

## **ORDINANCE NO. 21-02-04-01**

### **AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 6.10 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING THE REQUIREMENTS AND PROCEDURES RELATING TO ACCESSORY BUILDINGS; 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 requirements and procedures relating to accessory buildings within Section 6.10 of Chapter 14, the Zoning Ordinance; and

**WHEREAS**, the staff and members of the Planning and Zoning Commission have become aware of needed improvements to those requirements and procedures; and

**WHEREAS**, these needed improvements will help eliminate ambiguity and increase consistency with other similar requirements within the Zoning Ordinance; and

**WHEREAS**, the proposed changes should yield results that are more aligned with the expectations of our residents and property owners; 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 January 14, 2021; 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 within Section 6.10 of Chapter 14 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 February 4, 2021, 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 Section 6.10 of Chapter 14 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orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.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 *Tex. Loc. Gov't. Code*.

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

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 4<sup>th</sup> day of February 2021.



Ed Tidwell  
Ed Tidwell, Mayor

ATTEST:

Sandra Barton  
Sandra Barton, City Secretary

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

**EXHIBIT "A"**

**CHAPTER 14**

**ZONING**

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**6.10 Accessory Buildings and Uses**

Construction, placement, operation, and maintenance of accessory buildings and uses shall comply with the following standards and procedures.

- (a) Accessory uses and buildings shall not be permitted on a lot or parcel in the absence of a principal use or building on the lot or parcel except as provided in Section 4.90 (commercial resorts), Section 17 (conditional uses), Section 22 (fences) of this chapter, or the lots or parcels with the principal and accessory use(s) or building(s) are platted into one lot. Once an accessory use such as an accessory building, or boat dock exists on a re-platted or single lot, it cannot be subdivided until (1) a principal use or building is established on the lot containing the accessory building or use; or (2) the accessory use or building has been removed from the lot, unless otherwise approved in accordance with Section 17, conditional uses, of this chapter.
- (b) Residential Districts. In zoning districts permitting one- or two-family dwellings, accessory buildings and uses are permitted according to the following:
  - (1) Number. No more than two accessory buildings thirty (30) sq. ft. and larger shall be permitted on a lot or parcel.
  - (2) Screening and Landscaping. For accessory buildings to be located on property (a) adjacent to a one- or two-family use or a zoning district that allows one- or two-family use; and (b) for which a wall or walls face and are closer than 25 feet to adjoining property, the accessory building wall shall be screened as follows:
    - (A) One shrub, cactus, tall ornamental grasses, dwarf palm or combination thereof that is/are at least two feet tall or from a five-gallon bucket shall be planted within four feet of the wall to be screened for every three feet or fraction thereof wall to be screened; and
    - (B) One tree at least 1-1/2 inches in diameter at 3.5 feet above the ground shall be planted within 10 feet of the wall to be screened for every 25 feet or fraction thereof wall to be screened.
    - (C) Existing shrubs or other low screening plants that are at least two feet tall and trees may be used to meet the screening requirement.
    - (D) In lieu of landscape screening, the accessory building wall may be screened by a solid fence or hedgerow that is at least six feet tall.

- (E) If the adjoining property to be screened has an existing solid fence or hedgerow that is at least six feet tall, screening of the accessory building is not required.
- (F) Screening of accessory vehicular garages permitted in the front yard of a principal building is not required.

(3) Accessory buildings under 30 sq. ft.

- (A) Placement and setback. These buildings shall not have a setback.
- (B) Height. These buildings shall be no taller than nine (9) feet measured from the highest grade adjacent to the building and no taller than six (6) feet at the eaves.
- (C) Permitting Not Required. A permit is not required before placement of this building.

(4) Accessory buildings between 30 sq. ft.–120 sq. ft.

- (A) Placement and setback. These buildings shall not be placed within the front yard. They may be placed within the side and rear yard, but no closer than five (5) feet to a side or rear lot line. Setback from a corner side lot line shall be at least fifteen (15) feet.
- (B) Height. These buildings shall be no taller than nine (9) feet measured from the highest grade adjacent to the building and no taller than six (6) feet at the eaves.
- (C) Permitting Required. A permit issued from the Development Services Department is required before placement of this building.

(5) Accessory buildings larger than 120 sq. ft.

- (A) Placement and setback. These buildings shall meet the same front, side, and rear yard setback standards as the principal building or accessory building shall have a minimum front yard setback of 20', whichever results in the greatest front yard setback.
- (B) Additional Regulations on Accessory Garages. It shall be at least 250 sq. ft. in size. Screening must meet landscaping and standards prescribed in subsection (E)(ii).
- (C) Architecture and material.
  - (i) For accessory buildings the facade material colors must match the principal building.
  - (ii) The roof shall be the same color as on the principal building. The roof pitch should be similar in perspective to that of the principal building.
- (D) Height. The Height of the accessory building shall not exceed the lesser of the height of the principal building or the maximum height specified in Table A, Table of Development Standards for any given zoning district, except in accordance with the provisions of Section 11.60 below.
- (E) Additional Restrictions.

- (i) The floor area of the accessory building cannot exceed fifty percent (50%) of the floor area of a principal building. For the purpose of determining compliance with this requirement only, floor area shall consist of any enclosed or attached covered area. When a covered area is attached to both a principal building and an accessory building, that area shall be included with the floor area of the accessory building.
- (ii) The accessory building must be screened with landscaping from any street side with xeriscape evergreen shrubs a minimum of two (2) feet in height at time of plantings and maximum of three (3) feet on center. This excludes portions of the facade with pedestrian doors, vehicular access doors, and areas of the facade with two (2) feet or less between any doors and/or end of the facade. Plantings shall be located near the building walls to the satisfaction of the City. Plantings shall be maintained and replaced as necessary to maintain this standard.

(F) Permitting Required. A permit issued from the Development Services Dept. is required before placement of this building.

(6) Carports. Carports are allowed in the manufactured home and industrialized housing zoning district but only by conditional use permit in other zoning districts. In manufactured home and industrialized housing districts, they may be attached or detached and there are no architecture or material standards.

(c) Commercial Districts.

- (1) Accessory buildings incident to any of the listed commercial uses shall be allowed, provided that they are not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance, or not in compliance with local, state, or federal requirements. No accessory building shall be constructed upon a lot until construction of the principal building has commenced, nor shall an accessory building be used until the principal building on the lot is complete and used.
- (2) Setback. All accessory buildings must comply with the setback restrictions for the district in which the main-use building is located, as stated in Table A, Table of Development Standards.
- (3) Height. The height of the accessory building shall not exceed the lesser of the height of the principal building or the maximum height specified in Table A, Table of Development Standards for any given zoning district, except in accordance with the provisions of Section 11.60 below.

(d) All Districts.

- (1) Temporary buildings erected during the term of construction, including tents, shacks, shanties or other structures, or trailers or mobile homes, shall not be placed on any lot except for uses incidental to construction work on commercial projects. All temporary buildings shall be removed upon the completion or abandonment of construction work. Trailers or mobile homes shall not be permitted on lots during construction of residential buildings, unless authorized in writing by the city manager or his designee and may be permitted if a residential building that was significantly damaged or destroyed and is being rebuilt, replaced by another residential building or repaired.
- (2) Boat docks and boathouses.

- (A) Boat docks and boathouses anchored in the lake below the 681 elevation are exempt from number, location, setback, material, and screening standards.
- (B) Boat docks and boathouses are not eligible for conditional use application without a principal building on the same or nearby lot that is owned by the boat dock owner.

(3) Aircraft parking. Improved parking pads or lots for aircraft on property that has direct aircraft ground access to an airport may be constructed without a principal building on the property.

(4) Exceptions, Conditional Use Permit. A property owner may apply for a conditional use permit in accordance with the procedures specified in Section 17 of this chapter for relief from any requirement of this section, such as number, height (when a special exception approval is not otherwise specified by this section), setbacks, screening, architecture and material colors. The basis for a recommendation from the Planning and Zoning Commission and approval by the City Council for a conditional use approval is that the requested deviations from strict compliance with any requirement above will not:

- (A) materially diminish the aesthetic quality of the subject property when viewed from adjacent property, nearby property, or a public right-of-way; and
- (B) result in any change in the level of privacy otherwise afforded to adjacent property.

(5) Accessory buildings for which a city permit was issued before September 1, 2011 that does not conform to the above standards shall be considered legally non-conforming.

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