

ORDINANCE NO. 24-06-06-03

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 3.123 OF CHAPTER 3, AND SECTIONS 2.10, 5.30, AND 5.40 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO CLARIFY REGULATIONS AND EXEMPTIONS RELATED TO MINIMUM SETBACK REQUIREMENTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established regulations and exemptions related to minimum setback requirements within both Chapter 3 and Chapter 14 of the Code of Ordinances, and

WHEREAS, both the staff and members of the Building and Standards Commission and the Planning and Zoning Commission of the City of Lago Vista had become aware that the provisions relating to setback requirements and exemptions from setback requirements within Chapter 3 were not consistent with the provisions within Chapter 14; and

WHEREAS, the Building and Standards Commission has undertaken a review of existing regulations in Chapter 3 of the Code of Ordinances for consistency with provisions of Chapter 14 along with an evaluation of potential organizational improvements that continued after it was initiated beginning with their meeting on March 2, 2022 and ending with their meeting on January 10, 2024; and

WHEREAS, during the course of that effort a joint subcommittee including members of both the Building and Standards Commission and the Planning and Zoning Commission was formed to facilitate the collaboration necessary to forward recommended amendments to both Chapter 3 and Chapter 14 that would result in consistent requirements with the desired outcomes; and

WHEREAS, following the receipt of that information from the joint subcommittee, the Planning and Zoning Commission has undertaken a review of existing regulations related to setback requirements and exemption from setback requirements within Chapter 14 following a public hearing at their regular meeting on May 9, 2024; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the requirements contained in Chapter 3 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the requirements contained in Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council following a public hearing to consider this ordinance amendment held on June 6, 2024, reviewed the recommendation, and found the changes to be warranted.

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas does hereby amend Chapter 3 and Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit “A,”** and **Exhibit “B.”**

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.013 of the *Texas Local Government Code*.

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

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 6th day of June 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"

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.100 BUILDING CODES AND CONSTRUCTION

Sec 3.123 Minimum Standards For All Single-Family And Two-Family Residential Buildings

- (a) Every building, structure, or part thereof erected or altered, or used for residential use in the city containing one or more dwelling units shall conform to the provisions of this article and Chapter 14, the Lago Vista Zoning Ordinance.
- (1) Setbacks. Setbacks are zoning regulations established in Chapter 14. Those provisions include language that establishes the types of structures that are subject to minimum setback requirements. See Sections 2.10, 5.30, 5.40, 22, and Table A of Chapter 14.
- (2) Construction within Easements. Construction over easements is generally not allowed. The City Manager or their designee may however approve encroachments into an easement. Nonetheless, it shall be fully understood and agreed that any construction improvements within dedicated utility or drainage easements may have to be removed at the owner's expense should the use of such easements be required by the entity benefiting from the easement or be required to provide adequate drainage or easements in other appropriate locations.

EXHIBIT "B"

CHAPTER 14

ZONING

2.10 Definitions

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

SETBACK: The minimum required horizontal distance between the property line and the corresponding wall or any projection of a building or structure, excluding improvements such as uncovered steps, uncovered balconies, uncovered porches, walkways, and roof overhangs or as otherwise explicitly described within this chapter only.

5.30 Building Setback Distances

- (a) No principal building or structure shall have any front, side, or rear setback distance less than that required by Table A, Table of Development Standards.
- (b) Unroofed steps, balconies, porches, roof overhangs, and ramps shall not be considered as part of the principal building or structure when measuring the setback distance of such building or structure. Also see specific exemptions as described and limited in Section 5.40(f) below.

5.40 Yards

Yards are the required minimum open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein or the building code.

- (a) **Front Yards.** Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.
- (b) **Rear Yards.** Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.
- (c) **Side Yards.** Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line, parallel to the adjacent property line. As Table A includes both a minimum side yard setback and a cumulative minimum side yard setback, the side yard building lines cannot be considered absolute. The cumulative minimum side yard requirement is based on the sum of the two smallest side yards, regardless of the number of property lines that are not geometrically continuous that might define those side yards.

- (d) Through lots/double fronted lots. Lots abutting a street in both the front and rear. In the case of through lots abutting on more than one street, the full width of the front yard shall be provided at each street. Except for double frontage lots that include a landscaped pedestrian path and screening wall as part of the public improvements integral to the development, the rear yard shall meet all other front yard requirements or restrictions, including those related to fences in Section 22 below.
- (e) All garage openings shall have yards of at least 20 feet (a 20-foot setback), measured perpendicular to the nearest property line at a right-of-way and notwithstanding a lesser requirement otherwise specified in Table A below.
- (f) The following structures are exempt from the setback requirement in accordance with the specific conditions and limitations described:
 - (1) Uncovered wood decks are permitted within required rear yard setbacks when the maximum height above adjacent grade is less than thirty inches;
 - (2) Retaining walls are allowed within any required setback when at least one side of the wall includes backfill that is within six inches of the top of the wall;
 - (3) Air conditioning equipment and above-ground propane tanks will be allowed in a side yard setback, so long as they do not preclude or inhibit access to the rear of the property for emergency services;
 - (4) Accessory buildings within residential zoning districts that are 120 square feet or less in area as specifically provided for in Section 6.10(b)(2) of Chapter 14 below;
 - (5) Fences in accordance with Section 22 of Chapter 14 below; and
 - (6) Fountains, free-standing trellises, flag poles, basketball goals, and other similar structures.

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- (a) Every building, structure, or part thereof erected or altered, or used for residential use in the city containing one or more dwelling units shall conform to the provisions of this article and Chapter 14, the Lago Vista Zoning Ordinance.

- (1) ~~Exceptions Setbacks. The following structures may be located within the front yard setback and in the side yard setbacks for corner lots:~~ Setbacks are zoning regulations established in Chapter 14. Those provisions include language that establishes the types of structures that are subject to minimum setback requirements. See Sections 2.10, 5.30, 5.40, 22, and Table A of Chapter 14.

~~(A)—Driveways, parking aprons and required culverts;~~

~~(B)—Mailbox structures;~~

~~(C)—Walkways and reasonable landscaping structures;~~

~~(D)—Retaining walls;~~

~~(E)—Driveway and walkway marking pillars and lightning supports;~~

~~(F)—Screened or buried solid waste container (multifamily only);~~

~~(G)—Buried septic system.~~

- (2) ~~Exceptions Construction within Easements. The following structures may be located within side yard setbacks:~~ Construction over easements is generally not allowed. The City Manager or their designee may however approve encroachments into an easement. Nonetheless, it shall be fully understood and agreed that any construction improvements within dedicated utility or drainage easements may have to be removed at the owner's expense should the use of such easements be required by the entity benefiting from the easement or be required to provide adequate drainage or easements in other appropriate locations.

~~(A)—Walkways, golf cart paths, and reasonable landscaping structures;~~

~~(B)—Retaining walls;~~

~~(C) — Buried septic systems.~~

~~(3) — Exceptions. The following structures may be located within rear yard setbacks:~~

~~(A) — Retaining walls, providing ample provision is allowed for drainage structures should such be required;~~

~~(B) — Drainage structures;~~

~~(C) — Fences;~~

~~(D) — Air conditioning compressors, heat pumps and similar equipment and required screening;~~

~~(E) — Screened solid waste containers;~~

~~(F) — Boat docks;~~

~~(G) — Decks and patios of wood or concrete are allowed, if they are not covered; and~~

~~(H) — Swimming pools.~~

~~(4) — Construction Over Easements. Construction over easements is generally not allowed. The city manager or his designee may permit this. However, it shall be fully understood and agreed that construction of any type over dedicated utility or drainage easements may have to be removed at the owner's expense should the use of such easements be required by the entity benefiting from the easement or be required to provide adequate drainage or easements elsewhere.~~

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5.30 Building Setback Distances

- (a) No principal building **or structure** shall have any front, side, or rear setback distance less than that required by Table A, Table of Development Standards.
- (b) Unroofed steps, balconies, porches, roof overhangs ~~in accordance with the building code~~, and ramps shall not be considered as part of the principal building **or structure** when measuring the setback distance of such building **or structure**. **Also see specific exemptions as described and limited in Section 5.40(f) below.**

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Yards are the required minimum open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein or the building code.

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