

**ORDINANCE NO. 18-01-04-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 27.90 ACRES KNOWN AS LOT 6, 7, AND 8 OF THE CANYON OAKS SUBDIVISION, LOT 3M OF LAGO VISTA PLAZA SAVE AND EXCEPT 75 BY 85 FEET OF SAID LOT, AND LOT 4M OF LAGO VISTA PLAZA FROM ITS CURRENT PLANNED DEVELOPMENT DISTRICT (“PDD”) TO A SEPARATE PLANNED DEVELOPMENT DISTRICT (“PDD”) TO BE KNOWN AS THE SUNSET HARBOR PDD; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, AQE Development LLC acting by and through William T. Reid, IV, President, the owner of approximately 27.90 acres of property currently known as Lot 6, 7, and 8 of the Canyon Oaks Subdivision, Lot 3M of Lago Vista Plaza save and except 75 by 85 feet of said Lot, and Lot 4M of Lago Vista Plaza as more particularly described on the attached Exhibit “A” (described hereinafter as the “Property”), have requested that the Property be rezoned from its current Planned Development District (“PDD”) to a separate Planned Development District (“PDD”) zoning to be known as the Sunset Harbor PDD;

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

**WHEREAS**, the conceptual plan for the Property is set forth in this Sunset Harbor PDD Zoning Ordinance (the “Ordinance”) and on Exhibit “B” attached hereto (the “Land Use Plan”), which separates the Property into separate parcels as further described in Section 5 below;

**WHEREAS**, after giving ten (10) days written notice to the owners of land within 200 feet of the Property, the Planning and Zoning Commission and the City Council held a public hearing on the proposed rezoning on the Property included in this Ordinance;

**WHEREAS**, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, both the Planning and Zoning Commission and the City Council at separate public hearings, have reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**WHEREAS**, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and,

**WHEREAS**, the City desires to control the development standards for the Property and protect third party property owners in the City, and to ensure the benefits of planned development and enhanced tax based that are achieved through rezoning the Property.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of Section 10.20 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

**Section 2. Amendment of Zoning Ordinance.** The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Code is hereby amended by changing the zoning district for the Property being the 27.90 acre tract of land described on **Exhibit “A”** attached to this Ordinance, from the current PDD zoning district to a new PDD zoning district. The Property is hereby rezoned as the Sunset Harbor PDD with the uses of individual lots as set forth in this Ordinance.

**Section 4. Amendment of Applicable Zoning Ordinances.** The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

**Section 5. Identification of Parcels within the PDD.** The Property consists of the following parcels of land which are also depicted in **Exhibit “B”** attached hereto and incorporated herein for all purposes:

1. Parcel A, the “Multi-Family Parcel”, includes Lot 1C and Lot 2C;
2. Parcel B, the “Residential Parcel”, includes Lots 01-37; and,
3. Parcel C, the “Waterfront Recreation Parcel”, includes Lot SHC and the waterfront portion of residential Lots 07-28.

**Section 6. Zoning Requirements.** The following use and site development requirements established herein shall apply to the Parcels identified in Section 5:

1. **Zoning for the Multi-Family Parcel – Parcel A**
  - A. Use and development of Parcel A shall comply with the zoning requirements and development standards for Multi-Family Residential District (R-4), except as hereinafter modified.
  - B. Condominiums are allowed in addition to all permitted uses in the R-4 district.
2. **Zoning for the Residential Parcel – Parcel B**

- A. Use and development of single-family residential units shall comply with the zoning requirements and development standards for Single-Family Residential District (R-1T), except as hereinafter modified.
  - B. There shall be no more than 45 total residential units contained in Parcel B.
  - C. The minimum living area for any single residential unit shall be 2,000 square feet.
  - D. Setbacks for all structures shall be ten (10) feet at the front and sides as measured from the lot property line.
  - E. The maximum building height for residential structures on the Property shall be thirty-five (35) feet as measured from the highest point at which each residential structure intersects natural grade to: (i) the highest point of the coping of a flat roof, (ii) to the deck line of the mansard roof, or (iii) to the height of the highest gable of a pitched or hipped roof within the parcel.
  - F. Lots indicated on the Land Use Plan for Parcel B may be realigned or combined with an administrative approval as long as the number of lots remains equal or lower than the number of lots indicated on this Ordinance.
  - G. A public utility easement shall be ten (10) feet at the front and five (5) feet at the sides of each lot.
  - H. Residential units shall be constructed in a multi-level or split level design to fully utilize the topographical elements and minimize excavation of the natural slope.
3. Zoning for the Waterfront Recreation Parcel – Parcel C
- A. No more than 50 boat slips shall be allowed within Parcel C and no commercial or retail activity is allowed in Parcel C.
  - B. Lot SHC:
    - i. Use and development of the Waterfront Recreation Parcel shall comply with the zoning requirements and development standards for Commercial, Marina (C-3) district except as hereinafter modified.
    - ii. Boat dock facilities designed for use by property owners within Parcel B without lakefront access shall be owned and maintained by the Property Owners' Association (the "POA") and shall be limited to use only by the members and their guests.
  - C. Individual residential docks associated with Lots 07-28:
    - i. Boat dock facilities associated with waterfront access shall be constructed and maintained at the option of the waterfront property owner.

- ii. No more than three slips will be allowed per individual boat dock.
  - iii. Each boat dock will be of the same architectural design and the roofs of each dock will be of the same color as established by the POA.
  - iv. Each boat dock will be no more than 1,500 square feet in area as required by the LCRA for residential boat dock facilities.
  - v. No additional uses other than parking, walkways, seating (e.g. picnic tables), and other conventional private boat dock appurtenances shall be permitted within the area designated for the individual boat docks.
- D. Placement of boat docks and/or their anchoring systems shall be permitted on land owned by the LCRA should LCRA consent thereto in writing.
- E. Sunset Harbor Lakefront Club (the “Club”)
- i. The Club consists of a waterfront community terrace to be constructed and maintained by the POA for the benefit and enjoyment of the members and guests.
  - ii. Development of the Club shall be in compliance with applicable LCRA regulations.
4. Zoning and Development Standards for All Parcels.
- A. Buffer Area.
- i. As depicted on the attached Land Use Plan, a thirty (30) foot wide vegetative buffer consisting of existing vegetation shall run along the northern side of the Property and a twenty-five (25) foot wide vegetative buffer consisting of existing vegetation (“Buffer Area”) shall run along the boundaries on the eastern side of the Property.
  - ii. No roads or parking facilities may be constructed within the Buffer Area; however, placement of additional vegetation with irrigation systems is allowed.
- B. Setbacks. Setbacks from the property lines adjoining Lago Vista Travis Plaza Lot 3M, located on Lago Vista Way and identified as the “Neighbor” on Exhibit “B”, which shall be ten (10) feet from the property line for the side and back yard and twenty-five (25) feet for the front yard setback.
- C. Streets.
- i. All streets on the Property will be private streets. Private streets shall be maintained by the POA.

- ii. Right-of-way for all streets located on the Property shall be fifty (50) feet, except for a section of right-of-way identified as Roadway D on **Exhibit “C”** which shall be forty (40) feet. All streets shall meet City of Lago Vista standards and shall include a minimum width of pavement of twenty-three (23) feet bordered on each side by six (6) inch ribbon curb.
- iii. Dead-ends shall include a “hammerhead” for use by emergency vehicles.
- iv. During final platting of the Property, the Developer shall grant the City of Lago Vista access easements for all private streets and drives.

D. Sidewalks.

- i. Sidewalks are not required, but are optional, throughout the Property.
- ii. If sidewalks are constructed at the option of the Developer, the sidewalks may run on only one side of the street or along both sides of the street, and shall meet all other City of Lago Vista standards.

E. Cut and Fill.

- i. Except for the areas indicated on the **Exhibit “D”** attached hereto and incorporated herein for all purposes, cut and/or fill slopes on the Property shall not exceed sixteen (16) feet in height without a variance. The areas indicated in **Exhibit “D”** may have cut and/or fill not to exceed eighteen (18) feet without a variance.
- ii. All cut and fill variances on the Property may be approved administratively by the City provided the cut and fill slope above eighteen (18) feet is appropriately terraced to control erosion and sedimentation.
- iii. All cut slopes shall be stable based upon geotechnical analyses provided to the City by a professional engineer or structural reinforcement measures contained in the construction plans as designed by a structural engineer. Retaining and reinforcement shall be established using ecological solutions, such as a vegetated retaining wall.
- iv. Site grading shall comply with accepted engineering practices, the Americans with Disabilities Act (where applicable) and any other applicable federal, state or regional regulations.

- F. Construction on Slopes. No development shall be permitted on slopes exceeding fifty-five percent (55%). No attached residential units will be built on slopes greater than fifty-five percent (55%).

- G. Building Permit. The City will, upon finding the following conditions satisfied pursuant to City Codes, issue building permits to the Developer for development of a particular parcel if: (1) City approval of a final plat has been obtained; (2) the Developer has posted appropriate fiscal security as required and approved by the City; (3) appropriate access to the parcel is available via dedicated public right-of-way; and (4) a site development permit for the parcel has been approved by the City.
- H. Water Quality.
- i. Water quality controls designed in accordance with the LCRA Highland Lakes Ordinance currently in effect in Lago Vista and the LCRA Lake Travis Nonpoint Source Pollution Control Technical Manual shall be constructed on the Property as required, reviewed and approved by the City of Lago Vista.
  - ii. No development shall occur within 100 feet horizontally of the 681' contour.
- I. Parking.
- i. Minimum parking requirements for all development on the Property shall meet or exceed City standards in effect at the time the Developer provides initial submittal of the site plan for City review.
  - ii. The parking of watercraft, trailers, recreational vehicles and similar items shall be within the sheltered areas of the development and the parking of such items outdoors shall be prohibited.
- J. Signage and Lighting.
- i. All signage shall comply with the City of Lago Vista Sign Ordinance.
  - ii. All exterior lighting to be installed in the development or along the entrance to the development shall be low level, down casting lighting. Such lighting fixtures shall have dimming capabilities and will be dimmed to one-half (1/2) of normal wattage after 11:00 PM.
- K. Parkland Dedication. The parkland dedication for the Property shall be satisfied by payment of a fee-in-lieu of the dedication of park land. Payment of a fee-in-lieu of the dedication of parkland shall be made in accordance with the provisions of the City's Subdivision Ordinance. Such payment shall be made prior to the approval of the final plat for the Property.
- L. Entrances and Accessibility.
- i. Entrances shall be allowed off of Country Club Drive and Camille Court, with the primary entrance being from Country Club Drive. Each entrance shall be gate-controlled.

- ii. Access from Camille Court shall be emergency access only.
- M. Offsite Infrastructure Improvements. The Developer shall be responsible for the cost of all extensions and/or improvements to the City's utility systems necessary to provide service to the Property.
- N. Onsite Infrastructure Improvements. The Developer shall be responsible for the cost of all onsite infrastructure needed to serve the Property or parcel to be served.
- O. Unsellable Area.
  - i. The .197 acre area identified as "Invaded Area" and "Pump Station" under "Unsellable Area" on Exhibit "B" may be used for access or other purposes that are accessory uses to the residential or waterfront recreational uses allowed within the Property.
  - ii. Any access shall be for emergency use only.
- 5. Property Owners' Association. The POA shall be established during site planning and will be responsible for maintenance of streets, common areas, and community boat dock facilities. Landowners with waterfront acreage shall be responsible for maintenance of private dock facilities.
- 6. At the option of the Developer, the project contemplated herein may be developed in phases. Developer has the right, in its discretion, during the construction site plan stage to determine the appropriate number of phases and percentage of the project covered in each phase. The projected phasing plan, subject to the discretion of the Developer, includes:
  - Phase 1 — Lots 1-18 of Parcel B and all associated infrastructure
  - Phase 2 — Parcel A, remainder of Parcel B, Lot SHC of Parcel C, and all remaining infrastructure
- 7. Exhibits B, C, and D are conceptual depictions of the Sunset Harbor PDD. The layout is for informational purposes only and is subject to change. The detailed layout and configuration for the Sunset Harbor PDD shall be determined at the site plan stage for each parcel based upon applicable standards and rules set forth in this Ordinance.
- 8. The appropriate departments of the City, the Commission and the City Council hereby find and agree that this Ordinance and the project contemplated herein complies with and satisfies the requirements of Section 10.20 and 13.20 of the Zoning Code and the Comprehensive Master Plan of the City of Lago Vista.

**Section 7. Amendment of Ordinances.** The Zoning Code is hereby amended to add the above-described PDD. Any portion of the Zoning Code, Comprehensive Master Plan or any applicable ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

**Section 8. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect, and to this end the provisions of this Ordinance are declared to be severable.

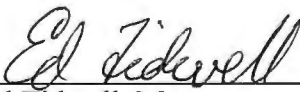
**Section 9. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't Code* and the City's Charter.

**Section 10. 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, *Chapt. 551, Tex. Gov't. Code*.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 4<sup>th</sup> day of January, 2018.



  
\_\_\_\_\_  
Ed Tidwell, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Barton, City Secretary

On a motion by Councilman Sullivan, seconded by Mayor Pro Tem Bland, the above and foregoing ordinance was passed and approved.



**EXHIBIT "A"**  
**Legal Description**

ALL OF LOT 6, LOT 7 AND LOT 8, RESUBDIVISION OF LOTS 6, 7, AND 8 OF CANYON OAKS, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PALT BOOK 98, PAGE 212, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

ALL OF LOT 4M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 3M, LAGO VISTA TRAVIS PLAZA, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND DESCRIBED AS THE NORTHWEST 75 FEET BY 85 FEET OF SAID LOT 3M IN A QUITCLAIM DEED DATED DECEMBER 26, 2001 TO ANDREA MONTGOMERY ROACH OF RECORD IN DOCUMENT NO. 2002242969, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**EXHIBIT "B"**  
**Land Use Plan**



### Exhibit B SUNSET HARBOR

LAGO VISTA – TRAVIS COUNTY – TEXAS

Client  
William T. Reid IV

#### CONCEPTUAL PROJECT

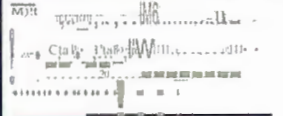
LEGEND	SYMBOL / COLOR	DESCRIPTION	QUANTITY / AREA
	(Double line)	Prill's Cut	2,190' UIC
	(Green)	LOIS	20,894.4' x 88
	(Yellow)	37 Residential sites	37 sites
	(Green)	(1) to (11)	0.15 ac to 1.1 ac
	(Green)	Residential & @ Lot	...
	(Green)	Lot	...
	(Green)	Construction	US 11'
	(Green)	Mattie's ...	...
	(Green)	...	...

Gate & road control access  
If Auxiliary gate controlled access  
Sunset - Lab on (100) 1' 26'

1111 Open space  
Unusable area  
Area restricted to maintenance & construction

View of ...  
Natural area outside property limits  
Stairs

COMPLEMENTARY INFORMATION  
cont@hines@SH  
Water Treatment Plant  
20' - 11' (1) 9' ...



PROJECT	[TJ]
PLAN	LAND USE MASTER PLAN
DATE	December 2017
DATE REVISION	Feet
SCALE	1" = 100'

### SHEET 03

**EXHIBIT "C"**  
**Street Layout**

Exhibi t c  
**SUNSET HARBOUR**  
 LAGO VISTA-HAVIS COUNTY TEXAS  
 W. Lam T. Realty

**CONCEPTUAL PROJECT**

- ① Property Line
- ② Main Access
- ③ Gr. Intersect
- ④ Casual Lms
- ⑤ Min. Access Street
- ⑥ Veh. Access
- ⑦ Ped. Access
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Lake Travis

STREET LAYOUT

December 2017  
 100'

SECTION 10/11  
 ESCUT 10/11

SECTION 10/11  
 ESCUT 10/11

АКТИВ  
11.03.2014

SHEET 05

**EXHIBIT "D"**  
**Cut & Fill Scheme**

**Exhibit D**  
 S M S, II MN OR  
 Williams Road r-1

**CONCEPTUAL PROJECT**

SHINISHAQUAN CUTSSEFUS  
 S. C. IS  
 Hillward, Minnesota; SINK (deobli)

- Fills**  
 Main fill indicated in the accompanying sheet
- Unmarked Street Sections  
 Cuts & fills heights ranging from 0 to 8
  - Land areas with existing cuts  
 Carryover - areas - planting
  - Buildable lot areas

- COMPLEMENTARY INFORMATION**
- Residential lot number
  - Commercial/Apartment lot number
  - Sunset Harbor Lakefront Club (H)
  - ATD Street Nomenclature
  - Open space  
 - Landscape & stormwater drainage
  - Pump Station
  - Neighbor Entrance
  - Intruded Area
  - Critical Water Quality Buffer Zone
  - 100 Year Floodplain
  - Natural area outside property limits
  - Stairs
  - Contour lines @ 5 ft
  - WTP Water Treatment Plant

**NOTES**  
 1. This plan shows proposed projects to be constructed within the...  
 2. The existing topography is shown by contour lines...  
 3. The proposed projects are shown by solid lines...  
 4. The proposed projects are shown by dashed lines...  
 5. The proposed projects are shown by dotted lines...  
 6. The proposed projects are shown by dash-dot lines...  
 7. The proposed projects are shown by long-dash lines...  
 8. The proposed projects are shown by short-dash lines...  
 9. The proposed projects are shown by diagonal lines...  
 10. The proposed projects are shown by wavy lines...  
 11. The proposed projects are shown by zigzag lines...  
 12. The proposed projects are shown by cross-hatch lines...  
 13. The proposed projects are shown by diagonal cross-hatch lines...  
 14. The proposed projects are shown by wavy cross-hatch lines...  
 15. The proposed projects are shown by zigzag cross-hatch lines...  
 16. The proposed projects are shown by diagonal zigzag lines...  
 17. The proposed projects are shown by wavy zigzag lines...  
 18. The proposed projects are shown by zigzag wavy lines...  
 19. The proposed projects are shown by diagonal zigzag wavy lines...  
 20. The proposed projects are shown by wavy zigzag wavy lines...

**STREETS CUTS AND FILLS SCHEME**  
 DATE: December 2017  
 SCALE: As Shown  
 1" = 100'



Lake Travis

**SHEET 08**