

ORDINANCE NO. 23-04-06-01

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 1.12, SECTION 2.15, AND SECTION 4.21 OF CHAPTER 10 OF THE LAGO VISTA CODE OF ORDINANCES TO AMEND THE MAXIMUM NUMBER OF LOTS THAT CAN BE INCLUDED IN A PRELIMINARY SUBDIVISION PLAT WITHOUT PRIOR APPROVAL OF A CONCEPT PLAN, AND TO CLARIFY WHAT DIVISIONS OF PROPERTY ARE CONSIDERED LOTS FOR THE PURPOSE OF THAT REQUIREMENT.

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 requirements and procedures relating to the approval of subdivision plats within Chapter 10 of the Code of Ordinances; and

WHEREAS, the City Council, staff, and members of the Planning and Zoning Commission had become aware of potential ambiguity regarding the divisions of property within a proposed subdivision plat that are considered lots subject to minimum area and dimension requirements or that would mandate prior approval of a subdivision concept plan; and

WHEREAS, the City Council also requested that the Planning and Zoning consider reducing the number of lots that would mandate prior approval of a subdivision concept plan; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and subsequently conducted a public hearing concerning those regulations at their regular meeting of March 9, 2023; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend those requirements contained Section 1.12, Section 2.15, and Section 4.21 of Chapter 10 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on April 6, 2023, reviewed the recommendation, and found the changes to be warranted; and

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

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

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

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend various sections of Chapter 10 of the Lago Vista Code of Ordinances as shown in **Exhibit "A."**

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

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

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 6th day of April 2023.



Ed Tidwell, Mayor

ATTEST:





Lucy Aldrich, City Secretary

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

EXHIBIT "A"

CHAPTER 10

SUBDIVISION REGULATION

1.12 Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with customary usage in municipal planning and engineering practices.

Extraterritorial jurisdiction (ETJ): That territory outside the corporate limits of the City which is within the jurisdiction of the City by virtue of the Municipal Annexation Act, Chapter 42, Texas Local Government Code or which is subject to the City's authority due to an agreement with another municipality.

Flag Lot: An existing or proposed division of property that abuts a street only by means of a strip of land that does not comply with the requirements of this chapter or the zoning ordinance for minimum lot width. For one-or two-family residential development, a flag lot shall also include any lot that does not allow the width of the principal structure to be visible and oriented approximately parallel to the street frontage.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Living unit equivalent (LUE): An LUE is the typical water or wastewater flow that would be produced by a single family. For nonresidential uses, flows based on design data should be calculated and converted to LUEs.

Lot:

- (a) A division of real property with a unique designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the office of the Travis County Clerk (also see Sections 2.15 and 4.21 below); or
- (b) A division of real property established by a provision of the Lago Vista zoning ordinance, subdivision regulations, or applicable state statutes.

Lot area: The total area within the boundaries of the lot excluding any street rights-of-way.

Lot, corner: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

2.15 Concept Plan

- (a) **Purpose.** The purpose of the Concept Plan (Plan) is to demonstrate conformance with the Comprehensive Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted divisions of property, sections, or phases of a development, prior to the consideration of a Preliminary Plat.
- (1) A Plan shall be required for all subdivisions of land that propose ten (10) or more lots, except for subdivisions eligible for approval as an Amending Plat, and any property designated as a Planned Development District (PDD) on the official Lago Vista zoning map. For the purposes of determining whether a concept plan is required, the divisions of property to be included in the total number of lots, regardless of the designation used on the plat, shall be limited to those that allow residential and commercial buildings or structures, and shall not include divisions of property on which commercial and residential structures are precluded by language on the proposed plat or by applicable regulations. For example, private drives or streets and common lots preserved as open space shall not be included in the total regardless of how they might be designated on a proposed plat.
- (2) It shall not be necessary to submit a Plan on any land more than once, unless the concept changes, or approval of the Plan has expired, as set forth in subsection 2.15(i) below.

4.21 Lots

- (a) **Area Requirements.** Within the corporate limits of the City the required lot area, width, setback line, side yard and rear yard requirements shall conform to the zoning ordinance based on the zoning of the property. However, divisions of property on which commercial and residential structures are precluded by language on the proposed plat are exempt from such requirements regardless of the existing zoning district. The minimum lot size in the City's extraterritorial jurisdiction shall be dependent upon the availability of Central Sewage Disposal System service. Lots in the extraterritorial jurisdiction that are to be served by the central sewage system shall have a minimum of nine thousand six hundred (9,600) square feet. Lots to be served by septic systems shall have a minimum of one acre and conform to the Lower Colorado River Authority regulations based on soil classification and tests.

- (g) Absent a subdivision variance approved in advance by the Planning and Zoning Commission, flag lots shall be prohibited from being included on a proposed plat for use as a building site.

CHAPTER 10

SUBDIVISION REGULATION

1.12 Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with customary usage in municipal planning and engineering practices.

Extraterritorial jurisdiction (ETJ): That territory outside the corporate limits of the City which is within the jurisdiction of the City by virtue of the Municipal Annexation Act, Chapter 42, Texas Local Government Code or which is subject to the City's authority due to an agreement with another municipality.

Flag Lot: An existing or proposed division of property that abuts a street only by means of a strip of land that does not comply with the requirements of this chapter or the zoning ordinance for minimum lot width. For one-or two-family residential development, a flag lot shall also include any lot that does not allow the width of the principal structure to be visible and oriented approximately parallel to the street frontage.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Living unit equivalent (LUE): An LUE is the typical water or wastewater flow that would be produced by a single family. For nonresidential uses, flows based on design data should be calculated and converted to LUEs.

Lot: ~~Either:~~

- (a) A ~~parcel~~ division of real property ~~shown as a distinct and separate parcel~~ with a unique designation ~~shown~~ on a plat, record of survey, parcel map, or subdivision map recorded in the office of the Travis County Clerk (also see Sections 2.15 and 4.21 below); or
- (b) A ~~parcel~~ division of real property ~~exempted from the requirement to plat under~~ established by a provision of the Lago Vista zoning ~~or~~ ordinance, subdivision regulations, or applicable state statutes.

Lot area: The total area within the ~~lot lines~~ boundaries of the lot excluding any street rights-of-way.

Lot, corner: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

2.15 Concept Plan

- (a) Purpose. The purpose of the Concept Plan (Plan) is to demonstrate conformance with the Comprehensive Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted ~~parcels~~ divisions of property, sections, or phases of a development, prior to the consideration of a Preliminary Plat.
- (1) A Plan shall be required for all subdivisions of land that propose ~~to subdivide the land into at least twenty (20)~~ ten (10) or more lots, except for subdivisions eligible for ~~the approval as an Minor Plats procedure or the Amending Plats procedure Plat, Lot Consolidations, subdivisions that do not require Construction Plans,~~ and any property zoned designated as a Planned Development District (PDD) on the official Lago Vista zoning map. For the purposes of determining whether a concept plan is required, the divisions of property to be included in the total number of lots, regardless of the designation used on the plat, shall be limited to those that allow residential and commercial buildings or structures, and shall not include divisions of property on which commercial and residential structures are precluded by language on the proposed plat or by applicable regulations. For example, private drives or streets and common lots preserved as open space shall not be included in the total regardless of how they might be designated on a proposed plat.
- (2) It shall not be necessary to submit a Plan on any land more than once, unless the concept changes, or approval of the Plan has expired, as set forth in subsection 2.15(i) below.

4.21 Lots

- (a) Area Requirements. Within the corporate limits of the City the required lot area, width, setback line, side yard and rear yard requirements shall conform to the zoning ordinance based on the zoning of the property. ~~However, divisions of property on which commercial and residential structures are precluded by language on the proposed plat are exempt from such requirements regardless of the existing zoning district.~~ The minimum lot size in the City's extraterritorial jurisdiction shall be dependent upon the availability of Central Sewage Disposal System service. Lots in the extraterritorial jurisdiction that are to be served by the central sewage system shall have a minimum of nine thousand six hundred (9,600) square feet. Lots to be served by septic systems shall have a minimum of one acre and conform to the Lower Colorado River Authority regulations based on soil classification and tests.

- (g) ~~Absent a subdivision variance approved in advance by the Planning and Zoning Commission, Flag flag lots shall be prohibited from being created included on a proposed plat for use as a building site, a subdivision variance can be filed as needed.~~
