

ORDINANCE NO. 16-12-15-02

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14, ZONING, EXHIBIT A, PART III, ZONING DISTRICTS, SECTION 6, SUPPLEMENTARY REQUIREMENTS, SUBSECTION 6.10, ACCESSORY BUILDINGS AND USES ESTABLISHING STANDARDS FOR PERMITTING AND NOT PERMITTING ACCESSORY BUILDINGS BY SQUARE FOOTAGE, SECTION 6, SUPPLEMENTARY REQUIREMENTS, SUBSECTION 6.35, LIVESTOCK, POULTRY AND PETS, AND PART IV, ADMINISTRATION AND ENFORCEMENT, SECTION 18.20, APPLICABILITY AND USES AND STRUCTURES REQUIRING A SPECIAL USE PERMIT (SUP), ITEM L, AND CHAPTER 2, ANIMAL CONTROL, ARTICLE 2.200, ANIMAL CONTROL GENERALLY, ALL OF THE LAGO VISTA CODE OF ORDINANCES; ADDING PROVISIONS RELATING TO DEFINITIONS, REGULATIONS CONCERNING CHICKENS; DISTANCES FROM PRIVATE RESIDENCES AND PUBLIC BUILDINGS IN NEW SECTION 2.238; PROVIDING A SAVINGS CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry and Pets, City of Lago Vista Code of Ordinances (“Ordinances”) has previously allowed animals that meet the definition of the term “Livestock” within the Ordinances, only in areas granted a Specific Use Permit or within a Planned Development District; and

Whereas, Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, provides for description of those items that require a Special Use Permit and presently includes “Livestock and/or poultry keeping, caring or shelters”; 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 of some residents and hereby desires to modify such Zoning provisions; and

Whereas, Chapter 2, Animal Control, Article 2.200, Animal Control Generally, set out in the Ordinances defines “Livestock” and needs to be modified to address more fully animals that the City desires to allow within certain areas of the City and therefore must define and regulate them separately; and

Whereas, it is necessary for the City to amend all of the Sections set out above, as well as add an additional section pertaining specifically to the allowance of such specific.

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, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Section 6.10, Accessory Buildings and Uses, City of Lago Vista Code of Ordinances Subsection 6.10(B), Section 6, Chapter 14, Exhibit A, 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 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 ground below 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 ground below the building and no taller than six (6) feet at the eaves.

(c) Permitting Required. A permit issued from the Development Services Dept. 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. 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. Accessory buildings are exempt from this requirement if the entire principal building façade is non-conforming to this standard.

2. For accessory buildings the facade material and colors 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 eighteen (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.

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

(6) 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.

City of Lago Vista Code of Ordinances Subsection 6.35(A), Section 6, Chapter 14, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

6.35 Livestock, Poultry and Pets.

(A) No animals, livestock or poultry of any kind, except as set forth below, shall be raised, bred or kept outside or in a structure designed to feed them, unless permitted by SUP or PDD. Dogs, cats or other household pets may be kept. At no time shall any animals be kept or used for breeding purpose and they may not kept in quantities which create an annoyance or nuisance. The above exceptions must fully comply with all regulations of the City of Lago Vista and with State law.

(B) Exceptions are as follows:

- (1) Horses are allowed on lot 1980, Lago Vista Estates, Section 6.
- (2) Farm operations that have been in existence for at least one year before October 1, 2009, annexed after October 1, 2009, and are exempt from city regulation in accordance with Chapter 215 of the Texas Agricultural Code.
- (3) Chickens (females only) may be kept in numbers and within enclosures defined in the Animal Control Ordinance throughout the City; all other domestic farm birds must be permitted by SUP or PDD.
- (4) Chickens may be kept in larger numbers than those allowed in the Animal Control Ordinance for educational agricultural purposes (FFA or 4-H) for a period not to exceed six (6) months if permitted by SUP.

Section 4. Amending Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, Lago Vista Code of Ordinances. Section 18.20, Part IV, Administration and Enforcement, Chapter 14, Zoning, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

(L) Livestock and/or poultry keeping, except chickens (female only), caring or shelters.

Section 5. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to define "Chickens," found therein Lago Vista Code of Ordinances. Section 2.201, Definitions is hereby added to read as follows:

Chickens. Any particular domesticated farm or ranch animal of the particular fowl family, *Gallus domesticus* developed in a number of breeds for its flesh, eggs, and feathers but does not include ducks, geese, turkeys, or other domesticated fowl.

Section 6. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to add Section 2.238 pertaining to Chickens within the city limits.

Article 2.200, Animal Control Generally, is modified to add Section 2.238 pertaining to the allowance of Chickens within the City limits with regulations as follows:

Sec. 2.238 Chickens within City Limits

(a) Running at-large prohibited. It shall be unlawful for any person owning chickens to permit such chickens to run at-large within the corporate limits of the city.

(b) Male Chickens (Roosters). It shall be unlawful for any person to own and/or raise any male chickens (roosters) within the corporate limits of the city.

(c) Enclosure requirements. No person shall maintain chickens within the city limits unless the following requirements are met:

(1) There shall be a minimum of two (2) square feet for each small chicken (Bantams) or three (3) square feet for light breeds (white leghorn) kept in the city limits. An enclosure shall be provided on the premises which shall be no closer than twenty-five feet (25') to any building or dwelling occupied and/or used by human beings, excluding the applicants building or dwelling, or nearer than twenty-five feet (25') to any portion of the golf course. The enclosure must be of such construction as will allow for ease in cleaning and airing and kept in such a manner as not to become offensive to adjacent neighbors or the public. No more than ten (10) Bantams or six (6) light breed chickens may be maintained on any single lot or tract.

(2) It shall be the duty of every person raising, keeping, or harboring any chickens to keep the premises and/or pen or other enclosure in a sanitary condition.

(d) Should such chickens be kept on a lot in the City and such surrounding area is later developed to bring it closer to any building or dwelling occupied and used by human beings closer than twenty-five feet (25'), excluding property owner who keeps chickens, such enclosure may be required to be moved to keep in compliance or if unable to keep in compliance, such animals shall be required to be removed from such premises within one (1) year of such non-compliance.

(e) Chickens, other fowl and rabbits may be kept on property zoned and used for veterinary hospitals or educational facilities for such purposes such as FFA or 4-H in larger numbers than allowed provided such location has sought and obtained a special use permit (SUP) from the City's Planning and Zoning Commission.

Section 7. Amendment of Ordinances. Chapter 14, Subsection 6.35 and 18.20 and Chapter 2, Animal Control, Section 2.201 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 8. 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 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.

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.

PASSED AND APPROVED on this 15th day of December, 2016.

ATTEST:



Sandra Barton, City Secretary

CITY OF LAGO VISTA, TEXAS



Dale Mitchell, Mayor

