

**ORDINANCE NO. 18-05-17-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ARTICLE 5.90 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; SEVERABILITY CLAUSE; EFFECTIVE DATE, OPEN MEETINGS CLAUSE; 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 provisions that regulate the exterior appearance of structures within Chapter 14, Zoning of the Lago Vista Code of Ordinances; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lago Vista has undertaken an extensive review of those regulations; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lago Vista has determined that there is a need to restrict and limit the degree of similarity between single-family residences in close proximity to one another; and

**WHEREAS**, the Building Committee of the City of Lago Vista concurs with this determination as it relates to the resulting aesthetic guidelines and standards; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to incorporate those regulations and thereafter, the City Council has considered the request and hereby desires to modify those Zoning within 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. MODIFICATION.** The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 14, Article 5.90, Code of Ordinances as shown in Exhibit "A."

**SECTION 3. SAVINGS CLAUSE.** 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orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.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 17<sup>th</sup> day of May, 2018.



ATTEST:

*Sandra Barton*  
Sandra Barton, City Secretary

*Ed Tidwell*  
Ed Tidwell, Mayor

On a motion by Councilman Davila, seconded by Councilman Sullivan, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

**CHAPTER 14**

**ZONING**

5.90. Similarity Restrictions.

(A) Purpose. The regulation of appearances is intended to promote orderly, high quality and sustainable development and redevelopment in the City of Lago Vista. These sections provide standards to control the design and physical aspects of development so that the results remain harmonious with surrounding properties and consistent with adopted land use policies. Goals shall include, but not be limited to the encouragement of new construction of distinctive design and the prevention of excessive similarity among residential dwellings.

(B) Standards. Except as provided herein, no two single-family dwellings of similar front elevation or façade shall be constructed or located within any four adjacent lots on either side of a street within the same block or cul-de-sac, as specified below.

(1) Front elevations or facades shall be deemed to be similar unless they are substantially different through the use of no less than three of the following variations:

- (a) Distinct exterior finish materials and colors;
- (b) Entry design and features;
- (c) The garage is set back or extends in front of the remainder of the front façade by a minimum of four feet; and/or
- (d) Inclusion of a covered, open-walled porch or other similar improvement at least six feet in depth extends across at least one-third of the width of the front façade.

(2) Front elevations or facades shall be deemed to be similar unless they also vary in no less than two of the following criteria:

- (a) The principal structure's roof geometry or type (gable, hip, gambrel, shed, mansard, flat, or combinations, etc.).
- (b) The geometry, shape and/or dimensions of the front elevation or silhouette.
- (c) The garage type (front-loaded, side-loaded or detached) or location.
- (d) Locations, sizes and types of windows on the front elevation.



(C) Application Review Process.

- (1) Any lot across a frontage street right-of-way will be reviewed as adjacent if the extension of either side property line would intersect another lot's front property line or corner.
- (2) Corner lots shall be evaluated and meet the requirements for each frontage that it shares.
- (3) Intervening streets, public parks or similar features at least 50 feet in width shall be deemed to interrupt adjacency.
- (4) The proposed residence shall be considered different from any vacant lot for which no building permit application has been submitted without requiring further documentation.
- (5) The proposed residence shall be considered different from any residence that differs in the number of stories (single-story, two-story, etc. when permitted by development standards).
- (6) Acceptable documentation of the other structures in question shall include photographs (no building elevations of other structures are required).
- (7) The Building Official shall review all submitted documentation and any previously approved building permits to make a determination. Where the Building Official finds that a dwelling for which a building permit is being requested violates the similarity restrictions, the building permit shall be denied.

(D) Exemptions. Single-family dwellings with a notarized sales agreement or approved building permit prior to the effective date of this ordinance shall be exempt from these provisions. A Planned Development District (PDD) may also explicitly exempt itself from these requirements when a similarity of architectural form and style among dwellings is integral to the concept.