

ORDINANCE NO. 22-07-07-04

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, TO AMEND VARIOUS CHAPTERS OF THE LAGO VISTA CODE OF ORDINANCES TO CREATE ACCESS MANAGEMENT REGULATIONS AND TO INCORPORATE BY REFERENCE THE TECHNICAL CONSTRUCTION STANDARD SPECIFICATIONS MANUAL ADOPTED BY ORDINANCE NO 19-02-21-02; 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 restrictions on the width of driveways used to access private property from a public right-of-way in the Technical Construction Standard Specifications Manual adopted by Ordinance No. 19-02-21-02, but never incorporated by reference in the Lago Vista Code of Ordinances; and

WHEREAS, those standards were restrictive enough to ensure safety as necessary in the high traffic volume areas and unusual intersections of our city, it created the need for an inordinate number of driveway variances and provided virtually no design guidance for commercial development; and

WHEREAS, the Building and Standards Commission that was burdened with that large volume of driveway variance requests, has undertaken an extensive review of the existing regulations and current best practices in other similar jurisdictions; and

WHEREAS, that extensive review by the Building and Standards Commission led the members to conclude that the Technical Construction Standard Specifications Manual was not properly incorporated by reference in the Lago Vista Code of Ordinances and that a new more comprehensive and predictable set of regulations that addressed both residential and commercial and distinguished high and low traffic locations was desirable; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has forwarded a recommendation to the City Council to create a new chapter dedicated solely to right-of-way access management and to amend Section 3.103 of Chapter 3 of the Lago Vista Code of Ordinances to reference these new regulations and to incorporate by reference the existing Technical Construction Standard Specifications Manual as amended; and

WHEREAS, the Development Services Department staff has forwarded a recommendation to the City Council that the most efficient and appropriate method of creating a chapter dedicated solely to right-of-way access management was to relocate the two existing articles related to taxation from Chapter 11 to the end of Chapter 4; and

WHEREAS, the Planning and Zoning Commission, following their public hearing at their regular meeting on March 10, 2022 has forwarded a recommendation to the City Council to amend Section 6.10 of Chapter 10, amend Section 10.5.103 of Chapter 10.5 and to add Section 15.50 of Chapter 14 of the Lago Vista Code of Ordinances to reference these new right-of-way access management regulations and to incorporate by reference the existing Technical Construction Standard Specifications Manual as amended; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on July 7, 2022, reviewed the recommendations, 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. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

Section 2. Amendment. The City Council of the City of Lago Vista, Texas, does hereby amend Section 3.103 of Chapter 3 of the Lago Vista Code of Ordinances as shown in Exhibit “A”, add Article 4.12 and 4.13 of Chapter 4 of the Lago Vista Code of Ordinances now named “Business Regulations and Taxation” as shown in Exhibit “B”, amend Section 6.10 of Chapter 10 of the Lago Vista Code of Ordinances as shown in Exhibit “C”, amend Section 10.5.103 of Chapter 10.5 of the Lago Vista Code of Ordinances as shown in Exhibit “D”, repeal Article 11.100 and 11.200 and add Section 1 through Section 10 of Chapter 11 of the Lago Vista Code of Ordinances now named “Right-of-Way Access Management” as shown in Exhibit “E”, and add Section 15.50 of Chapter 14 of the Lago Vista Code of Ordinances as shown in Exhibit “F”.

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. 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. 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 6. Publication and Codification. The City Secretary is hereby directed to publish the caption of this ordinance, including the penalty, in accordance with City Charter Section 3.17 and record the attached regulation in the City's Code of Ordinances as authorized in Section 52.001 of the *Texas Local Government Code*.

Section 7. 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 8. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 7th day of July 2022.

Ed Tidwell
Ed Tidwell, Mayor



ATTEST:

Starr Lockwood
Starr Lockwood, Assistant City Secretary

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

CHAPTER 3

BUILDING REGULATIONS

Sec 3.103 Scope and Conflict

- (a) Scope. The provisions of this article shall apply to the erection, construction, enlargement, alteration, major repair, residing, moving, improving, converting, using, or occupying any building or structure in the city. This article also provides requirements for site preparation, blasting, surface water control and other related construction matters. This article recognizes, adopts, and may provide for all applicable building codes.
- (b) Conflict Other Requirements. ~~Where, in any specific case, this article is in conflict with the codes adopted by reference, such as the International Building Code, this article will govern, except as required by state law. Conflicts between this article and other ordinances shall be interpreted so that the more restrictive requirement shall prevail, and if the standards or procedures in this article are different from any other ordinance, the conflict shall be resolved by the city manager or his designee.~~ Additional and related local ordinance requirements include, but are not limited to, the provisions within Chapter 10, Chapter 10.5, Chapter 11, Chapter 13, Chapter 14, and the Technical 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 force and effect as if set forth in full herein.
- (c) Conflict. Where, in any specific case, this article conflicts with the codes adopted by reference, such as the International Building Code, this article will govern, except as required by state law. Conflicts between this article and other ordinances of the City of Lago Vista shall be interpreted so that the more restrictive requirement shall prevail, and if the standards or procedures in this article are different from any other ordinance, the conflict shall be resolved by the City Manager or their designee.

CHAPTER 4

BUSINESS REGULATIONS AND TAXATION

ARTICLE 4.1200 HOMESTEAD EXEMPTION

The City Council of the City of Lago Vista, Texas hereby provides for pursuant to the Texas Constitution, Article VIII, Sec. 1-b, a residence homestead exemption (e); whereby the governing body of the City of

Lago Vista, Texas exempts from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone whereby the percentage may not exceed thirty (30%) for the year 1987.

ARTICLE 4.1300 HOTEL OCCUPANCY TAX

Sec 4.1301 Levied

There is hereby levied a tax upon the cost of occupancy of sleeping rooms in hotels, located within the City or within the City's extraterritorial jurisdiction ("ETJ"), for which the occupancy cost is two dollars (\$2.00) or more per day. Such occupancy tax shall be six percent (6%) of the consideration paid for such sleeping room.

Sec 4.1302 Collection

Every person owning, operating, managing or controlling any hotel within the city or its ETJ ("person") shall collect the tax imposed and provided in this article.

Sec 4.1303 Tax Due Date

On or before the last day of the month following each calendar quarter, every person required to collect the tax imposed herein shall file a report with the city secretary showing the consideration paid for all sleeping rooms in the preceding quarter and the amount of tax collected on such occupancies. Such person shall pay the tax due to the City at the time of filing such report.

Sec 4.1304 Deposits and Uses

All hotel occupancy taxes paid to and received by the city shall be deposited in a separate account entitled the hotel motel occupancy account ("account"). The funds and balances of the hotel motel occupancy account shall be managed and invested in compliance with the City's investment policy and all earnings of such account shall be deposited in and remain in such account. Subject to the direction of this and future city councils, the funds in the account shall be reserved, held, increased or dispersed for any purpose allowed by Chapter 351, Subchapter B, Texas Tax Code, as amended from time to time.

Sec 4.1305 Tourism

Subject to the annual budget which may be adopted by the City Council, the City Council may at its sole discretion appropriate all or any portion of the funds contained in the account for the advertisement of the City and promotion of tourism within the City. Any or all portions of such funds may be paid to the Lago Vista Chamber of Commerce to fund and pay the costs, expenses and fees for services of the Chamber of Commerce in advertising the City and promoting tourism pursuant to an agreement to be entered into between the City and the Chamber of Commerce. The City Council may at its sole discretion through the annual budget provide funds from the account for any other community event, agency and/or organization it deems appropriate as provided in an agreement so long as the funds which are provided for the event, agency and/or organization are used for the advertisement or promotion of tourism as allowed under the laws of the state.

Sec 4.1306 Violation

Any person who shall fail to file a report as required herein or who shall fail to pay the tax as imposed herein when said report or payment is due, shall forfeit five percent (5%) of the amount due as a penalty.

In the event any such past due tax is not paid within thirty (30) days after the due date, the person shall forfeit an additional five percent (5%) of such tax. Delinquent taxes shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date such taxes were due and payable.

Sec 4.1307 Penalty

In addition to the penalty stated in Section 11.206 above, any person required by this article to collect the tax imposed herein, or to make reports as required herein, who fails to collect such tax, file such report, or pay such tax, or who shall file a false report, shall be deemed guilty of a misdemeanor, for each day such failure occurs, and upon conviction shall be punished by a fine in accordance with Section 1.109 of this Code for each offense.

CHAPTER 10

SUBDIVISION REGULATION

EXHIBIT A PLAT AND SUBDIVISION REGULATIONS

Section 6 Miscellaneous

Sec 6.10 Conflict

If any provision of this Chapter is in conflict with any other provision in this Chapter or any other provision in the code of ordinances, the most strict or restrictive provision shall apply. If a provision in this Chapter is not more restrictive but is different from any provision in this chapter or the code of ordinances, the administrator shall determine what provision should be followed. Additional and related local ordinance requirements include, but are not limited to, the provisions within Chapter 3, Chapter 10.5, Chapter 11, Chapter 13, Chapter 14, and the Technical 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 force and effect as if set forth in full herein.

CHAPTER 10.5

SITE DEVELOPMENT

ARTICLE 10.5.100 SITE DEVELOPMENT PLAN

Sec 10.5.103 Purpose and Applicability

- (a) Purpose. The site development plan provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.
- (b) 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 the City of Lago 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 part of a subdivision. Subdivisions within the C-4 zoning classification shall be subject to the water quality and detention requirements of this article. Water duality and detention requirements shall not apply to property in 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 subdivision may, 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 properties will 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.
- (c) 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, and the Technical 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 force and effect as if set forth in full herein.

CHAPTER 11

TAXATION RIGHT-OF-WAY ACCESS AND MANAGEMENT

ARTICLE 11.100 HOMESTEAD EXEMPTION

State law reference Residence homestead tax exemptions, V.T.C.A., Tax Code, Sec. 11.13.

~~The city council of the City of Lago Vista, Texas hereby provides for pursuant to the Texas Constitution, Article VIII, Sec. 1 b, a residence homestead exemption (e); whereby the governing body of the City of Lago Vista, Texas exempts from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone whereby the percentage may not exceed thirty (30%) for the year 1987.~~

~~(Ordinance 87-08-21-02 adopted 8/27/87)~~

ARTICLE 11.200 HOTEL OCCUPANCY TAX

State law reference Authority of municipality to impose hotel occupancy tax, V.T.C.A., Tax Code, chapter 351.

See 11.201 Levied

~~There is hereby levied a tax upon the cost of occupancy of sleeping rooms in hotels, located within the city or within the city's extraterritorial jurisdiction ("ETJ"), for which the occupancy cost is two dollars (\$2.00) or more per day. Such occupancy tax shall be six percent (6%) of the consideration paid for such sleeping room.~~

~~(Ordinance 06-08-03-01, sec. 1, adopted 8/3/06)~~

See 11.202 Collection

~~Every person owning, operating, managing or controlling any hotel within the city or its ETJ ("person") shall collect the tax imposed and provided in this article.~~

~~(Ordinance 06-08-03-01, sec. 2, adopted 8/3/06)~~

See 11.203 Tax Due Date

~~On or before the last day of the month following each calendar quarter, every person required to collect the tax imposed herein shall file a report with the city secretary showing the consideration paid for all sleeping rooms in the preceding quarter and the amount of tax collected on such occupancies. Such person shall pay the tax due to the city at the time of filing such report.~~

~~(Ordinance 06-08-03-01, sec. 3, adopted 8/3/06)~~

See 11.204 Deposits and Uses

All hotel occupancy taxes paid to and received by the city shall be deposited in a separate account entitled the hotel motel occupancy account ("account"). The funds and balances of the hotel motel occupancy account shall be managed and invested in compliance with the city's investment policy and all earnings of such account shall be deposited in and remain in such account. Subject to the direction of this and future city councils, the funds in the account shall be reserved, held, increased or dispersed for any purpose allowed by Chapter 351, Subchapter B, Texas Tax Code, as amended from time to time.

(Ordinance 06-08-03-01, sec. 4, adopted 8/3/06)

See 11.205 Tourism

Subject to the annual budget which may be adopted by the city council, the city council may at its sole discretion appropriate all or any portion of the funds contained in the account for the advertisement of the city and promotion of tourism within the city. Any or all portions of such funds may be paid to the Lago Vista Chamber of Commerce to fund and pay the costs, expenses and fees for services of the Chamber of Commerce in advertising the city and promoting tourism pursuant to an agreement to be entered into between the city and the Chamber of Commerce. The city council may at its sole discretion through the annual budget provide funds from the account for any other community event, agency and/or organization it deems appropriate as provided in an agreement so long as the funds which are provided for the event, agency and/or organization are used for the advertisement or promotion of tourism as allowed under the laws of the state.

(Ordinance 06-08-03-01, sec. 5, adopted 8/3/06)

See 11.206 Violation

Any person who shall fail to file a report as required herein or who shall fail to pay the tax as imposed herein when said report or payment is due, shall forfeit five percent (5%) of the amount due as a penalty. In the event any such past due tax is not paid within thirty (30) days after the due date, the person shall forfeit an additional five percent (5%) of such tax. Delinquent taxes shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date such taxes were due and payable.

(Ordinance 06-08-03-01, sec. 6, adopted 8/3/06)

See 11.207 Penalty

In addition to the penalty stated in Section 11.206 above, any person required by this article to collect the tax imposed herein, or to make reports as required herein, who fails to collect such tax, file such report, or pay such tax, or who shall file a false report, shall be deemed guilty of a misdemeanor, for each day such failure occurs, and upon conviction shall be punished by a fine in accordance with Section 1.109 of this Code for each offense.

(Ordinance 06-08-03-01, sec. 7, adopted 8/3/06)

Sec 1. Purpose and intent.

The purpose and intent of this chapter is to provide minimum standards, provisions and requirements for safe and convenient access to abutting private property along city streets; and to provide for suitable geometric layout, and methods of construction for driveway approaches and appurtenances on public

property that are placed, eliminated or changed in use. The intent of this article is to assure that access is provided to abutting private property with a minimum of interference with the free and safe movement of vehicular entry to or exit from abutting private property.

Sec 2. Administration and Enforcement.

- (a) The provisions of this article shall be administered and enforced by the City Manager and his/her designee or designees. The City Engineer may authorize or require changes in the number, location and design of accesses and approaches addressed in this chapter, where such changes are necessary for protection and/or movement of vehicular or pedestrian traffic.
- (b) Access to TxDOT roads shall be approved by TxDOT according to TxDOT procedures and standards.

Sec 3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceleration lane means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

ADT means average daily traffic volume. It represents the total two-way traffic on a roadway for some period less than a year, divided by the total number of days it represents, and includes both weekday and weekend traffic. Usually, ADT is adjusted for day of the week, seasonal variations, and/or vehicle classification.

Auxiliary lane means a lane striped for use as an acceleration lane, or deceleration lane, right-turn lane, or left-turn lane, but not for through traffic use.

Connection spacing means the distance between connections, which is measured along the edge of the traveled way from the closest edge of pavement of the first access connection to the closest edge of pavement of the second access connection.

Capacity means the number of vehicles that can traverse a point or section of a lane or roadway during a set time period under prevailing roadway, traffic, and control conditions.

City Engineer means the duly authorized person in charge of engineering for the City, or his designated representative.

Commercial means any use that is not residential or industrial.

Corner clearance means the distance along the edge of the traveled way from the closest edge of pavement of the intersecting roadway to the closest edge of pavement of the nearest access connection.

Corner lot means a lot located at the intersection of two roadways that has frontage on each roadway.

Deceleration lane means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is exiting a roadway to leave the travel lanes and slow to a safe exit.

Directional median opening means an opening in a non-traversable median that accommodates specific movements, such as U-turn movements and/or left-turn movements from the highway, and physically restricts other movements.

Divided highway means a highway with a median designed to separate traffic moving in opposite directions.

Drive opening means the measurement of the driveway at its common boundary with the public roadway.

Driveway approach/ramp/apron means an accessway constructed between the public roadway and the property line. If a property has multiple accessways to a roadway that are connected into one driveway, each accessway shall be considered a separate driveway.

Driveway throat width means the narrowest width of the driveway measured parallel with the edge of the public roadway.

Field drive means a limited use driveway for the occasional/infrequent use by farm or ranch equipment used for the purpose of cultivating, planting, and harvesting or maintenance of agricultural land, or by equipment used for ancillary mineral production.

Frontage means any portion of the lot abutting a public roadway, to include corner lots and double frontage lots.

Frontage road means a street or road along an arterial highway allowing control of access and service to adjacent areas and property. A frontage road may also be referred to as a service road.

Full median opening means in a non-traversable median, an opening that allows all turning movements from the highway and the adjacent connection, as well as crossing movements.

Functional area (intersection) means the area of an intersection necessary to provide all required storage lengths for separate turn lanes and for through traffic plus any maneuvering distance for separate turn lanes. The functional boundary of an intersection includes more than just the physical area of the intersection.

Intersection means any at-grade connection with a roadway, including two roads or a driveway and a road.

Industrial means any use permitted in the light or heavy industrial zoning districts except commercial and residential uses.

Level of service (LOS) means a measure of traffic flow and congestion. As defined in the Texas Department of Transportation's Highway Capacity Manual, it is a qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Median means the portion of a divided highway separating the opposing traffic flows. A median may be traversable or non-traversable.

Median, non-traversable means a physical barrier in a roadway or driveway that separates vehicular traffic traveling in opposite directions. Non-traversable medians include physical barriers (such as a concrete barrier, a raised concrete curb and/or island, and a grass or a swale median) that prohibit movement of traffic across the median.

Median opening spacing means the allowable spacing between openings in a non-traversable median to allow for crossing the opposing traffic lanes in order to access property or for crossing the median to travel in the opposite direction (U-turn). The distance is measured from centerline to centerline of the openings along the traveled way.

Median, traversable: means a median that by its design does not physically discourage vehicles from entering or crossing over it. This may include painted medians.

Multifamily means any building containing three or more dwelling units.

Public roadway means that portion of the street right-of-way utilized for public travel, to include the pavement located between curbs, the pavement in cases where curbs do not exist and the driving surface in cases where curbs and/or pavement do not exist.

Residential means a single-family residence or duplex, to include any mobile home, townhouse, or zero lot line home.

Right-of-way means a general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Shared access means a single connection serving two or more adjoining lots or parcels.

Sight distance means the distance visible to the driver of a passenger vehicle measured along the normal travel path of a roadway from a designated location and to a specified height above the roadway when the view is unobstructed by traffic.

Signal means a traffic control signal.

Stopping sight distance (SSD) means the distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the roadway becomes visible. It includes the distance traveled during driver perception-reaction time and the vehicle braking distance.

Storage lane length means the portion of an auxiliary lane required to store the number of vehicles expected to accumulate in the lane during an average peak period.

Temporary access means the time-limited provision of direct access to a roadway. Such access must be closed when permit conditions for access removal are satisfied. Typically, such conditions relate to such time when adjacent properties develop in accordance with a joint access agreement or frontage road plan.

TxDOT means the Texas Department of Transportation.

TxDOT Roads means streets, roads, highways and freeways under the jurisdiction of the Texas Department of Transportation.

Sec 4. Permit Required; Application.

- (a) Any owner, authorized agent, or contractor who desires to construct, add, alter, enlarge, repair, move or demolish access across public property to abutting private property shall make application to the building official and obtain a building permit and pay all required fees.
- (b) Permit procedure for approval of access to all roadways.
 - (1) Any building permit applications submitted which include or involve driveways shall be referred to the City Engineer for approval before a building permit is issued.
 - (2) A written separate driveway permit for a new development shall not be required. Approval of driveway location and design for new properties and other developments on a final plat, building plan or site plan shall be considered the permit for driveway installation.
 - (3) Any property owner desiring a new driveway or an improvement to an existing driveway at an existing residential or other property shall make application for a building permit, designate the contractor who will do the work, and provide a sketch or drawing showing clearly the driveway, parking area, or doorway to be connected and the location of the nearest existing driveways on the same and opposite sides of the roadway. The City Engineer will prescribe the construction procedure to be followed.
 - (4) All permits granted for the use of public property under the terms of this section shall be revocable at the will of the City Council.
 - (5) The contractor installing the access connection shall have a copy of the permit at the site.
- (c) If access is to a TxDOT road, the application shall include a document showing TxDOT's approval of the access.

Sec 5. Construction Specifications.

Sight distance criteria, curb return radii, driveway approaches, and curb or combination curb and gutters shall comply with the geometry specifications and standards as set forth in this chapter and in accordance with the standard construction drawings on file with the City. The City Engineer shall file such standards with the City Council for approval and, thereafter file these standards in his office. The City Engineer may amend the standards from time to time, upon approval of the City Council.

Sec 6. Methods of Construction; Rejection of Materials.

- (a) Foundations. Foundations or subgrades for all work shall be set at the grades approved by the City Engineer. Inspection of such foundation or subgrade shall be made and approved by the City Engineer before curbs and driveway approaches are placed thereon. Generally, grades shall be set to allow stormwater runoff to follow the existing drainage pattern, with any increased runoff being subject to control as directed by the City Engineer.
- (b) Rejection of materials. All materials or combinations of materials may be rejected, either before or after incorporation into the work, for failure to meet the required specifications as provided in the plans approved by the City Engineer.

(c) Plans. All construction permitted under this article shall be according to the plans as approved by the City Engineer.

Sec 7. General Specifications for all Roadways.

(a) Generally.

- (1) It shall be unlawful for any person to cut, break, or remove any curb along a roadway except as herein authorized.
- (2) It shall be unlawful for any person to construct, alter, or extend, or permit or cause to be constructed, altered, or extend any driveway approach which can be used as a parking space or access area to a parking space that is between the curb and private property, except as herein authorized.
- (3) No driveways, other than those required for one- and two-family residential structures on local streets, shall be constructed in such a way as to require backing maneuvers into the public right-of-way.
- (4) This section shall be deemed to be supplemental to other sections regulating the use of public property, and in case of conflict, this section shall govern.
- (5) Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway. The adequate sight distance criteria shall be made by the City Engineer.
- (6) Driveways on a one- or two-family lot or parcel of property shall be a minimum of 20 feet apart, and 20 feet from a corner on a local street, measured at the curb or shoulder line, and from the end of the corner radius and driveway radius or flare. At a collector or arterial, the minimum distance from a corner shall be 50 feet.
- (7) On one- and two-family lots or parcels, there shall be no more than three driveway approaches at a local street and no more than two driveway approaches at a collector or arterial.
- (8) Driveway approach grades shall not exceed twelve percent in order to provide for proper vehicular clearance unless otherwise approved by the City Engineer.
- (9) Driveway approaches shall not be located within 20 feet of any designated pedestrian crossing or golf cart path.
- (10) Driveway approaches shall be maintained at or near an angle of 90-degrees to the public street improvements with a maximum deviation of 10-degrees unless approved by the City Engineer.
- (11) Where side ditches exist, pipe of sufficient size and material shall be installed underneath the driveway approach. The grade and size for the pipe shall be determined by a registered engineer and approved by the City Engineer. The City will not be responsible for furnishing the pipe.
- (12) Where a driveway approach is built and sidewalks exist, sufficient sidewalk shall be removed to blend with the new approach.

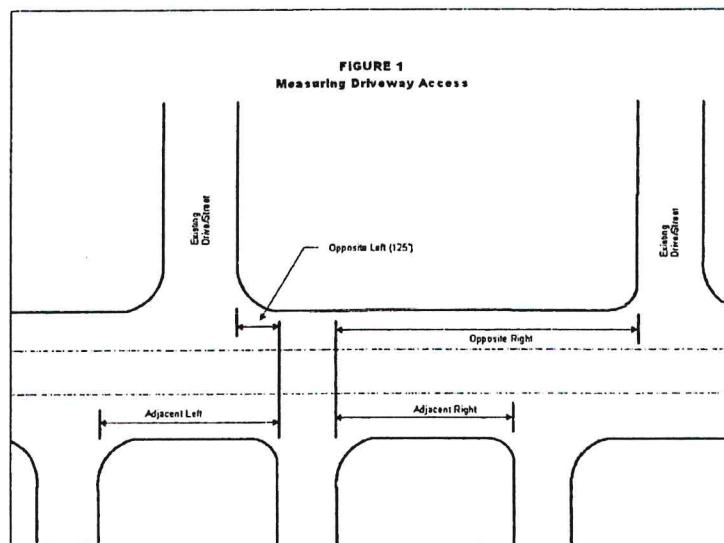
- (13) Whenever the use of any driveway approach is abandoned and not used for ingress and egress to the abutting property, it shall be the responsibility of the abutting property owner to remove such abandoned approach and restore the curb, sidewalk, and/or right-of-way to a status equal to that in the general area. For the purposes of this section, "abandoned" shall be defined as stated in other provisions of the Lago Vista Code of Ordinances.
- (14) Joint driveway approaches with adjoining property holders may be permitted provided joint application is made by all interested parties.
- (15) If supported by sound judgment consistent with current best technical practices, the City Engineer can approve relief from strict compliance with the dimensions in this section if deviations are warranted and safety is not compromised (See below).

(b) Location of driveway access.

- (1) Driveway access to expressway, parkway, arterial and collector roads shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. Driveway access to streets for commercial or multifamily developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way.
- (2) No curb cuts through a left turn lane of a median shall be permitted in order to provide for left turn movements to driveway approaches.
- (3) Driveways in right turn lane transition areas shall not be permitted.

(c) Spacing of driveway access.

- (1) Application of the driveway access location and design standards requires identification of the functional classification of the street on which access is requested. Street sections are classified as local, collector, minor arterial, and major arterial.
- (2) Driveway access spacing shall be measured from the closest edge of pavement of the first access connection to the closest edge of pavement of the second access connection (Figure 1).



(3) Opposite right driveways, for other than one- or two-family development, shall be located per the following requirements:

Street Classification	Spacing
Local	Must align or offset greater than 15 feet
Collector	Must align or offset greater than 100 feet
Minor arterial	Must align or offset greater than 225 feet
Major arterial	Must align or offset greater than 300 feet
Major arterial median	To be determined by City Engineer

(4) Additional opposite right spacing exceeding that set forth in the above section may be required if it is determined by the City Engineer that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.

(5) Opposite left driveways, for other than one- and two-family development, shall be located per the following requirements:

Street Classification	Spacing
Local	Must align or offset greater than 15 feet
Collector	Must align or offset greater than 125 feet
Minor arterial	Must align or offset greater than 125 feet
Major arterial	Must align or offset greater than 125 feet
Major arterial median	To be determined by City Engineer

(6) Where possible, opposite driveways for other than one or two family development shall align. These drives shall be considered as an intersection.

(7) Adjacent driveways, for other than one- or two-family development, shall be located per the following requirements:

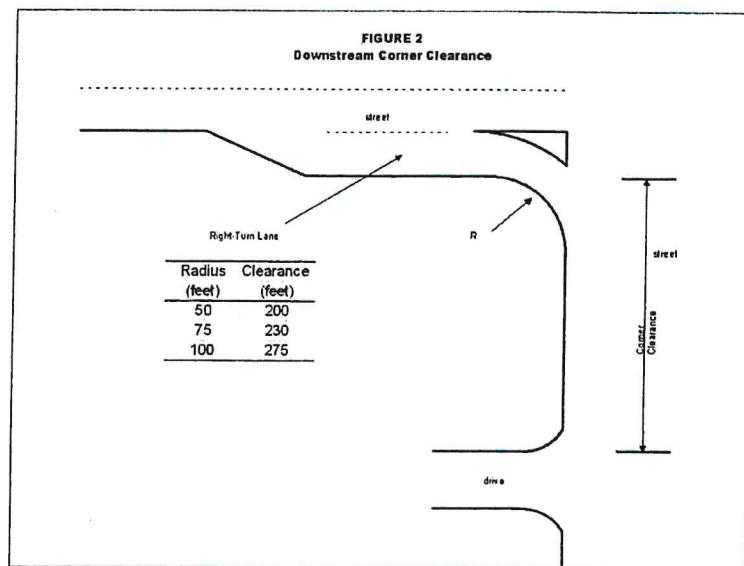
Street Classification	Spacing
Local street	Greater than 25 feet
Collector	Greater than 100 feet
Minor arterial	Greater than 150 feet
Major arterial	Greater than 250 feet

(8) Exceptions. Where driveway spacing according to the standards in this section may not be possible or practical, the City Engineer may require one or a combination of the following:

- (A) Where adequate access connection spacing cannot be achieved, the City Engineer may allow for a lesser spacing when shared access is established with an abutting property.
- (B) Where no other alternatives exist, construction of an access connection may be allowed along the property line farthest from the intersection. To provide reasonable access under these conditions but also provide the safest operation, consideration shall be given to designing the driveway connection to allow only the right-in turning movement or only the right-in/right out turning movements, if feasible.

(d) Corner clearance.

- (1) Corner clearance, the distance between a street intersection and a driveway, for driveway access other than to one or two family development, shall meet or exceed the minimum driveway spacing requirements for that roadway, as shown above.
- (2) Downstream corner clearance. When minimum spacing requirements cannot be met due to lack of frontage and all means to acquire shared access drives or cross access easements have been exhausted, the following shall apply: at intersections with channelized right-turn lanes with yield control, a corner clearance as shown in the following may be approved by the City Engineer:
 - (A) Local streets. No closer than 30 feet.
 - (B) Collectors. No closer than 75 feet.
 - (C) Minor arterials. No closer than 100 feet.
 - (D) Major arterials. No closer than 120 feet.



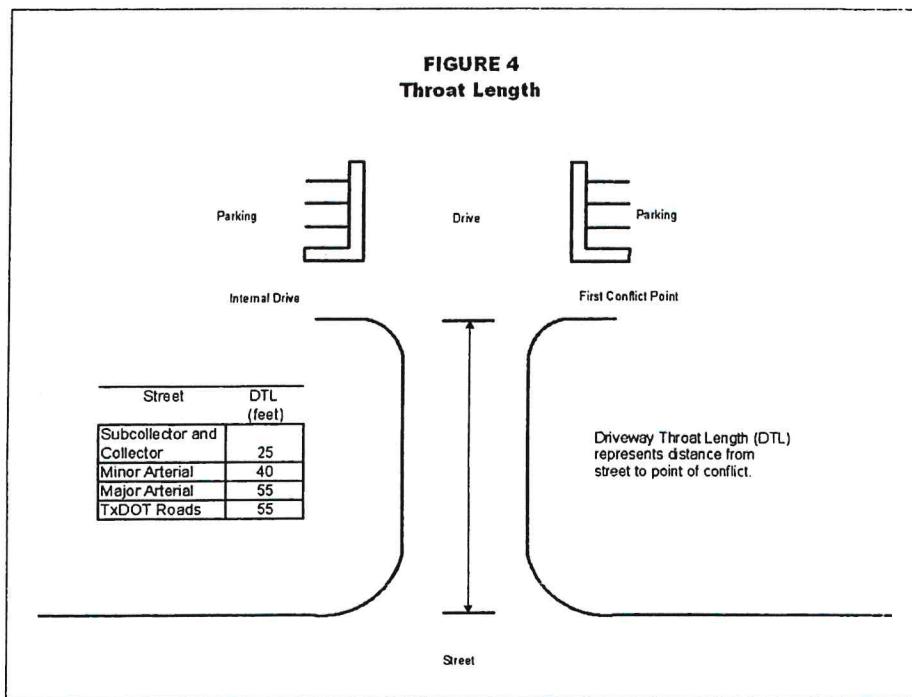
(e) Shared access.

- (1) A shared access easement may be required between adjacent lots fronting on major arterials, minor arterials, or collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The City Engineer shall determine the location and dimensions of said easement.
- (2) Private cross access easements may be required across any lot fronting on major arterials, minor arterials, or collector streets in order to minimize the number of access points and facilitate access between and across individual lots. The City Engineer shall determine the location of said easement.

(f) Geometric design of driveway access.

- (1) All driveways shall meet the City's standard specifications for street construction and construction standards.
- (2) Curb cuts for driveways shall not be permitted in the curb return of an intersection.
- (3) The curb return radii or flares for driveways intersecting at right angles with the roadway and without a deceleration lane shall be as follows:
 - (A) Curb return radii or flares for one or two family driveways shall be five feet or have a three feet flare.
 - (B) Curb return radii or flares for industrial, commercial and multi-family driveways shall be a minimum of 15 feet to a maximum of 30 feet.
 - (C) Curb return radii or flares for driveway types not included in this section shall be determined by the City Engineer.
 - (D) The City Engineer may allow a larger radii or flare in special circumstances, for instance where there will be significant large truck, bus, or shuttle traffic on a daily basis.
- (4) The tangent point of the driveway curb return at the public roadway line or flare shall be a minimum distance of one foot off the property projected perpendicular to the street centerline, except single family zero lot line lots. On single family zero lot line lots where the drive is on the zero lot line, the tangent point or flare shall be no greater than three feet beyond the adjoining property line projected perpendicular to the street centerline.
- (5) The maximum width of a one- or two-family driveway approach measured at the property line shall not exceed 30 feet in width, while the minimum width shall not be less than 12 feet in width unless the driveway is shared, in which case the driveway shall not exceed 40 feet in width (See Chapter 10 for shared driveway requirements).
- (6) The maximum width of a commercial, industrial or multifamily driveway approach for two-way operation shall not exceed 40 feet except that the City Engineer may issue permits for driveway approaches greater than 40 feet in width on major streets to handle special traffic conditions. The minimum width of a commercial and multifamily driveway approach for two-way operation shall not be less than 20 feet.

- (7) The width of a driveway approach that is a combination of two driveways for one or two family circular drives shall not exceed 40 feet.
- (8) Throat length. A minimum driveway throat length of 25 feet for sub-collectors and collector streets, 40 feet for minor arterials, and 55 feet for major arterials, as shown in figure 4, may be required as determined by the City Engineer to allow for traffic entering the site to be stored on site in order to avoid a queue of traffic from the development from being out on the roadway causing delays to the through traffic stream. The driveway throat length shall be defined as the distance from the street to the first point of conflict in the driveway.



- (9) Driveway median. On collector, minor arterials, and major arterials, access points may be required to be designed to prohibit certain types of turning movements (for example, left turns). Driveways not meeting the spacing guidelines in subsection 7(c) may be designed for limited access by the addition of a median to the driveway.
- (10) Turn lanes. Turn lanes are exclusive deceleration and storage lanes that allow for vehicles to turn left and right at intersections outside the through lane. Turn lanes requirements are provided in the subdivision and site development regulations (See Chapter 10 and 10.5).
- (11) The spacing requirements for driveways not meeting the specifications in subsection 7(c) may be lessened or waived by the City Engineer if tapered or channelized deceleration lanes are used.
- (12) Signalization. Access points on collector, minor arterials, and major arterials may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development. The procedures for signal installation and the percent of

financial participation required of the development in the installation of the signal shall be in accordance with criteria set forth by the City Engineer.

- (g) Street structures. No driveway shall interfere with nor be closer than five feet from any public, utility, or communication facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The City Engineer is authorized to order and effect the removal or reconstruction of any driveway that is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.
- (h) The Americans with Disabilities Act (ADA) and the Texas Accessibility Standards. All construction related to the access of all roadways must comply with the Americans with Disabilities Act and the Texas Accessibility Standards.
- (i) Compliance with all applicable state and federal laws, rules, and regulations. Access to all roadways shall comply with applicable state and federal laws, rules and regulations.
- (j) Median openings. Median openings may be provided at intersections or at intervals for major developed areas. Spacing between median openings must be adequate to allow for the introduction of left-turn lanes and signal detection loops to operate without false calls. If medians are provided, the following standards for lengths of median turn lanes shall determine the location of median opening:

Main Design Speed	Taper Length	Deceleration Length
30 mph	50 feet	160 feet
35 mph	50 feet	215 feet
40 mph	50 feet	275 feet
45 mph	100 feet	345 feet
50 mph	100 feet	425 feet
55 mph	100 feet	510 feet
60 mph	150 feet	615 feet
65 mph	150 feet	715 feet

Design Turning ADT	Minimum Storage Length
150	50 feet
300	100 feet
500	175 feet
750	250 feet

The City Engineer may require another minimum storage length based upon results for a computer model or computational formula. The required storage may be obtained using an acceptable traffic model such as the latest version of the HCM software (HCS), SYNCHRO, or VISSIM or other acceptable simulation models. Where such model results have not been applied, the following may be used:

$$L = (V/N)(2)(S)$$

where:

L = storage length in feet (or meters)

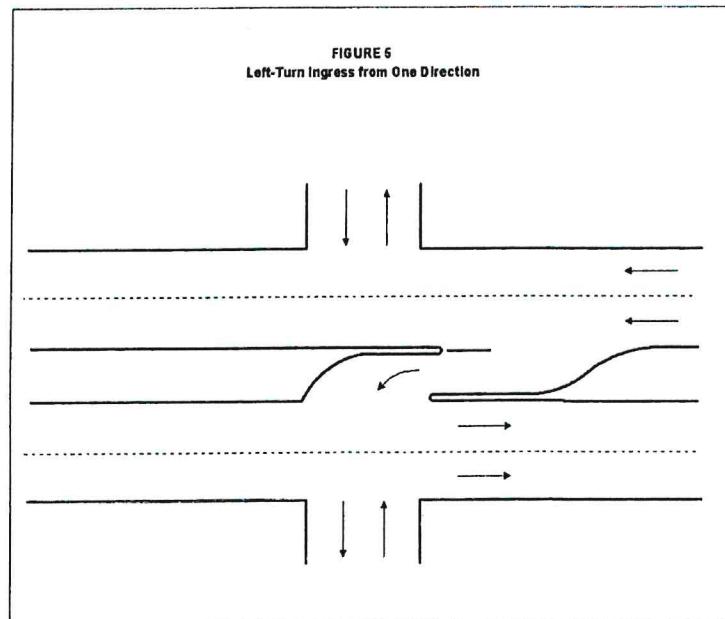
V = left-turn volume per hour, vph

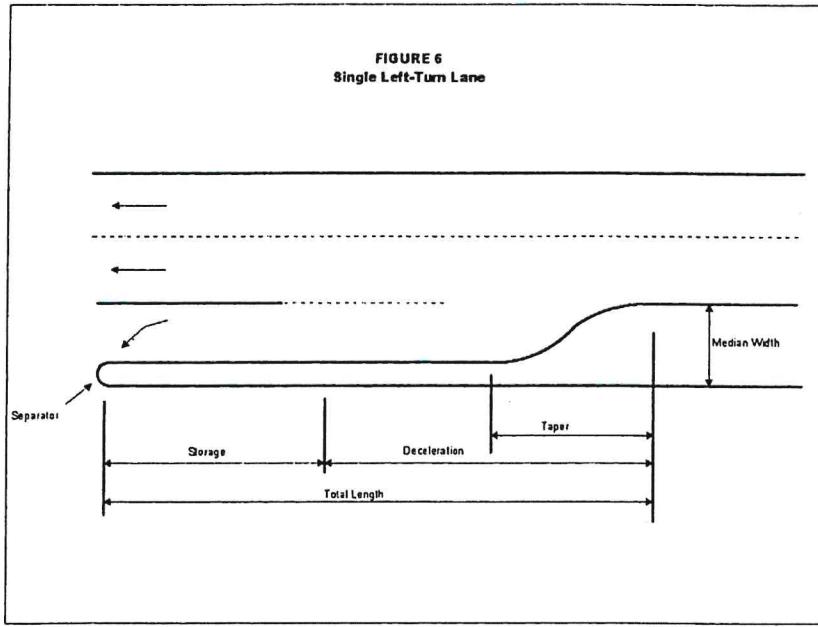
N = number of cycles

2 = a factor that provides for storage of all left-turning vehicles on most cycles; a value of 1.8 may be acceptable on collector streets

S = queue storage length, in feet (or meters), per vehicle

% of trucks	S (ft)	S (m)
<5	25	7.6
5-9	30	9.1
10-14	35	10.7
15-19	40	12.2





Sec 8. Approval Methods for Granting Access to Roadways.

Granting approval to all roadways. The City will require one of the following before granting an applicant access to any roadways:

- (1) The applicant must meet the requirements listed within this chapter for all roadways.
- (2) The City Engineer may require an engineering study or traffic impact analysis (TIA) to be completed and approved by the City Engineer and improvements made according to the approved TIA for a development, including a subdivision master plan and the issuance of a building permit, that would generate more than 100 peak hour trips (PHT) on any street or where the standards of this article cannot be met to ensure safety at access points. A building permit shall not be issued for a development that is required to have an approved TIA until such TIA has been approved and any improvements called for in the TIA have been approved as part of the building permit plans. A certificate of occupancy shall not be issued until any improvements required in the approved TIA have been completed, inspected and approved by the Director of Public Works or his designee or as otherwise approved by the City Engineer.

Sec 9. Variances and Appeals.

- (a) Variance. It is recognized that in certain cases a variance from the regulations of this chapter may need to be granted. In cases where the possibility of undue hardship would result from compliance with this chapter, or where the purpose of this article may be served to a greater extent by an alternative proposal a request may be made for review by the Building and Standards Commission if related to a building permit or the Planning and Zoning Commission if related to a plat. The commissions may approve a variance from any portion of the regulations of this chapter so that substantial justice may be done and the public interest secured, provided the variance shall not have the effect of nullifying the intent and purpose of this article, and further provided that the commissions shall not approve a variance or alternative proposal unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) Granting the variance or alternative proposal will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of the property;
- (2) Because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations of this article is carried out; or an alternate proposal will achieve the same result or intent as the standards and regulations prescribed in this article;
- (3) The variance or alternative proposal will not in any manner vary the provisions of the zoning ordinance or other ordinance(s) of the City.

(b) Conditions for variance. In approving a variance from the provisions of this article, the Building and Standards Commission may require such conditions as will, in its judgment, secure substantially the purposes described in this article.

(c) Procedures for variance.

- (1) A petition for a variance shall be submitted in writing to the development services department by the property owner on forms provided by the department. The petition shall explain the purpose of the variance, state fully the grounds for the variance and all of the facts relied upon by the applicant.
- (2) The fee for variances shall be as set forth in Appendix A.
- (3) All variances shall be approved, disapproved, or conditionally approved by the applicable commission.
- (4) The findings of the commissions, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which a variance is considered, approved, approved with condition or disapproved.

(d) Procedure for appeals. Appeals to the applicable commission may be taken by any aggrieved person or by any officer, department, board or bureau of the City affected by any decision of the City Engineer or other administrative officer concerning the interpretation or implementation of this chapter.

- (1) Stays of proceedings. An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the officer from whom the appeal is taken and due cause shown.
- (2) Notice of appeal. The appellant must file with the Development Services Department a written notice of appeal specifying the grounds for the appeal and pay the fee specified in Appendix A. The notice of appeal shall be filed within 45 days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the applicable commission all papers constituting the record of

action that is appealed. The chair or any two members of the Commission may call a special meeting to consider appeals.

(3) **Action by the Commission.** The Commission may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination. Each appeal shall be decided within 30 days following the date the notice of appeal is filed.

Sec 10. Penalty for Violation of Chapter.

Any person who shall violate any of the provisions of this chapter, or fail to comply with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding \$500.00, and each and every day's violation shall constitute a separate and distinct offence.

CHAPTER 14

ZONING

SECTION 15 GENERAL ADMINISTRATION

Sec 15.10 Similar Applications Within One (1) Year Prohibited

No application for an approval or appeal sought pursuant to any provisions of this chapter shall be accepted if substantially the same application on the same property has been denied in any prescribed forum within the preceding twelve (12) month period.

Sec 15.20 Fees

All applications and submissions required by this chapter are to be accompanied by such fees and costs as may be required pursuant to such schedule of fees as may be adopted and amended from time to time by resolution of the Council.

Sec 15.30 Conflict with Other Ordinances

Whenever the standards of this chapter conflict with those contained in another City ordinance, the most stringent or restrictive shall govern. The provisions of this chapter are not intended to repeal or interfere with restrictions placed upon property by covenant, deed, easement, or other private agreement.

Sec 15.40 Severability

Should any portion or part of this chapter be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

Sec 15.50 Other Requirements

Additional and related local ordinance requirements include, but are not limited to, the provisions within Chapter 3, Chapter 10, Chapter 10.5, Chapter 11, Chapter 14, and the Technical 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 force and effect as if set forth in full herein.
