

**ORDINANCE NO. 16-11-17-02**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14, ZONING, ARTICLE 14.100, SECTION 6, SUPPLEMENTARY REQUIREMENTS, SUBSECTION 6.10 ACCESSORY BUILDINGS AND USE OF THE LAGO VISTA CODE OF ORDINANCES; CLARIFYING LANGUAGE; ADDING LANDSCAPE AND ARCHITECTURAL STANDARDS; ADDING RESTRICTIONS ON MAXIMUM FLOOR AREA; PROVIDING A SAVINGS CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, Chapter 14, Zoning, Article 14.100, Section 6, Supplementary Requirements, Subsection 6.10, Accessory Buildings and Use, City of Lago Vista Code of Ordinances (“Ordinances”) has previously set no maximum floor area ratio, set limited architectural and landscaping related elements, and lacked clarity of regulation; and

**Whereas**, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of such regulations and forwarded a recommendation to the City Council and thereafter, the City Council has considered the requests and hereby desires to modify such Zoning provisions; and

**Whereas**, it is necessary for the City to amend all of the Sections set out below.

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

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the amending or addition of rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2. Amending Chapter 14, Zoning, Article 14.100, Section 6 Supplementary Requirements, Subsection 6.10 Accessory Buildings and Uses, City of Lago Vista Code of Ordinances** is hereby amended to read as follows:

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) 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, boat dock or fence exists on a replatted 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 (2) accessory buildings 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.

(3) Accessory buildings 120 sq. ft. and smaller

(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 feet to a side or rear lot line. Setback from a corner side lot line shall be at least 15 feet.

- (b) Height. These buildings shall be no taller than nine feet measured from the ground below the building and no taller than six feet at the eaves.
- (4) 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. These accessory buildings shall not be taller than the principal building. Screening must meet landscaping and standards prescribed in subsection (e)(2).
  - (c) Architecture and material.
    1. At least 25% of the building facade shall be masonry. This masonry shall be the same material, size, color, shape, and texture as that on the principal building.
    2. For accessory buildings the facade material and colors of the accessory building must match the principal building.
    3. The roof shall be the same material and color as on the principal building. The roof pitch should be similar in perspective to that of the principal building.
  - (d) Height. The maximum height shall be 18 feet measured from the ground below the accessory building.
  - (e) Additional Restrictions
    1. The floor area of the accessory building cannot exceed fifty percent (50%) of the floor area of a principal building.
    2. 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 façade with pedestrian doors, vehicular access doors, and areas of the façade with two (2) feet or less between any doors and/or end of the façade. 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.
- (5) Carports. Carports are allowed in manufactured home zoning but only by conditional use permit in other zoning districts. In manufactured

home 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 such be not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance, or not in compliance with Local, State, or Federal laws. No accessory building shall be constructed upon a lot until the construction of the main-use building has actually commenced, nor shall an accessory building be used unless the main use building on the lot is also being built or 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. Height shall not exceed 18 feet measured from the ground below the accessory building.

(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 of this chapter for any exception to any accessory building standard stated in this section, such as number, height, setback, screening, and architecture and material. The planning and zoning commission may recommend and the city council may decide to approve with additional conditions and restrictions a conditional use permit exception if a satisfactory aesthetic outcome would be achieved rather than following a standard herein.

(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 nonconforming, also known as “grandfathered.”

**Section 6. Amendment of Ordinances.** Chapter 14, Zoning, Article 14.100, Section 6 Supplementary Requirements, Subsection 6.10 Accessory Buildings and Uses are hereby amended in their entirety as provided in this Ordinance, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

**Section 7. Savings Clause.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 8. 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.


**Section 9. 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.

**PASSED AND APPROVED** on this 17<sup>th</sup> day of November, 2016.

ATTEST:

  
Sandra Barton, City Secretary

THE CITY OF LAGO VISTA, TEXAS

  
Dale Mitchell, Mayor

