence cannot be built within the building setback. Stone fence columns at no less than 12-foot intervals in support of a wrought iron fence system are permitted. Chain link fences shall be prohibited.

23. Boats and recreational vehicles may be parked on unpaved surfaces on residential lots provided the boat or recreational vehicle is not visible from the street.
24. Helicopter pads and hangars are allowed as an accessory use on any Exempt Tract defined as any combination of contiguous lots exceeding 70 acres in total area under common ownership within the Property, provided there is a primary use already existing on a lot within the Exempt Tract and such helicopter pad is constructed at least two hundred (200) feet from a residence on an adjacent lot and such helicopter pad is constructed in accordance with Federal Aviation Administration regulations.

Section 5. Amendment Of Ordinances. Ordinances number 98-04-27-03 is hereby amended to add the above-described planned development district.

Section 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

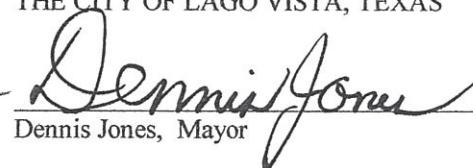
Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

PASSED AND APPROVED on this 18th day of January, 2001.

ATTEST:

THE CITY OF LAGO VISTA, TEXAS


Joyce Stapleton, City Secretary


Dennis Jones, Mayor

On a motion by Jo Anne Molloy, seconded by Anne Ochoa, the above and foregoing instrument was passed and approved.

EXHIBIT "A"

The subdivision known as Marshall's Harbor, being 461.108 acres, more or less, out of the D & W R.R. Co. Survey No. 99, A-246 and the D & W R.R. Co. Survey No. 101, A-247 and the W. B. Corwin Survey No. 189, A-2634, and situated in Travis County, Texas, said 461.08 acres being a portion of the 128.61 acre tract described in deed to Steven Morse recorded in Document No. 1999139961 of the Official Public Records of Travis County, Texas, and a portion of the 445.355 acre tract described in deed to Steven Morse recorded in Document No. 1999139962 of the Official Public Records of Travis County, Texas.

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 05-11-03-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE NO. 01-01-18-01 ESTABLISHING THE MARSHALL'S HARBOR PLANNED DEVELOPMENT DISTRICT ("PDD"); ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT AS AMENDED, MAKING FINDS OF FACT AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of the property, known as Marshall's Harbor Lot 49A, according to the map or plat recorded in Document No. 200000248, Official Public Records of Travis County, Texas (the "Property") has requested certain amendments to the Marshall's Harbor PDD as it would affect Lot 49A Marshall's Harbor Subdivision to accommodate the planned development of said Lot 49A as residential condominiums; and

WHEREAS, after giving 10-days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendations on the proposed amendment to the Marshall's Harbor PDD zoning ordinance to the City Council; and

WHEREAS, after publishing notice to the public at least 15-days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and circumstances of the Property and finds that a substantial change in circumstances of the Property sufficient to warrant a change in the zoning of the Property as provided below has transpired;

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

Section 1. Findings: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance: This Ordinance amends Ordinance No. 01-01-18-01 as it applies to Lot 49A, Marshall's Harbor Subdivision only, so as to amend the performance standards applicable to the development of Lot 49A, (the "Property") in accordance with the Planned Development District zoning and is intended to amend the requirements of the Marshall's Harbor Planned Development District Ordinance No. 01 01 18 01 only as it applies to the following subsections of Section 4 therein.

Section 3. Rezone Property: The zoning of the Property shall remain "PDD" and shall be subject to the Planned Development District zoning requirements as provided in Ordinance No. 01-01-18-01 except as specifically amended as provided below in Section 4.

Section 4. Zoning Requirements: The zoning requirements established herein for Lot 49A shall be the same as those as established and adopted by Ordinance No. 01 01 18 01 for the PDD known as Marshall's Harbor PDD, except as specifically amended below:

20. Residential Condominium Structures.
 - D. The maximum number of residential condominium units shall not exceed fifty-six (56) units.
21. The following setback provisions shall apply to Lot 49A, as said Lot is now configured or may be reconfigured through resubdivision to add additional land mass, , Marshall's Harbor Subdivision:
 - A. (i) front yard setback - 30 feet
 - (ii) rear yard setback - 10 feet
 - (iii) side yard setback - 5 feet

B. *Building Setback shall also serve as conservation and Non-Point Source ("NPS") vegetative buffer strips unless otherwise designated on the Site Plan.*

Section 5. Amendment of Ordinances: Ordinance number 01 01 18 01 is hereby amended as provided herein.

Section 6. Severability: Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness as such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

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, Texas Government Code.

AND, IT IS SO ORDERED.

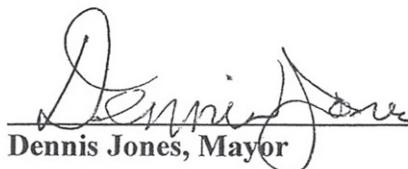
PASSED AND APPROVED on this 3rd day of November, 2005.

ATTEST:

THE CITY OF LAGO VISTA, TEXAS

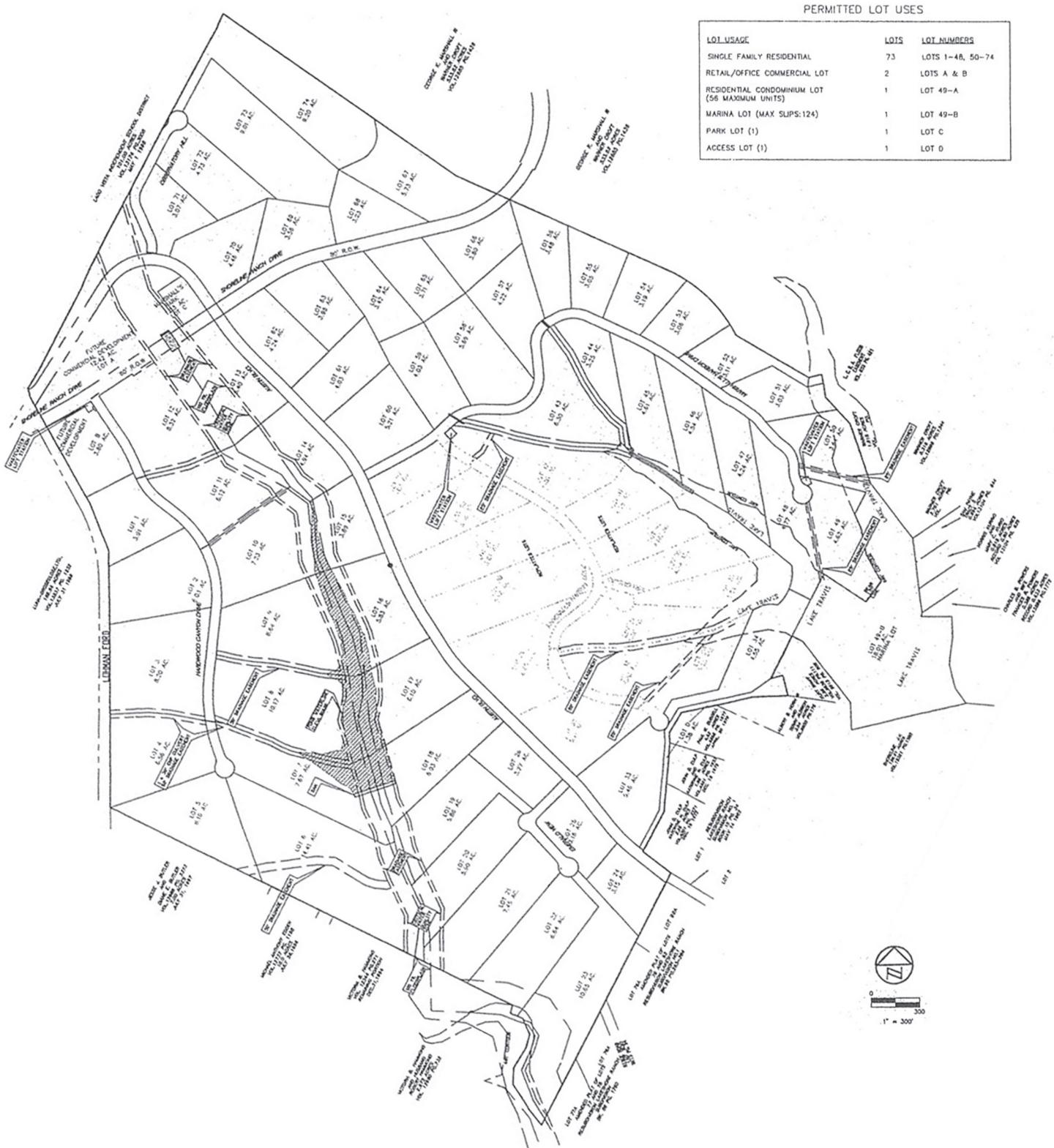


Joyce W. Stapleton, City Secretary



Dennis Jones, Mayor

MARSHALL'S HARBOR PLANNED DEVELOPMENT DISTRICT



CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 06-06-08-02

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE NO. 01-01-18-01 ESTABLISHING THE MARSHALL'S HARBOR PLANNED DEVELOPMENT DISTRICT ("PDD") AS AMENDED BY ORDINANCE NO. 05-11-03-01 AMENDING THE MARSHALL'S HARBOR PDD WITH RESPECT TO LOT 49A; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT AS AMENDED; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Villa Montechino, LP, owner of the property known as Lots 1 through 26, Lots 67 through 74, and Lot B, Marshall's Harbor Subdivision according to the map or plat recorded in Document #200000248, Official Public Records of Travis County, Texas (the "Property") has requested certain amendments to the Marshall's Harbor PDD as it would affect Lots 1 through 26, Lots 67 through 74, and Lot B to accommodate the Planned Development on said Lots to be hereinafter referred to as "The Montechino PDD, which will provide 162 single family lots, 95 town home lots, 112 residential condominium units in 7 condominium buildings on proposed new Lot F, and one resort hotel on new Lot E; and

WHEREAS, after giving fifteen (15) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission held a public hearing on the proposed re-zoning and forwarded its recommendations on the proposed amendment to the Marshall's Harbor PDD Zoning Ordinance to the City Council; and

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the requests and circumstances of the Property and finds that a substantial change in circumstances of the Property is sufficient to warrant a change in the zoning of the Property as provided below has transpired; and

WHEREAS, the City Council has reviewed the City's Comprehensive Plan and finds this PDD to be compatible and in compliance with the City's Comprehensive Plan; and,

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

Section 1. Findings: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance. Ordinance No. 98-04-27-03, as

amended, the City of Lago Vista Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3. Further, this Zoning Ordinance amends and replaces Ordinance No. 01-01-18-01, as amended, amending the Performance Standards applicable to the development of current Lots 1 through 26, Lots 67 through 74, and Lot B, (the "Property") Marshall's Harbor Subdivision in accordance with the Planned Development District Zoning and is intended to amend the requirements of the Marshall's Harbor Planned Development District Ordinance No. 01-01-18-01 only as it applies to the Property as set forth in Section 3. Provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual lot set forth herein and as depicted on the map exhibits attached hereto as Exhibit "A", the requirements set forth herein shall control.

Section 3. Zoning Requirements: The zoning requirements established for the Property (hereinafter referred to as "The Montechino PDD") shall be those as established and adopted by Ordinance No. 98-04-27-03, as amended, except as specifically set forth below.

1. Zoning.
 - A The 162 single family residential lots identified on the Montechino PDD Map Exhibit "A" attached hereto and incorporated herein by reference, identified as Area 1, shall comply with the zoning requirements of "R-1A" except as hereinafter modified.
 - B Area 2 as identified on the Montechino PDD Map Exhibit "A" as the 95 Patio/Town Home Lots shall comply with the zoning requirements of "R-1A" except as hereinafter modified.
 - C Area 3 as identified on the Montechino PDD Map Exhibit "A" as Lot B, shall be Retail/Office Commercial Lot and comply with the zoning requirements of "C-1A" except as hereinafter modified.
 - D The area designated as Area 4 on the Montechino PDD Map Exhibit "A" and identified as "Lot F" shall be a residential condominium lot with seven (7) condominium buildings, each containing not more than sixteen (16) residential units and shall comply with the zoning requirements of "R-4" except as hereinafter modified.
 - E The area designated as Area 5 on the Montechino PDD Map Exhibit "A" and identified as "Lot E" shall be a resort hotel commercial lot and comply with the zoning requirements of "C-2" except as hereinafter modified.
 - F At all times, the total density to open space shall meet the Lake Travis Non-Point Source Pollution Control Ordinance requirements.
2. The City of Lago Vista shall have a public safety easement over all private streets and roadways and all easements and green belts dedicated for general use by the Montechino Subdivision.
3. Each developed lot within the Montechino PDD shall be served by the City of

Lago Vista water and wastewater utility services. Wastewater utilities located within this Subdivision are public utilities up to the point of connection to each lot's lot line. Water utilities are part of the public system up to the point of construction to a private service meter.

4. No sidewalks shall be required for any lots, including those lots within 1,000 feet of a school.
5. No street lights shall be required on private streets. Low profile, hooded, street lights shall be installed by Declarant on Shoreline Ranch Drive constructed by Declarant, not less frequently than every 800 lineal feet.
6. All development shall be in compliance with the LCRA Non-point Source Pollution Control Ordinance and the City of Austin Land Development Code, Section 25-8-181 as adopted on the date this PDD is approved by ordinance.
7. Cut and fill shall be limited to a maximum of 4 feet above grade provided a cut or fill in excess of 4 feet shall be permitted if the cut or fill is sloped or is terraced to control erosion and sedimentation or retaining wall as provided.
8. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
9. Use and development of all lots in the Montechino PDD shall be in accordance with all applicable provisions of the Development Agreement for the Montechino Subdivision executed effective June 8, 2006 by and between the City of Lago Vista and Villa Montechino, LP, a Texas limited partnership.
10. No building or other structure other than a marina structure, necessary access and appurtenances may be constructed below the 681 foot mean sea level contour line of Lake Travis.
11. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance 98-04-27-03 and other City ordinances, as amended from time to time, shall apply.
12. No single-family residence within the Montechino PDD shall be constructed with less than 2500 square feet of heated and cooled living area. No patio/town home lot shall be constructed with less than 1600 square feet of heated and cooled living area. Off street parking for each single-family dwelling shall be provided by an enclosed garage capable of parking two (2) automobiles and having a minimum floor area of 400-square feet.
13. Maximum building height for single family residential lots is thirty-five feet (35') above the highest point on the lot. Maximum building height for patio/town home lots is thirty-five feet (35') above the highest point on the lot.

14. Residential structures shall have exterior facades constructed of 100% masonry.
15. Commercial structures shall have exterior facades constructed of a minimum 50% masonry.
16. Retail/Office Lot B shall be restricted to an impervious cover limit of twenty percent 20% of the area of said lot.
17. The maximum building height for Retail/Office commercial buildings shall not exceed the maximum building height requirements of thirty five (35) feet above the highest point of the lot. . The maximum building height for any Resort Hotel built in the C-2 Zone District shall not exceed eighty (80) feet, provided said hotel meets the following minimum performance standards:
 - (i) provides a minimum of 100 guest rooms;
 - (ii) provides a minimum of 2 restaurants cocktail lounge and guest amenities, including spa, swimming pool, work-out facilities; and
 - (iii) provides a minimum of 1000-square feet of conference center space.Should the property be developed in any manner other than for a hotel then the maximum height of the structures allowed on the lot shall not exceed thirty five (35) feet above the highest point on the lot.

18. Residential Condominium Structures:
 - A. Structures on New Lot F (Area 3 on the Montechino PDD Map Exhibit "A") shall not exceed an elevation of 932 feet msl at the highest point of any structure on the Property
 - B. The exterior facades shall be constructed of a minimum of 80% masonry.
 - C. No residential condominium unit in Area 3 shall be less than 850 square feet in living area.
 - D. The maximum number of residential condominium units in Area 3 shall not exceed one hundred and twelve (112).
19. Within the Montechino Subdivision PDD, the following general provisions shall apply to each property, which provision shall control over the requirements of the comprehensive zoning ordinance:
 - A. Area 1 Building Setbacks are as follows:
 - (i) front yard setback is twenty-five (25');
 - (ii) rear yard setback is ten feet (10');
 - (iii) side yard setback is five feet (5').
 - B. Area 2 Building Setbacks are as follows:
 - (i) front yard setback is fifteen feet (15');
 - (ii) rear yard setback is five feet (5');
 - (iii) side yard setback is five feet (5').

- C. Area 3 Building Setbacks are as follows:
 - (i) front yard setback twenty feet (20');
 - (ii) rear yard setback five feet (5');
 - (iii) side yard setback ten feet (10').
- D. Area 4 Building Setbacks are as follows:
 - (i) front yard setback twenty feet (25');
 - (ii) rear yard setback ten feet (20');
 - (iii) side yard setback five feet (20').
- E. Area 5 Building Setbacks are as follows:
 - (i) front yard setback twenty-five feet (25');
 - (ii) rear yard setback ten feet (10');
 - (iii) side yard setback five feet (5').

20. Cul de sac length will be allowed up to a maximum of 2,000 lineal feet with "turn-a-rounds bubbles" having a radius of 60' shall be provided every 1,000 linear feet.

21. Street right-of-ways classified as "minor" shall be allowed to be fifty feet (50') wide and private driveways/alleys serving the single-family patio homes may be not less than twenty-four feet (24') wide and must be private. Continuing maintenance must be provided through the HOA.

22. Any fence, wall, hedge or other similar structure shall not exceed six feet (6') in height and shall be composed only of wrought iron type metal fencing, stone or a combination thereof. Chain link or barbed wire fences shall be prohibited.

23. No boats or recreational vehicles may be parked on any residential lots in the Montechino PDD.

24. The Property within the Montechino PDD shall be re-platted subject to compliance with City subdivision and development regulations.

25. The property fronting Austin Blvd. shall be screened from Austin Blvd. by a decorative masonry wall not less than six (6) feet in height or more than twelve (12) feet in height. The area in front of the wall will be landscaped and maintained in a manner so as to provide an attractive appearance.

Section 5. Special Exception and Variance. To the extent any authorization or approval of this Montechino PDD is in conflict with the water quality requirements of any agreement entered into between the City of Lago Vista and any other city, such authorization or approval shall be deemed to have been granted by special exception and variance by a finding of public necessity through the duly adopted governing body of the City of Lago Vista.

Section 6. Amendment of Ordinances. Ordinance number 98-04-27-03 is hereby amended to add the above described Montechino Planned Development District

and Ordinance number 01-01-18-01 establishing Marshall's Harbor Planned Development District, as amended by 05-11-03-01, is hereby amended in its entirety as to those properties so rezoned herein to be known as the Montechino Planned Development District.

Section 7. Severability. Should any section of part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section of part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 8. 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, Tex. Gov't. Code.

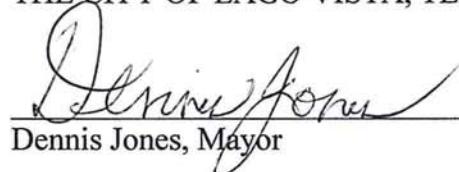
PASSED AND APPROVED on this 8th day of June, 2006.

ATTEST:



Christina Buckner, City Secretary

THE CITY OF LAGO VISTA, TEXAS



Dennis Jones, Mayor

On a motion by Randy Kruger, seconded by Bob Bradley, the above and foregoing instrument was passed and approved.

AMENDED AND REVISED MARSHALL'S HARBOR PLANNED DEVELOPMENT DISTRICT



23-2621-PDD-MOD

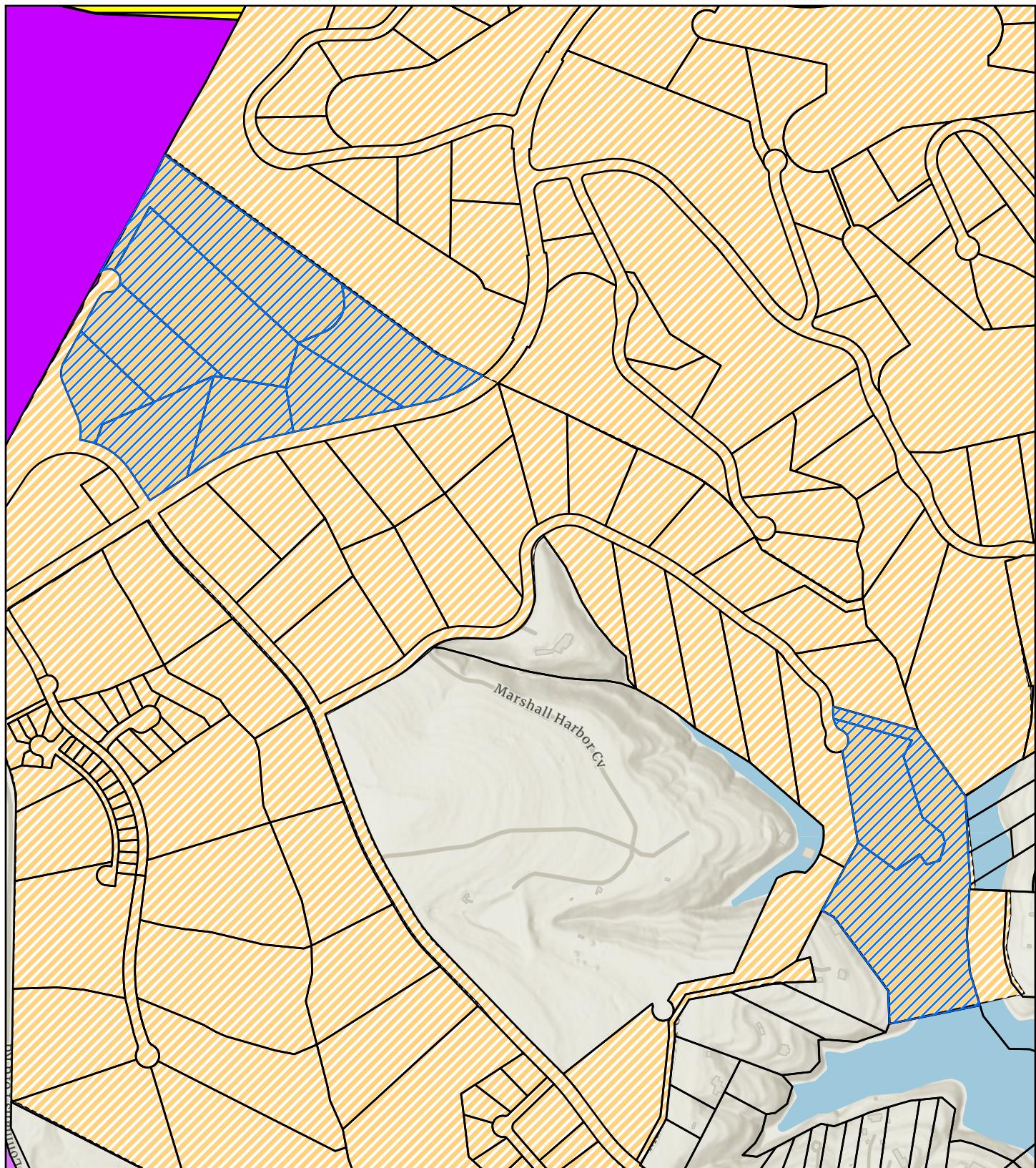
Marshall's Harbor (Lot 49-AA, Lot 49-BB, and Lots 67-74)

Attachment 3

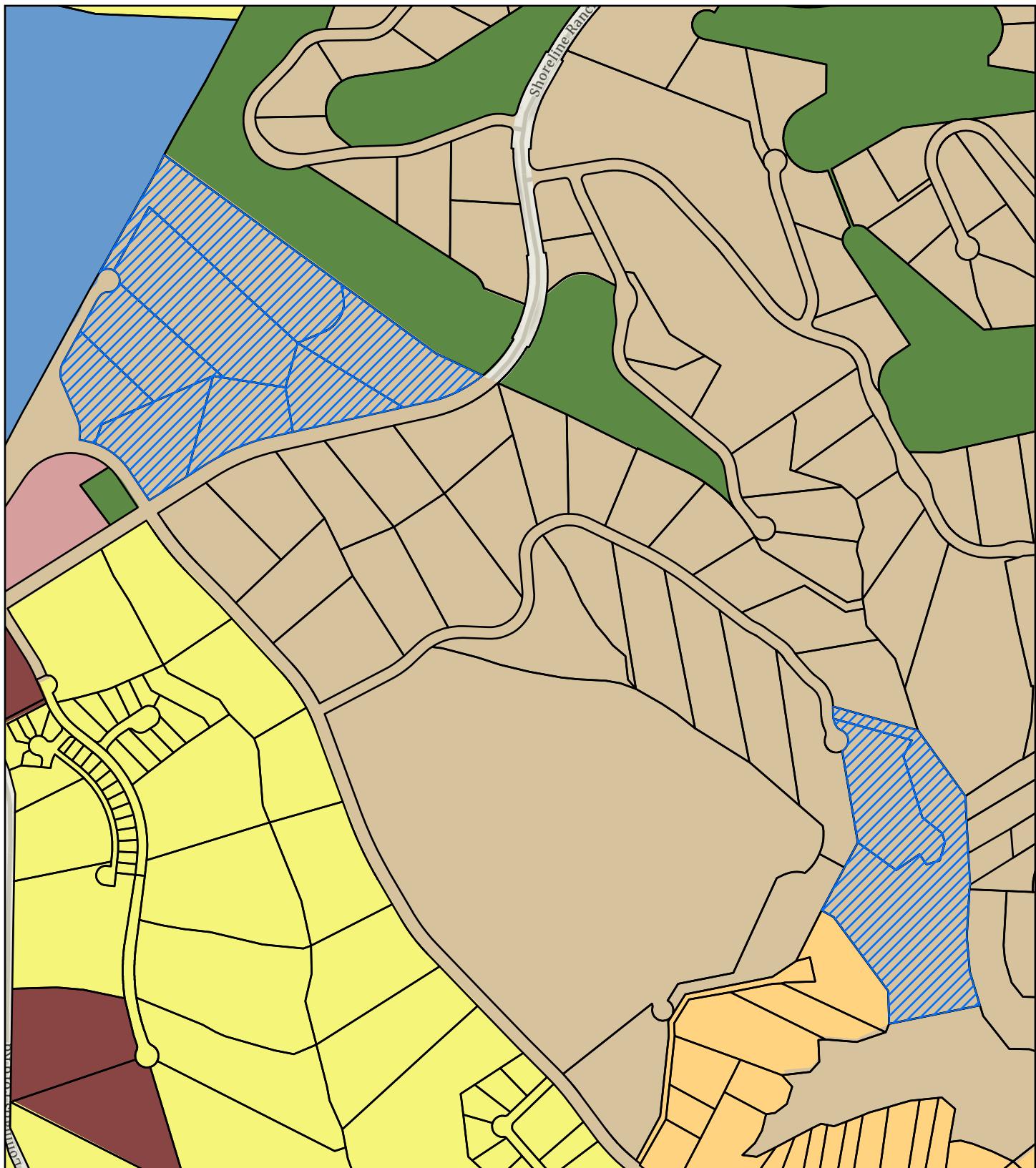
Maps



TenFootContour		Existing "Marshall's Harbor PDD"				N 
— 10 ft	— 50 ft	Request Type	Zoning Change	Project	23-2621-PDD-MOD	
■ Requestor		Change Requested	PDD Amendment	Date	3/26/2024	
		Map Purpose	Aerial / Topography	Drawn By	D Avetian	
Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet						0 340 680 US Feet 0 140 280 Meters



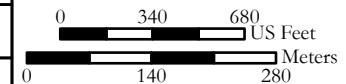
Zoning District PDD R-1S,18A TR-1 U-1	Existing "Marshall's Harbor PDD"				<p>N 0 340 680 US Feet 0 140 280 Meters</p>	
	Request Type	Zoning Change	Project	23-2621-PDD-MOD		
	Change Requested	PDD Amendment	Date	4/1/2024		
	Map Purpose	Existing Zoning	Drawn By	D Avetian		
	Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet					



Land Use Proposed	
Estate Residential	
Low Density Residential	
Neighborhood Retail	
POA Park	
Regional Retail	
Rural Residential	
Semi-Public	

Existing "Marshall's Harbor PDD"

Request Type	Zoning Change	Project	23-2621-PDD-MOD
Change Requested	PDD Amendment	Date	4/1/2024
Map Purpose	Existing FLUM	Drawn By	D Avetian



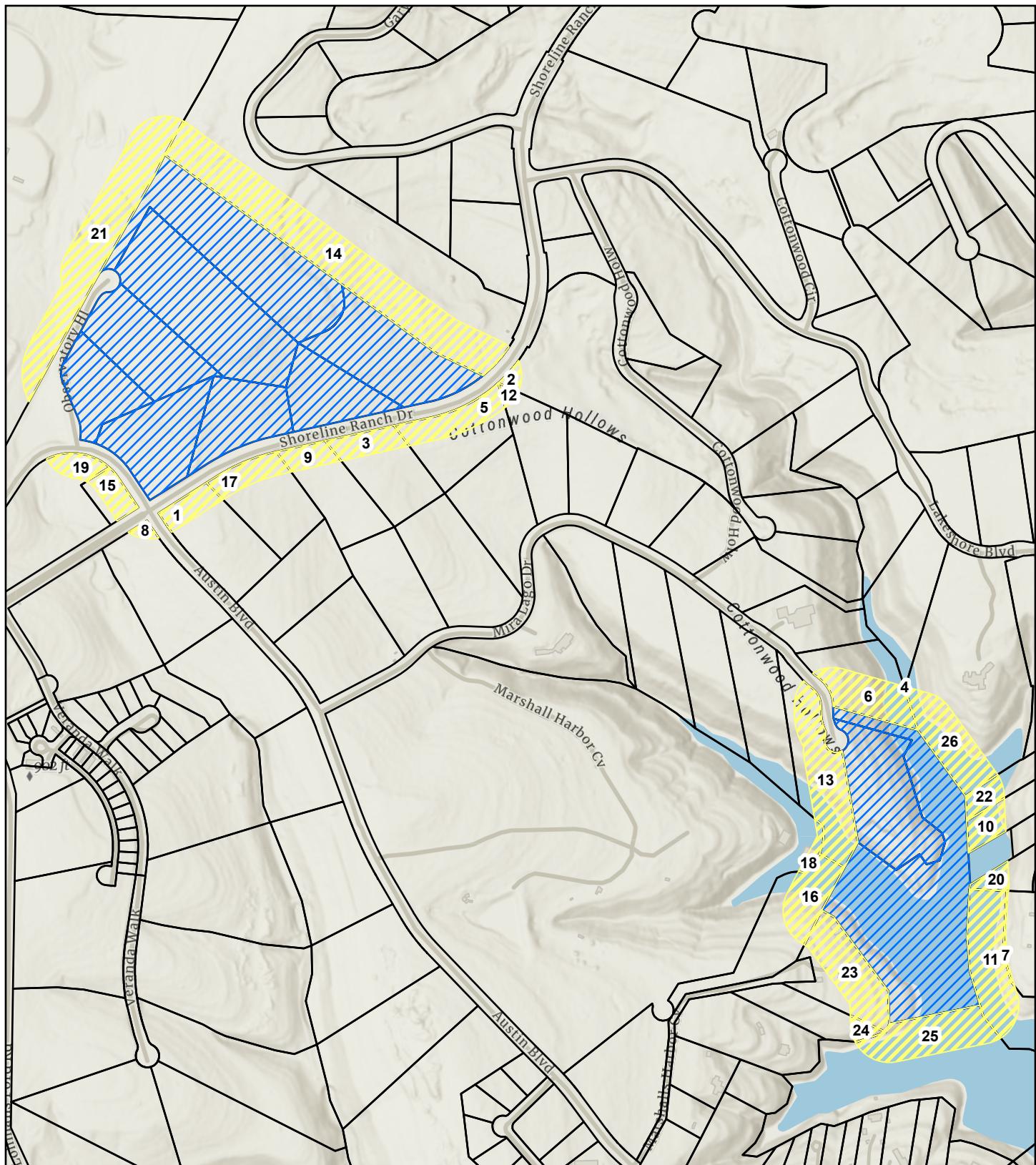
Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

23-2621-PDD-MOD

Marshall's Harbor (Lot 49-AA, Lot 49-BB, and Lots 67-74)

Attachment 4

Notice Comments



Notification Boundary
 Requestor
 TCAD Parcels

Existing "Marshall's Harbor PDD"

Request Type	Zoning Change	Project	23-2621-PDD-MOD
Change Requested	PDD Amendment	Date	3/26/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



340
 680
 140
 280
 US Feet
 Meters



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2622-R-REZ:** Consideration of a recommendation regarding a zoning change request from the CR ("Commercial Resort") zoning district to the R-1M ("Single-Family Residential, Medium Lot") zoning district for the approximately 17.2879 acres of undeveloped property commonly referred to as being located at 20990 Waterside Drive (legally described as the "amended boat house dockominiums lot" within the Village III at Highland Lake Estates subdivision, Phase 2 revised).

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:

[23-2622-R-REZ.pdf](#)

LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 22, 2024



P&Z CASE NO:	23-2622-R-REZ: 20990 Waterside Drive
APPLICANT:	City of Lago Vista, Texas (Tracie Hlavinka, City Manager)
LANDOWNER:	Splash Investments LTD
LOCATION:	Southeast of Santa Monica Avenue at Santa Ana Cove
ZONING:	CR ("Commercial Resort") without required development plan
PROPOSED USE:	R-1M ("Single-Family Residential, Medium Lot")

GENERAL INFORMATION / LOCATION:

- Like all the applications that require a public hearing on this agenda, this request has been initiated pursuant to the Interim Growth Management Policy that was adopted by the Lago Vista City Council on May 4, 2023. The first item in that policy creates an obligation by the Development Services Department staff to generate and maintain a list of dormant or potentially dormant entitlements for use by the Council. At the most recent Strategic Planning Meeting of the Lago Vista City Council on February 24, 2024, the City Attorney and Development Services Director were instructed to identify existing zoning entitlements from that larger list that might warrant additional review for current or continuing viability. Portions of four existing entitlements were presented for consideration by the Council on March 7, 2024, which resulted in an authorization for the City Manager to initiate the applications scheduled for a public hearing during this meeting.
- This application involves approximately 17.2879 acres of undeveloped land that was originally part of a much larger legal description for a zoning change application that resulted in Ordinance Number 00-06-15-02. That ordinance approved a change to the CR ("Commercial Resort") zoning district, which presumably did not require a master development plan on June 15, 2000, as it does currently. As evident in an exhibit in that ordinance that is included in this packet, that approval included substantially more property including some that remains vacant. In accordance with a provision of the Interim Growth Management Policy, the Development Services Department staff continues to monitor all the vacant property in that original approval. The status of the remaining vacant property from that legal description will be addressed in the context discussion below.
- The subject property is located immediately to the south and adjacent to the condominium development known as Waterside Oaks. Access to the property is currently limited to a cul-de-sac at the termination of Waterside Drive that is east of where Santa Monica Avenue joins Santa Ana Cove. Based on the unusual legal description of the property that includes the term "boat house dockominiums lot," it seems likely that both properties were under common ownership until the subject property was recently conveyed to its current owner, Splash Investments LTD. The subject property is apparently listed for sale as the Development Services Department staff have been periodically contacted to inquire what uses are currently permitted. Unfortunately, that answer has been that no uses are currently permitted without either a zoning change or the approval by the City Council of the required "CR Master Development Plan" referenced in Section 4.90(a) of Chapter 14. That status seemingly justifies this application.

SITE PLAN / CONTEXT CONSIDERATIONS:

- Given the language in the legal description, it is not surprising that the property is entirely within the 100-year floodplain. That has not prevented inquiries from individuals and entities that were considering the property as a location for new single-family residences. While they were not excluding the possibility of considering attached homes such as townhomes or duplexes, that did not seem to be the primary focus or preference. The jurisdiction continues to receive new single-family residential housing permit applications in the floodplain. In addition to the potential difficulty in obtaining permits for either a "private" or commercial marina from LCRA, the property would not seem to have the type of high-volume access needed for such a facility to be successful. As mentioned above, access is currently limited to a cul-de-sac which tends to restrict vehicle capacity.

- While the basis of the exhibit included in Ordinance Number 00-06-15-02 appears to be a composite subdivision plat, it conspicuously includes a depiction of the former hotel or motel that was once on the currently vacant property that is now the location of the “Peninsula PDD.” It is located to the east of the subject property. While it is on the list of property that is monitored by the staff pursuant to the Interim Growth Management Policy, no application for a zoning change involving that property was recommended to the City Council following a discussion between the City Attorney and the Development Services Department staff.
- The approximately 32.42-acre property to the immediate west of the subject property is analogous with one glaring exception. Without purchasing additional property, it does not have access that would meet the current design standards for either a private drive or a public street. The dedicated right-of-way platted as “Canary Way” that intersects Highland Lake Drive includes the sort of dangerous geometry that the Public Works Department and City Engineer are trying to eliminate. The most cost-effective method of obtaining safe and acceptable access to that property is the purchase of one of the larger adjacent lots on the south or southwest side of Santa Monica Avenue. That would accommodate a subdivision application that included a 50-foot wide right-of-way while preserving the balance for use as a single-family residential lot.
- Despite knowledge of that impediment to safe access, the current property owner chose to complete the purchase and applied to change the property into one of the single-family residential districts that were available in the ordinance at that time. On September 9, 2021, the Planning and Zoning Commission recommended a change to the R-1G (“Single-Family Residential”) zoning district, now referred to as the R-1S (18C) (“Single-Family, Small Lot Residential”) zoning district. That recommendation led to Ordinance Number 21-10-21-02. The subsequent economic environment was undoubtedly a factor that contributed to the continuing lack of development on the property. However, the Development Services Department also continues to get inquiries from potential purchasers who are seeking property for single-family residences.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- In addition to the designation of the property in the current comprehensive plan as “low density residential,” the lack of inquiries for other potential uses would tend to lend validity to the accuracy of that designation. While it was tempting to seek a duplication of the recent approval for the property immediately to the west, it is important to remember that it predated Ordinance Number 23-09-07-04 which provided several additional options as well as established minimum lots sizes associated with each single-family residential zoning district. Given the additional options and the need for larger lots to accommodate residential construction in the floodplain, the R-1M (“Single-Family Residential, Medium Lot”) zoning district seemed more appropriate.
- Absent approval of a special exception for additional height, a residence in the R-1M (“Single-Family Residential, Medium Lot”) zoning district has a maximum height of 18 feet measured from one-foot above the base flood elevation of 722 feet above mean sea level (MSL). This is exactly seven feet less than the maximum height of the structures that are permitted in the Waterside Oaks condominiums. Along with the natural slope to the topography as you get closer to the lakefront, this would theoretically prevent obstruction of any views from the existing condominium units. Moreover, if preserving those existing views was paramount the previous common ownership of both properties would have been maintained. Instead, the property was sold with knowledge that some new ownership group would eventually seek to develop the property.
- As the City is initiating this application, the owner of the subject property (Splash Investments LTD) will receive a notification as will the owners of property within 200 feet of the nearest property line. If either the current property owner or 20 percent or more of the owners of property within 200 feet of the application submit written objections, the change would require the approval of three-fourths of the governing body (the City Council). However, in this case the request would presumably

make the property easier to market to potential investors or developers. While that is not the purpose of the Interim Growth Management Policy that is responsible for initiating the request, the City is ostensibly initiating a zoning change request on behalf of the property owner that is roughly equivalent to what the neighboring property owner to the west sought on their own accord in 2021.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approving the requested change to the R-1M ("Single-Family Residential, Medium Lot") zoning district.
- B. Recommend approving the requested change to one of the R-1S ("Single-Family Residential, Small Lot") zoning districts as determined by the Planning and Zoning Commission following the required public hearing.
- C. Recommend denying the requested change in anticipation of more clarity following the update to the comprehensive plan.

23-2622-R-REZ

20990 Waterside Drive

Attachment 1

Application



**CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645**

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: Tracie Hlavinka **Fee:** See Ordinance Appendix A (non-refundable)

Contact Phone: (512) 267-1155 x100 **Contact Email:** tracie.hlavinka@lagovistatexas.gov

Property Owner(s):* Splash Investments LTD

Owner's mailing address: 20506 Houston Cove, Lago Vista, TX 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*

Approximately 17.2879-acre amended boat house "dockominiums lot," Village III at Highland Lake Estates subdivision,
Phase 2 revised.

Municipal Address(es)* if applicable: 20990 Waterside Drive

NATURE OF REQUEST

Current Zoning District(s): CR **Requested District:** R-1M ("SFR, Medium Lot")

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

To update the zoning district for an undeveloped commercial resort (formerly part of the adjacent time-share development and now separately owned and listed for sale) for consistency with the current comprehensive plan.

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: _____ **Email:** _____

Mailing Address: _____ **Phone:** _____

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**

April 1, 2024

Property Owner's signature(s)*

Date

***Attach additional sheets as required**

23-2622-R-REZ
20990 Waterside Drive

Attachment 2

Original CR Ordinance (that includes more than this property)

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 00-06-15-02

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ZONING ORDINANCE 98-04-27-03, AMENDING THE CITY'S OFFICIAL ZONING MAP AND CHANGING THE ZONING CLASS OF THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, TO BE REZONED FROM R-4 (MULTI-FAMILY RESIDENCE), TR-1(UNZONED), AND C-2 (COMMERCIAL-INTENSE) TO CR RESORTS DISTRICT. THE AMENDMENT PROVIDES FOR A SAVINGS CLAUSE, SEVERABILITY CLAUSE AND EFFECTIVE DATE.

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

THAT, a Joint Public Hearing with the Planning and Zoning Commission was duly posted and held on the 18th day of May, 2000; and

THAT, the City Council of the City of Lago Vista, Texas hereby amends the City's Zoning Ordinance and Zoning Map:

**SECTION 1
AMENDING ORDINANCE AND ZONING MAP**

THAT, the City Council hereby amends the City's Zoning Ordinance No 98-04-27-03 and the Official Zoning Map to reflect that the property described in Exhibit "A" attached hereto and incorporated herein for all purposes, to be rezoned from R-4 (Multi-family Residence), TR-1(Unzoned), and C-2 (Commercial-Intense) to CR Resorts District.

**SECTION 2
SAVINGS CLAUSE**

THAT, any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**SECTION 3
SEVERABILITY CLAUSE**

THAT, if any word, phrase, sentence, paragraph or section is found to be illegal, invalid or unconstitutional, the remaining portion of this ordinance shall remain in full force and effect.

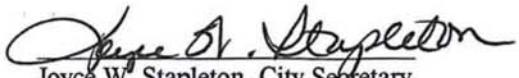
**SECTION 4
EFFECTIVE CLAUSE**

THAT, this ordinance shall take effect and be in full force immediately upon its final passage and approval.

AND, IT IS SO ORDERED, PASSED AND APPROVED this the 15th day of June, 2000.


Dennis Jones, Mayor

ATTEST:



Joyce W. Stapleton, City Secretary

On a motion by Alderman Chuck Smith, seconded by Alderman
Hugh Farmer, the above and foregoing instrument was unanimously passed and approved.

EXHIBIT "A"

Lots 30073 thru 30079, Highland Lake Estates, Section 30; Lot 30001C, Highland Lake Estates, Sections 26 and 30; ABS 2152 SUR 35, H & O B RR CO ACR 32.420; ABS 90 SUR 600 BALDWIN K ACR 3.02; 8.13 acres of the J. K. Baldwin Survey Number 609 and the H. & O. B. Railroad Survey Number 35 part of a 28.493 acre tract conveyed to L. & M. Properties in a Deed of Record in Vol. 11831, Pg. 173, Travis County, Texas; 16.854 acres of 40.574 acres out of the J. K. Baldwin Survey No. 609, Lago Vista, Travis County, Texas; and 23.72 acres out of 40.574 acres out of the J. K. Baldwin Survey No. 609, Lago Vista, Travis County, Texas.

The property is located on the south side of Highland Lake Drive between Santa Vista Way and approximately 750 feet east of intersection of American Drive and Highland Lake Drive, Lago Vista, Texas (see attached map).

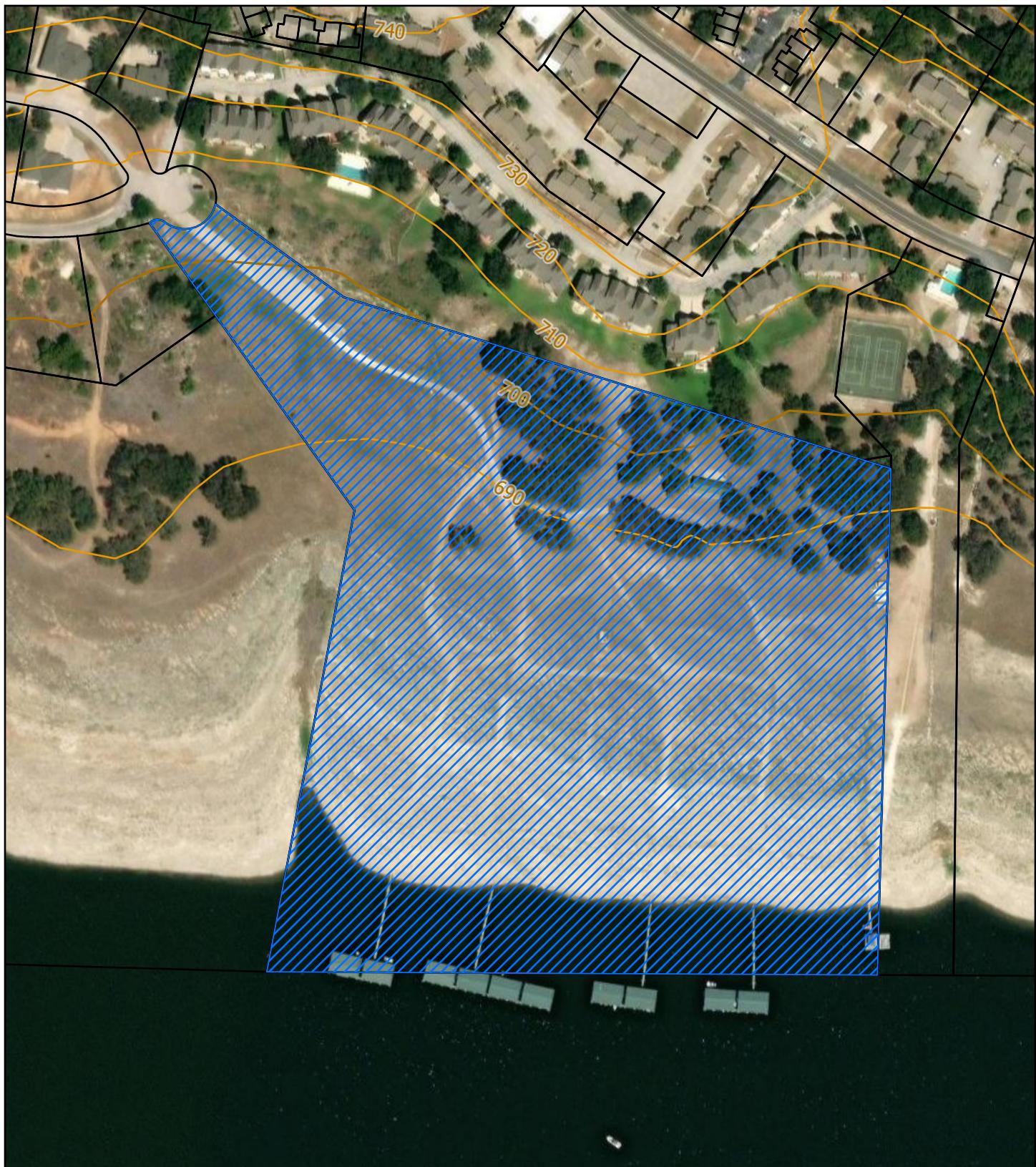


Approximate Location of Proposed Zoning Change

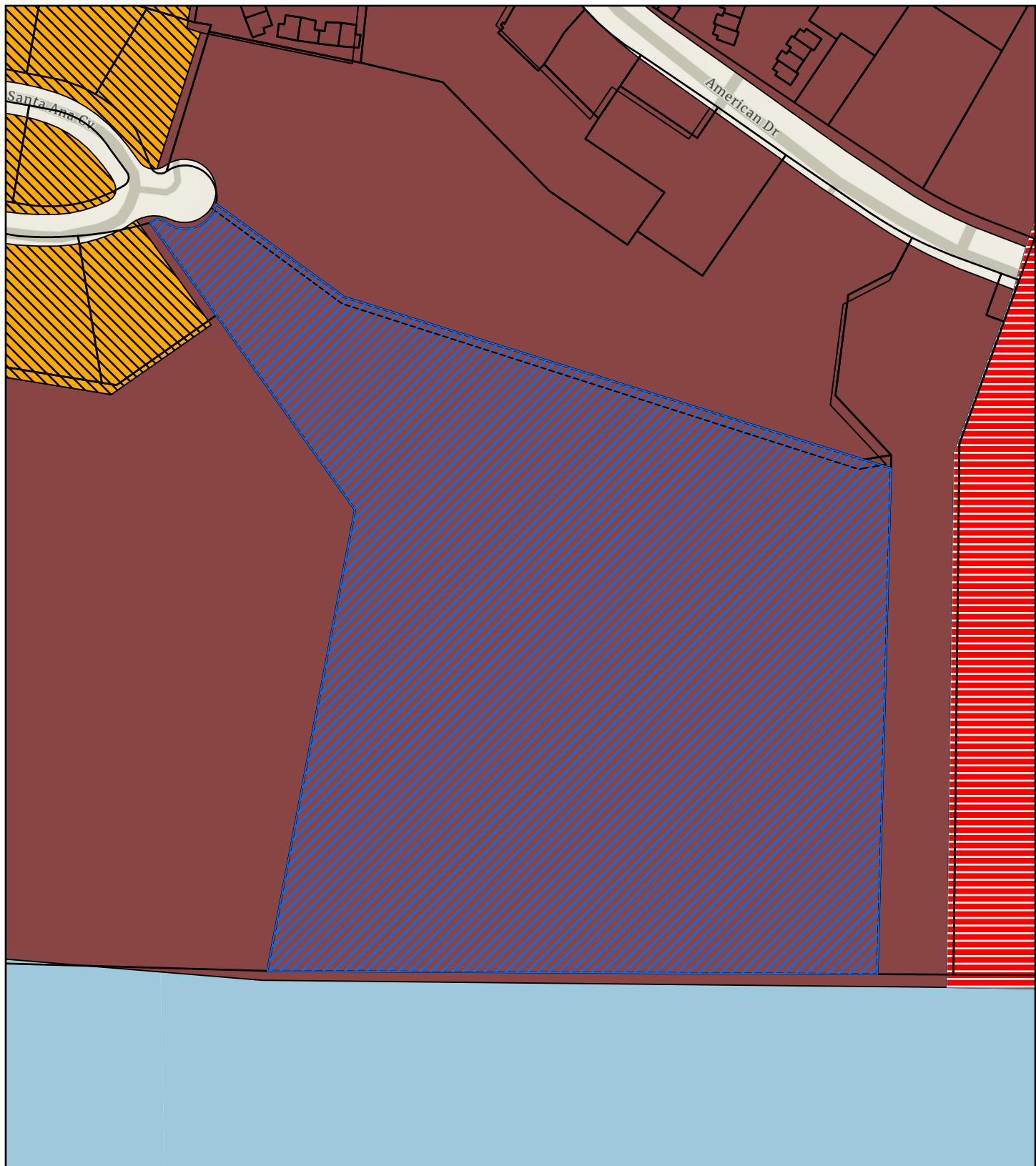
23-2622-R-REZ
20990 Waterside Drive

Attachment 3

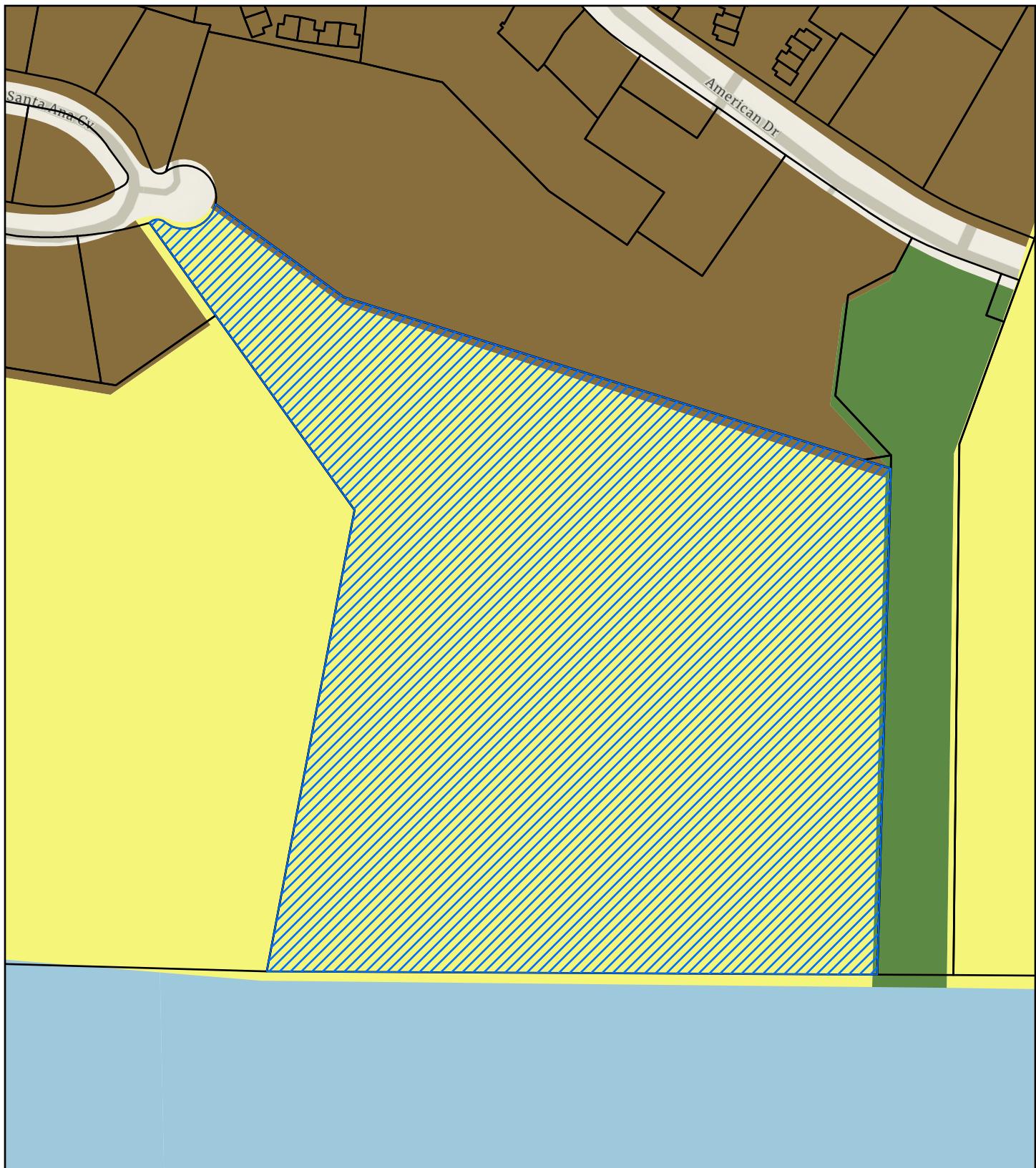
Maps



TCAD Parcels TenFootContour 10 ft 50 ft Requestor	20990 Waterside Drive <table border="1"> <tr> <td>Request Type</td><td>Zoning Change</td><td>Project</td><td>23-2622-R-REZ</td></tr> <tr> <td>Change Requested</td><td>CR to R-1M</td><td>Date</td><td>4/1/2024</td></tr> <tr> <td>Map Purpose</td><td>Aerial / Topography</td><td>Drawn By</td><td>D Avetian</td></tr> </table>			Request Type	Zoning Change	Project	23-2622-R-REZ	Change Requested	CR to R-1M	Date	4/1/2024	Map Purpose	Aerial / Topography	Drawn By	D Avetian	 0 105 210 US Feet 0 40 80 Meters
Request Type	Zoning Change	Project	23-2622-R-REZ													
Change Requested	CR to R-1M	Date	4/1/2024													
Map Purpose	Aerial / Topography	Drawn By	D Avetian													
Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US																



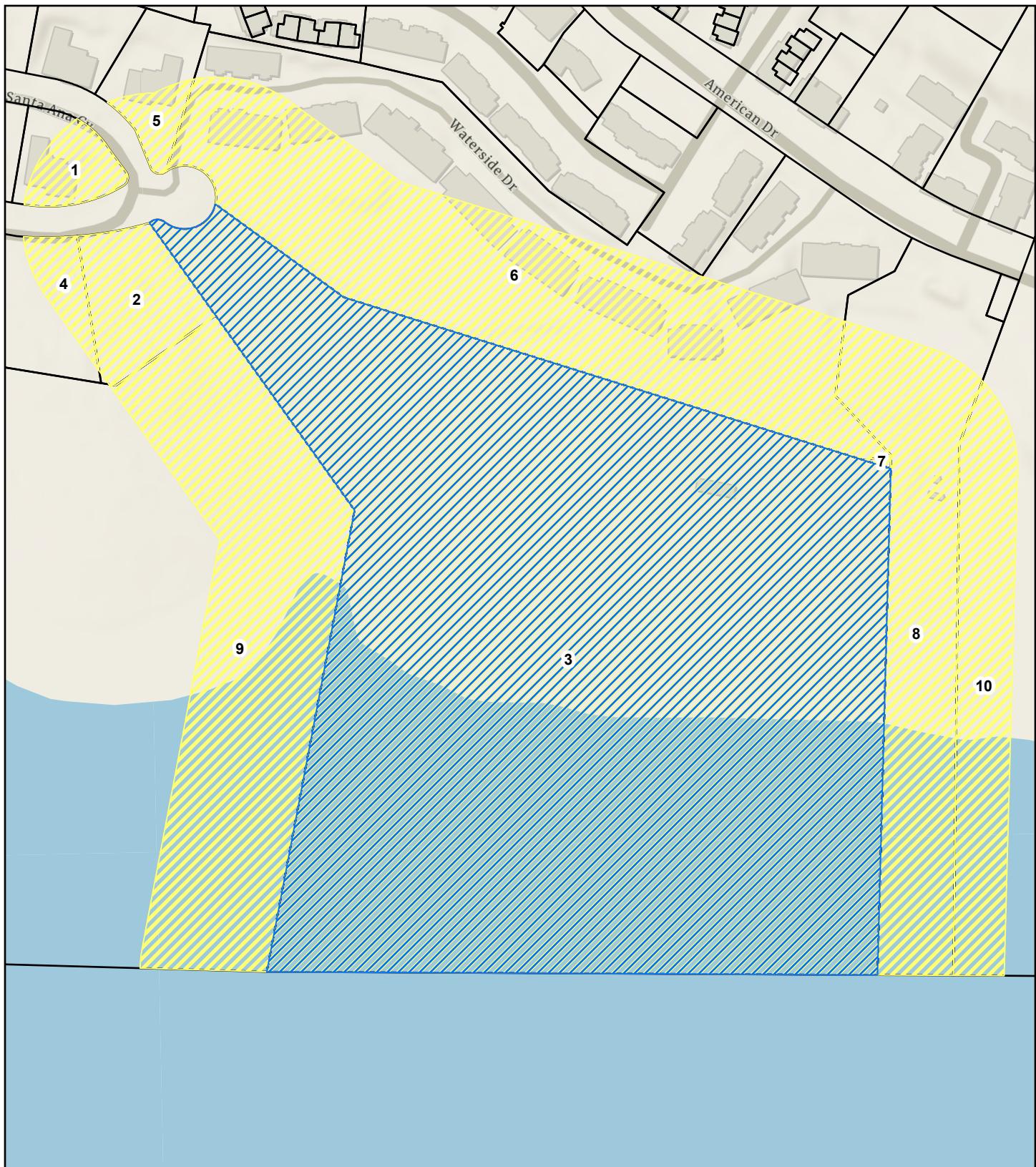
Zoning District  Requestor  TCAD Parcels  C-3  CR  PDD  R-4	20990 Waterside Drive			
	Request Type	Zoning Change	Project	23-2622-R-REZ
	Change Requested	CR - R-1M	Date	4/1/2024
	Map Purpose	Existing Zoning	Drawn By	D Avetian
	Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US			
	0	105	210	US Feet
	0	40	80	Meters



Requestor TCAD Parcels	20990 Waterside Drive			 0 105 210 US Feet 0 40 80 Meters
	Request Type	Zoning Change	Project	
Land Use Proposed	Change Requested	CR - R-1M	Date	4/1/2024
High Density Residential Low Density Residential POA Park	Map Purpose	Existing FLUM	Drawn By	D Avetian
Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US				

23-2622-R-REZ
20990 Waterside Drive

Attachment 4
Notice Comments



TCAD Parcels Requestor Notification Boundary	20990 Waterside Drive				
	Request Type	Zoning Change	Project	23-2622-R-REZ	
	Change Requested	CR to R-1M	Date	4/1/2024	
	Map Purpose	Notification Boundary	Drawn By	D Avetian	
Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet					
	0	105	210	US Feet	
	0	40	80	Meters	



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2623-R-REZ:** Consideration of a recommendation regarding a zoning change request from the Planned Development District (PDD) referred to as "The Majestic" in the concept plan approved in Ordinance No. 08-06-19-01 to the P-1B ("Developed Park, Active") zoning district for the approximately 8.9092 acres of undeveloped property located on the north side of Boggy Ford Road west of Poe Cove (Highland Lake Estates, Section 21, all of Lots 21234 through 21264 and portions of Lots 21231 through 21233).

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:

[23-2623-R-REZ.pdf](#)

LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 22, 2024



P&Z CASE NO:	23-2623-R-REZ: 21400 / 21300 Block of Boggy Ford Road
APPLICANT:	City of Lago Vista, Texas (Tracie Hlavinka, City Manager)
LANDOWNER:	Lago Vista Property Owners Association
LOCATION:	North side of Boggy Ford Road west of Poe Cove
ZONING:	PDD ("The Majestic")
PROPOSED USE:	P-1B ("Developed Park, Active") Zoning District

GENERAL INFORMATION / LOCATION:

- Like all the applications that require a public hearing on this agenda, this request has been initiated pursuant to the Interim Growth Management Policy that was adopted by the Lago Vista City Council on May 4, 2023. The first item in that policy creates an obligation by the Development Services Department staff to generate and maintain a list of dormant or potentially dormant entitlements for use by the Council. At the most recent Strategic Planning Meeting of the Lago Vista City Council on February 24, 2024, the City Attorney and Development Services Director were instructed to identify existing zoning entitlements from that larger list that might warrant additional review for current or continuing viability. Portions of four existing entitlements were presented for consideration by the Council on March 7, 2024, which resulted in an authorization for the City Manager to initiate the applications scheduled for a public hearing during this meeting.
- This application involves approximately 8.9092 acres of undeveloped property on the north side of Boggy Ford Road east of the existing Activity Center owned by the Lago Vista Property Owners Association at the intersection of American Drive. The subject property extends further to the east until reaching the intersection of Poe Cove. Although currently owned by the Lago Vista Property Owners Association, but was formerly approved as a PDD referred to as "the Majestic" in the exhibits of Ordinance Number 08-06-19-01. That ordinance approved a change from the C-1 ("Professional Office, Neighborhood Retail") commercial zoning district to a Planned Development District for attached housing with an average density of almost 9 units per acre.
- On September 8, 2022, the Planning and Zoning Commission considered and recommended a request from the Lago Vista Property Owners Association to change the designation of this same property in the current comprehensive plan from "Medium Density Residential" to "POA Park." That request included changes to other commonly owned property with some tracts in this same area and others that are closer to their facilities near Bar-K Ranch Road. Those recommendations became the basis of Ordinance Number 22-10-11-01 adopted the following month by the Lago Vista City Council. One purpose of the Interim Growth Management Policy mentioned above is to eliminate dormant and apparently obsolete or unfeasible zoning entitlements. It is coincidental that the current application provides an opportunity to accommodate the recently confirmed desire of this specific property owner to change the current zoning designation for the subject property in the near future. That status nonetheless lends credence to this application by the City of Lago Vista and leaves opposition from the current property owner unlikely.

SITE PLAN / CONTEXT CONSIDERATIONS:

- In the process of coordinating the preparation of the notice maps, the Public Works Department GIS staff and the Development Services Department staff became aware of a discrepancy between the legal description used in Ordinance Number 08-06-19-01 and the concept plan attached to that same ordinance as an exhibit. The legal description for that ordinance includes exactly 8.902 acres of land which approximates the area that excludes the tract of land immediately adjacent to the LVPOA Activity Center that includes the parking lot for that facility. However, the exhibit attached to that same ordinance containing the associated concept plan clearly includes that same tract of land. Moreover, it is labeled as "Lot 1" and described as having C-1 zoning, the same district designation of the legally described property had prior to adoption of the PDD.

- The concept plan also describes that tract as including 1.45 acres and accommodating what appears to be the drainage and water quality improvements required by the entire development including the “duplex” residential units. The typical method to resolve the discrepancy is for the GIS staff to “graph” the metes and bounds legal description in a software application and then compares the results with the other available depictions of the same property. However, that task was not completed prior to the deadline for preparing the required notices for mailing no less than 15 days prior to the public hearing. As a result, the GIS staff elected to include the larger potential area of land within the notification boundary. Sending too many notices would conform to the notice requirements so long as we resolved the discrepancy before determining the consequences of written objections received prior to action on the application by the Lago Vista City Council.
- The TCAD deed history suggested that the LVPOA acquired a total of approximately 10.36 acres of land from an entity that included the individual property owner identified in Ordinance Number 08-06-19-01. The tract that currently includes the parking lot for the Activity Center was part of that acquisition, maintaining the possibility that the legal description used in that ordinance contained a simple error in calculating the total acreage. The area of land included in the acquisition precisely matched the area described in the concept plan included in the attached exhibit. However, during the process of editing those exhibits for use in this packet, the Development Services Department staff discovered the very simple source of the discrepancy.
- While the attached concept plan clearly depicts the 1.45 acres described as “Lot 1,” the tabulation included in that same exhibit describes the balance of the property (“Lot 2”) as being the approximately “8.91 acres” that is included in the legal description of the PDD. It is certainly misleading to include “Lot 1” in the concept plan of a PDD while simultaneously excluding it from the legal description of the same PDD. That is particularly true when that property is necessary for the drainage improvements required by the approvals related to “Lot 2.” For example, imagine the problems that would have resulted if the property owner sold “Lot 2” and its entitlements without including “Lot 1.” The approval would likely no longer be able to meet various other requirements or remain validly consistent with Ordinance Number 08-06-19-01.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- As opposed to the existing PDD or a zoning district change to accommodate a multifamily or commercial development, there is no requirement for a concurrent design approval in accordance with Section 6.105 of Chapter 14 for a change to the P-1B (“Developed Park, Active”) zoning district. While it might ultimately transpire that this review will be required as a prerequisite to a permit for one of the many structures that this zoning district permits, it also permits uses that might not include any structures to review or issues to address. Moreover, it is very likely that at least some of this property will remain open space or be used as a small neighborhood park for LVPOA members for the foreseeable future. There is no sound reason to require speculation in advance of a desire to seek construction permits. That is even more illogical since the applicant is the City of Lago Vista rather than the property owner.
- As mentioned above, the comprehensive plan was amended in 2022 to designate property owned by the LVPOA as “POA Park.” That amendment included the approximately 10.36 acres depicted in the existing PDD concept plan, not just the 8.91 acres included in the legal description. What is difficult to explain is why the 8.91 acres included in the legal description of the “Majestic PDD” remained designated as “Medium Density Residential” in a comprehensive plan originally adopted in 2016. According to the TCAD data, the LVPOA acquired the 10.36 acres by a deed executed by Kellywood Inc. on October 30, 2009. This is the type of apparent error, failure to account for a conveyance that made development consistent with the existing zoning entitlement unlikely, that should remain distinct from a change in circumstances that could not be reasonably anticipated in 2016 when the comprehensive plan was adopted.

- Given the recently stated intent of the current property to seek this same zoning change in the near future, written opposition from that source seems unlikely. There is also no reason to anticipate written objection from the owners of property within 200 feet of the application to a potential future amenity that they will have access to as LVPOA members. Nonetheless, since the applicant is the City of Lago Vista, the notices will also include the owner of the subject property, the LVPOA. While unrelated to one of the currently applicable purposes of the Interim Growth Management Policy in eliminating dormant and unfeasible zoning entitlements, they are the unintended beneficiaries of this application. It is also undoubtedly accurate that this likely dormant entitlement was more easily discovered because it involved an undeveloped PDD approval. Traditional zoning change approvals that might be equally unfeasible or dormant are more difficult to identify by the study of an existing zoning map. Moreover, it emphasizes the importance of an accurate comprehensive plan that includes an evaluation of the viability of existing zoning entitlements.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- Recommend approving the requested change to the P-1B (“Developed Park, Active”) zoning district.
- Recommend denying the requested change to the P-1B (“Developed Park, Active”) zoning district.

23-2623-R-REZ

Existing “Majestic PDD” (north side of Boggy Ford Road)

Attachment 1

Application



**CITY OF LAGO VISTA · DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET · P.O. BOX 4727 · LAGO VISTA, TX 78645**

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: Tracie Hlavinka **Fee:** See Ordinance Appendix A (non-refundable)

Contact Phone: (512) 267-1155 x100 **Contact Email:** tracie.hlavinka@lagovistatexas.gov

Property Owner(s):* Lago Vista Property Owners' Association

Owner's mailing address: PO Box 4766, Lago Vista, TX 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*

See attached.

Municipal Address(es)* if applicable: North side of Boggy Ford Road west of Poe Cove

NATURE OF REQUEST

Current Zoning District(s): PDD **Requested District:** P-1B (Developed Park, Active)

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

To replace a dormant PDD with a zoning entitlement that is consistent with the property owner's 2022 request to amend the future land use map within the current Lago Vista comprehensive plan

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: _____ **Email:** _____

Mailing Address: _____ **Phone:** _____

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**

April 1, 2024

Property Owner's signature(s)*

Date

***Attach additional sheets as required**

EXHIBIT "A"
Legal Description

8.9092 ACRES OUT OF THE H. & O. B. RAILROAD COMPANY SURVEY NO. 35, THE L. W. SIMPSON SURVEY NO. 610 AND THE GEORGE JOHNSON SURVEY NO. 535 IN TRAVIS COUNTY, TEXAS BEING ALL OF LOTS 21234 THROUGH 21264 AND PORTIONS OF LOTS 21231 THROUGH 21233, HIGHLAND LAKES ESTATES, SECTION TWENTY-ONE, A SUBDIVISION RECORDED IN VOL. 55 PG. 59, TRAVIS COUNTY, TEXAS PLAT RECORDS, SUBSEQUENTLY VACATED IN VOL. 5011 PG. 1696 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS. ALSO BEING A PORTION OF A 10.3612 ACRE TRACT CONVEYED TO KELLYWOOD, INC. IN DOC. NO. 2007195793 OF THE TRAVIS COUNTY, TEXAS REAL PROPERTY RECORDS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a $\frac{1}{2}$ " iron pin found on the North R.O.W. of Boggy Ford Road being the Southeast corner of Lot 21226 of said Highland Lakes Estates, Section Twenty-One for the Southwest corner of this tract and the **POINT OF COMMENCING**.

THENCE N $17^{\circ} 56' 18''$ W, 223.15 feet to a $\frac{1}{2}$ " iron pin found being the Northeast corner of said Lot 21226 also being on the South line of Lot 21224 of said Highland Lakes Estates, Section Twenty-One for the Northwest corner of this tract.

THENCE N $72^{\circ} 02' 18''$ E with the South line of Lots 21224 through 21221 of said Highland Lakes Estates, Section Twenty-One, 321.61 feet to a point for the Northwest corner of this tract and the **POINT OF BEGINNING**.

THENCE continuing with the South line of Lots 21224 through 21203 of said Highland Lakes Estates, Section Twenty-One the following four (4) courses:

- 1) N $72^{\circ} 02' 18''$ E, 144.31 feet to a $\frac{1}{2}$ " iron pin found.
- 2) N $61^{\circ} 14' 39''$ E, 663.01 feet to a $\frac{1}{2}$ " iron pin found.
- 3) N $29^{\circ} 25' 28''$ E, 667.39 feet to a $\frac{1}{2}$ " iron pin found.
- 4) N $40^{\circ} 07' 32''$ E, 243.93 feet to a $\frac{1}{2}$ " iron pin found at the Southeast corner of said Lot 21203 also being on the West R.O.W. of Poe Cove for the Northeast corner of this tract.

THENCE with the West R.O.W. of Poe Cove the following four (4) courses:

- 1) S $49^{\circ} 52' 28''$ E, 19.28 feet to a $\frac{1}{2}$ " iron pin set at a point of curve to the right.
- 2) Along said curve to the right whose elements are R=33.55, L=40.43 whose chord bears S $15^{\circ} 32' 33''$ E, 38.03 feet to a $\frac{1}{2}$ " iron pin found at a point of reversed curve.

- 3) Along said curve to the left whose elements are R=98.01, L=117.47 whose chord bears S 15° 26' 51" E, 110.57 feet to a 1/2" iron pin found.
- 4) S 49° 54' 37" E, 58.18 feet to a 1/2" iron pin found at a point of curve to the right being the intersection of the West R.O.W. of Poe Cove and the North R.O.W. of Boggy Ford Road for the Southeast corner of this tract.

THENCE with the North R.O.W. of Boggy Ford Road the following six courses:

- 1) Along said curve to the right whose elements are R=20.00, L=31.07 whose chord bears S 05° 35' 25" E, 28.04 feet to a 1/2" iron pin found.
- 2) S 40° 03' 48" W, 119.26 feet to a 1/2" iron pin found.
- 3) S 29° 21' 37" W, 569.77 feet to a 1/2" iron pin found at a point of curve to the right.
- 4) Along said curve to the right whose elements are R=485.27, L=269.60 whose chord bears S 45° 19' 27" W, 266.14 feet to a 1/2" iron pin found.
- 5) S 61° 13' 40" W, 610.37 feet to a 1/2" iron pin found.
- 6) S 69° 42' 01" W, 235.31 feet to a point of the Southwest corner of this tract.

THENCE through the interior of said Highland Lakes Estates, Section Twenty-One the following three courses:

- 1) N 20° 17' 59" W, 138.39 feet to a point.
- 2) N 70° 52' 08" E, 80.00 feet to a point.
- 3) N 20° 17' 59" W, 189.94 feet to the **POINT OF BEGINNING** and containing 8.9092 acres more or less.

23-2623-R-REZ

Existing “Majestic PDD” (north side of Boggy Ford Road)

Attachment 2

Existing PDD Ordinance

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 08-06-19-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY REZONING AN 8.9092 ACRE TRACT OF LAND LOCATED ON BOGGY FORD ROAD NEAR ITS INTERSECTION WITH AMERICAN DRIVE FROM THE C-1 ZONING DISTRICT TO PDD, PLANNED DEVELOPMENT DISTRICT, MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Keith J. Kelly the owner of approximately 8.9092 acre property more particularly described on the attached Exhibit "A" (described hereinafter as the "Property"), has requested that the Property be rezoned from its current C-1 to PDD;

WHEREAS, after giving ten (10) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission and City Council held a public hearing on the proposed re-zoning on the Property;

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the Planning and Zoning Commission and the City Council at a public hearing have reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property has transpired;

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the Property,

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance.

Section 2. Amendment of Zoning Ordinance. The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Map is hereby amended by changing the zoning district for the Property, being an 8.9092 acre tract of land described on Exhibit "A" attached to this ordinance, from the current C-1 zoning district to the PDD zoning district.

Section 4. Zoning Requirements. The zoning requirements for the Property shall be those of the R-4 zoning district except as stated in the following:

1. Height: Maximum building height shall be 26 feet 7 inches from the average grade of the ground below the foundation of a building.
2. Setback: Building setback from Boggy Ford Road shall not be less than 20 feet.
3. Parking in the private drive shall be prohibited. The private road shall be a fire lane.
4. Site plan. The Property shall be developed according to the Planned Development Plan, Exhibit "B".
5. Building Elevations. Buildings shall be constructed according to the building elevations, Exhibit "C".
6. Along the property line adjoining the R-2 zoning district, within an area no less than 10 feet wide, one existing tree or one planted shade tree at least 2 inches in diameter shall be planted such that there shall be at least one tree for every 25 linear feet.

Section 5. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. 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*.

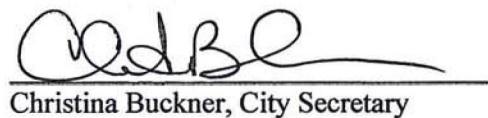
Section 7. Open Meetings. It hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this 19th day of June, 2008.



Randy Kruger
Randy Kruger, Mayor

ATTEST:



Christina Buckner, City Secretary

On a motion by Richard Bohn, seconded by Susan Euresti, the above and foregoing instrument was passed and approved.

CRICHTON AND ASSOCIATES, INC.

LAND SURVEYORS

6448 HIGHWAY 290 EAST

SUITE B-105

AUSTIN, TX 78723

512-244-3395 - PHONE

512-244-9508 - FAX

FIELD NOTES

FIELD NOTES FOR 8.9092 ACRES OUT OF THE H. & O.B. RAILROAD COMPANY SURVEY NO. 35, THE L. W. SIMPSON SURVEY NO. 610 AND THE GEORGE JOHNSON SURVEY NO 535 IN TRAVIS COUNTY, TEXAS BEING ALL OF LOTS 21234 THROUGH 21264 AND PORTIONS OF LOTS 21231 THROUGH 21233, HIGHLAND LAKES ESTATES, SECTION TWENTY-ONE, A SUBDIVISION RECORDED IN VOL. 55 PG. 59, TRAVIS COUNTY, TEXAS PLAT RECORDS, SUBSEQUENTLY VACATED IN VOL. 5011 PG. 1696 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS. ALSO BEING A PORTION OF A 10.3612 ACRE TRACT CONVEYED TO KELLYWOOD, INC. IN DOC. NO. 2007195793 OF THE TRAVIS COUNTY, TEXAS REAL PROPERTY RECORDS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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- 2) N $61^{\circ} 14' 39''$ E, 663.01 feet to a $\frac{1}{2}$ " iron pin found.
- 3) N $29^{\circ} 25' 28''$ E, 667.39 feet to a $\frac{1}{2}$ " iron pin found.
- 4) N $40^{\circ} 07' 32''$ E, 243.93 feet to a $\frac{1}{2}$ " iron pin found at the Southeast corner of said Lot 21203 also being on the West R.O.W of Poe Cove for the Northeast corner of this tract.

THENCE with the West R.O.W. of Poe Cove the following four (4) courses:

- 1) S $49^{\circ} 52' 28''$ E, 19.28 feet to a $\frac{1}{2}$ " iron pin set at a point of curve to the right.

- 2) Along said curve to the right whose elements are R= 33.55, L= 40.43 whose chord bears S 15° 32' 33" E, 38.03 feet to a ½" iron pin found at a point of reversed curve.
- 3) Along said curve to the left whose elements are R= 98.01, L= 117.47 whose chord bears S 15° 26' 51" E, 110.57 feet to a ½" iron pin found.
- 4) S 49° 54' 37" E, 58.18 feet to a ½" iron pin found at a point of curve to the right being the intersection of the West R.O.W. of Poe Cove and the North R.O.W. of Boggy Ford Road for the Southeast corner of this tract.

THENCE with the North R.O.W. of Boggy Ford Road the following six courses:

- 1) Along said curve to the right whose elements are R= 20.00, L= 31.07 whose chord bears S 05° 35' 25" E, 28.04 feet to a ½" iron pin found.
- 2) S 40° 03' 48" W, 119.26 feet to a ½" iron pin found.
- 3) S 29° 21' 37" W, 569.77 feet to a ½" iron pin found at a point of curve to the right.
- 4) Along said curve to the right whose elements are R= 485.27, L= 269.60 whose chord bears S 45° 19' 27" W, 266.14 feet to a ½" iron pin found.
- 5) S 61° 13' 40" W, 610.37 feet to a ½" iron pin found.
- 6) S 69° 42' 01" W, 235.31 feet to a point of the Southwest corner of this tract.

THENCE through the interior of said Highland Lakes Estates, Section Twenty-One the following three courses:

- 1) N 20° 17' 59" W, 138.39 feet to a point.
- 2) N 70° 52' 08" E, 80.00 feet to a point.
- 3) N 20° 17' 59" W, 189.94 feet to the POINT OF BEGINNING and containing 8.9092 acres more or less.

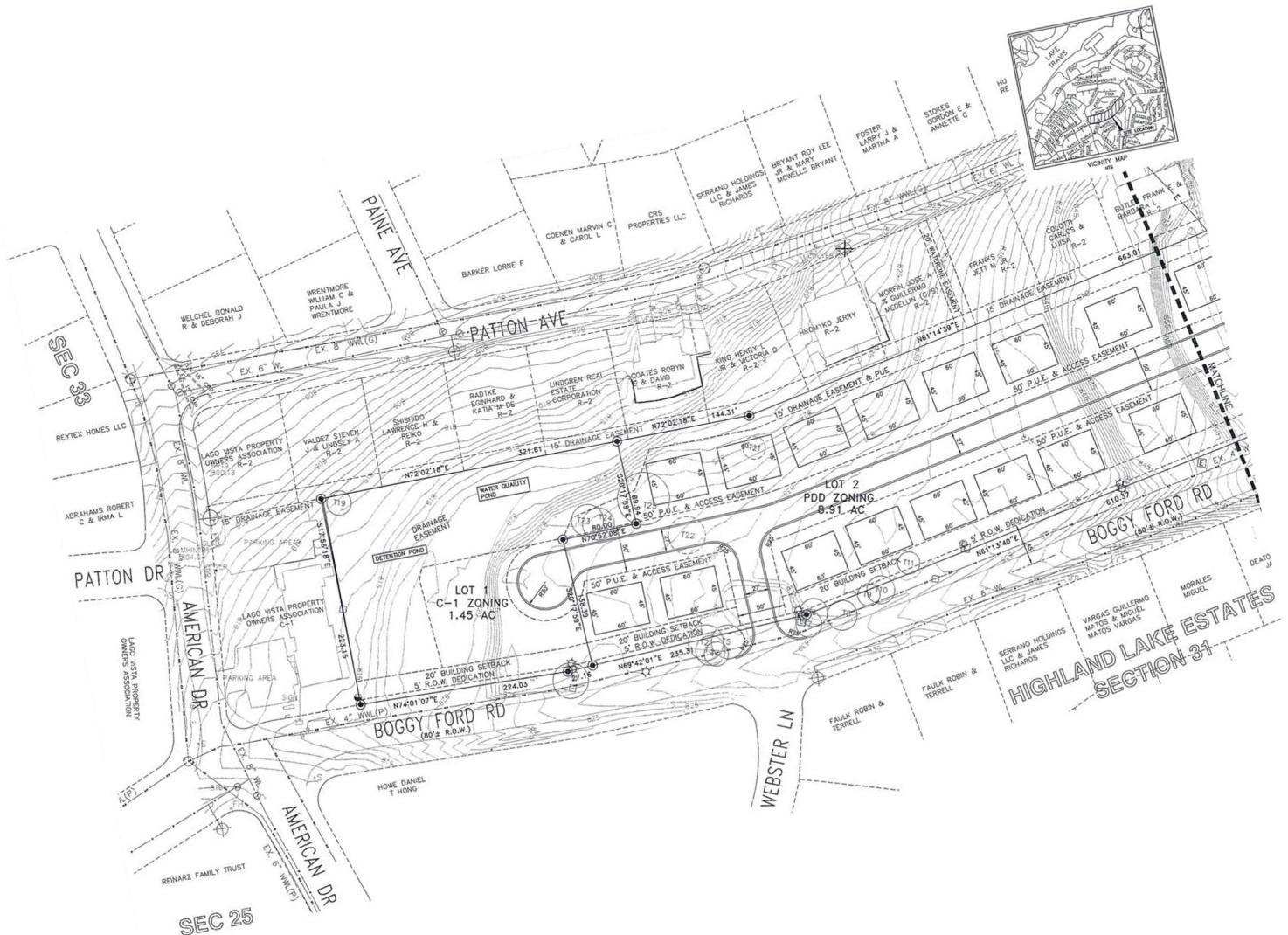
I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal December 12, 2007.

Herman Crichton, R.P.L.S. 4046

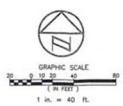
07_322

THE MAJESTIC

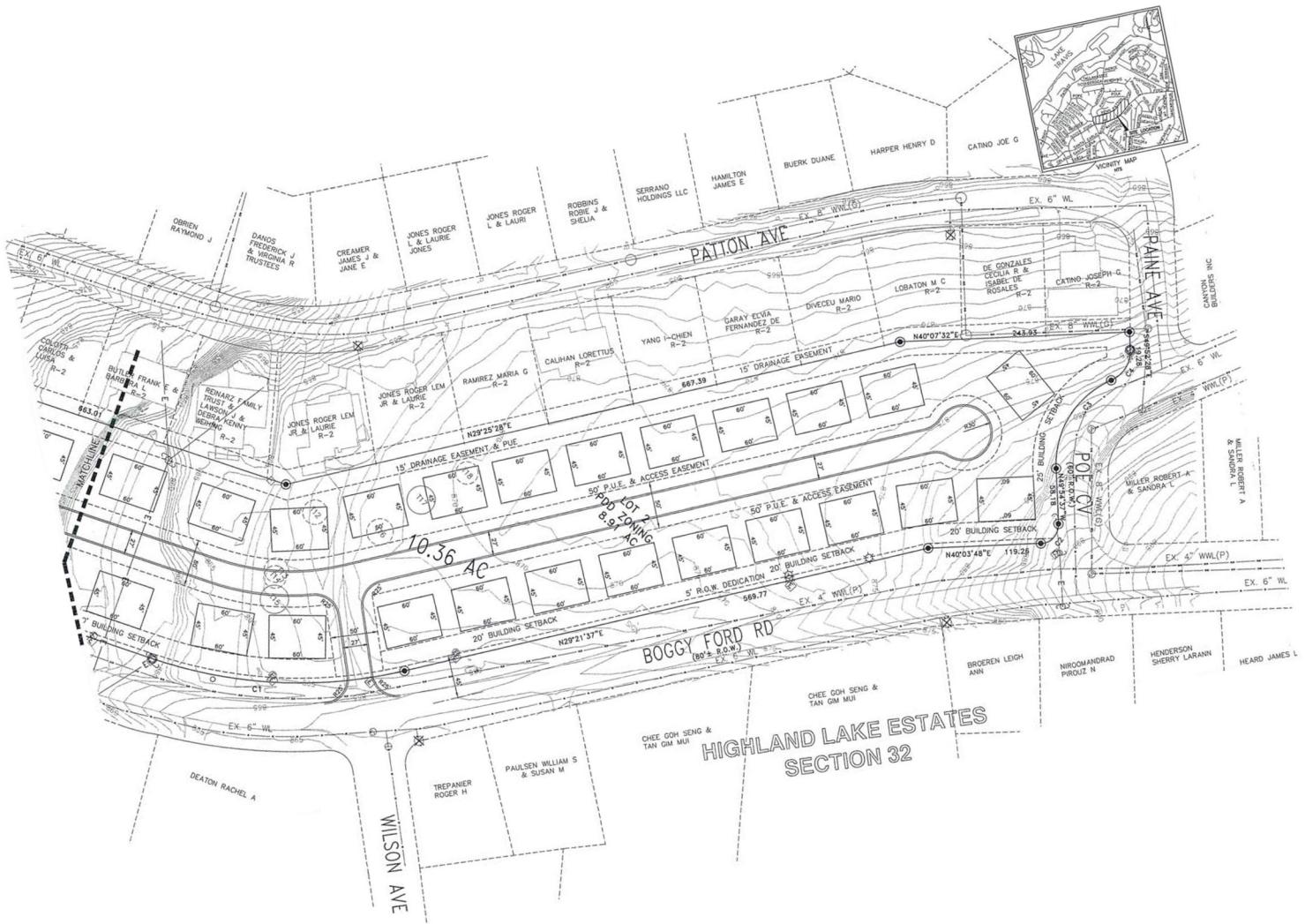


NUMBER OF LOTS	PROPOSED USE	ACREAGE
1	PDD DUPLEX/TOWNHOMES (39 BUILDINGS/78 UNITS)	8.91 AC
		THREE (3)

IMPERVIOUS COVER TABLE	
LOT 1	1.45 AC
LOT 2	8.91 AC
TOTAL AREA	10.36 AC
DRAINAGE EASEMENT	0.68 AC
TOTAL AREA	9.48 AC
BUILDINGS	2.42 AC
DRIVeways	0.88 AC
PAVEMENT	1.28 AC
COMMERCIAL	0.29 AC
TOTAL IMPERVIOUS COVER	4.85 AC
NONIMPERVIOUS COVER	5.15 AC

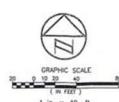


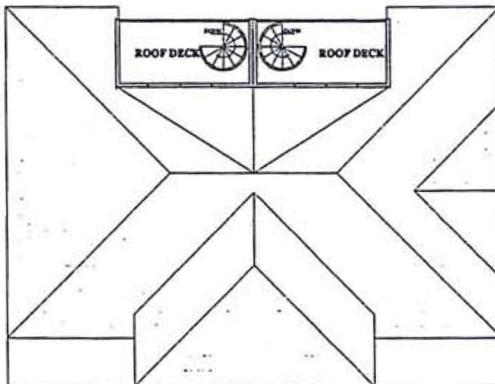
THE MAJESTIC



NUMBER OF LOTS	PROPOSED USE	ACREAGE
1	POD DUPLEX/ TOWNHOUSE (39 BUILDINGS/78 UNITS)	8.91 AC
	TOTAL ACREAGE	8.91 AC

IMPERVIOUS COVER TABLE	
LOT 1	1.45 AC
LOT 2	0.83 AC
TOTAL AREA	10.38 AC
DRAINAGE EASEMENT	0.68 AC
TOTAL AREA	9.69 AC
BUILDINGS DIRECT	2.42 AC
BUILDINGS INDIRECT	0.37 AC
PAVEMENT CONCRETE	0.28 AC
PAVEMENT OTHER	0.03 AC
TOTAL IMPERVIOUS COVER	4.98 AC
IMPERVIOUS COVER %	51%





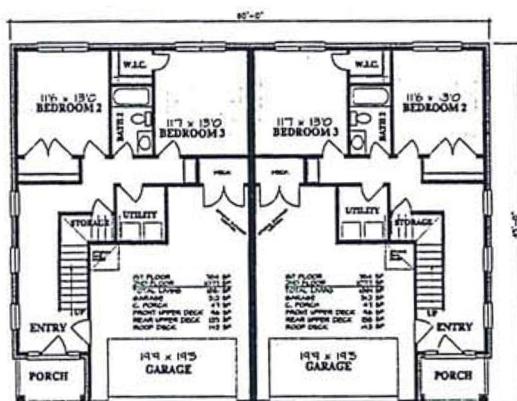
ROOF DECK - UNITS A AND B
3 BEDROOM - 2.5 BATH - 2 STORY



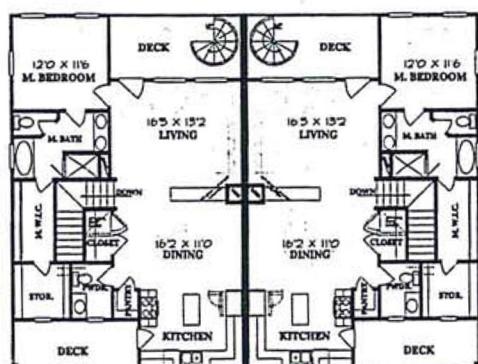
FRONT ELEVATION

REAR ELEVATION

16'5 x 32'
10'5" x 15'2"



1st FLOOR PLAN - UNITS A AND B
3 BEDROOM - 2.5 BATH - 2 STORY



2nd FLOOR PLAN - UNITS A AND B
3 BEDROOM - 2.5 BATH - 2 STORY

<p>OvermanCustomDesign.Com</p> <p></p> <p>JD NO. 0711-904-2247 Floor plan design by: Steve Kelley DATE: Dec. 17, 2007</p>	<p>Jeff Overman CBO 11512 Trinity Hill Drive Austin, Texas 78753 (512) 473-9775</p> <p>PLANS AND ELEVATIONS ARE CONCEPTUAL DRAWINGS ONLY AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.</p> <p>THIS PLAN IS NOT TO BE REPRODUCED, COPIED, OR MODIFIED.</p> <p> www.BradMarshallHomes.com (512) 269-9721 office (866) 411-9721 fax</p> <p>Kellywood Estates Lake Travis Keith Kelly (512)-297-3494</p>	<p>The Majestic</p> <p>2-2.5 2 Story Duplex Condominium</p> <p>Kellywood Estates Jonestown, Texas</p>
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23-2623-R-REZ

Existing “Majestic PDD” (north side of Boggy Ford Road)

Attachment 3

Previous FLUM Amendment Ordinance and Packet

ORDINANCE NO. 22-10-11-0 😊

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE FUTURE LAND USE MAP COMPONENT OF THE 2030 COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 16-05-05-02 AS AMENDED, REGARDING VARIOUS SPECIFIC PROPERTIES OWNED BY THE LAGO VISTA PROPERTY OWNERS ASSOCIATION; 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 adopted the 2030 Lago Vista Comprehensive Plan on May 5, 2016 thereby establishing the Future Land Use Map that it contains as a tool for making subsequent land use decisions that are consistent with the goals of the community regarding future growth and prosperity; and

WHEREAS, it has come to the attention of both the City Council and the Planning and Zoning Commission that the Future Land Use Map as adopted designates the various specific properties described in the attached Exhibit “A” in a manner that is inconsistent with the development of the property desired by the current property owner; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken an extensive review of the Future Land Use Map as contained within the adopted 2030 Comprehensive Plan, including a public hearing conducted on September 8, 2022, and concluded that the amendments by the current property owner are consistent with the relevant goals of the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a unanimous recommendation to the City Council to change the current designations of the portions of the Future Land Use Map identified in Exhibit “B” to the “POA Park” designation as described in Exhibit “C”; and

WHEREAS, the City Council has conducted a public hearing on the proposed Future Land Use Map amendment described in Exhibit “B” and Exhibit “C” on October 11, 2022.

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 the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance 16-05-05-02 as described in Exhibit “C”.

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 ____ day of October 2022.

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilman _____, seconded by Councilman _____, the above and foregoing ordinance was passed and approved.

EXHIBIT “A”

LEGAL DESCRIPTION

1. 4.060 acres of the L.W. Simpson Survey Number 610, Abstract Number 701 and the G. Johnson Survey Number 535, Abstract Number 439 (TCAD Parcel ID 166285).
2. 0.340 acres of the L.W. Simpson Survey Number 610, Abstract Number 701 (TCAD Parcel ID 166286).
3. Highland Lake Estates, Section 21, Lot 21225 (TCAD Parcel ID 166656).
4. 1.026 acres of the H. & O.B. Railroad Company Survey Number 35, Abstract Number 2152 (TCAD Parcel ID 166814).
5. Bar-K Ranches, Plat 2, Lot 2077 (TCAD Parcel ID 179755).
6. Thousand Oaks, Lot 1A (Amended) and 0.1830 acres of the L. Goodwin Survey Number 95, Abstract Number 336 and various other surveys (TCAD Parcel ID 783463).
7. 1.4520 acres of the L.W. Simpson Survey Number 610, Abstract Number 701 (TCAD Parcel ID 787587).
8. 4.5220 acres of the L.W. Simpson Survey Number 610, Abstract Number 701 (TCAD Parcel ID 787596).

EXHIBIT "B" (EXISTING)

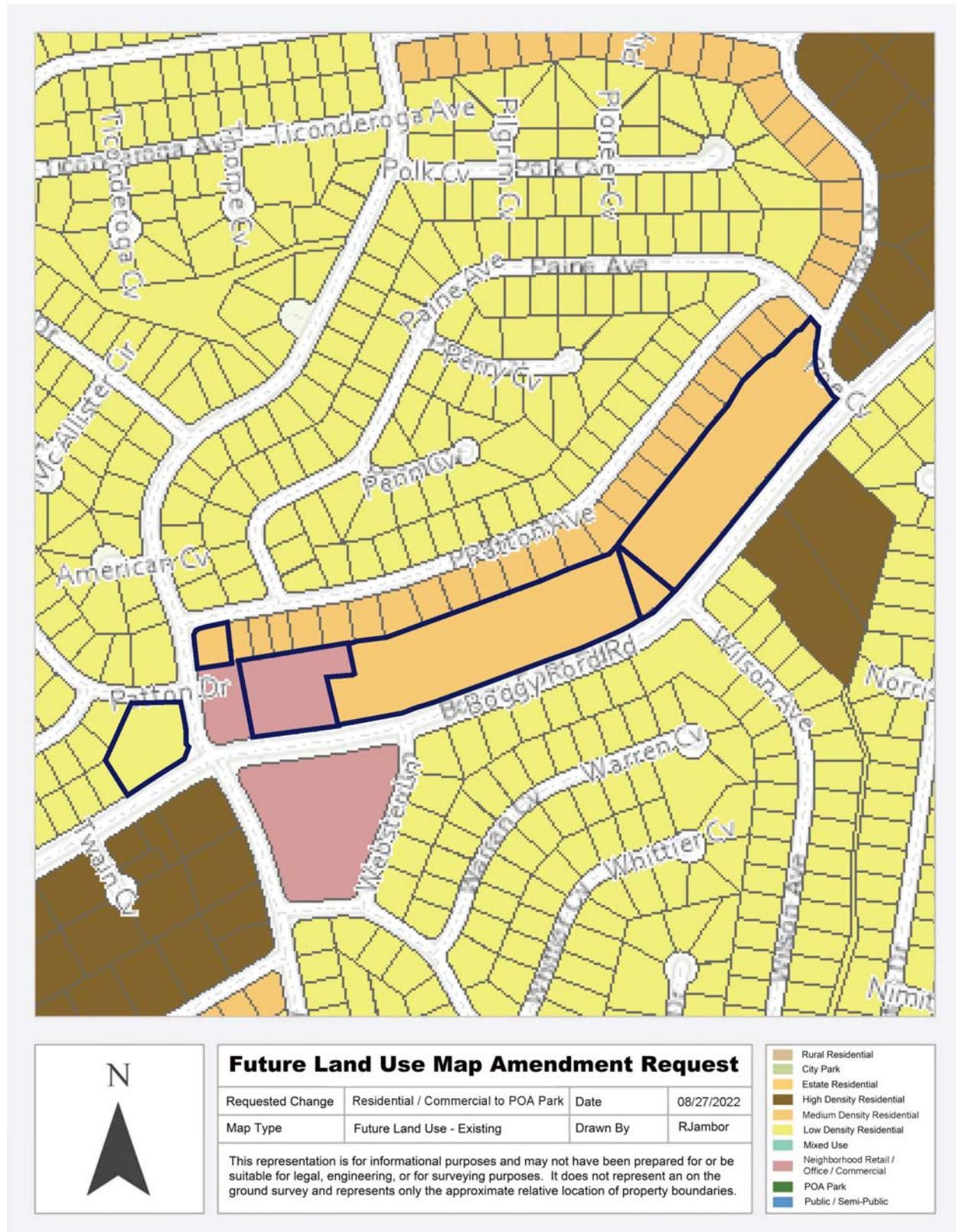


EXHIBIT “B” (EXISTING)



EXHIBIT "C" (AMENDED)



EXHIBIT "C" (AMENDED)





August 5, 2022

Mr. Tom Monahan
Chairman, Planning and Zoning Commission
City of Lago Vista, Texas
P.O. Box 4727
Lago Vista, TX 78645

Dear Mr. Monahan:

I am writing to you on behalf of the Lago Vista Property Owner's Association. Pursuant to a recent unsuccessful zoning application, we became aware that property owned by the LVPOA was designated in a manner on the Future Land Use Map that we feel is erroneous. We would like the Planning and Zoning Commission to investigate this matter further and recommend corrections to the City Council at your earliest convenience.

The following properties owned by the LVPOA are indicated as "multifamily residential" on the Future Land Use Map and we have no intent to ever use them as anything but an POA park or park support function (such as parking):

Parcel ID 166656 (21519 Patton Avenue);
Parcel ID 787596 (north side of Boggy Ford Road east of American Drive and west of Wilson Avenue);
Parcel ID 787587 (north side of Boggy Ford Road immediately east of 2601 American Drive);
Parcel ID 166286 (north side of Boggy Ford Road immediately east of Parcel ID 787596); and
Parcel ID 166285 (north side of Boggy Ford Road immediately east of Parcel ID 166286 and west of Poe Cove).

Although we are not sure what the difference might be between a City Park and a POA Park, the following properties owned by the LVPOA are indicated as "City Park" on the Future Land Use Map and we have no intent to ever use them as anything but a POA park or park support function (such as parking):

Parcel ID 783463 (7000 Bar-K Ranch Road);
Parcel ID 376014 (6608 Bar-K Clubhouse Court); and
Parcel ID 179755 (6702 Bar-K Clubhouse Court).

The last parcel we would like you to consider that is owned by the LVPOA and we feel is erroneously designated on the Future Land Use Map is Parcel ID 166814, which is located at 21504 Boggy Ford Road.



It is recommended for future use as low-density residences, and we have no intent to use it for anything other than a POA park or park support function (such as parking).

Thank you for the opportunity to present our request for an amendment to the Future Land Use Map as it relates to the above described properties owned by the LVPOA. If you have any questions, please do not hesitate to reach out to us.

Copy: Mr. Paul Prince, Council Liaison
Lago Vista Development Services Department

Sincerely,
Cathy Petross, General Manager

Proposed Changes to Future Land Use Map

Properties and Zoning

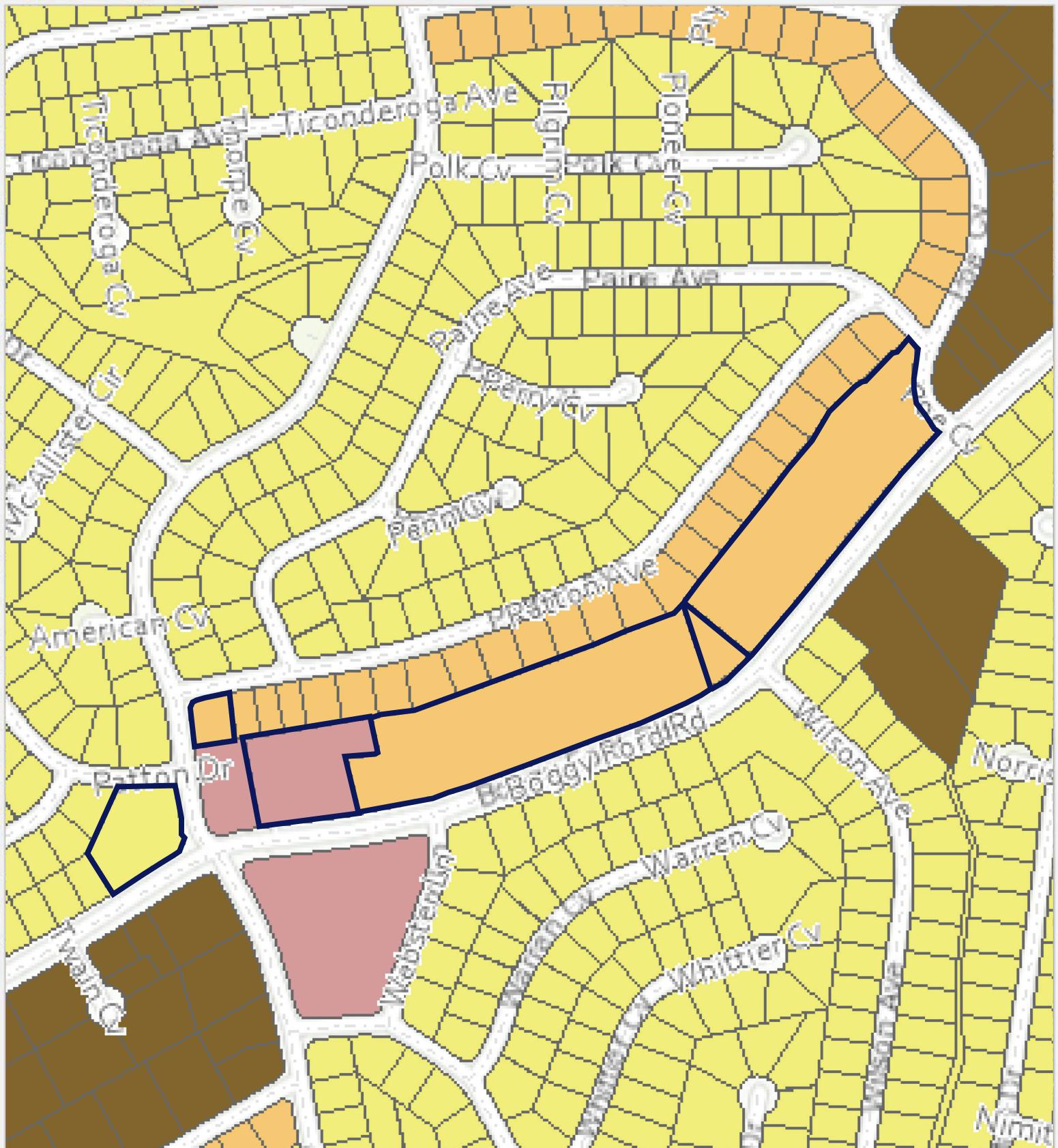
Property ID #	Yr Acquired	Description	Zoning	Future Use Land Map
POA				
787596	2010	Boggy Ford East of Activity Center to almost Wilson	PDD	Multi-family Residential *
787587	2009	Boggy Ford Between Activity Center and 787546	C-1A	Multi-family Residential **
166286	2010	Boggy Ford -Wedge between 787596 & Wilson Dr	PDD	Multi-family Residential *
166285	2010	Boggy Ford -From 166286 to Poe Cove	PDD	Multi-family Residential *
783463	No Previous	Thousand Oaks - West of Bar K from Paseo de Vaca to Bar K Clubhouse Dr	P-1B	City Park
376014	1995	Western Part of Bar K Park	P-1B	City Park ***
179755	1989	Clubhouse Ct NE of Bar K Park	P-1B	City Park ****
178999	1993	Part of Park Dr in Marina Park (NRC)	P-1A	POA Park
166814	1991	NW Corner of Boggy Ford and American	C-1C	Low Density Residential
166656	1989	SE Corner of Patton & American (North of Activity Center)	R-2	Multi-family Residential *
158105	1996	Cody Park	P-1A	POA Park
158103	1984	Hancock Park	P-1A	POA Park
178570	1982	Marina, Campground, Bar K Parks (NRC)		
		NOTE: 178570 includes 3 parks -Marina, Campground and Bar-K. The campground and Bar-K are zoned correctly. The marina should be changed from P-1A to P-1B.		

*Medium Density Residential
(4-8 units / acre, typically duplexes)

**Neighborhood Retail /
Office / Commercial

***POA Park (no change
required)

****Low Density Residential
(2-3 units / acre)



N



Future Land Use Map Amendment Request

Requested Change	Residential / Commercial to POA Park	Date	08/27/2022
Map Type	Future Land Use - Existing	Drawn By	RJambor

This representation is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or for surveying purposes. It does not represent an on the ground survey and represents only the approximate relative location of property boundaries.

Rural Residential
City Park
Estate Residential
High Density Residential
Medium Density Residential
Low Density Residential
Mixed Use
Neighborhood Retail / Office / Commercial
POA Park
Public / Semi-Public



Future Land Use Map Amendment Request

Requested Change	City Park / Residential to POA Park	Date	08/27/2022
Map Type	Future Land Use - Existing	Drawn By	RJambor

This representation is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or for surveying purposes. It does not represent an on the ground survey and represents only the approximate relative location of property boundaries.



23-2623-R-REZ

Existing “Majestic PDD” (north side of Boggy Ford Road)

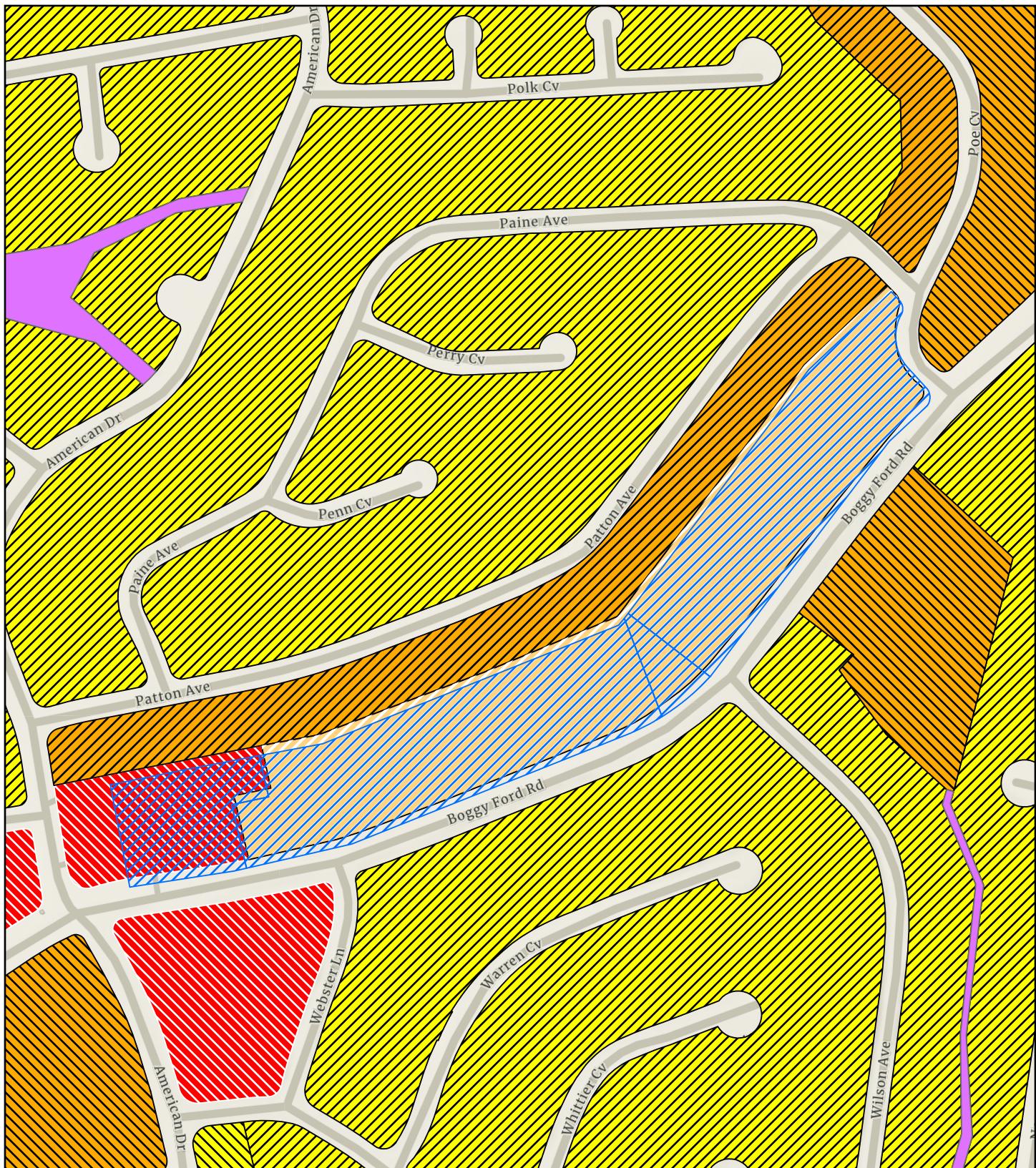
Attachment 4

Maps



Requestor TenFootContour 10 ft 50 ft	Existing "Majestic PDD"			
	Request Type	Zoning Change	Project	23-2623-R-REZ
	Change Requested	PDD to P-1B	Date	3/27/2024
	Map Purpose	Aerial / Topography	Drawn By	D Avetian
	Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US			
	0	140	280	US Feet
	0	55	110	Meters





Requestor
Zoning District
C-1C
PDD
R-1S,15B
R-1S,15C
R-2
R-4
TR-1

Existing "Majestic PDD"

Request Type	Zoning Change	Project	23-2623-R-REZ
Change Requested	PDD to P-1B	Date	3/27/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

N





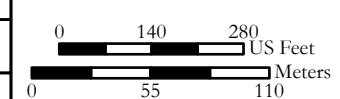
Requestor
Land Use Proposed

- High Density Residential
- Low Density Residential
- Medium Density Residential
- Neighborhood Retail
- POA Park

Existing "Majestic PDD"

Request Type	Zoning Change	Project	23-2623-R-REZ
Change Requested	PDD to P-1B	Date	3/27/2024
Map Purpose	Existing FLUM	Drawn By	D Avetian

Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US

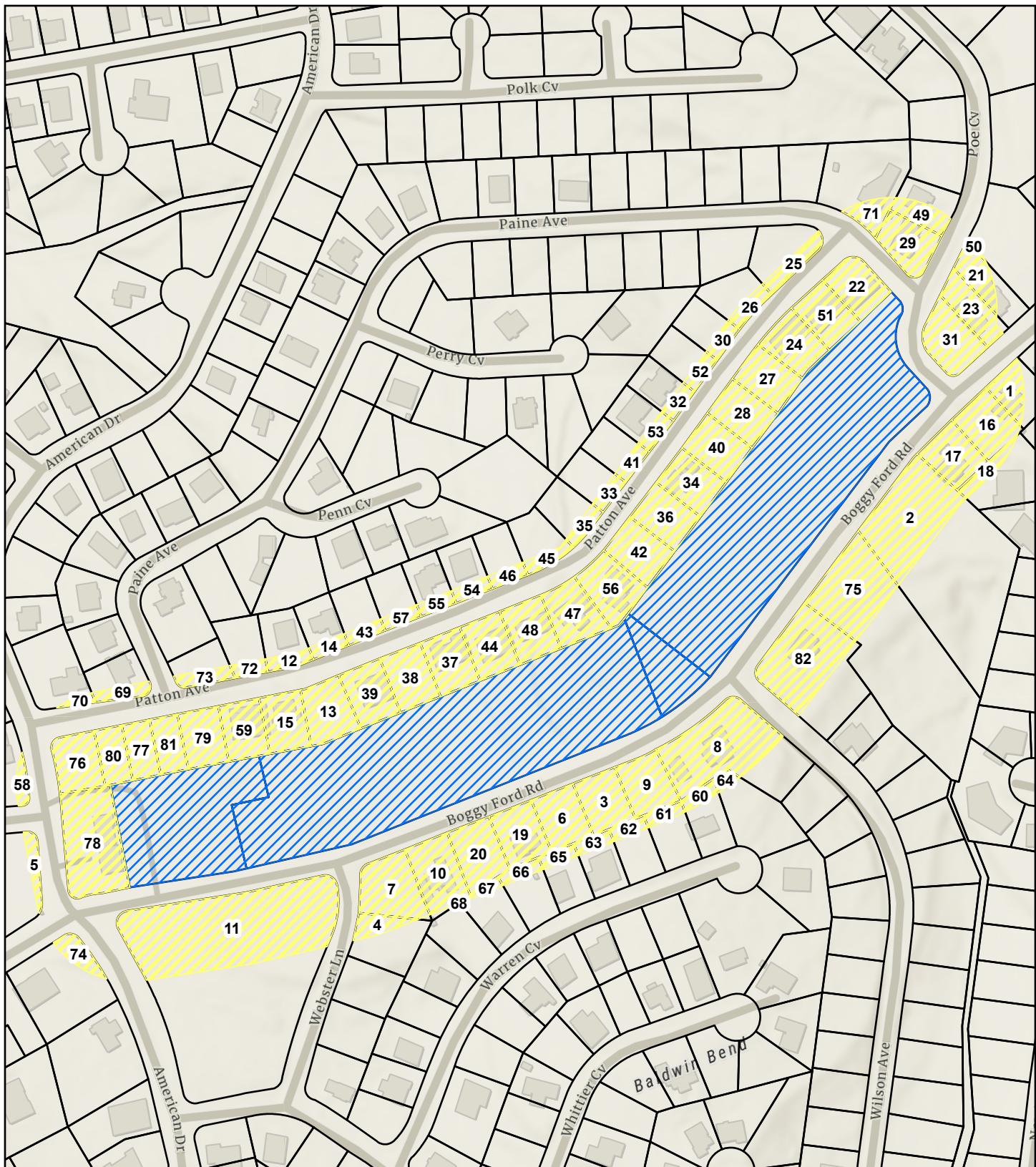


23-2623-R-REZ

Existing “Majestic PDD” (north side of Boggy Ford Road)

Attachment 5

Notice Comments



Existing "Majestic PDD"

- Notification Boundary
- Requestor
- TCAD Parcels

Request Type	Zoning Change	Project	23-2623-R-REZ
Change Requested	PDD to P-1B	Date	3/27/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2624:** Consideration of a recommendation to amend the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 8116 Chestnut Cove (Bar-K Ranches Plat 10, 64.96-acre "Golf Course Tract") from "POA Park" to "Estate Residential."

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ATTACHMENTS:

[23-2624.pdf](#)

LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 22, 2024



P&Z CASE NO:	23-2624: 8116 Chestnut Cove
APPLICANT:	City of Lago Vista, Texas (Tracie Hlavinka, City Manager)
LANDOWNER:	Goldtree Land Investments LLC
LOCATION:	West side of Chestnut Cove ± 340' north of Chantilly Trail
ZONING:	G-1 ("Golf Course and Country Club") zoning district
PROPOSED USE:	FLUM Amendment from "POA Park" to "Estate Residential"

GENERAL INFORMATION / LOCATION:

- Like all the applications that require a public hearing on this agenda, this request has been initiated pursuant to the Interim Growth Management Policy that was adopted by the Lago Vista City Council on May 4, 2023. The first item in that policy creates an obligation by the Development Services Department staff to generate and maintain a list of dormant or potentially dormant entitlements for use by the Council. At the most recent Strategic Planning Meeting of the Lago Vista City Council on February 24, 2024, the City Attorney and Development Services Director were instructed to identify existing zoning entitlements from that larger list that might warrant additional review for current or continuing viability. Portions of four existing entitlements were presented for consideration by the Council on March 7, 2024, which resulted in an authorization for the City Manager to initiate the applications scheduled for a public hearing during this meeting.
- The property that is the subject of this application is the site of the former Bar-K Golf Course located south and west of FM 1431, north of Foothill Cove and east of the property owned by the City of Lago Vista that includes Sunset Park. It is an approximately 64.96-acre tract of land (not a lot) within and adjacent to the platted subdivision known as Bar-K Ranches, Plat 10. It is currently only publicly accessible by use of the parking lot located at 8116 Chestnut Cove that supported the various former clubhouse facilities. The course closed in approximately 2005, but the property remains in the G-1 ("Golf Courses and Supporting Facilities") zoning district. Like many properties conceived as a golf course development, it is surrounded mostly by lots in a single-family residential zoning district. Most of those relatively small single-family residential lots remain vacant, perhaps because of the cost of municipal utility service extensions to most of these locations.
- Although the owner of the property at the time had established a vested right to development of the property for single-family residences to the satisfaction of the former City Attorney, the Planning and Zoning Commission subsequently recommended amendments to the G-1 zoning district that eliminated the possibility of including residential lots within the boundaries of a former golf course without additional approvals. That recommendation resulted in Ordinance Number 22-10-11-03 with amended and defined uses permitted by right in that specific zoning district. The intent expressed during the associated public hearings specified that the property that is the subject of this application was not the concern that this amendment hoped to address. It was instead the need for additional review and approval for redevelopment of a former golf course location that was surrounded by existing occupied residences that would now front on a potentially incompatible use.
- Nonetheless, it was the discussion of the subject property over the course of several applications or potential applications that brought many of those seemingly incompatible uses to light. Moreover, one of those applications for a zoning change precipitated a lengthy discussion about the designation of the property in the current comprehensive plan as "POA Park." That comprehensive plan does not include any language that definitively identifies the purpose of a "POA Park" designation as differentiated from the other type of park designations that are also included in the future land use map. Current ownership does not appear to have been a critical factor.
- As it was prior to the adoption of Ordinance Number 23-01-19-03 that unambiguously requires a separate application and a defined procedure for amending the comprehensive plan, the basis for amending the comprehensive plan as part of a zoning change application generated significant discussion and conjecture involving whether the "POA Park" designation for this property was

deliberate. Nonetheless, Ordinance Number 23-01-19-03 clearly requires an amendment to the comprehensive plan before any zoning change for the subject property can be considered, even one initiated by the City of Lago Vista. As a result, this comprehensive plan amendment application in accordance with the current requirement was initiated as a prelude to a possible future zoning change application.

SITE PLAN / CONTEXT CONSIDERATIONS:

- As has come up in the discussion of all previous applications with the same legal description, this property and the surrounding platted subdivision arguably does not comply with any known edition of the International Fire Code. There are an extremely large number of lots and inordinately long streets that terminate without a second means of egress or access by emergency services. In some cases, the single means of egress and access is subject to flooding and might become unusable even in the absence of a 100-year storm intensity. Research confirmed that Bar-K Ranches Plat 10 was approved by Travis County in 1973, well before the International Fire Code was first published. It is nonetheless hard to believe that some sort of local or state equivalent was not in place that should have precluded Travis County approval of that subdivision plat. Regardless, we have repeatedly reminded all potential property owners and applicants of the need for a remedy as part of any future approval. That will undoubtedly require the acquisition of additional property.
- Another factor that negatively impacted the ability to develop this property has been the inordinate cost of providing utility services. That eventually precluded several previous attempts at residential development of the property with a similar density or slightly greater density than the existing adjacent single-family residential lots. Those lots are in the R-1S (15A) ("Single-Family, Small Lot Residential") zoning district, formerly called the R-1A ("Single-Family Residential) zoning district. As a result, the more prolonged attempts involved a low enough density to avoid extraordinary costs lots large enough to accommodate private or community wastewater systems (i.e. septic solutions) in accordance with the regulatory requirements of other state agencies with jurisdiction (such as TCEQ). Those attempts provided the basis for starting this required discussion using the "estate residential" designation.
- Nonetheless, at least one of the reservations about a relatively low-density single-family development on this property is the potential impact on the attractiveness of "estate lots" immediately adjacent to existing single-family residential lots without stringent development standards. With a current zoning entitlement that requires a minimum living area of only 1,200 square feet, at least one potential purchaser expressed reservations for that reason alone. Nonetheless others have been convinced that a large enough lot with appropriate buffers (such as a perimeter masonry wall) would remain economically feasible despite the proximity of an arguably incompatible residential lot size.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- As a reminder, the "estate residential" future land use map designation requires a minimum average lot size of between 1 and 3 acres pursuant to a recent amendment to the comprehensive plan adopted by the City Council in Ordinance Number 23-05-04-01. If the Planning and Zoning Commission reaches a consensus on a recommendation for an appropriate future land use map designation for this property, whether single-family residential or not, the remaining concern would be the findings necessary for the City Council to adopt the associated amendment. The application form and some of the comments above suggest that the future land use map within the current comprehensive plan includes "a demonstrable error, oversight, or omission" regarding the designation of this property as "POA Park." That specific basis is second among the three alternatives found in Section 13.20(d)(4) of Chapter 14.

- A close examination of the future land use map for the municipality and its extra-territorial jurisdiction (ETJ) reveals that the “POA Park” designation was used for each active golf course, formerly active golf, and at least one golf course that was never completed before 2016 when the current plan was adopted. At that time, two of those golf courses were owned and operated by the City of Lago Vista, although one was subsequently sold and shortly thereafter closed. That sale and closure is likely the primary concern that eventually led the Commission to initiate a recommendation that subsequently resulted in Ordinance Number 22-10-11-03. While the absence of a clear explanation of the “POA Park” designation in the current comprehensive plan is a seemingly critical flaw, we are nonetheless forced to make some assumptions if the future land use map is to have any meaning or significance whatsoever. The first sentence of Section 13.20(d) of Chapter 14 reads as follows: “The adopted Comprehensive Plan documents the current land use policy recommendations applicable within the municipality and serves as a guideline for future zoning decisions that will yield a balanced, diversified, and compatible pattern of development consistent with the vision of its citizens.”
- The most rational explanation might be an assumption by the consultants who helped the community complete that plan in 2016 that abandoned golf courses might best be “repurposed” as an amenity to support the surrounding residential development. For example, that is a very reasonable aspiration for the property that was operated as the Highland Lakes Golf Course by the City of Lago Vista as it is surrounded by very few vacant single-family residential lots. If the current Lago Vista Golf Course were to fail, it would also be a reasonable aspiration for that property for similar reasons. However, in the absence of a vested interest by existing surrounding residential property owners, it is hard to imagine why the owners of that vacant property would collaborate to purchase a failed golf course to create an amenity for non-existent residences. While that also might be a potentially viable option for the “Marshall’s Vista PDD” (the location of the proposed “Gary Player signature course”) because the surrounding property is commonly owned, a similar assumption for the subject property is instead erroneous and perhaps based on a failure to accurately evaluate the surrounding existing residential lots which remain largely vacant but individually owned. A lack of historical knowledge about the former golf course and the high cost of providing municipal utility service to the surrounding residential lots by the consultants might also be a contributing factor.
- Although not a requirement for an amendment based on “a demonstrable error, oversight, or omission,” it seems nonetheless relevant to acknowledge that an update to the comprehensive plan is currently underway. It might therefore be appropriate to discuss Section 13.20(d)(7)(A) of Chapter 14 which requires “that the proposed change does not require an evaluation that is broader or more comprehensive in scope.” It would not be unreasonable to challenge the timeliness of this application if it is determined that the type of widespread community input associated with a comprehensive plan update would benefit the determination of the best future land use designation for this specific property or that the issues raised by the discussion are applicable to other areas within the jurisdiction. Conversely, if it is determined that widespread community input is not beneficial to a correction of the previous “demonstrable error, oversight, or omission,” then additional delay for a correction to occur during the current update might be unwarranted.
- While the owner of the subject property and everything within 200 feet will receive a notification in accordance with Section 13.20(d)(3) of Chapter 14, written objections received as a result will not be of any particular significance except as information to be considered by the Commission and Council. Moreover, that same section already requires a three-fourths majority of the City Council to approve an amendment to the comprehensive plan. It would also not be surprising to discover that the property owner might welcome almost any other future land use designation other than “POA Park.” Finally, it should be noted that if the update to the comprehensive plan does not satisfactorily address the problems associated with this property, this application can be initiated again at some point following that attempt.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend denial of any amendment to the Future Land Use Map pending completion of the current effort to update the comprehensive plan.
- B. Recommend amendment of the Future Land Use Map to reflect "estate residential" for this property.
- C. Recommend amendment of the Future Land Use Map to a designation for this property as determined by the Planning and Zoning Commission following the required public hearing.

23-2624 (Future Land Use Map Amendment)

8116 Chestnut Cove (Former 9-Hole Bar-K Golf Course)

Attachment 1

Application



**CITY OF LAGO VISTA · DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET · P.O. BOX 4727 · LAGO VISTA, TX 78645**

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR COMPREHENSIVE PLAN (FLUM) AMENDMENT

Contact Person: Tracie Hlavinka **Fee:** See Ordinance Appendix A (non-refundable)

Contact Phone: (512) 267-1155 x100 **Contact Email:** tracie.hlavinka@lagovistatexas.gov

Property Owner(s):* Goldtree Land Investments LLC

Owner's mailing address: P.O. Box 1878; Lampasas, TX 76550

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*

Bar-K Ranches Plat 10, 64.96-acre "Golf Course Tract"

Municipal Address(es)* if applicable: 8116 Chestnut Cove

NATURE OF REQUEST

Current Land Use Designation(s): POA Park

Proposed Land Use Designation and general basis for change - see Section 13.20(d)(4) of Chapter 14

Estate Residential - a demonstrable error, oversight, or omission.

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: _____ **Email:** _____

Mailing Address: _____ **Phone:** _____

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required narratives or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**

April 1, 2024

Property Owner's signature(s)*

Date

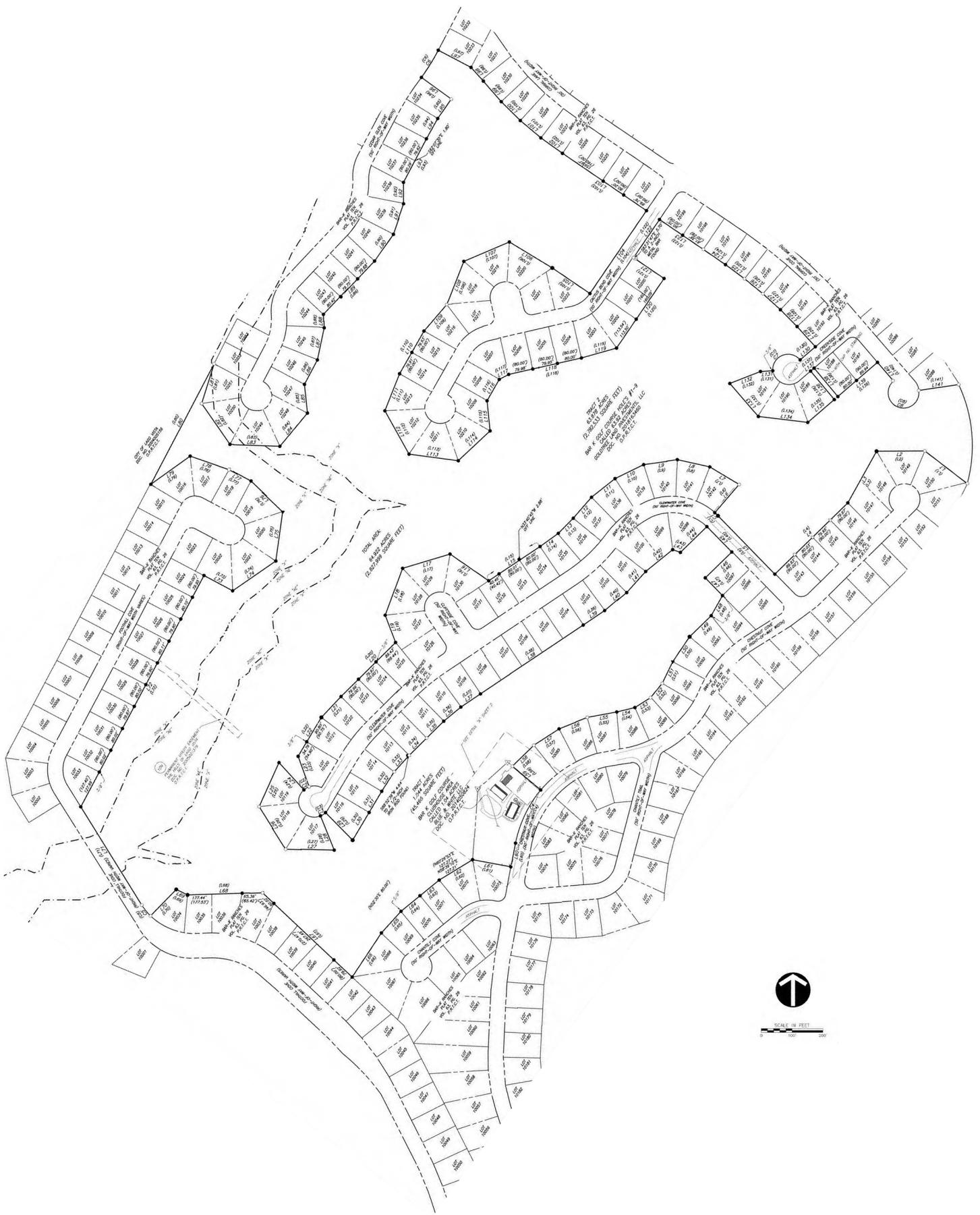
***Attach additional sheets required for information above and Section 13.20(d) of Chapter 14**

23-2624 (Future Land Use Map Amendment)

8116 Chestnut Cove (Former 9-Hole Bar-K Golf Course)

Attachment 2

Site Plan / Survey

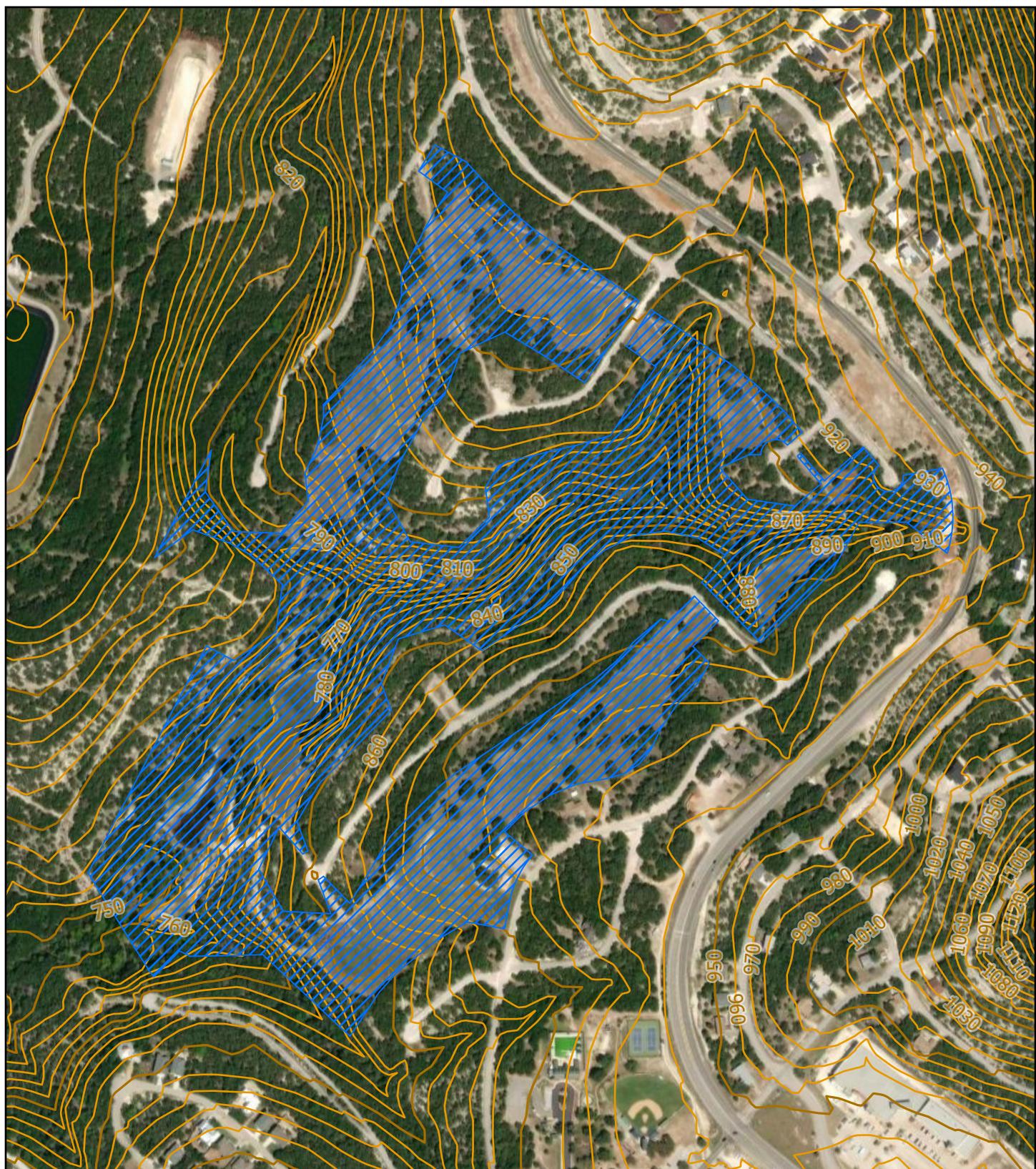


23-2624 (Future Land Use Map Amendment)

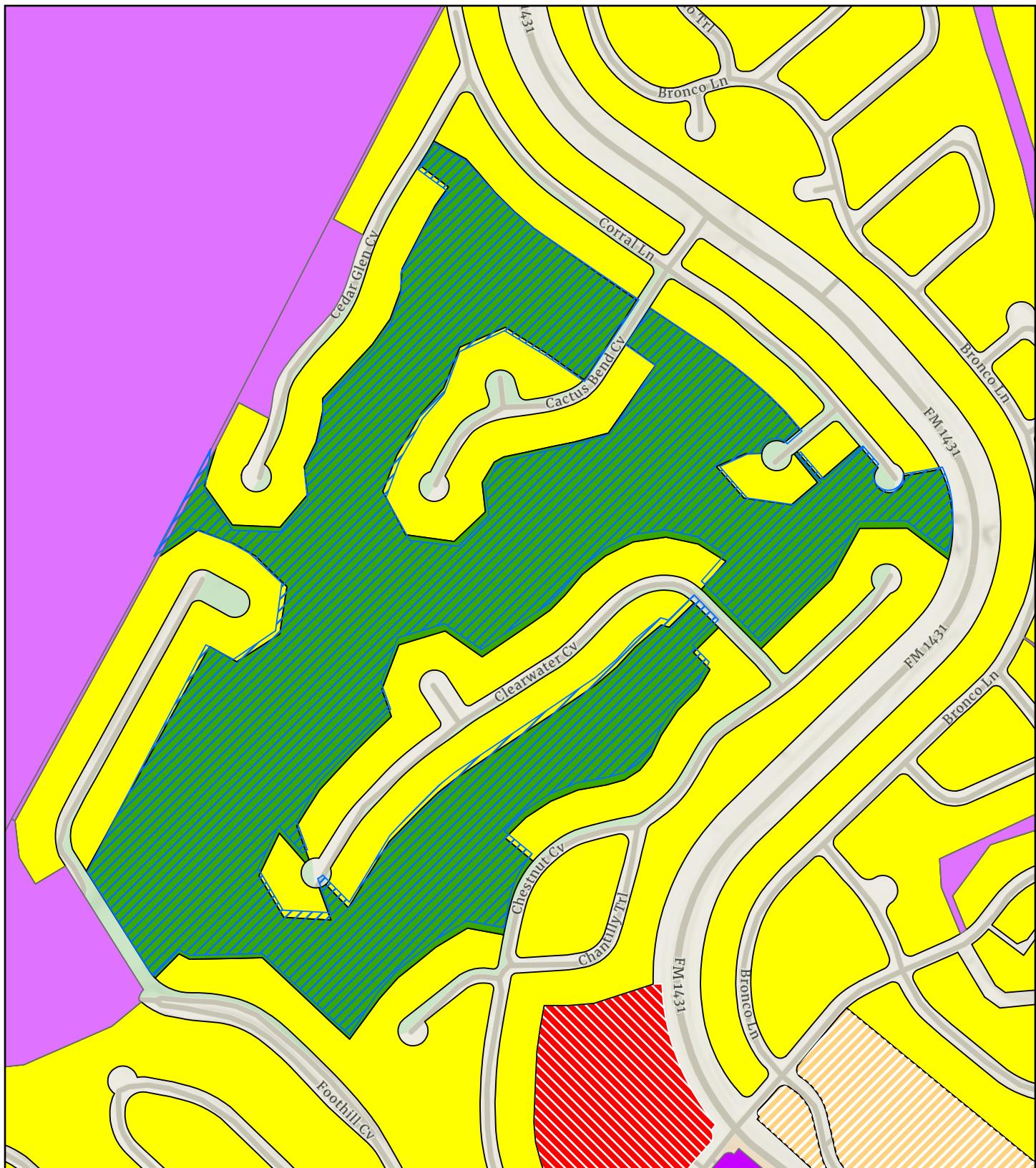
8116 Chestnut Cove (Former 9-Hole Bar-K Golf Course)

Attachment 3

Maps



Requestor TenFootContour <hr/> 10 ft 50 ft	8116 Chestnut Cove				
	Request Type	FLUM Amendment	Project	23-2624	
	Change Requested	Estate Residential	Date	3/26/2024	
	Map Purpose	Aerial / Topography	Drawn By	D Avetian	
	Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet				



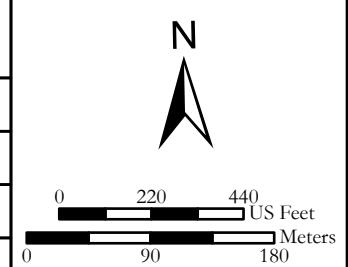
Requestor
Zoning District

- C-1C
- G-1
- PDD
- R-1S,15A
- R-1R
- TR-1
- U-1

8116 Chestnut Cove

Request Type	FLUM Amendment	Project	23-2624
Change Requested	Estate Residential	Date	3/26/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





Land Use Proposed	
Requestor	
City Park	
Low Density Residential	
Mixed Use	
POA Park	
Regional Retail	
Semi-Public	

8116 Chestnut Cove

Request Type	FLUM Amendment	Project	23-2624
Change Requested	Estate Residential	Date	3/26/2024
Map Purpose	Existing FLUM	Drawn By	D Avetian
Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US			
0	220	440	US Feet
0	90	180	Meters

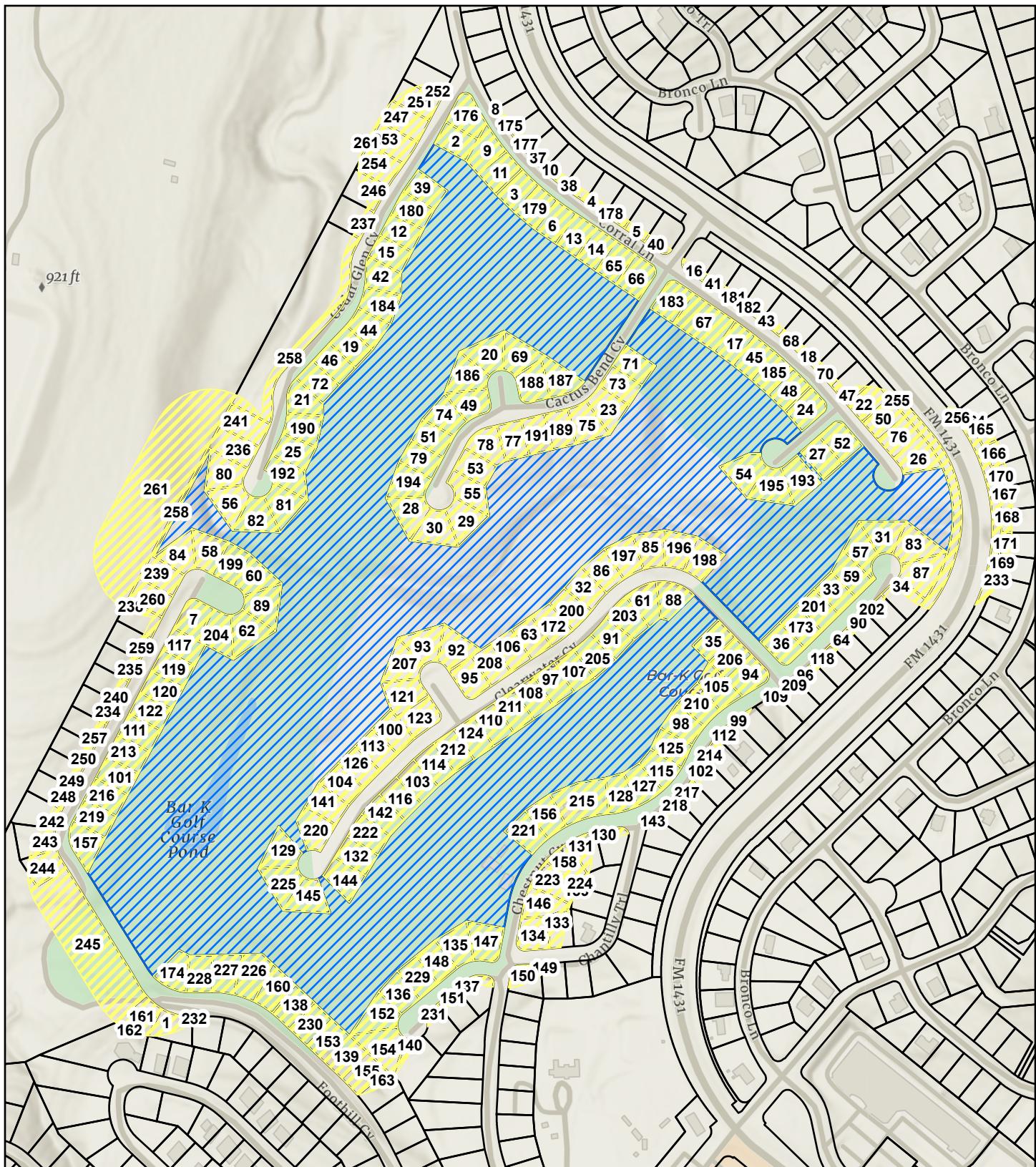


23-2624 (Future Land Use Map Amendment)

8116 Chestnut Cove (Former 9-Hole Bar-K Golf Course)

Attachment 4

Notice Comments



Notification Boundary

Requestor

TCAD Parcels

8116 Chestnut Cove

Request Type: FLUM Amendment Project: 23-2624

Change Requested: Estate Residential Date: 3/26/2024

Map Purpose: Notification Boundary Drawn By: D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet

N





Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: **23-2619:** Consideration of an amended design review approval in accordance with Section 6.105 of Chapter 14 of the Lago Vista Code of Ordinances to allow periodic hosting of a farmer's market at the existing microbrewery with shared parking located at 8001 Bronco Lane (Bar-K Ranches, Section 18, Lot 18008).

- Staff Presentation
- Applicant Presentation
- Discussion
- Decision

ATTACHMENTS:

[23-2619.pdf](#)

LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – APRIL 22, 2024



P&Z CASE NO:	23-2619: 8001 Bronco Lane
APPLICANT:	Mark Norman (Lago Vista Brewing Company, LLC)
LANDOWNER:	Lago Vista Brewing Company, LLC
LOCATION:	Northeast corner of Bronco Lane and Dodge Trail
ZONING:	C-2 (Commercial; Large Scale)
PROPOSED USE:	Amend Design Approval to periodically host Farmer's Market

GENERAL INFORMATION / LOCATION:

- Following the recommendation of the Planning and Zoning Commission pursuant to Case Number 21-1761-R-REZ on February 11, 2021, the City Council adopted Ordinance Number 21-03-04-02. It approved a zoning change for the subject property from the C-1 to the C-2 district along with the required design approval subject to two conditions. Amplified music in the outdoor seating area was limited in accordance to the relevant provisions of Chapter 8 regarding noise. In addition, food truck service to the facility was prohibited, absent a modified site plan approved in accordance with the design review provisions of Section 6.105 of Chapter 14.
- According to the property owner at the public hearing, they did not anticipate the need for any food service at the facility. However, shortly thereafter that decision was reconsidered and an application to amend that approval was considered by the Planning and Zoning Commission on September 30, 2021. That amended approval added a maximum of two food trucks that are allowed to conduct business on the property in the locations indicated on the modified site plan submitted by the design professional that was responsible for the project. More recently the staff was contacted by this business and property owner seeking approval to host a farmer's market on the same property on Saturdays. Based on the information provided, the same ordinance provision that previously required an amended approval for this property from the Planning and Zoning Commission in September of 2021 requires the current application.
- The subject property is located directly adjacent and south of the offices of Gregg Engineering, a local company that develops hydraulic pipeline simulation software. North of Gregg Engineering is a formerly vacant office building that is undergoing minor renovation to serve as the new location of the offices of Lantz's Lakeside Plumbing and AC. It is located directly across Bronco Lane to the east from the local Sonic Drive-In Restaurant and directly across Dodge Trail to the north from the recently completed Travis County ESD-1 fire station. The east property line of the proposed facility is immediately adjacent to four, vacant single-family residential lots (in the R-1A zoning district).

SITE PLAN / CONTEXT CONSIDERATIONS:

- As evident from the applicant's narrative provided in response to the written concerns of the Development Services Department staff, the primary concern involves the potential negative impact of this additional event on parking. Had the event been restricted to hours or days when the brewery itself was not open for business, the concerns would have been less significant. Similarly, if the vendor booths would have displaced existing parking, the concerns would have been more significant. In short, this approval provides the basis for imposing conditions to ensure that the event has no significant impact on the adjacent businesses or property owners. There is no public parking anywhere in the vicinity and seasonal events with a large parking demand have been known to cause congestion and safety hazards on the streets in the area.
- Because the vendor booths will be located in the beer garden, there is another relatively minor concern. That beer garden seasonally employs the use of canvas awnings to provide protection from the sun. To remain effective, it is not excessively high above the paving within the beer garden. The applicant's estimate following our query is that the clearance is approximately 12 feet. The staff thinks it is therefore also important to stipulate that no vendors can use an open flame for any purpose below a canvas awning.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- The authority for the previous amended approval and the requirement for this application for another amendment is Section 6.105(b)(3) of Chapter 14 which specifically contemplates the need for design approval amendments. It specifies that: “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.” It also includes language referenced below that defines what might be considered a “substantive” discrepancy.
- The applicant was informed of the staffs concerns during various meetings and email correspondence before the application was submitted with the requested narrative. The applicant had already anticipated the parking capacity problem and we were informed of the permission of a nearby property owner to use their parking lot to help host this event that would be limited to Saturday and end in the early afternoon. We included information about Section 7.10(d)(3) of Chapter 14 that required a recorded lease rather than mere consent.
- We were also informed of the desire to expedite the approval process as the property owner had already negotiated an agreement for the farmer’s market to begin using the property before the next opportunity for the Planning and Zoning Commission to meet. The staff responded by polling the members regarding their availability for this special call meeting shortly after the effective date of an ordinance amendment that reduced the required fee. Previously there was no distinction between the fee for an amended design review approval and one that involved a currently vacant site.
- We also informed the applicant of the following language in Section 6.105(b)(3) of Chapter 14: “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.” We allowed that this provided the authority for the staff to determine whether a more limited approval could be accommodated on the property without a material change in the impact on nearby property.
- Before and after the conclusion of the Strategic Planning Meeting of the Lago Vista City Council on Saturday February 24, 2024, the staff visited the site and counted the vehicles and patrons of the existing establishment during the same hours that the farmer’s market would be hosted. We then contacted local citizens who frequented that event when it was hosted in the shared parking lot (dedicated by plat) adjacent to the Lago Vista City Hall to estimate the peak parking demand in relation to the number of vendor booths. We subsequently determined that it was likely that an even limited to no more than 7 vendor booths could likely be accommodated without a formal shared parking agreement without negatively impacting other businesses, property owners, or any public right-of-way. That information authorizing this more limited hosting of a farmer’s market was documented in the previous design review amendment project file.
- In addition, we furnished written copies by email of the relevant language from Section 7.10 of Chapter 14 regarding “an applicant-submitted parking study” and the following specific requirement for a formal lease of any shared parking: In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are jointly provided (shared parking) and used, a written agreement assuring their retention for such purposes shall be executed by the parties, approved by the City Attorney, recorded with the County of Travis, and filed with the application for a building permit.” Nonetheless, to our knowledge the only parking study was the one performed by the staff and described immediately above despite the fact that the property owner has hosted the event with a maximum of 7 vendors for the entire month of March. Hopefully they can describe that experience during consideration of this application and describe any progress in securing a draft lease for the review of the City Attorney.

- The entirety of Section 6.105 and 7.10 of Chapter 14 are included in the packet. The most relevant sections are highlighted for the convenience of the Commission members. We also included the authority for imposing conditions on the approval, which seems particularly important for this expanded use of the property in hosting an event with the potential for significant growth in popularity over time. The applicable provision reads as follows: "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." Although the staff did include a condition requiring a periodic review of the adequacy of the parking accommodations, that language authorizes the Planning and Zoning Commission to do so in their decision on this application.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Approve of the amended design review request subject to the following conditions:
 1. the farmer's market is allowed to be in operation on any Saturday until 2 PM, exclusive of the time required for the vendors to remove their booths and associated equipment;
 2. there shall be no more than 15 vendors in the absence of an administratively amended approval based on an empirical parking study provided by the property owner that demonstrates that any increased demand is being accommodated;
 3. there shall be no more than 7 vendors in the absence of a recorded lease for off-site parking in a form approved by the City Attorney in accordance with Section 7.10(d) of Chapter 14; and
 4. no vendor shall employ an open flame of any type when located beneath a canvas structure or other similar shade covering.
- B. Defer the application until a draft lease for off-site parking is provided for the review of the City Attorney as required by Section 7.10(d) of Chapter 14 recommendation to the City Council.
- C. Deny the amended design review request which would limit the event to a maximum of 7 vendors in the absence of a more complete parking study based on the historic demand associated with the lesser number of vendors.

23-2619

8001 Bronco Lane

Attachment 1

Application

**CITY OF LAGO VISTA**

5803 THUNDERBIRD
PO BOX 4727
LAGO VISTA, TX. 78645

DEVELOPMENT SERVICES

512-267-5259

development@lagovistatexas.gov

MULTIFAMILY/NON-RESIDENTIAL DESIGN REVIEW APPLICATION
(Please Print)

Applicant (owner/developer) Mark Norman (Lago Vista Brewing Company)

Mailing address 8001 Bronco Ln. Lago Vista Tx. 78645

Phone <u>(979) 220-4832</u>	Number & Street	City	State	Zip code
Day time	(<u> </u>)	<u>mark@lagovistabrewingco.com</u>	Cell	E-Mail

Complete Legal Description of the Property

Travis County Tax Parcel ID # 181371

Property Address 8001 Bronco Ln. Lago Vista Tx. 78645

Number & Street	City	State	Zip code
-----------------	------	-------	----------

Legal Description LOT 18008 BAR-K RANCHES SEC 18

Name of Proposed Development Lago Vista Farmer's Market

Proposed Use Allow the Lago Vista Farmer's Market to use the space.

ARCHITECT / ENGINEER (Company Name) N/A

Contact person _____

Phone () Day time () Cell _____ E-Mail _____

Engineer's address: _____ Number & Street _____ City _____ State _____ Zip code _____

SURVEYOR / OTHER DESIGN PROF. (Company Name) N/A

Contact person _____

Phone () Day time () Cell _____ E-Mail _____

Surveyor's address _____ Number & Street _____ City _____ State _____ Zip code _____

Note: These items must be submitted with this application:

(other items may be required per the Site Development Ordinance)

- Drawings and other information as described in the Design Review Ordinance.
- Payment of all applicable fees (check with the City of Lago Vista).

Signature of Applicant: Mark Norman Date: 02/09/2024

23-2619

8001 Bronco Lane

Attachment 2

Proposed New Site Plan



ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"

NORTH

N 214.26'
68°56'08" E

BRONCO LANE

DODGE TRAIL

Drawing Symbols



Farmer's Market Vendor

Plan:

We are planning to have only about 10-15 vendors.

Vendors will be placed in the beer garden to be completely protected from traffic. No vendors will be in the parking lot.

23-2619

8001 Bronco Lane

Attachment 3

Applicant's Narrative

Site Amendment

Lago Vista Brewing Company is formally asking the city of Lago Vista to be able to host Lago Vista Farmers Market. We believe that all parties involved will benefit from being in our beer garden. Local families will have access to local products and they will not have to drive far for it.

We are planning on having the Farmers Market at the brewery 2 Saturdays per month. We would also like the flexibility to go up to all Saturdays if we see good traction and the customers want to see it more frequently. The Farmers Market will be open from 10 A.M. - 2 P.M. Lago Vista Brewing Company currently opens at 12:00 P.M. The days we will have the farmers market, we plan on extending our hours of operation to opening at 10:00 A.M.

We looked at the past three months to pull data on parking demands. Our patrons only average being at the brewery for one hour and eight minutes during the time period of 12-2 on Saturdays. Additionally our highest demand for parking was only 21 patrons during these times. We are averaging about half of this. The Farmers Market has informed us that the highest number of patrons they see is 15-20 cars per hour at their current location. The number of vendors range from 15-25 vendors at Flat Creek. The types of booths that are present are farmers, ranchers, Alaskan seafood, herbs, artisans, bakers. We will not have any vendors preparing food at their space. We will pair down the number of vendors to about 10. If all goes well and we have no issues with parking/space, we will possibly go to 15.

Lago Vista Brewing Company has 52 Parking spots (3 of these are handicap parking). To accommodate potential increased volume of parking, we have spoken to Amanda Casey and we will be allowed to have overflow parking in their parking lot on Saturdays. The address of this location is 20624 RM 1431, Lago Vista, TX 78645. This will increase parking by 37 parking spaces. We will have a sign made that says "Overflow Parking" and prominently display this sign in their grass on the corner of Bronco Ln. and Dodge Trail. Additionally, we will be asking the farmers market vendors to park here after set-up. This will allow our patrons the closest parking. The vendors will set up their booths Saturday morning and remove their booths right after 2:00 P.M.

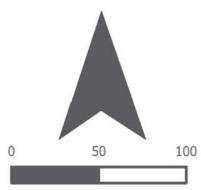
Lago Vista Farmers Market was most recently located at Flat Creek Winery. This location was too far and inconvenient for the residence of Lago Vista to attend on any regular basis. Previously, it was held at Lago Vista City Hall for 3 years.

23-2619

8001 Bronco Lane

Attachment 4

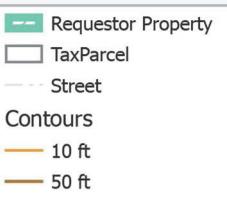
Aerial Location Map



8001 BRONCO LN

Request Type	Amended Design Review	Project	23-2619
Change Requested	Add Farmer's Market Hosting	Date	9/15/2021
Map Purpose	Aerial & Topo Map	Drawn By	cmartinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



23-2619

8001 Bronco Lane

Attachment 5

Applicable Ordinances

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.

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.

7.10 General Requirements

(a) Off-Street Parking Space Required. Every use shall be provided with off-street parking spaces in accordance with the requirements specified herein.

(b) Automobile Parking Dimensions. The following basic dimensions shall be observed for parking and loading spaces.

(1) Standard Spaces. Each space shall have a vertical clearance of not less than 7.5 feet. Each space shall be independently accessible.

(2) Minimum standard parking area dimensions shall be as follows:

Type of Parking	Length 90° to Aisle (ft)	Width (ft)	Access Lane Width Two-Way (ft)	Access Lane Width One-Way (ft)	Width of Stall Parallel to Aisle (ft)
90 degree	18.5	9	24	24	9
60 degree	18	9	20	17.5	11
45 degree	17	9	20	13.5	13
30 degree	16	9	20	12.5	18

(3) Handicapped Spaces. Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 13.0 feet wide by 18.5 feet long, with a vertical clearance of 7.5 feet, shall be located in an area not exceeding a 2% slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons. Parking spaces for the handicapped shall be restricted for use by the handicapped only. Handicapped parking shall be provided, designed, and marked in accordance with ADA standards.

(4) Access. Each parking and loading space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley. Each parking space and the adjacent maneuvering area shall be located entirely upon private property. Except for dwellings, there shall be adequate provisions for ingress and egress to all parking spaces, without the need to back into public rights-of-way.

(5) Stripping. In parking areas with five or more parking spaces the parking spaces shall be delineated by stripping the parking spaces.

- (6) Construction. Parking areas shall be properly graded for drainage, surfaced with a two course treatment of asphalt and aggregate, asphaltic concrete, concrete, or pavers approved by the building official for one- and two-family parking or the city engineer for nonresidential parking. Temporary parking for parking greater than the number required by this Section may not have to be paved or have pavers, if approved by the city manager or his designee, for instance on land which is essentially solid rock.
- (7) Required parking may not be obstructed.
- (8) Parking space overhang. The length of a parking space may include a two-foot overhang of a curb or wheel stop, so long as the overhang is not over a walkway or there is no structure over six inches tall within the two feet.

(c) Floor Area. For purposes of determining the number of required parking spaces, requirements shall be based on gross floor area, unless stated otherwise below, but shall not include enclosed or covered areas used for off-street parking or loading.

(d) Location. All parking spaces required herein shall be located on the same lot as the building or use served, except as follows:

- (1) Off-site Parking. Where an increase in the number of spaces is required by a change of use or where such spaces are used jointly by two (2) or more nonresidential buildings or establishments, the required space may be located not to exceed three hundred (300) feet from a building in a C-1, Commercial District, and not to exceed five hundred feet (500') from any other nonresidential building.
- (2) Shared Parking.
 - (A) Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, and the like or restaurants open only in the evening, and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.
 - (B) The city manager or his designee may approve shared parking based on an applicant-submitted parking study demonstrating significantly different peak parking demand.
- (3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are jointly provided (shared parking) and used, a written agreement assuring their retention for such purposes shall be executed by the parties, approved by the City Attorney, recorded with the County of Travis, and filed with the application for a building permit.
- (4) Where off-street parking lots are provided in excess of the minimum amounts specified herein, or when off-street parking facilities are provided but not required by this chapter, they shall comply with the minimum requirements for parking specified herein.

(e) Mixed Uses. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(f) Building Enlargement. Whenever a building or its uses, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or other to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or uses is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall comply with the parking requirements set forth herein.

(g) Review by Building Official or City's Engineer. Off-street parking lots, including ingress and egress, for more than five (5) vehicles shall be reviewed by the Building Official or the city's engineer for compliance with this chapter prior to the issuance of a building permit or site development permit. The Building Official shall ensure compliance during inspections of construction.

(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.

HISTORY

Amended by Ord. [19-11-07-03](#) on 11/7/2019



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Consideration of a potential amendment to Section 4, Section 8, and Section 18 of Chapter 14 to update the references to various zoning districts for consistency with Ordinance Number 23-09-07-04 and to accommodate the relocation of certain provisions related to industrialized housing to Chapter 3.

ATTACHMENTS:

[Final P&Z Version Industrialize Housing and Fixes to errors - version 2 without SOB.pdf](#)

NOTE: These proposed amendments to Chapter 3 are recommended by the Building and Standards Commission and is provided for information only and to provide context for the corresponding changes to Chapter 14 to be considered by the Planning and Zoning Commission.

CHAPTER 3

BUILDING REGULATIONS

Sec 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.

Alterations. Any change, addition or modification in construction, any change in the structural members of the building, such as exterior walls, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Antenna Support Structures

- (a) Monopole Antenna Structure. A self-supporting, pole-type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless telecommunication transmission.
- (b) Lattice Antenna Structure. A steel lattice, self-supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.
- (c) Guyed Lattice Antenna Structure. A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

Apprentice Electrician. A person undertaking the learning of the electrical trade and doing electrical work under the direct, constant personal supervision and control of either a licensed master electrician or a journeyman electrician and who has been properly licensed by the state department of licensing and regulation.

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.

Certificate of Occupancy. A certificate granting inhabitation of a structure issued by the city upon the satisfactory completion of all city ordinances, policies and regulations.

City. The word city as used in this article shall refer to the City of Lago Vista.

City Engineer. A person or entity so qualified according to state regulations to provide the required services.

Dwelling. Any building which contains one or more “dwelling units” or “guest rooms” used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Electrical Wiring and Apparatus. All materials, devices, machinery, appliances, appurtenances or conductors used in connection with the production of electric lights, heat or power or the transmission of electrical signals.

Erosion. The process by which the ground surface is worn away by the action of wind and/or water and material therefrom is carried, or is likely to be carried, across any property line in significant quantities.

Excavation. Any breaking of ground on the site by mechanical means, but does not include operations in securing survey or geological data including necessary borings to ascertain subsurface conditions for foundations and septic systems.

Floor Area and Living Area. ~~The sum of the heated and air conditioned horizontal areas of each story of a building measured from the exterior faces of the exterior structural walls for the purpose of computing the minimum allowable floor area in a residential dwelling unit. See Chapter 14.~~

Grading. Any act by which soil, rock, or mineral matter is cut into, dug, uncovered, removed, displaced or relocated; and includes the removal of vegetation, excavation and land balancing.

Graywater System. A graywater sewage system may consist only of wastewater from showers, tubs, lavatories, clothes washer, the nongarbage disposal side of a two-compartment sink and from a bar sink.

Impervious Cover. Any structure ~~or surface not permitting~~ that does not permit the absorption of water.

Industrialized Building. A commercial ~~or residential~~ structure ~~or addition constructed using components, prefabrications, and methods that distinguish it from traditional site built construction by the extent to which materials delivered to the construction site and incorporated into the building have been previously assembled. Unlike manufactured housing which includes mobile homes, industrialized buildings are required to be compliant with local building codes rather than standards of the U.S. Department of Housing and Urban Development (HUD). Industrialized buildings include, but are not limited to that:~~

(a) ~~modular homes and buildings~~ is constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site;

- (b) ~~construction incorporating shipping containers~~ is designed to be used as a commercial building when the module or the modular components are transported to the commercial site and erected or installed; and
- (c) ~~pre-engineered, or metal buildings with any standardized metal components, trim or assemblies other than a metal roof exposed on the exterior.~~ includes the structure's plumbing, heating, air conditioning, and electrical systems; and
- (d) includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include a commercial building or structure that is:
 - (1) installed in a manner other than on a permanent foundation; and
 - (2) either:
 - (A) not open to the public; or
 - (B) less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

Industrialized Housing. ~~Any type of industrialized building or building addition used as a residence or dwelling.~~

- (a) A residential structure that is:
 - (1) Designed for the occupancy of one or more families;
 - (2) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site;
 - (3) Designed to be used as a permanent residential structure when the module or modular component is transported to the permanent site and erected or installed on an engineered permanent foundation system.
- (b) Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- (c) Industrialized Housing does not include:
 - (1) housing constructed of a sectional or panelized system that does not use a modular component; or
 - (2) A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.
- (d) Only housing designed as single-family housing, duplexes, townhouses, or apartments are considered industrialized housing. Residential occupancies such as dormitories and motels or hotels would be considered industrialized buildings, not industrialized housing.

J Journeyman Electrician. Except as otherwise provided, a person undertaking electrical work under the supervision, direction and control of a licensed master electrician and who has been properly licensed by the state department of licensing and regulations. The term “journeyman electrician,” however, shall not include an apprentice electrician, and nothing in this article shall be construed as prohibiting an apprentice electrician from doing electrical work under the direct, constant, personal supervision and control of either a licensed master or journeyman electrician.

M Master Electrician. A person skilled in the planning, supervision, installation, alteration or changing of electric wiring and apparatus and familiar with the rules, laws and regulations governing such and who has been licensed by the state department of licensing and regulations.

M Manufactured Home. ~~A prefabricated structure that is used as a residence or dwelling and is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular buildings and modular homes are not considered manufactured homes, and instead refer to a method of construction that is regulated by local building codes.~~ Prefabricated housing products which are typically manufactured or assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act. For the purposes of this Ordinance there are two types of manufactured homes.

(a) [HUD-Code Manufactured Home](#).

- (1) A HUD-Code Manufactured Home refers to a structure that is:
 - (A) constructed on or after June 15, 1976, according to the rules of the US Department of Housing and Urban Development;
 - (B) built on a permanent chassis;
 - (C) designed to use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (D) transportable in one or more sections; and
 - (E) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet in area.
- (2) Includes the plumbing, heating, air conditioning and electrical systems of the home, and
- (3) Each unit is identified by the presence of a HUD Plate/Compliance Certificate label.

(b) [Mobile Home](#).

- (1) A Mobile Home refers to a structure that is:
 - (A) constructed before June 15, 1976;
 - (B) built on a permanent chassis;

- (C) designed to use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (D) transportable in one or more sections; and
- (E) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet in area.

(2) Includes the plumbing, heating, air conditioning and electrical systems of the home.

Mobile Home. See Manufactured Home.

Modular Building. See Industrialized Building.

Modular Home. See Industrialized Housing.

Multifamily. Any development having more than two residential dwelling units on a single lot.

Person. An individual, proprietorship, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Repair. The reconstruction, renovation or renewal of any part of an existing building for the purpose of its maintenance. Such term shall not apply to any change in construction, alteration, or addition to a building other than for the purpose of reconstruction, renovation or renewal.

Retaining Wall. A structure that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures. Retaining walls not taller than 18 inches may also be used to identify property lines, driveways, etc. Retaining walls taller than 18 inches above the material being retained shall be considered regulated by the zoning ordinance as that ordinance addresses fences.

Seal. A device or insignia issued by the state or federal government to be affixed to manufactured homes and mobile homes to indicate compliance with the standards, rules, and regulations established by the state or the U.S. Department of Housing and Urban Development. The term also applies to any device or insignia issued by the Texas Industrialized Building Code Council relating to industrialized buildings, including modular homes. Any state seal shall remain the property of the state.

Site Preparation. Any clearing of trees and other vegetation and/or disturbing or grading the land with equipment such as "bobcats," bulldozers, backhoes and graders. This definition does not include normal lot maintenance such as mowing, trimming and pruning. Also, this definition does not include efforts necessary for securing survey or geological data including necessary borings to ascertain subsurface conditions and percolation rates for planned septic fields.

Structure. Anything constructed or erected which requires location on the ground or is attached to anything having a location on or in the ground that is of a permanent nature and such is constructed; or an erected object that is positioned on private property or in a street right-of-way of the city posing a danger or threat to the safety and/or welfare of the public. **See also Section 2.10 of Chapter 14.**

Swimming Pool. A body of water in an artificial or semi-artificial receptacle, structure or container located outdoors, either above ground or below ground, that contains water over 24 inches in depth, used

or intended to be used for public, semipublic, or private swimming, and includes swimming pools used or intended to be used solely by the owner or others without payment of any fee.

Unmanned Equipment Building. An accessory building housing electronic and communication equipment as an associated and permitted part of a wireless communication system.

Wireless Communication System. Antennae and antenna support structures for mobile and land based telecommunications facilities including, but not limited to, whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities, commercial mobile radio service and radio or television (commercial only) broadcasting towers and transmitting stations. This definition is inclusive of the placement of the above referenced equipment on a monopole tower, guyed steel lattice tower and any communication tower which does or does not utilize guy wire support in addition to existing buildings or other independent support structures. This system shall also allow as one of its components an unmanned equipment shelter. **See Section 19 of Chapter 14.**

Zoning Districts. The zoning districts provided for in the city's zoning ordinance. **See Chapter 14.**

Sec 3.112 Inspection Requirements

This section proscribes the inspection requirements for this article.

- (a) General. All construction or work for which a permit is required shall be subject to inspection by the city or its agent(s).
- (b) Field Permit Records. No work requiring a building permit shall be conducted without all relevant permit documents ~~having been approved, including approved plans being available~~ and the signed permit itself, being readily available on the property where the work is to occur ~~whenever there is construction activity. This card shall be maintained in such position by the permit holder. These documents~~ The signed permit shall remain available at the property ~~whenever there is construction activity~~ until the certificate of occupancy has been issued.
- (c) Approval Required. No work shall be done on any part of the building or structure which would cover up work which would require inspection until proper inspection has been made. There shall be a final inspection and approval of all buildings or structures by the city when completed.
- (d) Required Inspections.
 - (1) Residential (constructed on-site).
 - (A) Inspection #1. To be ~~called~~ scheduled when:
 - (i) Layout Inspection. All property corner pins located and flagged, string lines stretched along property lines, easement boundaries flagged, foundation staked out, all required erosion-control devices are installed, culverts installed and the building permit card and lot number posted.
 - (ii) Plumbing Rough. The drain waste, water lines and the slab.

(iii) Form survey as required by section 3.110(~~ml~~).

(B) Inspection #2. To be ~~called~~ scheduled when:

- (i) Foundation Inspection. Trenches excavated, forms erected, the vapor barrier in place and reinforcing steel in place, changes in slab elevation(s) installed and ready to pour.
- (ii) Plumbing Rough. Water or wastewater pipe in place.

(C) Inspection #3. To be ~~called~~ scheduled when:

- (i) Frame Inspection and Building Height Verification. Roof, all framing, fireplaces (metal) in place, fire blocking and bracing in place, all pipes and vents installed. **The building height relative to the finish floor elevation and highest existing natural grade elevation documented on the required form survey shall be certified by a registered professional land surveyor.**
- (ii) Plumbing Top-Out. All pipes in place, supports connected, meter location and tests, vent takeoffs, water heater location, trap arm installed, but prior to covering walls.
- (iii) Mechanical Rough. All duct work and vents in place. All furnace closets and/or catwalks in the attic completed.
- (iv) Electrical Rough. All wiring, boxes, piping, and so forth that are to be covered installed, but prior to ~~wall covering being concealed by drywall or other materials~~.
- (v) Exterior moisture barrier/stucco lath to be in place and ready to cover. All holes, tears, or gaps repaired.

(D) Inspection #4. Insulation in all areas.

(E) Inspection #5. Prior to performance of final and C.O. inspection, all necessary approvals, ~~such as including~~ but not limited to septic systems, must be received by the city. To be ~~called~~ scheduled when:

- (i) Building Final. Building complete and ready for occupancy, including minimum four (4) inch street address numbers prominently displayed on front of structure.
- (ii) Plumbing Final. All valves and fixtures installed, all vents completed, and tests on water and gas systems ready to be inspected. All PVC vents exposed to sunlight to be painted.
- (iii) Mechanical Final. All equipment, including dryer vents, stove hoods, and furnace vents installed and ready for use. All supply and return air grills installed.

- (iv) Electrical Final. All fixtures, switches, receptacles and appliances installed and meter loop in place.
- (v) Certificate of Occupancy. Upon obtaining final approval, the city building inspector will perform a certificate of occupancy inspection. However, the Certificate of Occupancy shall not be issued until all fees are paid, including any assessed re-inspection fees. See Section 3.113(~~5e~~) below.

(2) Mobile, Prefabricated or Manufactured Homes Residential (industrialized homes). ~~Includes a layout inspection, structural design/condition inspection including slab, carport and storage facility~~ See Section (g)(1) of Article 3.1000 of this chapter below.

(3) Manufactured Homes. Includes a layout inspection, structural design/condition inspection including slab, carport, and storage facility.

- (A) Inspection #1. To be ~~called~~ scheduled when an off-site inspection may be made prior to the home being moved to a permanent location, all required erosion control fences are installed and culverts are installed. ~~This inspection may be waived by the city if the home is of new construction.~~ Form survey as required by section 3.110(~~ml~~).
- (B) Inspection #2. To be ~~called~~ scheduled when the foundation is completed and ready to receive the housing unit.
- (C) Inspection #3. To be ~~called~~ scheduled when:
 - (i) Electrical ~~Hookup~~ Service Connection. Meter loop and all plugs or connections are in place.
 - (ii) Plumbing ~~Hookup~~ Service Connection. Sewer and water lines are properly connected.
 - (iii) Tiedown. All ground supports and ~~tiedowns~~ tie downs are in place.
- (D) Inspection #4. To be ~~called~~ scheduled when the perimeter skirting is in place:
 - (i) Skirting Inspection. ~~The perimeter skirting is in place.~~
- (E) Certificate of Occupancy. A certificate of occupancy may be issued by the city upon completion of plumbing, electrical, tie-down and skirting approval. However, the Certificate of Occupancy shall not be issued until all fees are paid, including any assessed re-inspection fees. See Section 3.113(~~5e~~) below.
- (F) Each ~~industrialized housing~~ manufactured home submission shall include all items required by on-site construction submission, or as required by the city.
- (G) All applicable permits and licenses must be obtained prior to start of construction.
- (H) All ~~modules or modular~~ components must bear an approval decal or insignia, reflecting that they have been inspected by the ~~applicable federal and state regulatory authorities department of licensing and regulation~~.

- (I) Foundation systems, erection and installation of modules or modular components on the permanent foundation system shall be inspected by the city to assure compliance with the approved designs, plans and specifications.
- (34) Commercial Buildings. Same basic requirements as for residential unless during the plan check it is determined that additional or different inspections or requirements are needed. A form survey will be required in accordance with section 3.110(~~ml~~) at the time of layout inspection. Certificates of occupancy shall be issued pursuant to the completion of applicable requirements, including the payment of all fees, including any assessed re-inspection fees. See Section 3.113(~~Se~~) below.
- (e) Other Inspections. At the discretion of the city manager or ~~his/her~~ their designee, ~~in addition to the required inspections specified above~~, the city may require additional inspections ~~beyond those specified above~~ on any construction work to ascertain compliance with the provisions of this article or other ordinances. A form survey will be required in accordance with section 3.110(~~ml~~) at the time of layout inspection.
- (f) Pools. All public and semipublic pools shall be subject to annual inspection for compliance with state and local laws. Inspections may be performed by any qualified individual so designated by the city manager. Fees for inspectional service will be assessed in accordance with appendix A of this code. A form survey will be required in accordance with section 3.110(~~ml~~) at the time of layout inspection.

Sec 3.124 Minimum Standards ~~For for~~ Multifamily ~~And and~~ Nonresidential Buildings

- (a) In addition to the requirements in the IBC, every building, structure, or part thereof, erected or altered, moved or relocated for nonresidential use in the city shall conform to the following standards, which are deemed to be minimum standards, necessary for the safety, health and general welfare of the residents of the community and to provide for the enhancement of the overall visual image of the city and to encourage some degree of design consistency, by requiring specific exterior materials for all ~~nonresidential~~ nonresidential buildings.
- (b) General Requirements.
 - (1) Driveways and Off-Street Parking. Each nonresidential building shall be on a lot abutting a public or private street, and all structures shall be located on lots to provide safe, convenient access for service by police and fire protection, and minimum off-street parking and loading areas as stated in the zoning ordinance. ~~See Chapter 14.~~
 - (2) Exterior Lighting. All outdoor or exterior lighting shall comply with the requirements of Article 3.800 in Chapter 3.
 - (3) Exterior Compressors and Other Equipment. All exterior air-conditioning compressors, mechanical equipment, fuel tanks and devices shall be adequately screened from view from both public and private streets. In no case shall such equipment be located in the front setback area of any residence or commercial establishment, except liquefied petroleum gas containers that are buried in accordance with the general zoning ordinance. ~~See Chapter 14.~~

- (4) Height. All buildings shall conform to the building heights as listed in the zoning ordinance for the area in which the nonresidential building is to be located. **See Chapter 14.**
- (5) Lot Coverage. Total impervious coverage shall comply with the zoning ordinance and subdivision ordinance. **See Chapter 14 and Chapter 10.**
- (6) Industrialized Buildings.
 - (A) Permanent. Non-residential industrialized buildings or building additions which are securely fixed to a permanent foundation equal to the requirements for traditional construction are allowed for permanent use in accordance with Chapter 14, the Lago Vista Zoning Ordinance and all other applicable requirements.
 - (B) Temporary. Non-residential industrialized buildings shall be permitted to accommodate temporary uses as follows:
 - (i) Industrialized buildings may be used as a temporary construction office for a maximum of two years on non-residential projects provided the proper permits are obtained, shall be located within the development that it serves, and shall be removed upon completion of the project.
 - (ii) Industrialized buildings may be used as a temporary residential real estate sales office within residential zoning districts provided the proper permits are obtained and the sales are only for property within the same **development subdivision in accordance with the requirements applicable to a model home**. **See Section 6.100(c) of Chapter 14.** The temporary residential real estate sales office may be a separate structure or shared space within the temporary construction office. Permits for temporary sales office will expire within one year of issuance and are nonrenewable. Within one year of approval, a temporary sales office shall be relocated within a permanent structure, such as within a permitted model home. **See Article 3.700 in Chapter 3 Section 6.100(c) of Chapter 14.**

ARTICLE 3.1000 INDUSTRIALIZED HOUSING AND BUILDINGS

- (a) **Industrialized housing and buildings shall be installed only in locations within the city specified in Chapter 14, the Lago Vista Zoning Ordinance and consistent with all other zoning, subdivision, landscaping, site plan requirements, and other applicable development standards including the following requirements:** Whenever a provision of this section and any other provision of this article, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. Any provisions of this article that are in conflict with state law shall be governed by state law to the extent of the conflict only.
 - (1) **Interpretation of Provisions.** **Whenever a provision of this section and any other provision of this article, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.** Any

~~provisions of this article that are in conflict with state law shall be governed by state law to the extent of the conflict only.~~

(b) Definitions.

Alteration. Any construction, other than ordinary repairs of the house or building, to an existing industrialized house or building after affixing of the decal by the manufacturer or Relocatable Educational Facility (REF) builder. Industrialized housing or buildings that have not been maintained shall be considered altered.

Alteration Decal. The approved form of certification issued by the department to an industrialized builder to be permanently affixed to an industrialized building module indicating that alterations have been constructed to meet or exceed the code requirements and in compliance with this chapter.

Code. Chapter 1200 of the Texas Occupation Code, as amended.

Council. Texas Industrialized Building Code Council.

Decals and Insignia. Labels used to certify that modules or modular components are constructed and inspected in accordance with the approved design package, the mandatory building codes and the in-plant inspection requirements approved by the Texas Industrialized Building Code Council. Decals are used for module certification and insignia are used for modular component certification.

Industrialized Builder. A person who is engaged in the assembly, connection, and on-site construction and erection of modules or modular components at the building site or who is engaged in the purchase of industrialized housing or buildings modules or modular components for sale or lease to the public. An industrialized builder also includes a person who assembles and installs site-built Relocatable Educational Facilities (REFs) that are moved from the initial construction site.

Industrialized Building. See Section 3.104 of Chapter 3.

Industrialized Housing. See Section 3.104 of Chapter 3.

Mandatory Building Codes. Codes adopted by the Texas Department of Licensing and Registration (TDLR) in 16 TAC Chapter 70.100 and as may be further amended in 16 TAC Chapter 70. 101.

Relocatable Educational Facility (REF). A portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Section 28.002, Education Code. An REF that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under this Chapter.

Texas Department of Licensing and Regulation (TDLR). The state agency that is primarily responsible for the oversight of businesses, industries, general trades, and occupations that are regulated by the state and assigned to the department by the legislature.

(c) Industrialized housing and industrialized buildings shall not be permitted to be installed or constructed within the city limits ~~except in strict compliance with this article and Chapter 14, the Lago Vista Zoning Ordinance~~ unless each of the following conditions are met:

- (1) All applicable approvals and permits required by this Article or this Chapter have been obtained.
- (2) Strict compliance with the requirements of Chapter 14, the Lago Vista Zoning Ordinance and consistency with all other zoning, subdivision, landscaping, site development plan review requirements, and other development standards as applicable to site constructed homes or buildings.
- (3) Construction and installation meets or exceeds requirements of the *Mandatory Building Codes* as defined above.
- (4) All modules or modular components are affixed with an approved decal or insignia provided by the TDLR.
- (5) Installation is performed by:
 - (A) an industrialized builder who is licensed by the TDLR; or
 - (B) a person who is purchasing or leasing an industrialized house or building for their own use, or their company's use, and has a valid TDLR permit for the installation.
- (6) Except for temporary uses specifically identified in Section 3.124 in Article 3.100 of this chapter, industrialized homes and buildings shall be securely fixed to a permanent foundation which is completed in accordance with a foundation system design and any on-site details that have been sealed by a Texas licensed engineer or registered architect.

(d) Foundation Required. ~~Except for temporary uses specifically identified in Section 3.124 of Chapter 3, industrialized homes and buildings shall be securely fixed to a permanent foundation of the type required for a site built building with modifications to accommodate the connection and installation requirements of an industrialized building.~~ In addition to meeting the requirements of Section (c)(1) through Section (c)(5) immediately above, industrialized housing must also comply with each of the following conditions:

- (1) In all residential zoning districts:
 - (A) Must have all local permits and licenses that are applicable to site-built single-family or two-family residences.
 - (B) Must comply with aesthetic standards, building setbacks, subdivision regulations and design standards, landscaping and tree preservation requirements, and all other applicable site requirements or development standards within the Lago Vista Code of Ordinances.
- (2) In all single-family or two-family residential zoning districts except the R-MH (“Manufactured Home and Industrialized Housing”) district:

(A) Must have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located. 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. For purposes of this subsection, “value” means the taxable value of the industrialized housing and the lot after installation of the housing.

(B) Must have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.

(e) Permit and Inspection Requirements: Any owner or authorized agent who intends to construct erect, install or move any industrialized building or housing into the City shall first make application to the Building Official or Development Services Director and obtain the required permits, licensing and approvals as set forth in Section 3.110 of Article 3.100 of this chapter. In addition to the specified minimum requirements within Section 3.110 to be submitted for a permit review request, the applicant must submit:

(1) ~~Before an industrialized home or building may be installed or constructed on a property in the city limits, the property owner must submit an application for the appropriate permits as provided in Article 3.100, Section 3.110 and additionally submit:~~ A complete set of the design plans and specifications in a digital (electronic) format bearing the Texas Industrialized Building Code Council’s stamp of approval for each installation of an industrialized home or building. Plans shall include the site-specific foundation system design and any unique on-site construction details.

(A) ~~A complete set of designs, plans, and specifications bearing the stamp of approval required in the code;~~

(B) ~~Verification that the building or home has not been altered, modified or remodeled since receiving approval as required in the code, or, if such changes have occurred, an explanation of the extent of alteration, modification or remodeling; and~~

(C) ~~Verification that any appropriate seal has been affixed to the building or home.~~

(2) ~~Inspection of the industrialized home or building prior to connection to utilities shall be required to ensure compliance with all applicable building codes and ordinances.~~ Verification that the building or home has not been altered, modified or remodeled since receiving approval as required in the code, or, if such changes have occurred, an explanation of the extent of alteration, modification or remodeling.

(3) ~~The owner of an industrialized building or home that has been modified or altered since applicable seal was affixed shall be required to bring the building or home into compliance with the building codes as provided in Section 1202.1535 of the Texas Occupation Code. If issues arise on the sufficiency of compliance, code equivalency or alternative material authorized for use in the industrial building codes, the building official shall contact the appropriate state agency for determination as provided in Section 1202.156.~~ Plans that demonstrate the industrialized building will be securely attached to a permanent foundation as described in section (c)(6) of this article.

- (4) Plans that indicate which items of the industrialized building installation will be performed a TDLR registered industrialized builder and which items will be performed by a TDLR permitted owner or agent if both are responsible for the installation.
- (5) Proof of TDLR registration of any industrialized builder and/or a copy of the TDLR permit of any owner or agent performing any part of the installation.
- (6) The owner of an industrialized building or home that has been modified or altered since applicable seal was affixed shall be required to bring the building or home into compliance with the building codes as provided in Section 1202.1535 of the Texas Occupation Code. If issues arise on the sufficiency of compliance, code equivalency or alternative material authorized for use in the industrial building codes, the building official shall contact the appropriate state agency for determination as provided in Section 1202.156.

(f) In addition to meeting requirements of Section (e)1 through Section (e)5 immediately above, an industrialized housing building permit application must also submit the following:

- (1) Plans that depict the exterior siding composition, roofing composition, roofing pitch, foundation fascia and fenestration of the proposed industrialized housing.
- (2) Plans that demonstrate compliance with residential aesthetic standards, building setbacks, subdivision regulations and design standards, landscaping and tree preservation requirements, and all other applicable site requirements or development standards applicable to single-family and two-family residences in the City.
- (3) Identification of each single family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, listing the following for each:
 - (A) Address;
 - (B) Lot and block number; and
 - (C) Appraised value as determined by the most recent certified tax appraisal for the county in which the industrialized housing is to be located.
- (4) Description and front view photographs depicting exterior siding, roofing, roof pitch, foundation fascia and fenestration for each dwelling located within 500 feet of the lot on which the industrialized housing is to be located.
- (5) Documentation verifying the projected value of the improved property, using one, or a combination of the following:
 - (A) A copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, and documentation showing the taxable value of the lot as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located.
 - (B) Appraisal of estimated value performed by a qualified appraiser. At the sole discretion of the City, it may commission its own appraisal, and use that appraisal for the estimated value.

(C) For the purposes of this subsection, “value” means the taxable value of the industrialized housing and the lot after installation of the housing.

(g) Required Inspections.

(1) Residential.

(A) Inspection #1. To be performed by an agent of the City Building Official when:

- (i) Layout Inspection. All property corner pins have been located and flagged, string lines stretched along property lines, easement boundaries flagged, foundation staked out, all required erosion-control devices are installed, culverts are installed, the signed building permit available, and the municipal address is posted.
- (ii) Plumbing rough. Locations of utility and sewer lines from city tie-in points to slab entry points are identified.
- (iii) Form survey. The form survey required by Section 3.110(l) of Article 3.100 of this chapter has been has been submitted.

(B) Inspection #2. To be performed by an agent of the City Building Official when:

- (i) Foundation inspection. Trenches excavated, forms erected, vapor barrier and reinforcing steel in place, and changes in slab elevation(s) installed and ready to pour.
- (ii) Plumbing Rough. Water and waste water pipes in place.

(C) Either the industrialized builder or the TDLR permit holder must have Inspections #3 and #4 performed by a TDLR approved inspector.

- (i) The industrialized builder shall notify the City Building Official of the date and time of each inspection at least two business days before its performance.
- (ii) A copy of each completed inspection or re-inspection report shall be furnished to the City Building Official within two business days of its receipt by the industrialized builder or permit holder.

(D) Inspection #3 (TDLR Set Inspection). To be performed when modules or modular components are connected and fastened to the foundation.

(E) Inspection #4 (TDLR Final On-Site Inspection). To be performed when utility services are connected, and all required tests have been performed.

(F) Inspection #5 (Certificate of Occupancy). To be performed by an agent of the City Building Official after review of Inspections #2 through #4 and all necessary approvals including, but not limited to septic systems have been received by the City.

(2) Commercial Buildings. Same basic requirements as for residential unless during the plan review it is determined that additional or different inspections or requirements are needed. A

form survey will be required in accordance with section 3.110(l) at the time of layout inspection.

- (h) A Certificate of Occupancy will be issued by the City Building Official in accordance with applicable requirements of Section 3.113 of Article 3.100 of this chapter.

CHAPTER 14

ZONING

4.20 R-1S Single-Family Residential Districts (Small Lot)

- (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 ~~within Section (d) of Article 3.100 of Chapter 3~~ 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. 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.

4.21 R-1M-Single-Family Residential Districts (Medium Lot)

- (a) Purpose. These districts are intended to include lands being used, or intended to be used, for single-family residential purposes and associated uses on lots that are larger in area than the R-1S zoning district, but smaller in area than the R-1L zoning district. 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 within Section (d) of Article 3.100 of Chapter 3 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, including but not limited to exterior siding, roofing, roof pitch, fenestration, and the finishes of a permanent foundation it is secured to, along with 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 14,000 square feet with a minimum depth of 120 feet. Except for portions of a lot that fronts on a curve or a cul-de-sac, the minimum width shall be 70 feet. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. 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.

4.22 R-1L Single-Family Residential District (Large Lot)

(a) Purpose. This district is intended to include lands being used, or intended to be used, for low density 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, generous spacing of residences to maximize privacy, and preservation of environmentally sensitive land.

(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 within Section (d) of Article 3.100 of Chapter 3 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, including but not limited to exterior siding, roofing, roof pitch, fenestration, and the finishes of a permanent foundation it is secured to, along with 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 one-acre (43,560 square feet) with a minimum depth of 200 feet. Except for portions of a lot that fronts on a curve or a cul-de-sac, the minimum width shall be 130 feet. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. 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.

4.25 R-1R, Single-Family Residential District (Rural)

(a) Purpose. This district is intended to include lands being used, or intended to be used, for the lowest density single-family and residential and associated uses within the jurisdiction. The district is designed to provide sufficient, suitable residential neighborhoods, protected from incompatible uses, and provided with necessary facilities and service, generous spacing of residences to maximize privacy, and preservation of both rural character and environmentally sensitive land.

(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 ~~within Section (d) of Article 3.100 of Chapter 3~~ 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, including but not limited to exterior siding, roofing, roof pitch, fenestration, and the finishes of a permanent foundation it is secured to, along with 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 the Table A, Table of Development Standard. In addition, the minimum lot size in these districts shall be five-acres (217,800 square feet) with a minimum depth of 200 feet. Except for portions of a lot that fronts on a curve or a cul-de-sac, the

minimum width shall be 150 feet. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. See Section 3.123 of Chapter 3 for exterior appearance requirements.

(d) Parking Area. Each dwelling shall include off-street parking space in accordance with Section 7, herein.

4.27 R-1T Single-Family Residential (Tall)

(a) Purpose. This district is intended to include lands being used, or intended to be used, for single-family residential purposes and associated uses with residences that are taller than permitted in similar zoning districts. 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 ~~within Section (d) of Article 3.100 of Chapter 3~~ 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, including but not limited to exterior siding, roofing, roof pitch, fenestration, and the finishes of a permanent foundation it is secured to, along with 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 7,200 square feet with a minimum depth of 110 feet. Except for portions of a lot that fronts on a curve or a cul-de-sac, the minimum width shall be 65 feet. All single-family residences shall have a garage with a minimum of four hundred (400) square feet in area. 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.

4.30 R-2 Two-Family Residential District

(a) Purpose. This district is intended to include lands within the corporate limits of the City being used or intended to be used for duplex dwellings. This district is at moderate densities. It may be used as a transitional zone between low density residential and multifamily or commercial uses.

(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 ~~within Section (d) of Article 3.100 of Chapter 3~~ 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. 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.

4.50 C-A Airport District

(a) Purpose. This district is intended to include those lands and improvements within the corporate limits of the City used, or intended 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 unique function.

(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 an ~~access~~ easement providing access to a taxiway.

(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 unit in accordance with Section 7, herein.

(e) Single-family residences within a ~~C-4~~ C-A structure are allowed based on the following conditions:

(1) Application. Any person proposing to establish a single-family residence within a ~~C-4~~ C-A 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; and

(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~~ C-A zoning district.

(3) Minimum Living Area. The minimum living area required for any residential unit located within the ~~C-4~~ C-A zoning district shall be 750 square feet.

(4) Building Code Requirements. Residential units within the ~~C-4~~ C-A 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~~ C-A 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.

4.80 RR-A Restricted Residential ~~With~~ with Aircraft

- (a) Purpose. This district is available only to residential property that abuts the municipal airport property in the ~~C-4~~ ~~C-A~~ 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~~ an access easement ~~providing access to a taxiway~~.
- (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:~~ unless the following conditions are met:
 - (1) Such property shall abut property adjoining the municipal airport, property in the ~~C-4~~ ~~C-A~~ 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 ~~access~~ 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; ~~and~~
 - (7) Home-based businesses shall be permitted ~~only~~ in accordance with the requirements in Section 16 of this chapter applicable to all other single-family residential zoning districts.

8.10 Uses Prohibited

All uses not expressly permitted or authorized by this chapter are prohibited in the city, including but not ~~by way of limitation, limited to the following:~~

- (a) Maintaining a business within an R-1, R-2, R-4, or ~~R-1M~~ R-MH district if inconsistent with Section 16, Home Occupation, of this chapter.
- (b) Construction vehicles or equipment, singly or on commercial trailers, in driveways, yards, vacant property, or public rights-of-way in residential districts, except for moving vans or construction vehicles during construction. Commercial vehicles and trailers of all types shall not be parked or stored on any lot in any residential district except in accordance with ~~the following provisions:~~ Section 6.65 above.
 - (1) ~~No more than one (1) commercial vehicle, which does not exceed one and one-half (1-1/2) tons rated capacity, per family living on the premises shall be permitted.~~
 - (2) ~~In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.~~
 - (3) ~~No more than one (1) trailer over nineteen (19) feet in length per family living on the premises shall be permitted.~~
- (c) Vehicles used for the sale of food or drink without a City permit.
- (d) Open-air commercial amusements, except those in place for one week or less, and for which a permit has been issued by the City.
- (e) The sale of fireworks.
- (f) Kennels and veterinary hospitals with outside runs, unless approved by the city council through the SUP process.
- (g) Junk yards, salvage yards, and all open-air storage of junk, waste products and salvage material, unless approved by the city council through the SUP process.
- (h) Oil drilling, extraction or removal of stone, sand, gravel, caliche, minerals, earth, topsoil, or other natural material for commercial purposes, unless approved by the city council through the SUP process.

18.20 Applicability ~~And and~~ Uses ~~And or~~ Structures Requiring ~~A~~ a Special Use Permit (SUP)

~~A~~ An SUP may be applied for any temporary or permanent use not permitted in the zoning district in which it is proposed and as shown on Table B. The SUP ~~approval~~ process shall not be used to seek deviation from development standards such as a setback or height. ~~In addition to the requirement for a special use permit contained within Table B, The~~ the following uses and structures may be established or constructed only upon the issuance of a special use permit.

- (a) Radio, television, telephone, wireless communication system, or microwave towers not in zoning districts C-1A, C-1C, C-2, ~~C-4 C-3, C-6~~, U-1, P-1B, P-2, G-1 and LI, ~~and on school property~~. A special use permit shall also be required anywhere for the installation of any antenna support structures that would be more than twenty-five (25) feet above the ground, an antenna that is taller than twelve (12) feet that is attached to a building or other independent support structures, and unmanned equipment buildings developed for a wireless communication system.
- (b) Investor-owned utility distribution facilities and equipment in any district.

- (h) Helistop not in the ~~C-4 C-A~~ district.
- (i) Heliports not in the ~~C-4 C-A~~ district.
- (j) Bed and breakfast facility or ~~rooming house in any R-1 district and or the R-2 district~~.
- (k) Livestock and/or poultry keeping, except chickens (female only), caring or shelters.
- (l) Kennels and veterinary hospitals with outside runs.
- (m) Junk yards, salvage yards, and all open-air storage of junk, waste products and salvage material.
- (n) Oil drilling, mining, extraction of natural resources such as stone, gravel, topsoil.

18.30 Application ~~For A~~ for a Special Use Permit

An application for a special use permit may be filed by the owner of, or other person having a contractual or possessory interest in, the subject property. Any application filed by a person who is not the owner of the property for which the special use permit is sought shall be accompanied by evidence of the consent of the owner. An application for a special use permit shall be filed with the City Manager, ~~or such other official as he may designate or their designee~~. A public hearing on an application for a special use permit shall be held by the Planning and Zoning Commission and by the city council ~~and with notice thereof~~ given in the manner and form required by Section 13 ~~hereof~~ above.



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: April 22, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Consideration of a potential amendment to Section 11.60(b)(4) of Chapter 14 to correct an error relating to the expiration of special exception approvals.

ATTACHMENTS:

[Chapter 14 Special Exception Fix Expiration Error.pdf](#)

CHAPTER 14

ZONING

11.60 Special Exceptions Approvals

- (3) **Approval Requirements.** The concurring vote of 75 percent of the members of the Board of Adjustment is necessary for approval of a special exception.
- (4) **Term.** As opposed to a variance approval, a special exception approval shall expire in one calendar year if not incorporated in a building permit. However, the City Manager or their designee may approve a maximum of two extensions of six months each (a total maximum of one year) upon a showing of hardship received prior to the expiration. Special exception approvals also expire upon abandonment, either voluntary or involuntary, of one calendar year or longer. A new special exception application and approval is required for any approval that has expired ~~or for extensions beyond a term of three years.~~
- (5) **Appeal.** Any individual or group jointly or severally aggrieved by a decision of the Board of Adjustment related to a special exception application may present that matter to a court provided under state law.
