

ORDINANCE NO. 24-04-04-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS THE “LAGO VISTA TOWN CENTRE” APPROVED BY ORDINANCE NO. 06-04-27-01 REGARDING THE DESCRIPTION OF PERMITTED USES AND THE REFERENCE TO THE SITE DEVELOPMENT PLAN TO GOVERN PROPOSED IMPROVEMENTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, pursuant to a request from one of the owners of approximately 10.91 acres of land, as more particularly described in the attached Exhibit “A” (referred to hereinafter as the “Property”), has filed an application requesting an amendment to address errors, omissions, and ambiguities in Ordinance No. 06-04-27-01 that approved the existing Planned Development District (PDD) known as the “Lago Vista Town Centre;” and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, after giving fifteen (15) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on March 14, 2024 and the City Council at its public hearing held on April 4, 2024, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

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, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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 Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 10 and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”). However, the Planning and Zoning Commission and City Council also find that the requirements of Section 6.105 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”), remain applicable to any future development or redevelopment of the Property.

Section 2. Enactment. The Zoning Ordinance, the Official Zoning Map, and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in the sections below.

Section 3. Rezoned Property. The Zoning Ordinance and the Official Zoning Map is hereby modified and amended by zoning the approximately 10.91 acres of land, more particularly described in **Exhibit “A”** as an update to the “Lago Vista Town Centre Planned Development District” (PDD) and Ordinance No. 06-04-27-01 with the use of individual land areas specified by repealing and re-enacting the last sentence of Section 3 to read as follows: “The Property is hereby zoned to a Planned Development District (PDD) with individual lots allowed to include any use permitted by Table B of Chapter 14, the Lago Vista Zoning Ordinance, in either the C-1 or C-2 zoning districts with the exception or exclusion of the following uses: auto sales; boat storage (outside); carting, hauling, storage warehouse; cemetery; convalescent home/nursing home; dry cleaning plant; fuel storage; heliport; helistops; hospital; hospice; laboratory; livestock or poultry shelter or care, stable; machine shop, metal products, welding; manufactured housing sales; manufacturing and assembly; mixed-use; mortuary or funeral home; open storage; bus terminal, public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities; and warehouse.”

Section 4. Zoning Requirements. All applicable development requirements, restriction, and provisions in the existing Planned Development District” (PDD) known as the “Lago Vista Town Centre” as established in Ordinance No. 06-04-27-01 shall remain intact except for the following provisions of Section 4 which shall be repealed and re-enacted as follows:

1. Each lot within the PDD shall comply with the least restrictive development standards listed for the C-1 or C-2 zoning district in Table A of Chapter 14, the Lago Vista Zoning Ordinance, except as hereinafter specifically modified.
18. To the extent shown, all development within the PDD shall be constructed in accordance with the approved site development plan for the Lago Vista Retail Center dated November 20, 2006, except as modified by an approval in accordance with Section 6.105 of Chapter 14, the Lago Vista Zoning Ordinance.

Section 5. Repealer. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

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 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 7. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 8. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 9. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City’s Charter.

Section 10. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the Official Zoning Map of the City of Lago Vista, Texas.

Section 11. Proper Notice and Meeting. 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 4th day of April 2024.



Kevin Sullivan, Mayor



ATTEST:



Lucy Aldrich, City Secretary

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

EXHIBIT "A"
Legal Description

Lago Vista Town Center Subdivision

- Lot A
- Lot B
- Lot C
- Lot D
- Lot E
- Lot F
- Lot J (a resubdivision of Lot G and Lot H)

Lago Vista Village Center Subdivision

- Lot 1A (a resubdivision of Lot 1, Block A)

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission considered this application at their March 14, 2024, meeting following the required public hearing. They unanimously recommended what is described in the staff report for that meeting as "Potential Alternative Recommendations B." It reads as follows: "Recommend approval of the application subject to compliance with Section 6.105 of Chapter 14 for any development or redevelopment of the property, but to eliminate specific uses permitted in the C-2 district but identified as inappropriate by the Commission following the required public hearing." Those uses that they recommended for elimination are enumerated in Section 3 of the proposed draft ordinance but are listed again below for convenience:

- auto sales;
- boat storage (outside);
- carting, hauling, storage warehouse;
- cemetery;
- convalescent home/nursing home;
- dry cleaning plant;
- fuel storage;
- heliport;
- helistops;
- hospital;
- hospice;
- laboratory;
- livestock or poultry shelter or care, stable;
- machine shop, metal products, welding;
- manufactured housing sales;
- manufacturing and assembly;
- mixed-use;
- mortuary or funeral home;
- open storage;
- public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities; and
- warehouse.

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – MARCH 14, 2024**



P&Z CASE NO:	23-2597-PDD-MOD:	7708 Lohman Ford Road
APPLICANT:	City of Lago Vista, Texas (Tracie Hlavinka)	
LANDOWNER:	Varies (see application attachment)	
LOCATION:	Northwest corner of Lohman Ford Road at FM 1431	
ZONING:	"Lago Vista Town Centre PDD" (Ordinance No. 06-04-27-01)	
PROPOSED USE:	PDD Use Description Amendment	

GENERAL INFORMATION / LOCATION:

- The "Lago Vista Town Centre PDD" includes the property at the northwest corner of the intersection of Lohman Ford Road at FM 1431 which includes the property that accommodates the existing CVS Pharmacy. The CVS Pharmacy is located on Lot 1A of the Lago Vista Village Center, which is not a part of the same subdivision as the balance of the PDD that is the subject of this application, which includes approximately 10.91 acres of land. The lot that includes the CVS Pharmacy has an additional area of approximately 2.743 acres, for a total of approximately 13.65 acres of land.
- Except for Lot J of the Lago Vista Town Center Subdivision, the property has the appearance of being fully developed. However, with favorable market conditions there is sufficient land available for a few relatively small retail or support facilities even on the lots that include existing buildings and paving. In the past seven years, the Developments Services Department staff have discussed at least three possible uses of Lot J, the only remaining land within the development that can support a significant new retail use. However, various physical impediments to the development of what was originally two separate lots caused the staff to do a significant amount of research into the history of the associated reviews and approvals.
- Each of those potential applicants was informed of the impediments, including apparent errors, omissions, and ambiguities within the original PDD ordinance approval. It references an attachment that was omitted and asserts that uses would be established on a future subdivision plat that did not ultimately include that information. It also ambiguously refers to development standards that might erroneously be interpreted as establishing permitted uses if not for the conflicting provisions in other sections of the PDD ordinance. Finally, it includes an incorrect tabulation of the area included in the application, but omitting the area of Lot 1A that includes the CVS Pharmacy. That ordinance is included in the packet with markings to help identify these three anomalies.
- The partnership that currently owns Lot J has expressed an interest in two somewhat different potential uses of that property. As the property fronts on or near both of our heaviest commercial corridors, it is logical to conclude that the current PDD ordinance would not have intended to severely limit the permitted uses. Nonetheless, the staff had no ability to ignore the obvious errors. Because of the lack of apparent controversy and the obvious nature of the flaws in the adopted ordinance, the City Council was approached to initiate the ordinance amendment to correct the flaws pursuant to a formal written request from that partnership. That request is included in the packet and the Council authorized the City Manager to initiate the zoning change request at their meeting on January 18, 2024.

SITE PLAN / CONTEXT CONSIDERATIONS:

- As the most significant remaining development opportunity, the staff report will focus on Lot J as establishing an appropriate standard for correction of the ordinance. The more limited size and access to the remaining property on lots that already include improvements will likely restrict proposed uses appropriately without the need to identify them separately in the pending corrections to the original PDD ordinance. While Lot J also does not include direct access to either FM 1431 or Lohman Ford Road, it is located immediately adjacent to Dodge Trail and a private drive located at the midpoint of the FM 1431 frontage of the entire development.

- As ascertainable from the legal description, Lot J was originally comprised of two separate lots. The common property line between the originally configured separate lots included a significant subsurface drainage improvement in an easement that was undoubtedly constructed pursuant to the original site development plan review. While accommodating that improvement will require some careful planning and finesse, at least one engineering firm has determined that it is financially feasible to do so. It is also possible to limit construction requiring significant depth to a location on either side of that existing drainage improvement provision.
- As suggested above, the subject property is located at the northwest corner of what is likely the intersection within the municipality with the highest vehicle traffic volume. With a few exceptions, the property is surrounded by public streets or other property in commercial zoning districts. The northern boundary includes Dodge Trail, while Piasino Trail and Peacemaker Trail contribute a portion of the northwest boundary. Those two streets include the only adjacent lots in a residential zoning district that share a common boundary line with the subject property.
- 20803 Peacemaker Trail, 7805 Piasino Trail, and 7807 Piasino Trail are currently vacant lots in the R-1S (15A) single-family residential zoning district, formerly known as the R-1A zoning district. The property fronting on Piasino Trail is additionally buffered by a surrounding private drive that provides access to the primary service area of the retail center. The property on the opposite side of FM 1431, Lohman Ford Road, and Dodge Trail are all located in the C-1 or C-2 commercial zoning districts. Those are the same use rights that the partnership that currently owns Lot J asserts was intended for the entirety of the "Lago Vista Town Centre PDD."

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Although both the original PDD and the approved site development plans that are dated November 20, 2006 (several months after the PDD ordinance was adopted), include two existing buildings, it simply refers to both Lot G and Lot H (the current Lot J) as a "Future Restaurant." There is no assumption about impervious surfaces or parking provisions, so it can reasonably be assumed that Lot J would still need to go through a site development plan review prior to permitting. Under the current version of Section 10 of Chapter 14, a "detail plan" approval for the entire development (including Lot J), is required, but that ordinance amendment was not adopted until February 6, 2020. While the approved site development plan would easily qualify as "detail plan" as defined by the current requirements for a PDD, a "detail plan" for Lot J would seemingly not be required to simply correct provisions within Ordinance No. 06-04-27-01.
- Moreover, Section 6.105 of Chapter 14 would remain applicable with the specified design review required prior to permitting. Those provisions specifically contemplate a design review requirement for existing zoning entitlements. It would likely satisfy any potential concerns that might arise due to the lack of a "detail plan" requirement being imposed on the correction of the faulty language in an ordinance approved in 2006. Along with the site development plan review for Lot J (or any future modifications to the existing development) required by Chapter 10.5, all public interests would seemingly be served by the relatively simple proposed draft amendment to specific provisions of Ordinance No. 06-04-27-01.
- There is no specific finding required for a recommendation for approval of a zoning change by the Planning and Zoning Commission in Chapter 14. However, the same requirement that a "change is in the public interest" included in Section 13.20(e)(3)(A) as applicable to an approval by the City Council is undoubtedly relevant. At the same time, the task at hand is arguably limited to correcting flawed provisions that were overlooked in 2006. If any recommendation is viewed as marginal, there might be a basis for tasking the Commission with an attempt to determine the intent of the City Council in 2006 considering the "public interest" and what that meant at that specific time.

- Similarly, there might be a tendency for the proposed correction to include any use currently permitted in the C-3 commercial zoning district, known as the C-6 commercial zoning district until recently. However, the C-3 district was not included in the application initiated by the City since it did not exist in 2006. To the best of our knowledge, there has also not yet been an attempt to include any property within the municipality in that zoning district. It is also likely that there are currently very few uses that are allowed in the C-3 district that are not allowed in the C-2 district. Nonetheless, it is always possible that such future changes to Table B of Chapter 14 will occur as growth continues.
- Research has also revealed that the first comprehensive plan for the City of Lago Vista was adopted in 2008. It is therefore likely that that the zoning ordinance was substantively different than it is today regarding the justifications required for approval of a zoning district change. More specifically there was probably no future land use map or plan to provide guidance for adoption of the PDD ordinance that is the subject of the current application. However, it is also likely that all adopted comprehensive plans consistently designated this property for commercial use. Prior to the current comprehensive plan adopted in 2016, it appears as if there was only a single commercial designation and no distinction in the intensity based on location. In the current comprehensive plan this property, and the area around it was afforded a designation as "Regional Retail / Office / Commercial," which is consistent with the C-2 and C-3 commercial zoning districts.
- New requests for approval of a PDD will occasionally include a proposed draft ordinance prepared by the applicant. However, those are seldom used by the staff for any purpose other than to enumerate the proposed deviations from our ordinance requirements in accordance with Section 10 of Chapter 14. The preferred format is instead a simple list or outline, deferring a draft ordinance prepared by the staff until it can incorporate the precise recommendation of the Planning and Zoning Commission rather than the desires of the applicant. However, in this case the required changes to the existing PDD ordinance provisions are relatively straightforward. A draft ordinance is therefore included in the packet, waiting on the Commission to determine exactly which commercial zoning districts to reference and whether any specific individual uses otherwise allowed in those districts should instead be excluded as inappropriate for this location.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of the application subject to compliance with Section 6.105 of Chapter 14 for any development or redevelopment of the property.
 - B. Recommend approval of the application subject to compliance with Section 6.105 of Chapter 14 for any development or redevelopment of the property, but to eliminate specific uses permitted in the C-2 district but identified as inappropriate by the Commission following the required public hearing.
 - C. Recommend denial of the application which would require the property owner to submit a future application to resolve the question about what uses are permitted on any undeveloped portion of the property.
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23-2597-PDD-MOD

Existing “Lago Vista Town Centre PDD” Amendment

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 ext. 100 **Contact Email:** tracie.hlavinka@lagovistatexas.gov

Property Owner(s):* Lago Vista Retail Center Limited Partnership and others (see attached)

Owner's mailing address: see attached

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

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

Lago Vista Town Center Subdivision., Lots A, B, C, D, E, F, and J and the Lago Vista Village Center, Lot 1A

Municipal Address(es)* if applicable: 7708 Lohman Ford Road and 20601 FM 1431

NATURE OF REQUEST

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

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

Correction of errors and clarification of the text of Ordinance Number 06-04-27-01 regarding uses permitted by the existing PDD. No modification of the existing concept and/or detail plan is being sought.

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

Name of Agent: n/a **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.

Tracie Hlavinka

2/12/2024

Property Owner's signature(s)*

Date

***Attach additional sheets as required**

Legal Description	Owner	Mailing Address
Lago Vista Town Center Subdivision, Lot A	Lago Vista Retail Center Limited Partnership	904 Bluebonnet Lane Austin, TX 78704-2002
Lago Vista Town Center Subdivision, Lot B	Lago Vista Retail Center Limited Partnership	904 Bluebonnet Lane Austin, TX 78704-2002
Lago Vista Town Center Subdivision, Lot C	Lago Vista Retail Center Limited Partnership	904 Bluebonnet Lane Austin, TX 78704-2002
Lago Vista Town Center Subdivision, Lot D	Lago Vista Retail Center Limited Partnership	904 Bluebonnet Lane Austin, TX 78704-2002
Lago Vista Town Center Subdivision, Lot E	Lago Vista Retail Center Limited Partnership	904 Bluebonnet Lane Austin, TX 78704-2002
Lago Vista Town Center Subdivision, Lot F	Lago Vista Retail Center Limited Partnership	904 Bluebonnet Lane Austin, TX 78704-2002
Lago Vista Town Center Subdivision, Lot J	Steve Oram and John Ghiselli	21108 Needles Cove Lago Vista, TX 78645-6800
Lago Vista Village Center Subdivision, Lot 1A	Carl Gregory Triple Net Acquisitions LLC	4 Bradley Park Court, Ste. 1F Columbus, GA 31904-3642

23-2597-PDD-MOD

Existing “Lago Vista Town Centre PDD” Amendment

Attachment 2

Previously Approved PDD Ordinance

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 06-04-27-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THE LOTS KNOWN AS THE LAGO VISTA TOWN CENTRE SUBDIVISION FROM C-2 and R-1A ZONING TO A "PLANNED DEVELOPMENT DISTRICT" TO BE KNOWN AS THE LAGO VISTA TOWN CENTRE PLANNED DEVELOPMENT DISTRICT; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT, MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner/developer of the property known as Lago Vista Town Centre Subdivision (described hereinafter as the "Property") has requested that the Property be rezoned; and

WHEREAS, approximately 10.91 acres described on **Exhibit A** attached hereto, including the lots currently described as Lots 6146, 6147, 6148, 6151, 6152, 6153, 6154, 6155, 6156, 6157, 6158, 6159, 6160, 6161, 6162, 6163, 6164, 6165, 6166, 6167, 6168, 6169, 6170, 6171, and 6172 of the Bar K Ranches Subdivision, Section 6, Travis County, Texas and Lots 1B and 1C, of Resubdivision of Lot 1, Block A, Lago Vista Village Center, a Subdivision in Travis County, Texas, according to the map or plat thereof recorded under Document No. 200400097 of the Official Public Records of Travis County, Texas, is in the process of being replatted and the new plat will establish the Property as Lots A, B, C, D, E, F, G, and H of Lago Vista Town Centre Subdivision, and

WHEREAS, the properties as mentioned above will be commonly referred to as the Lago Vista Town Centre,

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 included in the Lago Vista Town Centre 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 Planning and Zoning Commission and 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 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 Property, being the 10.91 acre tract of land described on **Exhibit "A"** attached to this ordinance, from the current zoning district C-2 and R-1A to zoning district "PDD". The Property is 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. The approved plat does not set forth any uses.

Section 4. Zoning Requirements. The zoning requirements established herein shall apply to the Planned Development District ("PDD") known as Lago Vista Town Centre Planned Development District. 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:

This is language that is consistent with development standards like the balance of this same list, instead of uses. Permitted uses are simply different, not either more or less "restrictive."

1. Zoning. Each lot within the PDD shall comply with the least restrictive zoning requirements of the C-1 and C-2 Districts except as hereinafter specifically modified.
2. The impervious cover for the entire development contained in PDD may exceed normal commercial development limits of 60% so long as adequate water quantity and/or quality facilities are approved designed and constructed to accommodate runoff. Under no circumstances shall the impervious cover of the PDD exceed 70%.
3. Minimum parking requirements for all lots included in the PDD shall meet or exceed a ratio of 1 parking space for every 300 square feet of building area.
4. Exterior lights shall not be permitted to shine directly in the eyes of any occupant of any vehicle on any roadway or directly on to adjoining private property. Except for business that are open 24 hrs. per day, lighting other than that necessary for security, shall be turned off at 11:00 PM.
Exception: Holiday lighting between Thanksgiving and New Years Day may be on all night provided it does not blind motorists or cause a nuisance to adjoining residences.
Light Poles shall not exceed 25 feet in height measured from the base of the pole to the top of the fixture, have no more than 2 fixtures per pole for lights located near the perimeter of the property and no more than 4 fixtures per

pole for lights located near the center of the property, have a limited wattage per fixture, have hooded fixtures that direct the light down, and have no more than one single light per every other pole illuminated after 11:00 PM for security purposes.

5. All signage and exterior lighting will comply with City of Lago Vista ordinances and development regulations and shall be reduced to half their original illumination after 11:00 PM. Variances to the provisions of the Lago Vista Sign Ordinance may be considered on a case by case basis in accordance with established procedures.
6. Lots in this subdivision may be served by off site storm water detention and water quality facilities approved by the City of Lago Vista.
7. Topographic grading shall comply with accepted engineering practices, the Americans with Disabilities Act and any other federal, state or regional regulations. Cuts and fills in excess of four (4) feet shall require approval by the City of Lago Vista through the Site Development Plan.
8. Building Set backs from the rear lot lines shall be a minimum of twenty-five (25) feet.
9. No interior side yard set back shall be required between the lots within the PDD. .
10. All portions of lots adjoining Peacemaker Trail will be considered to be "side yard" if the lot also has frontage on a different street or road.
11. The minimum lot width for all lots included in the PDD is 50 feet.
12. The maximum building height for all lots in the Lago Vista Town Centre Subdivision shall be thirty-four (34) feet above the highest point of the lot on which the structure is located.
13. Parking for all lots in the Lago Vista Retail Center may be shared among the various buildings in the Center as well as all driveways and other related facilities, provided the minimum requirements are met for the proper ratio of cumulative buildings to cumulative parking and adequate ingress and egress is provided for each building and each building sharing a parking lot and driveway have the uninhibited right to use the parking lot and driveway from the other owners.
14. All portions of the PDD which are adjacent to residentially zoned properties will be screened by a privacy fence or decorative screening wall with a minimum height of six (6) feet and not exceeding the maximum height of twelve (12) feet and approved by the City of Lago Vista. Openings for vehicular access shall be allowed for driveways as included in the Site Development Plan. Gated openings for pedestrian access shall be allowed at the discretion of the developer.
15. Constrictors or poisonous snakes, lion, tigers, bears, or other exotic animals are prohibited within the PDD.
16. Professional kennel operations are prohibited.
17. Accessory use structures other than an ATM machine shall not be permitted.
18. All development shall be constructed in accordance with the Lago Vista Retail Center Site Development Plan attached hereto, and made a part hereof.

There is no "Lago Vista Retail Center Site Development Plan" attached, notwithstanding whether it included any designated uses or not.

Section 5. Amendment of Ordinances. Ordinance No. 98-04-27-03 as amended 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 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 7. Conflicts. Any portion of any ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

Section 8. 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* and approval of the replat of the PDD property into Lots A, B, C, D, E, F, G and H.

Section 9. 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.*

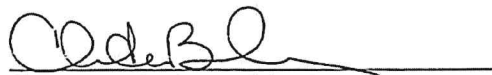
AND, IT IS SO ORDERED.

PASSED AND APPROVED this 27th day of April, 2006.



Mayor

ATTEST:



Christina Buckner, City Secretary

On a motion by Council Member Pat Dixon, seconded by Council Member Fred Harless, the above and foregoing ordinance was passed and approved.

EXHIBIT A

Lago Vista Town Centre Subdivision

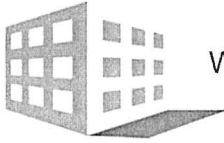
Resubdivision of Lots 6146 – 6148 and 6151 – 6172, Bar-K Ranches Plat 6, and resubdivision of Lots 1B and 1C, resubdivision of Lot 1, Block A, Lago Vista Village Center, Travis County, Texas.

23-2597-PDD-MOD

Existing “Lago Vista Town Centre PDD” Amendment

Attachment 3

Proposed Use Description Amendment / Draft Ordinance



Waterloo Real Estate Investments

January 5, 2024

Mr. Kevin Sullivan
Mayor, Lago Vista
5803 Thunderbird Street
Suite 101
Lago Vista, TX 78645

Re: Lots G and H of Lago Vista Town Centre Subdivision and Ordinance No. 06-04-27-01

Dear Kevin:

On behalf of the ownership of this property (Lots G and H of the Lago Vista Town Centre Subdivision), we are hereby formally requesting a clarification on the zoning for the property. Per Section 4.1 of the attached PDD, "each lot within the PDD shall comply with the least restrictive zoning requirements of the C-1 and C-2 Districts except as hereinafter specifically modified." Given this stipulation in the Ordinance (No 06-04-27-01), we are asking for the City Council to confirm that all zoning requirements and allowed uses of the C-1 and C-2 Districts (see attached Table B - Table of Allowed Uses) are specifically permitted on this property.

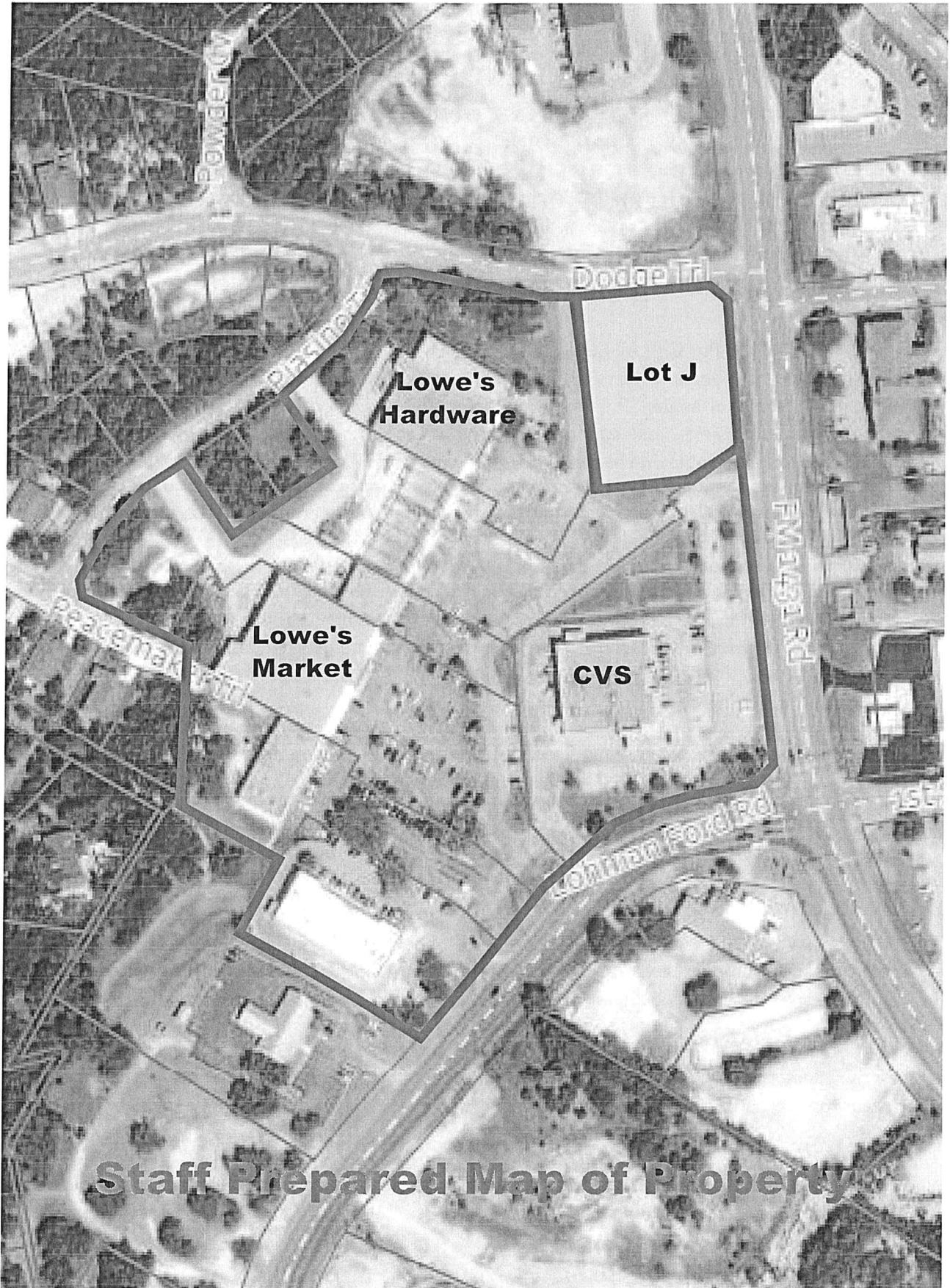
Best regards,

A handwritten signature in black ink that reads "John Ghiselli".

John Ghiselli

cc: Steve Oram

Waterloo Real Estate Investments
21108 Needles Cove
Lago Vista, TX 78645



Staff Prepared Map of Property

ORDINANCE NO. 24-0 ☺-☺☺-0 ☺

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS THE “LAGO VISTA TOWN CENTRE” APPROVED BY ORDINANCE NO. 06-04-27-01 REGARDING THE DESCRIPTION OF PERMITTED USES AND THE REFERENCE TO THE SITE DEVELOPMENT PLAN TO GOVERN PROPOSED IMPROVEMENTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, pursuant to a request from one of the owners of approximately 10.91 acres of land, as more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), has filed an application requesting an amendment to address errors, omissions, and ambiguities in Ordinance No. 06-04-27-01 that approved the existing Planned Development District (PDD) known as the “Lago Vista Town Centre;” and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, after giving fifteen (15) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on March 14, 2024 and the City Council at its public hearing held on April 4, 2024, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

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, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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 Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 10 and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”). However, the Planning and Zoning Commission and City Council also find that the requirements of Section 6.105 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”), remain applicable to any future development or redevelopment of the Property.

Section 2. Enactment. The Zoning Ordinance, the Official Zoning Map, and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in the sections below.

Section 3. Rezoned Property. The Zoning Ordinance and the Official Zoning Map is hereby modified and amended by zoning the approximately 10.91 acres of land, more particularly described in **Exhibit “A”** as an update to the “Lago Vista Town Centre Planned Development District” (PDD) and Ordinance No. 06-04-27-01 with the use of individual land areas specified by repealing and re-enacting the last sentence of Section 3 to read as follows: “The Property is hereby zoned to a Planned Development District (PDD) with individual lots allowed to include any use permitted by Table B of Chapter 14, the Lago Vista Zoning Ordinance, in either the C-1 or C-2 zoning districts.”

Section 4. Zoning Requirements. All applicable development requirements, restriction, and provisions in the existing Planned Development District” (PDD) known as the “Lago Vista Town Centre” as established in Ordinance No. 06-04-27-01 shall remain intact except for the following provisions of Section 4 which shall be repealed and re-enacted as follows:

1. Each lot within the PDD shall comply with the least restrictive development standards listed for the C-1 or C-2 zoning district in Table A of Chapter 14, the Lago Vista Zoning Ordinance, except as hereinafter specifically modified.

18. To the extent shown, all development within the PDD shall be constructed in accordance with the approved site development plan for the Lago Vista Retail Center dated November 20, 2006, except as modified by an approval in accordance with Section 6.105 of Chapter 14, the Lago Vista Zoning Ordinance.

Section 5. Repealer. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

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 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 7. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 8. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 9. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 10. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the Official Zoning Map of the City of Lago Vista, Texas.

Section 11. Proper Notice and Meeting. 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 _____, 2024.

Kevin Sullivan, 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

Lago Vista Town Center Subdivision

- Lot A
- Lot B
- Lot C
- Lot D
- Lot E
- Lot F
- Lot J (a resubdivision of Lot G and Lot H)

Lago Vista Village Center Subdivision

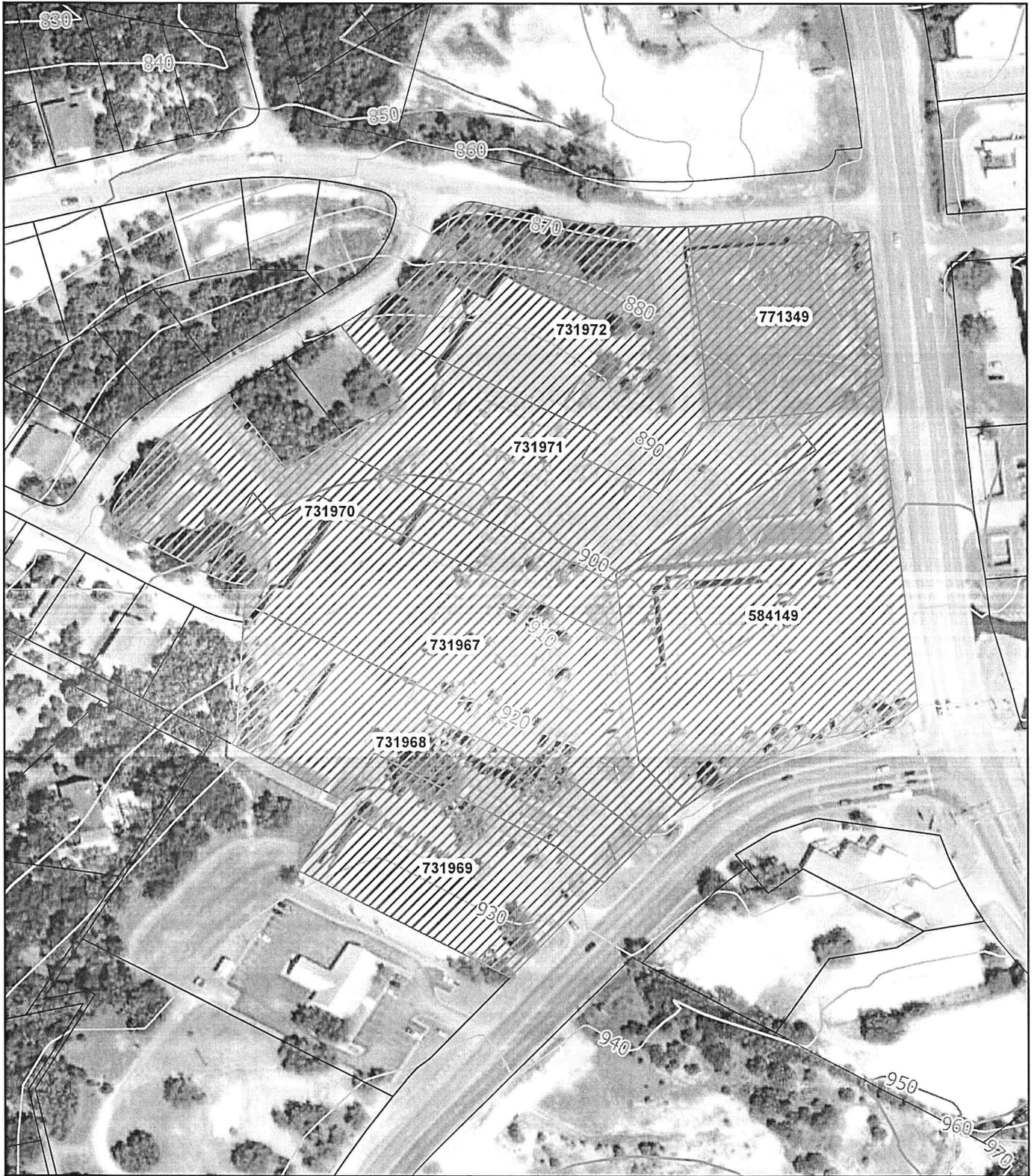
- Lot 1A (a resubdivision of Lot 1, Block A)

23-2597-PDD-MOD

Existing “Lago Vista Town Centre PDD” Amendment

Attachment 4

Maps



TCAD Parcels
TenFootContour
 10 ft
 50 ft
 Requestor

7708 Lohman Ford Road			
Request Type	Zoning Change	Project	23-2597-PDD-MOD
Change Requested	PDD Amendment	Date	2/21/2024
Map Purpose	Aerial / Topography	Drawn By	D Avetian
Coordinate System: GCS WGS 1984			

N

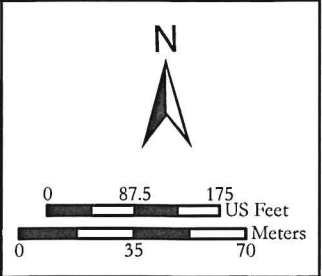
US Feet
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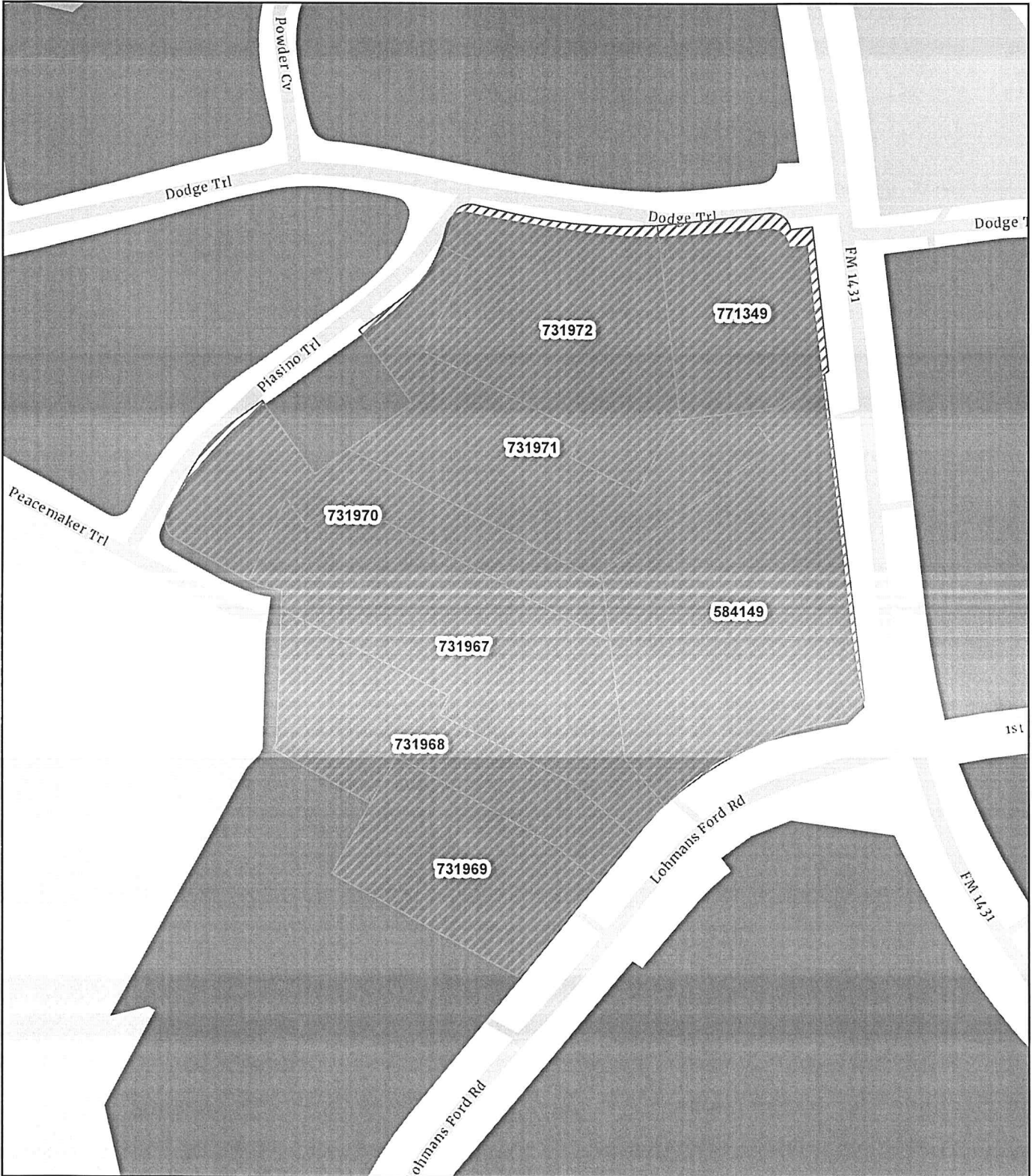


Zoning District

- C-1C
- C-2
- PDD
- R-1S,15A
- R-1S,18A
- TR-1
- U-1
- Requestor

<h2>7708 Lohman Ford Road</h2>			
Request Type	Zoning Amendment	Project	23-2597-PDD-MOD
Change Requested	PDD Amendment	Date	2/21/2024
Map Purpose	Existing Zoning	Drawn By	D Avetian
Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US			





Land Use Proposed Estate Residential Mixed Use Regional Retail Semi-Public Requestor	7708 Lohman Ford Road			 	
	Request Type	Zoning Change	Project		23-2597-PDD-MOD
	Change Requested	PDDAmendment	Date		2/21/2024
	Map Purpose	Future Land Use	Drawn By		D Avetian
	Coordinate System: NAD 1983 CORS96 StatePlane Texas Central FIPS 4203 Ft US				

23-2597-PDD-MOD

Existing “Lago Vista Town Centre PDD” Amendment

Attachment 5

Notice Comments

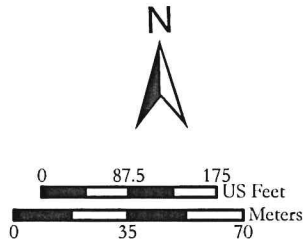


- TCAD Parcels
- Requestor
- Notification Boundary

7708 Lohman Ford Road

Request Type	Zoning Change	Project	23-2597-PDD-MOD
Change Requested	PDD Amendment	Date	2/21/2024
Map Purpose	Notification Boundary	Drawn By	D Avetian

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



23-2597-PDD-MOD

Existing “Lago Vista Town Centre PDD” Amendment

Attachment 6

Referenced Ordinances and Statutes

Section 10 Planned Development Districts (PDD)

10.10 Purpose

10.20 Procedural Requirements

10.30 Process Consideration Of The Concept Plan

10.40 Concept Plan Expiration

10.50 Consideration Of The Detail Plan

10.60 Changes In The Detail Plan

10.70 Detail Plan Expiration

10.80 Approval Of Districts

10.90 Additional Requirements And Provisions

10.10 Purpose

The planned development district is a freestanding district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to ensure compliance with good zoning and development practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

While greater flexibility is given to allow special conditions, development standards or restrictions to accommodate higher quality and more desirable development, these procedures are also established to insure against misuse of increased flexibility. A PDD shall not be used primarily as an expedient method to vary from or to otherwise provide relief from development standards that an applicant finds onerous or costly.

HISTORY

Amended by Ord. 20-02-06-01 on 2/6/2020

10.20 Procedural Requirements

Application. An application for a planned development district shall be processed in accordance with the provisions of this section. A pre-planning conference is required between the Director of Development Services prior to the actual filing of the application.

Base District. A base zoning district shall be specified for each tract of land which has essentially the same land uses or permitted uses. The regulations in the base zoning district and all other code of ordinances shall control unless specifically stated otherwise in the planned development district ordinance.

District Plans and Requirements. There are two types of plans that shall be used in the planned development district process. The general purpose and use of each of these plans is described

Concept Plan. This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district. If approved, the zoning be amended accordingly.

Detail Plan. 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 otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

Phasing Plan or Schedule. PDD districts larger than 100 acres and any development that will be implemented in phases shall provide a phasing plan or schedule that identifies each construction phase. A required phasing plan or schedule may be included in either the concept plan or detail plan, at the discretion of the applicant.

Optional Combined Concept and Detail Plan. At the option of the applicant and in lieu of a separate concept and detail plan, a detail plan that also includes all the information required of a concept plan may be submitted for approval. Such a combined concept and detail plan shall be considered at the same time by both the Planning and Zoning Commission and the City Council. However, such a combined plan does not preclude the City Council from adopting an ordinance that approves only the concept plan due to an insufficient detail plan, deferring approval of the detail plan application.

Concept Plan Requirements. The concept plan shall include at least the following:

Relation to the comprehensive plan. A general statement setting forth how the proposed district will relate to the city's comprehensive plan future land use map and applicable policy and to which it is or is not consistent with that comprehensive plan and the proposed base zoning district or base zoning districts.

Acreage. The total acreage within the proposed district.

Survey. An accurate survey of the boundaries of the district.

Land Uses. Proposed general land uses and the acreage devoted to each use, including open space. For residential development, the maximum number of units and the number of units per acre shall be included.

General Thoroughfare Layout. Proposed streets, as a minimum to include all streets rising to the level of arterials or greater. Showing collector and local streets is optional.

Development Standards. Development standards, if different from the base zoning district, for each proposed land use, as follows:

Minimum lot area;

Minimum lot width and depth;

Minimum front, side, and rear building setback areas;

Maximum height of buildings;

Maximum impervious surface coverage;

Minimum parking standards for each general land use; and

Other standards and requirements as deemed appropriate by the applicant, the Director of Development Services, the Planning and Zoning Commission or the City Council.

Existing Conditions. On a map adequate in scale to evaluate required details, the following shall be shown for the area within the proposed district:

Topographic contours of ten feet or less;

Existing streets;

Existing 100-year floodplain, floodway and major drainage ways;

City limits and E.T.J. boundaries;

Zoning districts within and adjacent to the proposed district;

Land use;

Utilities, including water, wastewater and electrical service lines;

Approximate location of critical water quality zones and the proposed use for these areas; and

Other requirements or conditions deemed necessary by the Planning and Zoning Commission or the City Council.

Concept Plan Code Deviations. The City Council may approve a PDD concept plan with deviations from any provision in the Code of Ordinances that are consistent with applicable state or requirements. Such deviations shall be listed or shown on a plan that is part of the ordinance that approves the concept plan. Failure to include such deviations cannot be corrected in a later ordinance; instead requires an amended concept plan.

Concept Plan Expiration. A concept plan approved by the City Council shall not automatically expire. However, if no detail plan is submitted within two years, the City Council or Planning and Zoning Commission may initiate an application to rezone the property covered by the concept plan.

Detail Plan Requirements. The application for a planned development district shall include a detail plan consistent with the concept plan as determined by the Director of Development Services. If determined that the detail plan is not consistent with the concept plan, a new concept plan must be approved by the City Council pursuant to an additional zoning application. The detail plan shall include the following:

Acreage. The acreage in the plan as shown by a survey, certified by a registered surveyor.

Land Uses. Permitted uses, specified in detail, and the acreage for each use.

Off-Site Information. Adjacent and surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the Director of Development Services, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.

Traffic and Transportation. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and egress to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses; and trails.

Buildings. The locations, maximum height, building coverage (footprint) and minimum setbacks for all multifamily and non-residential buildings.

Residential Development. The number, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).

Hydrology and Drainage. The location of all creeks, ponds, lakes, floodplains, critical water quality zones, and other water retention or major drainage facilities and improvements, and calculation of the total percentage of impervious surfaces coverage.

Utilities. The location and route of all major sewer, water, or electrical lines and facilities or improvements necessary to serve the district.

Open Space. The approximate location and size of all greenbelts, open space, common space or recreation areas. A detailed description of the proposed use of all such areas shall specify whether they are intended for public or private use.

Sidewalks, Trails and Bike Paths. Sidewalks, trails, or other improved ways for pedestrian or bicycle use, if proposed.

Landscape Plan. Landscape plans shall be provided for all areas except single-family and two-family residential lots.

Any additional requirements or conditions deemed necessary by the Planning and Zoning Commission or City Council.

HISTORY

Amended by Ord. 20-02-06-01 on 2/6/2020

10.30 Process Consideration Of The Concept Plan

The City Council may approve a PDD concept plan with deviations from any provision in the Code of Ordinances that are consistent with applicable state and federal statutes or requirements. Such deviations shall be listed or shown on a plan that is part of the ordinance that approves the concept plan. Failure to include such deviations cannot be corrected in a later ordinance; instead requires an amended concept plan.

HISTORY

Amended by Ord. 20-02-06-01 on 2/6/2020

10.40 Concept Plan Expiration

A concept plan approved by the City Council shall not automatically expire. However, if no detail plan is submitted within two years, the City Council or Planning and Zoning Commission may initiate an application to rezone the property covered by the concept plan.

HISTORY

Amended by Ord. 20-02-06-01 on 2/6/2020

10.50 Consideration Of The Detail Plan

The Planning and Zoning Commission shall make a recommendation to the City Council. The City Council may approve, deny, modify or add restrictions and requirements, remand for further consideration by the Planning and Zoning Commission, or deny the detail plan. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended or approved by the City Council. The approved detail plan shall be permanently filed in the records of the Development Services Department. The Planning and Zoning Commission may recommend, and the City Council shall approve the detail plan if it finds that:

Compliance. The detail plan complies with the concept plan approved for that property and the standards and conditions of the PDD district;

Compatibility. The detail plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and

Circulation of Vehicular Traffic. The detail plan provides for the adequate and safe circulation of vehicular traffic.

(Ordinance 12-12-06-01, ex. 2, adopted 12/6/12)

HISTORY

Amended by Ord. 20-02-06-01 on 2/6/2020

10.60 Changes In The Detail Plan

Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed the same as a rezoning application required by this chapter. However, non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan may be administratively authorized in writing by the Development Services Director. Conversely, if any change however minor, is determined to raise new issues of public interest, administrative approval of those changes shall be denied. An applicant may appeal such a denial to the Board of Adjustment in accordance with the provisions of Section 11.50 of this chapter.

HISTORY

Adopted by Ord. 20-02-06-01 on 2/6/2020

10.70 Detail Plan Expiration

A detail plan approved by the City Council shall not automatically expire. However, the City Council or Planning and Zoning Commission may initiate an application to rezone the property covered by a detail plan for which no permit has been issued or construction begun for a period sufficient in length to support a conclusion that there are no current plans to develop the property in accordance with the approved detail plan.

HISTORY

Adopted by Ord. 20-02-06-01 on 2/6/2020

10.80 Approval Of Districts

The City Council may, after receiving a recommendation from the Planning and Zoning Commission, approve by ordinance the creation of a planned development district based upon a concept plan, a detail plan or an optional combined concept and detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval, this zoning district change shall be indicated on the official zoning map of the City.

The approval of development standards and requirements for each use proposed for inclusion in a planned development district shall be based upon the merits of the design and layout proposed for the development. The development standards and requirements to be specified shall include, but not be limited to: building heights, lot widths, lot depths, impervious coverage percentages, lot areas, setbacks and minimum off-street parking and loading requirements. Such standards and requirements shall comply with or be more restrictive than those established in the base zoning district for the specific uses or types of uses allowed in the proposed district, except when explicitly modified by the approved ordinance. Such modifications or exceptions may be granted only when it is found that such modifications are in the public interest, are in harmony with the purposes of this chapter, are consistent with the policies of the comprehensive plan, and will not adversely impact nearby properties because any potential adverse impact has been adequately mitigated.

Absent express approval of deviations meeting the criteria above, all remaining standards and requirements of the City of Lago Vista shall be enforced when applicable, including those contained in or referenced by the Building Regulations, Zoning Ordinances, or Subdivision Regulations. Nonetheless, all requirements or standards established or referenced in the Lago Vista Code of Ordinances are subject to a deviation request except those that are also established by state or federal statutes.

HISTORY

Adopted by Ord. 20-02-06-01 on 2/6/2020

10.90 Additional Requirements And Provisions

The provisions of Section 13.20(e)(3)(B) requiring an affirmative vote of at least three-fourths of the members of the City Council under certain circumstances shall apply to the approval of a concept plan and detail plan.

Planned development districts approved prior to February 6, 2020 may be developed in accordance with those existing ordinance provisions. However, any desired substantive changes to PDD approval, as determined by the Development Services Director in accordance with Section 10.120 above shall be subject to the current PDD approval requirements contained herein.

The Board of Adjustment may not consider a variance application related to property contained within a PDD. The Planning and Zoning Commission or the Board of Adjustment on appeal an application for a special exception to height standards related to property contained within a PDD. Applications for relief from any existing requirement related to property contained within a PDD shall be processed as a PDD amendment.

HISTORY

Adopted by Ord. 20-02-06-01 on 2/6/2020

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.

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, the 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-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 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, 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 a 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 p long-term goals.

Procedure.

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 district 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 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 r

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 u 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 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 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 ordinan 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 s 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 o 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 I required at the discretion of the Commission when established during any public meeting.

Site Plan Approval Amendments. Substantive discrepancies between the design approval required by this section and a permit application require an amendment following the same p 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 p a specific way and as encompassed by the approval standards and criteria enumerated below.

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 Adjustments in accordance with the requirements of section 11.50.

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 applic 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 approv

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:

Conformity with all applicable regulations within the Code of Ordinances, the current Lago Vista Comprehensive Master Plan and any other adopted land use policies.

The location, arrangement, size, design and general site compatibility of structures and other improvements such as parking, landscaping, fences, lighting, signs and driveway locations t and otherwise avoid unreasonable negative impact to adjacent property (including public property or a public right-of-way) due to:

Reduced privacy;

Reduced use, utility or property rights;

Avoidable light and sound trespass; or

Unwarranted reductions in the visual or aesthetic quality of views beyond that which is an inherent result of development.

Landscaping, the location and configuration of required offsite parking and the arrangement of open space or natural features on the site shall:

Minimize the visual and environmental impact of large expanses of uninterrupted paving;

Create a desirable and functional open space environment for all intended site patrons, including pedestrians, bicyclists, and motorists; and

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 natur transition to dissimilar developments.

Circulation systems, transportation components and off-street parking shall integrate to:

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;

Eliminate or reduce dangerous traffic movements;

Minimize driveway or curb cuts by using cross-access servitudes and shared parking whenever possible and appropriate;

Accommodate sign locations that do not create sight-obstructions that are potentially hazardous to any transportation mode; and

Clearly define a network of pedestrian connections in and between parking lots, sidewalks, open spaces, and structures that is visible, identifiable, and safe.

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 tha pedestrian or human scale.

HISTORY

Amended by Ord. 19-11-07-03 on 11 7 2019

CHAPTER 10.5 SITE DEVELOPMENT

ARTICLE 10.5.100 SITE DEVELOPMENT PLAN

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Sec 10.5.101 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Word used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this article. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Berm. A landscaped strip of ground used as a visual screen, constructed so that it is no more than six (6) feet above grade with a minimum of three (3) feet of horizontal distance for each one (1) foot of height.

Bluff. An abrupt vertical change in topography of more than twenty (20) feet with an average slope steeper than three (3) feet of rise for one (1) foot of horizontal travel.

Centerline of Waterway. The centerline of the waterway refers to existing topographically-defined channels. If not readily discernible, the centerline shall be determined by the accepted drainage calculations.

City. The City of Lago Vista, Texas.

City Council. The city council of the City of Lago Vista, Texas.

Crest of Bluff. A line on the ground parallel to and at the top of a bluff, beyond which the average slope is no steeper than one (1) foot of rise in two (2) feet of travel, for a horizontal distance of not less than forty (40) feet.

Developer. A person who improves land, primarily through the construction of subdivision infrastructure and structures.

Development. Buildings, utilities, roads and other structures, construction, and excavation, dredging, grading, filling and clearing or removing vegetation for the purpose of constructing permanent structures on the property.

Development Plan. A scaled drawing representing an area of land to be improved developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

Easement. An interest in land granted to the city, to the public generally, and or to utilities, for drainage ways or for installing or maintaining utilities across, over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said easements or utilities.

Engineer. A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Extraterritorial Jurisdiction. That territory outside the corporate limits of the City of Lago Vista which is within the jurisdiction of the city by virtue of the Municipal Annexation Act, Vernon's Annotated Civil Statutes, Article 970a.

Impervious Cover. Roads, parking areas, buildings, and other impermeable construction covering the natural land surface including but not limited to: all streets, driveways, buildings and structures within a development.

Landscaped Area. An area which has been enhanced by the use of plant material, planters, paving blocks, landscaping rock or water but not including poured concrete or asphalt.

Lot. Any legally platted lot, tract or parcel of land situated wholly or partially within the corporate limits of the City of Lago Vista, Texas.

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

Plant Material. Grass, trees, shrubs, flowers, vines, groundcover or any other living matter.

Setback Distance. The minimum horizontal distance between the prop line and the front wall of any projection of a building, excluding uncovered steps, uncovered balconies, uncovered porches, and roof overhangs.

Shoreline. The edge of the water during normal level or flow conditions. In the case of Lake Travis, it is the six hundred eighty-one (681) foot MSL contour. In the case on intermittent streams, it is the centerline of the waterway.

Site. Any legally platted lot situated wholly or partially within the corporate limits of the City of Lago Vista, Texas.

Street. The entire width between the boundary lines of every way publicly or privately maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Structure. Anything constructed or erected which requires location on or in the ground or attached to anything having a location on or in the ground that is of a permanent nature and such is a constructed or an erected object that is positioned on private property or in street right-of-way of the city.

Wastewater Disposal System. Any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions of a valid waste discharge permit issued by the Texas Natural Resource Conservation Commission or appropriate regulatory agency.

Water Supply System. The water facility infrastructure for the collection, treatment, storage and distribution of potable water from the source of supply to one or more consumers. The water system shall be designed in accordance with and approved by the Texas Natural Resource Conservation Commission and the City of Lago Vista.

Sec 10.5.102 Site Development Plan Required

A site development plan as provided for here and meeting the requirements of this article is required prior to the development or construction of any improvements on any lot that is zoned other than single-family residential or two-family residential, or that is intended for any use for any purpose or occupancy other than for single-family or two-family residential occupancy. A site development plan meeting the requirements of this article is not required in situation in which a single-family residential or two-family residential structure is to be constructed on any lot or other parcel of land that is zoned other than single-family residential or two-family residential.

Sec 10.5.103 Purpose And Applicability

Purpose. The site development plan provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, off-street signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Applicability. This article shall apply to every person owning and/or proposing to develop a legally platted lot for any development other than single-family or residential duplex within Vista. Water quality and detention requirements shall not apply to property in the C-4 zoning classification which are being developed for the lot owner's own use and is not par

Subdivisions within the C-4 zoning classification shall be subject to the water quality and detention requirements of this article. Water quality and detention requirements shall not apply to commercially-zoned lots in the Travis Plaza subdivision which are being developed for the lot owner's own use. Resubdivision of the commercially zoned property within the Travis Plaza at the city council's discretion, subject the property to the water quality and detention requirements of this article. Recreational and recreation related facilities constructed on publicly owned lots shall be exempt from this article at the discretion of the city council. Multifamily or commercial lots located within planned development districts shall not be exempt from the requirements of this article.

Other Requirements Additional and related local ordinance requirements include, but are not limited to, the provisions within Chapter 3, Chapter 10, Chapter 11, Chapter 13, Chapter 14 Construction Standard Specifications (TCSS) adopted as Ordinance Number 19-02-21-02 as amended. The TCSS is incorporated by reference herein and shall be deemed to have the same effect as if set forth in full herein.

HISTORY

Amended by Ord. 22-07-07-04 on 7/7/2022

Sec 10.5.104 Format And Content

Format. The site development plan shall be drawn on twenty-four inch by thirty-six inch (24"x36") sheets of paper at an engineering scale sufficient to thoroughly meet the informational requirements of this article.

Content. The site plan shall include all of the land proposed to be developed or improved, and any off-site improvements required to accommodate the project. The site development plan shall have attached thereto:

A cover sheet showing:

Names, addresses and phone numbers of the record owner or developer, and authorized agents including the architect, engineer, landscape architect, and surveyor (those applicable);

The proposed name of the project;

A location map showing the relation of the project to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1"=2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended;

The owner's name, address (including city, state and zip code), deed or plat reference and property lines of property within two hundred (200) feet of the lot boundaries as determined by the most recent tax rolls;

Certifications and signature blocks as required by the city;

The total acreage of the property to be developed;

Current zoning district as defined by the current city zoning ordinance.

An existing conditions plan, showing:

Boundary of existing zoning districts, if applicable;

The existing property lines, including bearings and distances, of the land being developed or improved. Property lines shall be drawn sufficiently wide to provide easy identification;

The location of existing structures and improvements, if applicable;

Significant trees of 12-inch caliper and larger, within the limits of the proposed on-site and/or off-site improvements;

Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown;

Lines delineating the regulatory one hundred (100) year floodplain, if applicable;

Topographic data indicating one (1) foot contour intervals. The contoured area shall extend outward from the property boundary for a distance equal to twenty-five percent (25%) of the distance across the tract, but not fewer than fifty (50) feet nor more than two hundred (200) feet.

The locations, sizes and descriptions of all existing utilities, including but not limited to: sewer lines, lift stations, sewer and storm sewer manholes, water lines, water storage tanks, and wells within the property, and/or adjacent thereto. Existing overhead and underground electric utilities shall also be shown;

The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements, building setbacks or other public rights-of-way within the property intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing rights-of-way width, street pavement width, berms, ditches, driveways on adjacent property and driveways located across the street of any boundary street to the property shall also be shown;

Location of city limit lines and/or outer border of the city's extraterritorial jurisdiction, as depicted on the city's most recent base map, if either traverse the lot or is contiguous to the lot boundary.

An Erosion and Sedimentation Control Plan, showing:

Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities;

Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument;

The location, size, and character of all temporary and permanent erosion and sediment controls with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction;

Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas;

A plan for restoration for the mitigation of erosion in all areas disturbed during construction;

All temporary and permanent erosion and sedimentation controls within the city shall be designed in accordance with the LCRA Lake Travis Nonpoint Source Pollution Control Ordinance Technical Manual, as amended.

A site plan, showing all visible improvements to the land, including:

The location, dimensions, square footage, height, and intended use of existing and proposed buildings on the site;

Location, number and dimensions of existing and proposed parking spaces, distinguishing between standard, handicap and van handicap spaces, and calculation of applicable minimum requirements;

The location, type and dimensions of proposed driveways, signs and traffic control devices.

A grading and drainage plan, showing:

A drainage area map delineating areas to be served by proposed drainage improvements;

Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, detention ponds and other stormwater control facilities;

Accurate cross-sections, plan and profiles of every drainage improvement proposed in a public utility easement and/or public right-of-way;

Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument;

Attendant documents containing design computations in accordance with the city subdivision ordinance and this article, and any additional information required to evaluate the proposed drainage improvements:

The City of Austin Drainage Criteria Manual, as amended (hereinafter the "Manual") is hereby adopted, save and except the following:

Preface;

Paragraphs 1.2.4.E.2 and 1.2.4.E.11;

Paragraphs 1.2.7;

Paragraphs 1.4.0;

Paragraphs 1.5.0.3, 1.5.0.1, 1.5.0.5 and 1.5.0.6;

Paragraphs 8.2;

Appendix D; and

All references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions with the City of Lago Vista. Where such departments, boards or divisions do not exist within the City of Lago Vista, such references shall be construed to mean the city engineer of Lago Vista or other representative authorized by the city council of the city to perform such functions for the city.

All drainage systems and improvements shall conform to the provisions and requirements of the manual and good engineering practices and shall show conveyance to off-site drainageway: (for example, continuation of street bar ditch or natural drainageway);

The site grading plan shall show and include the existing ground elevations and finish construction grades, including existing ground elevations for a minimum of 100' onto adjoining property, width of existing street right-of-way and existing pavement width;

Drainage reports as shown in Exhibit "A" on file in the office of the city secretary. (~~Editor's note~~— Exhibit A is now on file in the office of the Development Services Division.)

A utility plan showing:

The layout, size and specific location of proposed water mains and other related structures and in accordance with all current city standards, specifications and criteria for construction of water mains;

The location of proposed fire hydrants, valves, meters and other pipe fittings;

Design details showing the connection with the existing city water system;

The layout, size and specific location of the proposed wastewater lines, lift stations, and other related structures, and in accordance with all current city standards, specifications and criteria for construction of wastewater systems;

Plan and profile drawings for each line in public rights-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation; all bends, drops, turns, station numbers at fifty-foot intervals;

Detailed design for lift stations, special wastewater appurtenances, if applicable;

Utility demand data, and other attendant documents, to evaluate the adequacy of proposed utility improvements, and the demand on existing city utilities;

A landscape plan showing:

Compliance with all ordinances requiring landscaping;

The layout size and specific location of proposed sprinkler systems as designed by a licensed landscape irrigator;

The following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of a landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of the subdivision regulations.

Construction details, showing (when applicable):

Structural retaining walls and or detention outlet structures;

Storm sewer manhole and covers, typical channel sections, inlets, safety end treatments and headwalls;

Wastewater manholes and covers, cleanouts, grease traps, pipe bedding and backfill;

Water valves, water meters, fire hydrants, thrust blocks, backflow prevention and concrete encasement;

Driveways, curb and gutter, sidewalks, curb ramps, pavement sections and pavement repair;

Silt fence, rock berms, stabilized construction entrance, inlet protection;

Traffic controls when working in the public rights-of-way that comply with the Uniform Standards for Traffic Control Devices; and

Illumination structures.

Each sheet shall have a legend identifying symbols, lines or other graphic representations.

Sec 10.5.105 Standards And Specifications

Cuts and Fills Less Than Four (4) Feet. Cuts and fills of less than four (4) feet may be subject to the approval of the city manager or his/her designee. No fill material of less than four (4) feet shall be placed or be in such an amount so as to restrict the city from being able to access utility lines within an easement. Any cut more than three (3) feet in depth shall install a fence or screen in accordance with the zoning ordinance.

Cuts and Fills of Four (4) Feet or More. No fill on any building site shall exceed a maximum of eight (8) feet of depth, except for landscaping purposes. No cut of any building site shall be more than eight (8) feet, except for structural excavation. Cuts and fills of four (4) feet or more shall require a soils report, prepared by a geo-technical engineer, with recommended embankment stabilization such as retaining walls. The geo-technical report shall also address that the adjacent property will not be impacted negatively by a cut or fill. The civil engineer shall address any permanent erosion controls required for the slope stability. Any cut more than three (3) feet in depth shall install a fence or screening device in accordance with the zoning ordinance. Any fill material of less than four (4) feet in depth shall be placed or be in such an amount so as to restrict the city from being able to access utility lines within an easement.

Streets, Driveways, Roadways, Parking Areas, Alleys and Sidewalks. Streets, roadways, alleys, and sidewalks shall conform to standards contained in the city's standards of construction for drainage in subdivisions as shown in exhibit "B" on file in the office of the city secretary. *

Vehicle Access.

Vehicular access to property from the public right-of-way shall be controlled in such a manner as to protect the traffic-carrying capacity and safety of the street upon which the property abuts and access is taken, ensuring that the public use and purpose of public rights-of-way is unimpaired as well as protect the value of the public infrastructure and adjacent property.

The city manager may require the developer to submit a traffic impact analysis conducted by a qualified transportation engineer to determine the impact of a development on roads and streets.

On arterial and collector streets, or if necessary for the safe and efficient movement of traffic, all accesses shall be designed and constructed with physical improvements and appropriate traffic control measures to assist or restrict turning movements, including, without limitation, acceleration or deceleration lanes, access islands, street medians, and signage, as may be required of the development if the city manager or his/her designee finds that they are necessary to preserve the safety or the traffic carrying capacity of the existing street. The city manager or his/her designee shall determine the length and degree of the required access restriction measures for the property.

If a traffic impact analysis is required, the site development plan must ensure that:

Proposed access and egress points have reasonable sight distances;

No inordinately adverse impact will result on the nearest intersections;

No unsafe traffic circulation or pedestrian problems will result;

Surrounding land uses and driveways are not inordinately adversely affected;

Rights-of-way width, pavement width, and street design are adequate for the number of vehicle trips projected per day, so as not to overburden the street system.

Driveways and Parking Areas

The slope of a driveway shall not exceed twelve percent (12%) measured between the street end of the apron and the opposite end of the driveway.

Driveways shall not be located within two hundred (200) feet from the intersection of a collector street and an arterial street, or two (2) collector streets that are identified in the city's master plan.

Driveways and parking areas shall have an adequate base of compacted granular material and a wearing surface of hot mix asphalt, concrete, brickpavers, or reinforced concrete.

Driveway and pavement designs shall be determined by a qualified soils testing and pavement design registered professional engineer. Total flexible thickness design shall be based on soil type, traffic loading and a twenty (20) year minimum design life.

The number of parking spaces required shall conform to standards contained in the latest version of the zoning ordinance.

The number of off-street loading spaces shall conform to the latest version of the zoning ordinance.

Parking areas for bicycle racks shall be at the discretion of the developer.

Parking areas which necessitate backing out onto arterial streets or collector streets shall be prohibited.

On-street parking shall not be allowed.

Water and Wastewater Systems. Water and wastewater systems shall conform to the latest versions of the subdivision ordinance.

Landscaping. Landscaping shall conform to the following requirements:

All plant materials used for landscaping shall be of healthy stock, preferably native or naturalized, with low water requirements.

All areas which are not impervious cover shall be landscaped and a landscaping shall extend to the property lines.

Grass or groundcover may be installed in the rights-of-way contiguous to the site with the permission of the city or other relevant governmental authority. The owner of the site contiguous right-of-way shall be responsible for maintaining the grass or groundcover in the right-of-way.

Trees.

All trees required to be planted to meet the minimum tree requirement shall be at least two (2) inches in diameter and located at least three (3) feet from any impervious cover.

The site shall meet the type and number of trees to be planted, replaced or retained on the lot according to the latest version of the zoning ordinance.

All traffic islands or peninsulas shall be landscaped. Grass or ground [ground] cover shall not exceed eighteen (18) inches in height.

Except for landscaping in the rights-of-way, landscaped areas which are located adjacent to pavement shall be protected from vehicles with concrete curbs or concrete tire stops.

Existing oak trees shall be preserved to the extent reasonable and feasible. A list of the trees to be planted, replaced, retained or removed shall be submitted with the site plan and must be by the city manager or his/her designee.

Fifty percent (50%) of the landscaped areas must include living material. All disturbed areas must be re-seeded with grass, groundcover or similar living matter.

All retaining walls, including but not limited to detention and/or filtration ponds, of three (3) feet or more shall require shrubbery and/or vines of healthy stock and of a minimum of two feet height immediately after planting in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which to the same height or more of the retaining wall.

Drainage and Erosion Control. Drainage improvements and erosion control measures shall comply with applicable provisions of Articles 3.1100 and 3.1400 of Chapter 3 and Section 4.11 of the Code of Ordinances.

Fences and Screening Devices. Fences and screening devices shall be installed, repaired and maintained according to the latest version of the zoning ordinance.

Illumination. All outdoor or exterior lighting shall comply with Article 3.800 of Chapter 3.

Pollution. Unless authorized by an appropriate governmental agency with powers superseding those of the city, there shall be no dumping or discharge of any waste, wastewater, chemical toxic material, or any other substance which constitutes a known hazard to humans or animals, onto any property or into any waterway or stream, pond, or detention pond, during the development process. During the development process, all developments shall have on-site, rigid, tamper-proof containers for the disposal of nonhazardous solid waste.

Trash Storage and Recycling Areas. Trash storage and recycling areas for attached dwellings and all business and industrial buildings or uses shall be accommodated within the structure shall be included on site and indicated on a site plan. All outdoor trash recycling storage and containers shall be placed on hot mix asphalt, concrete, brickpavers or reinforced concrete and from public view by a solid fence of no more than six (6) feet in height.

Fire Hydrants. Fire hydrants shall conform to standards contained in the city's standards and location of fire hydrants shall be approved by the Travis County Fire Marshal.

Prohibitions. Construction shall not be allowed in the street rights-of-way, public utility easements, drainage easements or other easements, or within the setback distance except for landscape irrigation, or fences that are in accordance with the city's fence regulations.

Special Planning Area (Property Located in the Former Austin ETJ).

All subdivisions located in the special planning area, as defined in an interlocal agreement (the "agreement") between the City of Lago Vista and the City of Austin shall also meet the requirements and should there be a conflict between the following requirements and the standards and specifications in this article, the more restrictive requirement shall apply:

All single-family development will be set back at least seventy-five (75) feet from the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as the date of the agreement between the City of Lago Vista and the City of Austin. All condominium units and commercial buildings (excluding marinas) will be set back at least 10 feet from said 681-foot contour line.

Temporary erosion and sedimentation controls as required by the LCRA under Chapter 13, Article 13.600, Section 13.605(3) of the Lake Travis Nonpoint Source Pollution Control Ordinance in effect as of the date of the agreement will be implemented, designed, constructed and maintained according to the City of Austin Environmental Criteria Manual as determined by comparing calculations under the City of Austin's requirements with those under the proposed controls.

Impervious cover will be limited to twenty percent (20%) of the total site area over the property for any lot developed with any retail, condominium, apartment or office commercial use; provided that Lago Vista may approve impervious cover up to twenty-five percent (25%) of the total site area for those lots that are connected to Lago Vista's centralized wastewater system. Total site area includes only those portions of a site that lie above the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as of the date hereof.

For residential lots in the planning area, density shall be subject to the following requirements:

A minimum average lot size of one acre shall be maintained on all lots that are served by on-site septic systems.

Density of clustered lots served by on-site septic systems may not exceed one single-family unit per acre, provided that a minimum of 40% of the total site area is open space.

Lago Vista may approve density not to exceed 1.5 single-family units per acre for lots that are connected to Lago Vista's centralized wastewater system, provided that a minimum of 40% of the total site area is open space.

Lago Vista may approve additional density not to exceed 2 single-family units per acre for lots that are connected to Lago Vista's centralized wastewater system and for which a minimum of 40% of the total site area is open space according to the following requirements:

One additional single-family unit for every two acres of land dedicated by instrument acceptable to Lago Vista for irrigation of wastewater effluent;

One additional single-family unit for each acre of land permanently preserved by instrument acceptable to the city as undeveloped open space; or

One additional single-family unit for each living unit equivalent (LUE) of wastewater treatment capacity in excess of that required to serve the development that is used to disconnect existing on-site septic systems.

Cut and fill is limited to four feet (4') maximum, provided that cut and fill over four feet (4') shall be permitted if the cut fill slope is terraced to control erosion and sedimentation.

Detention of the two-year storm for erosion control or, as an alternative, nonerosive conveyance of stormwater to Lake Travis, will be provided as required under City of Austin Land Development Code Chapter 25-7 drainage, and the City of Austin Drainage Criteria Manual.

A building envelope that encompasses the limits of building disturbances will be established and required for residential construction on any lot.

All of the 100-year floodplain located within the planning area shall be dedicated to the City of Lago Vista as a drainage easement in accordance with the City of Lago Vista's development rules.

Development shall comply with the 2006 LCRA Highland Lakes Ordinance and the City of Austin's regulations regarding the Lake Travis Critical Water Quality Zone (LTWQZ); an developers and homebuilders shall promote xeriscape landscaping and homeowners education program to reduce potential pollutant sources. The LTWQZ is defined as the area along an parallel to the shoreline of Lake Travis, coinciding with the 681.0-foot contour line. Within the LTWQZ, development is prohibited, except that a boat dock, pier, wharf, or marina an necessary access and appurtenances is allowed. Within the LTWQZ, approval by Lago Vista or an agency designated by the Lago Vista city council of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.

Lago Vista shall provide an annual status report to the director of the City of Austin Watershed Protection and Development Review Department of the options used by developers to obtain additional density, which report shall include the following:

Developments that have connected to Lago Vista's wastewater system;

The number of septic systems that have been disconnected in the release area;

The number of acres dedicated for irrigation of wastewater effluent; and

The number of acres permanently preserved for open space.

HISTORY

Amended by Ord. 20-09-17-05 on 9/17/2020

Sec 10.5.106 Procedure

Procedure. All required site development plans shall be submitted to the city for approval.

Submission. All submission for site plan approval shall conform to the following requirements:

A site development plan shall be submitted to the city manager or his/her designee at any time prior to the issuance of a building permit, subject to the provisions of this article, and along following:

Completed application forms and the payment of all applicable fees;

A letter requesting any variances from the provisions of this article;

Any attendant documents needed to supplement the information provided on the site development plan.

City staff shall review all site development plan submittals for completeness within thirty (30) days of the receipt of the application. If, in the judgment of city staff, the site development submittal substantially fails to meet the minimal informational requirements as outlined above, the applicant will be notified of any additional information required. Once the application submittals meet minimal informational requirements the application shall be declared administratively complete and the technical review process will commence.

City staff and the city engineer shall complete the technical review process within thirty (30) days. If, in the judgment of the city staff and city engineer, the site development plan fails to meet technical standards for the city, the applicant will be notified of the deficiencies. Once the site development plan and related submittals are deemed to meet all technical standards, the plan will be declared technically complete.

Once the site development plan is determined to be technically complete, city staff and the city engineer shall review the plan for consistency with city codes, policies and plans. Should they determine that the site development plan is in compliance with city codes, policies and plans and the applicant has made no requests for variances from the city code and plans, the site development plan shall be approved.

Should the city staff and/or city engineer determine that the site development represents a deviation from city codes, policies or plans, the site development plan shall not be considered approved. The city staff shall notify the applicant of the need to revise the site development plan or submit a request for variances for each item which deviates from city code, policies or plans.

Site development plan approval by the city staff and engineer, as authorized herein, shall be evidenced by the authorized signature of the city manager and city engineer on the site development plan. Approval by the city staff and city engineer shall become effective immediately.

Should the applicant request a variance or variances from city codes, policies or plans, the site development plan with the requested variances shall be scheduled for a public hearing consideration before the city council. City staff or the city engineer shall prepare a report analyzing the site development plan submittal, and recommending either approval or disapproval of the site development plan and the requested variances. This report shall be available at least five (5) working days prior to the city council meeting.

If the developer chooses to withdraw the site development plan, in writing to the city manager, by more than seventy-two (72) hours preceding the city council meeting, it will not be considered a submittal and may appear on a future city council agenda after repayment of the applicable fees.

It shall be the right of the applicant seeking site development plan approval, to appeal a decision of the city staff, for any reason whatsoever to the city council and have a final decision rendered by the city council.

A site development plan may be rejected at any time subsequent to submittal and prior to final written approval for failure to meet the minimum informational requirements of this article.

Notification. In all cases in which a site development plan is to be considered by the city council all owners of property (as determined by the most recent tax rolls from the Travis County, any part of which is located within two hundred (200) feet of the perimeter of the land to be developed, shall be notified by mail of the requested site development plan consideration. The city council shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners;

Publish a public notice at least once in a newspaper of general circulation in the city not fewer than fifteen (15) not more than thirty (30) days prior to said public hearing; and

Mail public notification forms, postmarked no fewer than fifteen (15) days prior to the appropriate city council hearing, to the owners of all property, a part of which is located within two hundred (200) feet of the perimeter of the property included within the site development plan.

Approval. The city council, after holding a public hearing shall act on the request for site development plan approval in accordance with the following:

The failure of the city council to act within sixty (60) calendar days from the date that the site development plan was declared technically complete shall result in automatic approval of the site development plan, except as otherwise agreed to by the developer.

Zoning of the tract that shall permit the uses proposed by the site development plan, or any pending zoning amendment necessary to permit the proposed uses shall have been adopted by the city council prior to approval of the site development plan.

Site development plan approval by the city council, as authorized herein, shall be evidenced by the authorized signature of the mayor, city manager and city engineer on the site development plan. Approval by the city council shall become effective immediately.

Upon disapproval of a site development plan, no application for site development plan approval for the same or substantially the same site development plan, on the same or substantially the same land proposed to be developed, shall be filed within one (1) year from the date of city council disapproval.

A site development plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

The developer shall be responsible for specific approvals from other agencies as required.

Approval of a site development plan shall authorize a developer to begin constructing site improvements. However, no building shall be constructed until a building permit has been issued.

Expiration. Unless a longer time shall be specifically established as a condition of approval, a site development plan approval shall lapse and become void twelve (12) months following the date such approval became effective, unless prior to the expiration, building permit is issued and construction is commenced and diligently pursued toward completion.

Revision. If a revision to the approved site development plan becomes necessary, whether requested by the city staff, the city council or the developer, then the site development plan shall be re-submitted and approved by city staff for compliance with this article.

Extension. Site development plan approval subject to lapse may be extended if the developer submits a written request for extension to the city council thirty (30) days prior to the expiration date. At its sole discretion, the city council may or may not approve an extension of up to one hundred and eighty (180) days after the original expiration date.

(Ordinance 07-06-21-02 adopted 6/21/07; Ordinance 09-05-21-02, sec. 1, adopted 5/21/09)

Sec 10.5.107 Enforcement Provisions

Any person violating any provision of this article within the corporate limits of the City of Lago Vista, Texas, shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding two thousand dollars (\$2,000.00). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this article.

(Ordinance 02-04-18-01 adopted 4/28/02; Ordinance 09-05-21-02, sec. 1, adopted 5/21/09)

EXHIBIT A SITE DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

B.10 Variances

B.11 Tag Plats

B.12 Tax Certificate

B.13 Engineer's Summary Letter - See Exhibit A-I

B.14 Geotechnical Investigation Report - See Exhibit A-II

B.15 Construction Plans - See Exhibit A-III

B.16 Pavement Striping Plan

B.17 Drainage Report

Editor's Note—Ordinance 02-04-18-01, as adopted on April 28, 2002, is printed in this exhibit as amended. The original numbering system, titles, catchlines and subsection catchlines have been retained. Any material appearing in brackets has been added by the editor for clarity. Obviously misspelled words have been corrected. Amendments have been designated in the history note following the amended provisions. Sections not followed by a history note remain as originally enacted in Ordinance 02-04-18-01.

B.10 Variances

When requesting a variance, a letter addressed to the City Manager which includes the subdivision name, address of the site, description of the variance and justification, and the applicable ordinance and section, should accompany the application.

B.11 Tag Plats

If a variance is being requested, provide one blue line copy of each of the current tax plats, showing all properties within 300 feet of the tract. Include all maps referenced within the 300 feet. Outline the tract in red (DO NOT SPLICE MAPS TOGETHER). Tax plats are available at the Travis County Tax Appraisal District, Walnut Creek Business Park, 8314 Cross Park Drive (Hwy 290 East and Cross Park Drive, phone 834-9318).

B.12 Tax Certificate

Tax certificates must be submitted with all subdivision and construction plan applications. These may be obtained from the County Tax Office located in the Courthouse Annex (N.W. corner of 10th and Guadalupe) and should indicate there are no taxes owing.

B.13 Engineer's Summary Letter - See Exhibit A-I

Provide an original and three copies.

B.14 Geotechnical Investigation Report - See Exhibit A-II

Submit two copies. This report may be submitted at a later date but no later than the submittal of construction plans for the second review.

B.15 Construction Plans - See Exhibit A-III

Three complete, folded sets of construction plans are required. Four sets are required if the project is on a State Highway. The construction plans shall consist of the following (see requirements below for each Plan):

Cover Sheet

Final Plat

Erosion and Sedimentation Controls

Drainage and Utility Layout

Street Plan and Profile

Drainage Plan and Profile Sheets

Detention, Filtration and or Sedimentation Ponds

Construction Details

B.16 Pavement Striping Plan

If pavement striping is proposed, three copies of a striping plan are required. Four copies if the project is on a State Highway.

B.17 Drainage Report

Two copies shall be submitted with the application and shall include the following:

source of floodplain information (calculations where applicable)

calculations supporting adequacy of existing and proposed on-site channels, storm sewers, and drainage structures

calculations supporting adequacy of detention pond size

calculations for floodplain modifications and cross-sections

summary assessment of impact on adjacent properties and drainage structures

signature and seal of professional engineer on report

calculations of existing and fully developed flows

calculations of off-site flows

calculations of capacity of drainage facilities on adjacent properties affecting hydraulic performance in the subdivision

EXHIBIT B-I ENGINEER'S SUMMARY LETTER

B.I.A Acceptance Of Plans

B.I.A Acceptance Of Plans

No construction plans will be accepted unless accompanied by a summary letter signed and sealed by the same registered Texas professional engineer who sealed the construction plans. The summary letter should describe the proposed development and might include, but not limited to, the following:

Acreage to be developed.

Type of development.

Explanation of any proposed project phasing.

Methods to be used for handling storm water runoff, i.e., drainage easements, channels, curb inlets, storm sewers, detention, sedimentation and filtration ponds, water quality control methods.

Effect the proposed development will have on existing and future drainage systems in the area and on the natural and traditional character of the land and waterways.

Justification for exemption from the City's ordinances and standards.

EXHIBIT B-II GEOTECHNICAL INVESTIGATION REPORT

BII.1 Number Of Copies

BII.2 Pavement Design

BII.3 Seal And Signature

BII.1 Number Of Copies

Two copies of the Geotechnical Investigation Report shall be furnished prior to the second review of the plans.

BII.2 Pavement Design

Pavement design shall be based on City of Austin Procedures for Street Paving Thickness Design (Subdivision Memorandum E-78-3 from DPWT) or the Municipal Pavement Structural Design and Life-Cycle Cost Analysis System (MPPS-1 S-I).

BII.3 Seal And Signature

Show legible professional engineer's seal and signature.

EXHIBIT B-III CONSTRUCTION PLAN CHECKLIST

BIII.1 Cover Sheet

BIII.2 Notes

BIII.3 Approval Blocks

BIII.4 General Construction Notes

BIII.5 Special Notes

BIII.6 Construction Sequencing

BIII.7 Drainage Layout

BIII.8 Street Plan

BIII.9 Street Profile

BIII.10 Drainage Plan

BIII.11 Drainage Profile

BIII.12 Detention Pond

BIII.13 Construction Detail

BIII.1 Cover Sheet

Show the following on the cover sheet:

Subdivision name on cover sheet in 1/2 inch or larger letters (use same name as on the final plat).
 Legal description of property (lots, block, subdivision name).
 Name, address and telephone number of owner and engineering firm preparing plans.
 Project location map that clearly indicates precise location of the tract (4" x 4" minimum) with north arrow.
 State Department of Highways and Public Transportation Stationing, for streets intersecting or adjacent to state maintained roadways.
 Tabulation sheet index.
 Legible professional engineer's seal and signature.

BIII.2 Notes

Show the following:

One of the following notes:

This project complies with the Lower Colorado River Authority Non-Point Source Pollution Control Ordinance, as approved by the City of Lago Vista, or
 This project is EXEMPT from the Lower Colorado River Authority Non-Point Source Pollution Control Ordinance, as approved by the City of Lago Vista.

The following note: "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans the City of Lago Vista must rely upon the work of the Design Engineer."

Applicable City of Lago Vista General Construction Notes for subdivision construction.

Tabulation of applicable Special Notes.

Construction Sequencing.

BIII.3 Approval Blocks

Show the following approval blocks:

Signature block for TX DOT, if applicable

 Texas Department of Transportation Date

Signature blocks

Approved by:

 Review Engineer for the City of Lago Vista Date

Approved by:

 Travis County Fire Marshal Date

A revision block:

No.	Revision Description	Approved By	Date

BIII.4 General Construction Notes

All construction shall be in accordance with the City of Austin Standard Specifications, as adopted and approved by the City of Lago Vista.

Design Procedures are in complete compliance with the City of Austin Drainage Criteria Manual; or

Design procedures are in general compliance with the City of Austin Drainage Criteria Manual and all variances to the manual are noted.

A minimum of one benchmark per site development to include description, location, and elevation. Tie to State Plane Coordinate System, when possible.

Prior to beginning construction, the owner or his authorized representative shall convene a Pre-Construction Conference between the City of Lago Vista, consulting engineer, contractor and affected parties. Notify the Public Works Director, 267-1155, at least 48 hours prior to the time of the conference and 48 hours prior to the beginning of construction.

The contractor shall give the City a minimum of 48 hours notice before beginning each phase of construction, call the Public Works Director, 267-1155.

Barricades, built to City of Lago Vista Standard Specifications, shall be constructed on all dead-end streets and as necessary during construction to maintain job safety. (Streets, etc. may be closed to or instead of note).

No blasting is permitted.

Any existing pavement, curbs, and/or sidewalks damaged or removed will be repaired by the contractor at his expense before acceptance of the site development.

The location of any water and/or wastewater lines shown on the plans must be verified by the City of Lago Vista Utility Crews.

Locate Existing Utilities, 48 hours BEFORE you dig. Local Utilities as follows:

SWB (Telephone) 512-870-5217

Heartland Wireless (Cable) 512-833-6299

Time Warner Communications (Cable) 512-485-4000

Pedernales Electric Cooperative (PEC) Engineering 512-331-992

Underground Utility Locator 1-800-669-8344 or Fax 1-800-999-2344

All storm sewer pipes to be Class III RCP unless noted otherwise.

BIII.5 Special Notes

Notes for Plans where applicable:

The subgrade material in (name of subdivision) was tested by (name of professional soil lab) in (day, month, and year) and the street section designed according to current City of Austin D street sections are to be constructed as follows (Give street names, width of R.O.W., or other methods to identify proposed design of different pavement thickness. In writing or graphically, section(s) to be constructed):

Manhole frames, covers, and water valve covers will be raised to finished pavement grade at the owner's expense by a qualified contract with City Inspection. All utility adjustment completed prior to final paving construction.

At intersections which have valley drainage, the crowns of the intersecting streets will culminate in a distance of 40' from the intersecting curb line unless otherwise noted. Inlets on the ir street shall not be constructed within 40 feet of the valley gutter.

Sidewalk requirements (give street name and location of required sidewalk, i.e., north, south, east, or west side).

A curb lay down is required at all points where the proposed sidewalk intersects the curb.

When using lime stabilization of sub grade, it shall be placed in slurry form.

Inside the city limits, sidewalks shall be completed prior to acceptance of any Type I or Type II driveway approaches and or issuance of a Certificate of Occupancy. Sidewalks adjacent to areas, parkways, or other locations on which no building construction will take place, must be constructed prior to final acceptance of the subdivision.

A storm water management facility maintenance agreement for single family and duplex residential lots will be executed and recorded prior to final acceptance of this subdivision.

A license agreement for landscaping maintenance and irrigation in street R.O.W. shall be executed by the developer in party with the City prior to final acceptance of the subdivision.

BIII.6 Construction Sequencing

Call City of Lago Vista, Public Works Director, 267-1155, 48 hours prior to beginning any work. Call the appropriate.

Install temporary erosion controls and tree protection fencing prior to any clearing and grubbing. Rough grade streets. No development of embankment will a permitted at this time.

Install all utilities to be located under the proposed pavement.

Begin installation of storm sewer lines. Upon completion, restore as much disturbed area as possible, particularly channels and large open areas.

Regrade streets to sub grade.

Insure that all construction site improvements and underground utility crossings are completed. Lay first course base material on all streets and parking areas.

Install curb and gutter.

Lay final base course on all streets.

Lay asphalt.

Complete all underground installations within the R.O.W.

Complete final grading and restoration of detention, sedimentation filtration ponds.

Complete permanent erosion control and restoration of site vegetation.

Remove and dispose of temporary erosion controls.

BIII.7 Drainage Layout

Show the following:

Drainage layout of subdivision (scale: 1" = 100') with north arrow to top or right of sheet and show limits of construction as a distinguishable line.

Existing adjoining street layout or other property adjacent to project (show adjacent subdivision names).

Street names, lot and block numbers and R.O.W. lines.

Location of all existing drainage structures on or adjacent to project.

Existing contours at two-foot minimal intervals.

Individual drainage areas and upstream drainage areas based on improvements and final grading (distinguish these areas by heavy dashed lines).

Size in acres, C.F. tc, and Q for 25- and 100-year storm for each specific drainage area.

Arrows indicating flow direction for streets and lots.

Summation of Q's at pertinent points (street intersections, inlets, passing inlets, headwalls, control outlet structures, etc.)

All low and high points.

All street and lot fill areas (usually done by shading).

Proposed drainage facilities (identify route of drainage from site to nearest waterway).

All existing and proposed drainage easements as per final plat or by separate instrument.

Q's leaving proposed streets onto surrounding property and Q's entering proposed streets from surrounding property.

Existing and proposed 100-year floodplains for all waterways.

Minimum building slab elevations for lots on which the 100-year floodplain encroaches (only if elevations are not shown on approved released final plat included with plans).

The name of the engineering firm who prepared plans, the subdivision title and the name or initials of the design engineer and checking engineer.

Provide the following for each drainage area (see following pages for standard form of calculations tables):

Runoff Calculations: Flow distribution and percent (%) that flows on street, over land and in gutter; tc (time of concentration-in minutes); A (drainage area); I 25; C25; Q25; I100; C100; Q

For inlet design: Clogging factor required inlet type (i.e. 10' TYPE I or I-R) as per detail; Y (depth of flow in gutter); a (gutter depression @ inlet throat); Q Cap (inlet capacity); inlet area tc; composite "C" value used; Q @ inlet.

For storm sewer design: tc's, areas, composite "C" value (if a uniform time of concentration for the system is not used); clearly show limits of construction.

Legible professional engineer's seal, signature, and date of signing.

All variances to City of Austin Drainage Criteria Manual and other policies.

The following note on all sheets: "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Lago Vista i adequacy of the work of the Design Engineer."

III.8 Street Plan

Show the following:

The street name and sheet number in the right corners.

North arrow to top and right of sheets.

Stationing south to north or west to east with street layout directly over the profile stationing.

Scale: 1"=20', or 1"=40' for very large projects and paving dimensions (face to face of curb).

Lot numbers, block numbers and frontage dimensions (dimensions required only if approved/released final plat is not included with the review plans).

Street names within respective R.O.W.

Existing or proposed easements and intersecting R.O.W.

Sidewalks and assignments as per City of Lago Vista and final plat requirements.

Centerline "TIC" marks, every 50 feet.

Drainage facilities within or intersecting R.O.W. and indicate stationing on both sides of inlets (show inlet type and label storm sewer lines, i.e. LINE "A", M.H., etc.)

Existing drainage facilities as dashed lines.

Drainage flow arrows, high and low points.

Match lines on street plan sheets for continuation of streets on other sheets.

As a minimum, a 50-foot extension of proposed streets and show proposed tie-in to existing streets.

Sheet numbers for intersecting streets, and show full intersection, provide dimensions, and give street names.

Stations equation along CL (centerline) intersections of streets.

Barricades if required.

Plan view must transpose directly above profile stationing when possible (otherwise, center the midpoint of the curve on the sheet) (limits shown on the plan view must be the same as the profile).

Labeled asphalt valley gutter or concrete valley gutter (required if % grade <1.2%) at intersections where appropriate.

Clearly show the beginning and ending of project.

Limits of gutter depression by shading and showing stationing or dimensioning.

Clearly show all PC, PT, CC, or PRC stations.

All fill areas.

Horizontal curves conforming to the most recent City of Lago Vista Street Standards.

Legible professional engineer's seal, signature, and date of signing.

III.9 Street Profile

Show the following:

Legend and scale (scale: 1"=2', or 4' Vertical, usually 1/10th of Horizontal).

Even stations on heavy vertical division lines.

Even elevation heavy vertical division lines.

Even elevation in right and left margins.

Street profile for minimum of 50 feet beyond end of project (include property lines and proposed future grade and/or existing street grade).

Existing left and right R.O.W. profiles.

Proposed top curb (TC) profiles a minimum of two line widths to stand out from other profile lines.

Proposed TC elevations (clearly identify right and left).

Identify and give elevations at all PC, PT, PRC, PCC, PVC, PVI, or DVT stations (show by circle or heavy dot).

Vertical curves with the following information: curve length, PVI stations and elevation, tangent intercept, tangents and tangent grades (show elevations every 25 feet maximum along verti-

Curb returns PC, MID PT, PT, with tangent and grade past point of return.

Elevations every 50 feet (i.e. +00 and +50) along the street profile.

Maximum curb split of 2% (30' street = 0.60', 44' street = 0.88') if applicable.

Vertical curves conforming to latest City of Lago Vista Street Standards, or AASHTO Green Book Criteria.

Submit letter of understanding for street lighting in sag curves and confirmation of availability of fixed source lighting when applicable.

III.10 Drainage Plan

(Plan view must transpose directly above profile stationing). Show the following:

Street layout and name, lot layout and numbers (where storm drainage occurs).

Drainage easements.

Storm drainage facilities. Label and give sizes [i.e.: line "A-18" RCP, channel "B"-r' FB(Flat bottom), 2-10' x G MBC, etc.]

All horizontal PI PC, PT, BEGIN and END stations and pipe and/or channel intersection equations.

All inlets, Q at inlets, Q passing inlets, and flow lines.

PI deflection angle in degrees.

North arrow to top or right of sheet and show scale (scale: 1"=50").

Any storm sewer assignments off R.O.W. or centerline.

Channel and/or pipe riprap and type of headwalls (show erosion control measures (dissipater blocks, rock riprap, etc.)

Beginning, end stations, for erosion control material used for channels (label type of material to be used, i.e. dry stacked or mortared rock, etc.)

Bottom width, side slopes, concrete trickle or pilot channel, height of channel lining if used, maximum and minimum depth of channel, Manning's "n" value used, and station to station channels scale section.

Note 100-year overflow swales over pipe system (when used) and give typical detail.

Open channels with a minimum flat bottom width of six feet.

Legible professional engineer's seal and signature.

All variances to City of Austin drainage Criteria Manual and other policies.

The following note on all sheets: "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Lago Vista is not a guarantor of the adequacy of the work of the Design Engineer."

BIII.11 Drainage Profile

Show the following:

Scales: horizontal (same as Plan, Vertical, 1/10th of horizontal scale).

Stationing proceeding from low end to high end from left to right for channels or storm sewer lines.

Existing ground profile at proposed channel locations.

Top of bank left and right, and fill areas for channels.

All stations and elevations at points of intersecting drainage lines, grade breaks, riprap, drop sections, toe of splash pads, toe of slope, beginning of slope, and beginning of riprap.

Q25, V25, HGL.25, depth (d25), Q100, V100, HGL.100, depth (d100), and Head losses (H), for each segment of channel.

Clearly show the beginning and end of construction and show stations of channels.

Flow line elevation every 50 feet maximum (i.e. +00, +50).

Elevations at inlets on storm sewer lines.

Grade of flow line (in %), and pipe sizes (label all pipes as RCP for storm sewer lines).

Q25, V25, HGL.25, depth (d25), Q100, V100, HGL.100, depth (d100), and Head losses (H), and d_f (when pipe is flowing full) for storm sewer lines.

Stations and elevations at PI, PC, PT, grade breaks, intersecting lines and beginning and end of construction for storm sewer lines.

All riprap, headwalls, etc. at pipe ends.

Full channel section at pipe ends when appropriate.

Existing and finished ground line and fill areas at pipe centerline for storm sewer lines.

BIII.12 Detention Pond

Show the following:

Include drainage area map for detention ponds in plans.

Typical cross-section of ponds.

Summary table of supportive calculations for hydrology, hydraulics, hydrographics, control outlet structures, etc.

Legible professional engineer's seal and signature.

BIII.13 Construction Detail

Use City of Lago Vista Typical Standards, or the equivalent, for any structures such as street inlet and sidewalks. Show the following:

Manhole or junction box detail.

Pipe end riprap or headwall details.

Channel lining.

Culvert box and headwall details to meet Texas Department of Transportation requirements for concrete strength and structural reinforcing.

Traffic pedestrian guard railing details (when applicable).

Other details as needed for construction.

Legible professional engineer's seal and signature.

The following note on all sheets: "All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Lago Vista is not a guarantor of the adequacy of the work of the Design Engineer."

(Ordinance 02-04-18-01 adopted 4/28/02; Ordinance 09-05-21-02, sec. 1, adopted 5/21/09)

13.20 Procedure For A Change Of Zoning Classification Of A Parcel Of Land

Who May Initiate Request to Change a Zoning Classification. A request to change the zoning classification of a parcel of land may be initiated by the owner of such parcel or his authorized agent. The City may also propose a zoning change on its own motion, without such a request.

Manner of Initiating a Zoning Change Request.

Application by Property Owner. A property owner or his authorized agent may file an application with the City Manager requesting the zoning or a change of zoning for real property. All owners shall sign the application form and become parties to the application or provide a copy to the City of their express written authority to an agent acting on their behalf in a format with all applicable state requirements. Whenever a property is owned by a corporation, a limited liability company, a partnership or any other similar entity, the person signing on behalf of the entity will provide documentation of that authority. In the case of multiple property owners, a single individual shall be designated on the application form as the source and recipient of correspondence and be responsible for communication with all other parties to the application. Such application shall be accompanied by a fee established by the Council, and shall contain the following information, unless waived in writing by the City Manager or his designee:

The legal description and address of the parcel for which the application is made (the "subject parcel").

A map showing the present zoning classification, if any, of the subject parcel and of each abutting, adjacent or contiguous parcel.

The present use of the subject parcel and of each abutting, adjacent or contiguous parcel.

The type and location of all structures on the subject parcel and on each abutting, adjacent or contiguous parcel.

The zoning requested and the proposed use of the subject parcel.

Conceptual plan, if required by ordinance.

If required by the planning and zoning commission or city council, a traffic impact analysis.

A map showing the location and line size of the nearest or proposed point of connection to, wastewater and water lines.

Certification from all applicable taxing authorities that all taxes due on the subject parcel sought to be zoned or rezoned have been paid.

Any other relevant information requested by the Commission or the Council.

Review of Zoning Change Requests by Planning and Zoning Commission. The Commission shall:

Review each application for a zoning change.

Conduct a hearing. Notice of a hearing before the Commission shall be given by notification as prescribed in Section 13.40(a)(1) and (a)(2) below. Notice of the hearing before the Commission shall be combined with the notice given for the hearing on the same matter before the Council.

Following the hearing on the requested change it shall prepare a recommendation for the Council.

Required Conformance to Master Plan. The adopted Comprehensive Plan documents the current land use policy recommendations applicable within the municipality and serves as a guide for future zoning decisions that will yield a balanced, diversified, and compatible pattern of development consistent with the vision of its citizens. While it does not establish zoning district boundaries, no zoning application deemed to be inconsistent with the Comprehensive Plan shall be considered without first successfully seeking an amendment in accordance with the provisions below, that eliminates that inconsistency.

An application for an amendment to the Comprehensive Plan shall be required prior to the approval of a zoning change application whenever the City Manager or their designee determines that the proposed change is otherwise inconsistent with the adopted Comprehensive Plan. An appeal of that determination shall comply with the procedures outlined in Section 11.50 of this chapter.

An amendment to either the text of the Comprehensive Plan or any of its various components, including but not limited to the Future Land Use Plan or Map, shall be requested using the form available from the Development Services Department and include the fee specified in Appendix A.

The procedure for an amendment to the Comprehensive Plan shall be the same as specified in this section for a zoning change, including the ability of the City to initiate a proposed amendment. The notice required by Section 13.40 when specific property is the subject of the request. However, the provisions of 13.20(e)(3) are not applicable. A successful application shall be accompanied by an amendment to the ordinance that adopted the current Comprehensive Plan. That amendment shall require the affirmative vote of at least three-fourths (3/4) of all members of the governing body for adoption.

Notwithstanding anything in this subsection 13.20(d) to the contrary, the City Council maintains full discretion to adopt a Comprehensive Plan and define the content and design of the Comprehensive Plan. A complete application for the amendment of the Comprehensive Plan shall in no way bind the City Council to amend the Comprehensive Plan. An application for an amendment shall not be considered unless one of the following is shown:

a significant and unanticipated change, such as an unexpected substantial investment or capital improvement within an area or neighborhood, deterioration or closing of an important facility, and disinvestment or deterioration of a development, neighborhood, or area;

a demonstrable error, oversight, or omission; or

a change that asserts to better achieve the vision, goals, objectives, policies, and desired outcomes expressed within the Comprehensive Plan.

An application for an amendment to the Comprehensive Plan based on significant and unanticipated change under subsection 4(A), above must show the following:

that the significant and unanticipated change to the area that includes the impacted property occurred after the adoption of the Comprehensive Plan;

the property is unlikely to be developed in accordance with the land use designation, policies, or recommendations in the current Comprehensive Plan; and

that the proposed change is the most appropriate designation for both the property and the surrounding area.

An application for an amendment to the Comprehensive Plan based on demonstrable error, oversight, or omission under subsection 4(B), above must identify specific and tangible items of inaccurate, contradictory, or inconsistent information or recommendations, rather than generalities or unsupported conclusions.

An application for an amendment to the Comprehensive Plan that asserts to better achieve the vision, goals, objectives, policies, and desired outcomes under subsection 4(C), above must show the following:

that the proposed change does not require an evaluation that is broader or more comprehensive in scope;

that the proposed change maintains or increases compatibility with existing land use patterns or designated future land uses;

that the proposed change would result in benefits, advantages or other similar favorable impacts to the adjacent property or area; and

that the property is physically capable of accommodating the proposed change (size, shape, topography, etc.).

Review of Zoning Change Request by City Council. The Council shall:

Review the Commission recommendation.

Before acting upon the zoning change, hold at least one (1) public hearing on the proposed zoning change. Notice of a hearing before the Council shall be given by publication as pre Section 13.40(a)(2) below. Separate written notice to property owners is not necessary. Notice of the hearing before the Council may be combined with the notice given for the hearing or matter before the Commission.

Take appropriate action as follows:

The Council may enact a proposed change of zoning by ordinance, if it finds that such change is in the public interest. A change of zoning may be enacted, even though such propose change does not conform to the land use map in the City's Master Plan provided that the Council's findings conform to the requirements of Section 13.20(d).

A change of zoning shall not become effective except by the affirmative vote of at least three-fourths of all members of the governing body if a written protest, signed by owners of at least twenty percent (20%) of either:

The area of lots or land covered by the proposed change;

The area of lots or land immediately abutting the area covered by the proposed change and extending two hundred feet (200') from that area, that is within the municipal limits of the City of Lago Vista.

In computing the percentage of land area described in this subsection, the area of streets, alleys, and publicly owned property within the municipal limits of the City of Lago Vista shall be included.

A change of zoning shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all members of the governing body if the Commission has recommende against enactment of a proposed zoning change.

HISTORY

Amended by Ord. 19-12-19-01 on 12/19/2019

Amended by Ord. 22-09-01-02 on 9/1/2022

Amended by Ord. 23-01-19-03 on 1/19/2023

Park-Active												v	v			
Park-passive	v	v	v	v		v	v					v	v			
Park-and-ride facilities																v
Parking lot, commercial						v	v	v	v			v	v			v
Pet boarding with outside run						SUP	SUP					v				v
Pet store-no outside run						v	v									v
Photo studio						v	v								v	v
Playground	v	v	v	v								v	v	v		
Plumbing, HVAC, roofing supply							v		v							v
Police station	v	v	v	v		v	v		v			v	v		v	v
Printing shop							v								v	v
Public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities	v	v	v	v	v	v	v	v	v	v	v	v	v	v	v	v
Quarry, Mining, Rock Crushing																v
Radio, TV, VCR sales/service						v	v								v	v
Radio, TV studio						v	v								v	v
Realty office						v	v							v	v	v
Realty office-temporary ⁷	v	v	v			v	v							v	v	v
Recreation facility, commercial						v	v	v		SUP	v			v	v	v
Recreational Vehicle Park			SUP	SUP				v					v	v		v
Restaurant						v	v		v					v	v	v
Retail store-general						v	v								v	v
School-public/private	v	v	v	v		v	v				v				v	
School-business/commercial						v	v		v						v	
Service station						v	v								v	v
Sexually-oriented business ⁵							SUP									
Short Term Occupancy	v4	v4	v											v		
Sign Shop						v	v								v	v
Specialty and novelty establishments						v	v								v	v
Storage & sale of autos, trailers, farm implements & equipment, & similar equipment on open lot							v									v
Studio-artist						v	v		v						v	
Studio-dance						v	v								v	
Studio-health						v	v								v	
Studio-music						v	v								v	
Substation-public utility	v	v	v	v		v	v		v			v	v			v
Swimming pool-private	v	v	v	v		v	v						v			v
Swimming pool-public							v					v	v			
Tattoo Parlor or Studio						SUP	v	v								v
Tailor & dressmaking shop						v	v								v	v
Telephone exchange	v	v	v	v		v	v		v	v	v	v				
Theater-indoor							v								v	v
Tinsmith & sheet metal							v		v							v
Townhouse			v											v		
Trailer, truck, bus sales							v									v
Upholstery shop						v	v		v						v	v
Veterinary hospital, no outside run						v	v									v
Vocational and Private School						v	v							v	v	v
Warehouse							v		v							v
Watercraft rental								v						v		
Water tank-surface, subsurface, public	v	v	v	v		v	v	v	v	v	v	v				v
Wildlife sanctuaries													v			v
Wireless Communications Systems, Radio, television and microwave antennae and towers ⁶						v	v		v	v	v				v	v
Wholesale distribution							v		v						v	v

V is allowed provided it is for the primary use of tenants, customers or persons associated with a primary use.

1 For permitted uses in P-1A, P-1B, P-1C and P-2, see Section 4.70.

2 All uses must be in accordance with the City Council approved CR Master Plan.

3 Permitted only in accordance with Section 16, Home Occupations.

4 Permitted only in accordance with Section 23, Short-Term Occupancy.

5 Permitted only in accordance with Section 8.20, Sexually Oriented Businesses.

6 Some require SUP's. See Section 18.

7 For additional standards, see C-A district.

8 Also see permitted uses in other zoning districts where single-family or two-family residences are allowed.

9 Clubhouse and country club facilities including associated alcoholic beverage service, parking lots, restaurants, swimming pools, tennis courts, and pickleball courts.

SUP. Permitted by special use permit only.

(Ordinance 12-12-06-01, ex. 2, adopted 12/6/12)

HISTORY

Amended by Ord. 18-12-06-03 on 12/6/2018

Amended by Ord. 19-08-01-04 on 8/1/2019

Amended by Ord. 22-10-11-03 on 10/11/2022

Amended by Ord. 23-09-07-04 on 9/7/2023

Amended by Ord. 23-11-02-01 on 11/2/2023