

Meeting Packet

Building and Standards Commission Regular Meeting

April 9, 2019



The City of Lago Vista

To provide and maintain a healthy, safe, vibrant community, ensuring quality of life.

**NOTICE OF A REGULAR MEETING
BUILDING AND STANDARDS COMMISSION
TUESDAY, APRIL 9, 2019, 7:00 PM
COUNCIL CHAMBERS
CITY HALL – 5803 THUNDERBIRD STREET**

NOTICE IS HEREBY GIVEN that the Building and Standards Commission of the City of Lago Vista, Texas will hold a meeting on the above date and time to consider the following agenda items. Items do not have to be taken in the same order as shown in the meeting notice.

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS

CONSENT AGENDA

All matters listed in Item 1, Consent Agenda, are to be considered routine by the Committee and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Consider Approval of The Following Minutes:

March 12, 2019 Regular Meeting of the Building and Standards Commission

BUSINESS ITEMS

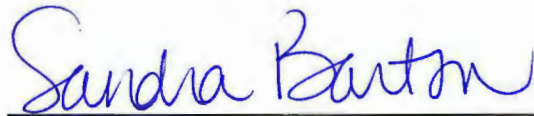
- 2. Comments from the Council liaison.**
- 3. 19-1413-SIGN-VAR:** Consideration of an application to the City Council for a variance in the size and maximum height of a freestanding residential development project sign (temporary) for “the Hollows on Lake Travis” and its integral sales office (“Discovery Center”). A recommendation from the Building and Standards Commission is required prior to consideration of the application by the City Council.
- 4. Discussion of the draft ordinance for the regulation of stormwater detention.**
- 5. Discussion of a prioritization of ordinances in need of updates as the basis of a recommendation to the Master Plan subcommittee.**
- 6. Discussion of “sunset” provisions and exemptions within the existing outdoor lighting regulations (“Dark Sky Ordinance”).**

7. Discussion of wildfire fuel ("Firewise") regulations relative to non-local property owners.

FUTURE AGENDA ITEMS

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at **4:50 p.m. on the 3rd day of April 2019.**



Sandra Barton, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE BUILDING COMMITTEE RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

Consent Agenda

Building and Standards Commission Regular Meeting

April 9, 2019

Draft Minutes

March 12, 2019 Regular Meeting

Agenda Item 1

MINUTES
Tuesday, March 12, 2019, 7:00 PM Regular Meeting DRAFT
Building & Standards Commission
City of Lago Vista

Chairman Scott Cameron called the meeting to order at 7:00 PM in Council Chambers in City Hall located at 5803 Thunderbird St., Lago Vista, Texas. Members present were Scott Cameron (Chair), Jacob Lantz (Vice Chair), Jim Cason, Stormy Johnson and Paul Prince (Secretary). Karen Van Ness and Howard Hoover were absent. Staff present were Roy Jambor (Development Services Director) and Arch Davila (Council Liaison).

CITIZEN COMMENTS FOR NON-HEARING RELATED ITEMS:

Division Chief-Fire Marshal Sammy Hancock and Fire Inspector Jacob Couch were present at the meeting. Chief Hancock shared material with the commission on the firewise topic, and introduced Mr. Couch who will be taking over as the lead for ESD-1 on this subject.

CONSENT AGENDA:

1. Consider approval of the following minutes:

- A. January 8, 2019 Regular Meeting of the Building and Standards Commission

It was noted that these minutes had previously been approved in the February 12, 2019 meeting, as documented in the minutes for that February 12 meeting.

- B. February 12, 2019 Regular Meeting of the Building and Standards Commission

On a motion by Jim Cason, and seconded by Paul Prince, members voted unanimously to approve the minutes of the February 12, 2019 meeting.

BUSINESS ITEM #2: COMMENTS FROM COUNCIL LIASON

Mr. Davila asked for status on discussion of fee schedule. Roy said these are almost complete. With the big missing pieces in the area of how to update fee schedules for added inspections to address “bad behavior” in particular relating to ongoing construction sites, such as debris containment, and inappropriate parking. The updated fee schedule will be brought before the council for approval.

Limiting time for permits will be updated to 6 months Start-to-Finish, with extensions requiring application with repeat payment of the fees. This will be brought to the Council for approval as part of the overall fee schedule approval request.

Looking for volunteer sub-committee implementing the master plan. Jacob Lantz volunteered with constraints on schedule. Mr. Davila asked for a backup volunteer if Jacob could not make the meetings. Paul Prince volunteered as backup.

Mr. Davila suggested consideration for a sun-setting policy on the exemption for existing residential homes from dark-skies requirements. The idea would be to phase this in over a period of TBD number of years.

BUSINESS ITEM #3: DISCUSSION OF THE DRAFT ORDINANCE FOR THE REGULATION OF STORMWATER DETENTION

Roy commented that a significant update to the draft had been completed by the city engineer and he is looking for the commission to review and provide comments. Jacob asked if all detention pond calculations will be done based on the City of Austin 1000 year flood plan. He expressed concern that this will result in excessive construction costs, resulted in significant portions of Lago Vista becoming undevelopable. Roy clarified that we already have regulations for new subdivisions, and the intention is to update to have regulations that also apply to lots which are already platted. In response to a question from Paul, Roy clarified that new residential building is exempt from the regulations under discussion here. Scott added that common law addresses this for individual homes and their impact on neighbors. Jim noted that there is some language in the draft regarding single family homes, but there is a blanket exemption. This should be addressed in updated drafts. It was noted also that LCRA regulates water management for building on lots of 1 acre or larger and buildings of 10,000 square feet or more.

BUSINESS ITEM #4: DISCUSSION FOR CLARIFICATION OF ITEMS TO BE INCLUDED IN THE NUISANCE AND OFFENSES ORDINANCES, RESPECTIVELY

Scott Cameron suggested adding an item regarding transient camping if it is not already included. Roy responded that Greg has been working on that issue, and suggested this would be better managed by the police which is being pursued.

Roy is pursuing an answer to how to deal with dangerous and wild animals on public property.

The updated draft language distributed as part of this meetings packet includes some language updates for boats.

Actions for this commission is to review and provide feedback. I.e. to act as an advisory committee on this topic.

After some discussion on the scope of decisions to be made by this commission, beyond the ordinance chapter 14 on building standards, Mr. Davila took the action to clarify this with the Council. Given the commissions updated name of "Building and Standards Commission" what is the extended scope? The Board of Adjustment only handles appeals of variances denied by the Planning and Zoning Commission, where the standard is hardship. One topic that will now come before this commission is variance requests for building material. Jim asked if there is a specific set of standards for making variance decisions on required building material. Roy suggested the standard should be equivalent performance, but it is not clearly codified at present. Scott suggested that at least part of the reason for specifying material was to ensure an appropriate aesthetic, "hill country atmosphere". Roy responded that we do have exemptions for portions of the house that cannot be seen.

A discussion was held on whether it is allowed for citizens to work on cars within an enclosed area in their backyard if fenced, or if it had to be done in a completely enclosed building. The conclusion was this is allowed for private vehicles, but cannot be done as a business without an appropriate business license.

Future agenda items

Suggestions for possible future items and associated discussion was held as follows:

- Stormwater detention: Discussion on this topic would be appropriate once an additional significant update to the draft ordinance is ready.
- Prioritization of ordinances for update: Comprehensive Master Plan implementation discussions would likely drive prioritization of ordinances and will be appropriate as a future agenda item once the CMP discussion is ready for that.

- Communication strategy for making citizens aware of major regulations, such as dark skies or building variation requirements. Arch suggested that the water bill is currently the best communication tool. Roy said in previous locations he had been able to use community and neighborhood organizations to spread information. It was noted that the person who has been hired for communications seems to be completely consumed with LagoFest.
- Sunsetting plan for enforcing dark skies compliance on existing buildings.
- Firewise: discussion included difficulty in enforcing on lots not owned by local residents.

ADJOURNMENT

Chairman Cameron adjourned the meeting at 8:30 pm.

H. Scott Cameron, Commission Chair

Paul Prince, Commission Secretary

On a motion by _____, and seconded by _____,
the foregoing instrument was passed and approved on the _____ day of _____, 2019.

Meeting Packet
Building and Standards Commission Regular Meeting
April 9, 2019

Agenda Item 3
Sign Variance Application

19-1413-SIGN-VAR
“Hollows on Lake Travis” Project Sign

Meeting Packet
Building and Standards Commission Regular Meeting
April 9, 2019

Agenda Item 4

Proposed Stormwater Regulations

Sec. 3.xx Drainage Regulations

3.01 Intent

These requirements represent the application of accepted principles of drainage requirements and is a working supplement to basic information obtainable from standard drainage handbooks and other publications on drainage. The policy statements of this section provide the underlying principles by which all drainage facilities shall be designed. The application of the policy is facilitated by the technical criteria contained in the remainder of the City's adopted drainage manual.

3.02 Applicability and Exemptions

This article shall apply to all proposed construction, regardless of size, and development within the jurisdiction of the City. Construction Exempted from this Section Are we follows:

1. Single family construction not part of common development.
2. Single family construction which is not considered a duplex, on a previously platted lot and not part of common development.
3. Single family construction resulting from ~~minor~~ administrative platting, not part of common larger development.
4. City owned ~~D~~development intended to be used fully as a Park or Recreational Activities.
5. City paid for ~~funded~~ infrastructure system construction, in part or as a whole.

Development may still be subject to the LCRA non-point source requirements regardless of the exemptions above.

3.03 General

The City shall have the right to enter the premises of any site discharging stormwater to the stormwater drainage system or to water quality controls or to waters of the United States to determine if the discharger is complying with all requirements of this article and with any state, ~~or~~ federal, or LCRA discharge permit, limitation, or requirement. Dischargers shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, and records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the City, upon request, any SWPPPs, operating permits, site development permits, construction permits, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit.

The City hereby defines its policy to be that the City will withhold all City services and improvements of whatsoever nature, including the maintenance of streets, zoning and permitting, and the furnishing of all other City services until proposed construction or development is properly constructed according to the approved engineering plans and to City standards, and if intended for public use, until such public improvements are dedicated to and accepted by the City.

3.04 Procedural Requirements

1. Unless development and construction is exempted from the requirements herein, all proposed development, regardless of size, shall submit drainage design drawings to the City for approval ~~drainage design drawings, sealed by a Texas licensed engineer. Any design drawings shall be sealed by a Texas licensed engineer~~
2. Drainage improvements are required to be fully implemented, or bonded at 125% of the engineer's estimated cost, prior to any final platting approval, unless the improvements have already been constructed and approved by the City. The estimated cost of construction, planning, and design of the drainage facilities shall have a Texas Licensed Engineer stamp of approval, as approved by the City Engineer.
3. No proposed construction is to cause a flood hazard, or any adverse impact, drainage or otherwise, to adjacent properties, or a public Right of Way, including all non-City funded infrastructure exceptions stated herein. The stormwater rate of runoff after construction shall be less than or equal to the site's runoff prior to construction. All development shall incorporate facilities to prevent any increase in the peak rate of runoff or channelizing or concentrating in any way.
4. The City Engineer may, at his or her discretion, require preparation and submission of a FEMA or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.

3.05 Design and Analysis Requirements

All engineering analysis, reports, designs, and drawings shall comply with the requirements herein.

3.051 Engineering Analysis

1. Certified engineering data and calculations shall demonstrate the absence of adverse impact on all downstream conveyances and property between the downstream property line and the receiving major waterway. The peak rate or runoff pre and post development shall be calculated based on storm events of 2-yr, 10-yr, 25-yr, and 100-yr returns.
2. Certified engineering data and calculations shall fully describe, explain, and justify recommended alternative to detention. Engineering data is required for on-site storage and for the required regulation of peak flows. All engineering calculations shall be done in accordance with the **City of Austin Drainage Criteria**.
3. If the property is adjacent to a major waterway, Lake Travis, a major creek, or canyon, and in the judgment of the City Engineer, a waiver of detention requirements will not result in an increase in the peak flood flow of the one-percent chance storm event, the City Engineer may issue a waiver tot eh detention requirement. The design engineer, at the request of the City Engineer, shall analysis and prove no such rise exists by -assuming completely developed watershed conditions of the major waterway. Waiver of this requirement for any reason shall not relieve the owner of responsibility under civil law to adjacent and downstream property owners.

3.052 Engineering Design

1. The design drawings at minimum shall encompass the drainage requirements as outlined under the City's **Subdivision Regulations**.
2. In order to help reduce stormwater runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction.
3. Development shall avoid concentrated runoff flows to adjacent properties by constructing drainage facilities that disperse flows and mirror the flow patterns of the pre-development conditions. Pre-approved design methodology is the use of a flow spreader. All other methods are subject to City review and approval.
4. An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.
5. Areas subject to flood conditions or inadvertent stormwater retention, such as standing or pooling water, as established by the City Engineer, will not be considered for development until adequate drainage has been provided.
6. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. Stormwater drainage from one residential lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream property owner(s) and unless specifically approved by the City.
7. Construction of enclosed storm sewers and impervious channel linings are permitted only when the City, based on competent engineering evidence from the applicant, concludes that such storm sewers or impervious linings are protective of the watershed and maintain water quality.
8. Any drainage or water quality mitigations shall be fully incorporated within the development property. If approved by the City Engineer, engineering data to demonstrate adequate conveyance of stormwater flows from the site to the off-site storage facility, via maps and engineering calculations.
9. Development in naturally low areas, including all single-family homes, shall maintain the natural flow of water at pre-development conditions **at downstream locations of the property**. If approved by the City Engineer, developer or builder may propose an engineering design that diverts the natural flow of water and shall prove no adverse impact to these natural flows and adjacent properties. If approved, developer to provide a drainage easement encompassing a 500-yr water level area plus a maintenance strip within that easement to be used as a drainage way access.

3.053 Water Quality Requirements

1. All development adjacent to creeks and collecting drainage areas shall be in accordance with the City's nonpoint source pollution control ordinance.

2. Drainage patterns shall be designed to the maximum extent practical to prevent erosion and attenuate the harm of contaminants collected and transported by stormwater.
3. To the maximum extent practical, all stormwater drainage shall be treated using overland flow methods to a vegetated buffer, depending on volumes and velocities of runoff for the development, as opposed to concentrating flows in storm sewers and drainage ditches. If storm sewers are deemed necessary as specified above, the applicant shall design the stormwater drainage system to mitigate its impact on water quality by using structural devices or other methods to prevent erosion and dissipate discharges from outlets wherever practicable, and by directing discharges to maximize overland flow through buffer zones or grass-lined swales.
4. With the ~~exemptionseptions-~~ noted above, all construction proposing over 10,000 square feet, and more than 15% impervious coverage of the common development shall comply with the City's water quality Best Management Practice (NPS Requirements). These NPS Requirements apply to all construction, except the cited exemptions above, regardless of the availability of infrastructure already in place.
5. All subsequent phasing, of any development that qualified for an NPS exception in previous phases, shall consider previous common development and the property as a whole when presenting engineering analysis and design to the City for approval.
6. Design and construction shall at minimum implement the City's Erosion Control standards. Any deviation shall be presented to the City prior to ~~permitting,~~ permitting and will subject to the City's approval.
7. All development planning land disturbance of 5-acres or more, shall submit to the City the TCEQ Notice of Intent prior to construction.

3.06 Construction Requirements

1. No proposed construction or development shall cause the stormwater discharge into a wastewater system, cave, sinkhole, water-well, or other non-common discharge points except downstream discharge points as approved by the City Engineer.
2. Each proposed stormwater conveyance improvement must be sufficiently constructed of materials and of a design to resist external pressure caused by earth or building; and internal pressure or abrasion caused by water or debris.
3. No person, construction, or development shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainageway without first obtaining written permission of the City Engineer and any other applicable City of Lago Vista Department having jurisdiction.
4. All creeks and drainage areas shall be protected in their natural condition.
5. The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to the City's TCSS Manual.

3.07 Easements

1. Drainage Facility Maintenance strip easement shall be no less than 15' wide.

2. The minimum drainage easement shall be 20' in width and follow the centerline of the concentrated flows.
3. Drainage easements shall encompass the entire proposed or existing drainage facility plus 5' width in all directions.
4. For new common development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity, for which they are being provided. Easement examples include, but are not limited to, the following: water, sanitary sewer, water quality, or drainage easement.
5. All easements shall have an access easement connecting to a Right of Way or an unrestricted public use property. The access easement shall be dedicated to the public for unrestricted access purposes. All other easement types such as a fire lane easement, which is dedicated to the City and its fire suppression and emergency medical service providers for access purposes; an electrical, gas or telephone easement, which is dedicated to the specific utility provider that requires the easement.

3.08 Penalties

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent City of Lago Vista from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 3.xx Drainage Regulations

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2. Single family construction which is not considered a duplex, on a previously platted lot and not part of common development.
3. Single family construction resulting from minor platting, not part of common larger development.
4. Development intended to be used fully as a Park or Recreational Activities. — *JUST CITY OWNED*
5. City paid for infrastructure system construction, in part or as a whole.

3.03 General

The City shall have the right to enter the premises of any site discharging stormwater to the stormwater drainage system or to water quality controls or to waters of the United States to determine if the discharger is complying with all requirements of this article and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, and records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the City, upon request, any SWPPPs, operating permits, site development permits, construction permits, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit.

The City hereby defines its policy to be that the City will withhold all City services and improvements of whatsoever nature, including the maintenance of streets, zoning and permitting, and the furnishing of all other City services until proposed construction or development is properly constructed according to the approved engineering plans and to City standards, and if intended for public use, until such public improvements are dedicated to and accepted by the City.

3.04 Procedural Requirements

1. Unless development and construction is exempted from the requirements herein, all proposed development, regardless of size, shall submit to the City for approval drainage design drawings, sealed by a Texas licensed engineer.

CANNOT EXEMPT FROM LCRA UNLESS IN APPLICABLE POLITICAL SUBDIVISION, OR PLATTED PRIOR TO 2/1/1990, OR SFR W/ < 10K FT² IMPERVIOUS COVER & DISTURBING < 1 ACRE
→ PROVIDE WRITTEN NOTIFICATION TO LCRA & MAINTAIN SEDIMENT CONTROL, ETC.

SUGGEST YOU SAY THAT EVEN THOUGH PROJECT MAY BE EXEMPTED FROM THIS ARTICLE, IT MAY STILL BE SUBJECT TO CERTAIN LCRA REQUIREMENTS.

* COULD, OR SHOULD, APPLY TO SINGLE FAMILY RESIDENCES.

2. Drainage improvements are required to be fully implemented, or bonded at 125% of the engineer's estimate, prior to any final platting approval, unless the improvements have already been constructed and approved by the City. The estimate of construction, planning, and design of the drainage facilities shall have a Texas Licensed Engineer stamp of approval, as approved by the City Engineer. *COST?*
- * 3. No proposed construction is to cause a flood hazard, or any adverse impact, drainage or otherwise, to adjacent properties, or a public Right of Way. The stormwater rate of runoff after construction shall be less than or equal to the site's runoff prior to construction. All development shall incorporate facilities to prevent any increase in the peak rate of runoff or channelizing or concentrating in any way. *COST?*
4. The City Engineer may, at his or her discretion, require preparation and submission of a FEMA or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.

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3. *DOESN'T MAKE SENSE* If the property is adjacent to a major waterway, Lake Travis, a major creek or canyon and in the judgment of the City Engineer, waiver of detention requirements will not result in an increase in the peak flood flow of the one-percent chance storm event assuming completely developed watershed conditions of the major waterway. Waiver of this requirement for any reason shall not relieve the owner of responsibility under civil law to adjacent and downstream property owners.

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DO WE CURRENTLY HAVE ANY AREAS
OF THE CITY WITH STORM SEWER SYSTEM?

3. Development shall avoid concentrated runoff flows to adjacent properties by constructing drainage facilities that disperse flows and mirror the flow patterns of the pre-development conditions. Pre-approved design methodology is the use of a flow spreader. All other methods are subject to City review and approval.
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ALREADY EXEMPTED MOST

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6. Design and construction shall at minimum implement the City's Erosion Control standards. Any deviation shall be presented to the City prior to permitting, will subject to the City's approval.
7. All development planning land disturbance of 5-acres or more, shall submit to the City the TCEQ Notice of Intent prior to construction.

WHAT CAUSES SUBMITTAL TO TCEQ, AS OPPOSED TO LCRA?

3.06 Construction Requirements

- * 1. No proposed construction or development shall cause the stormwater discharge into a wastewater system, cave, sinkhole, water-well, or other non-common discharge points except downstream discharge points as approved by the City Engineer.
- * 2. Each proposed stormwater conveyance improvement must be sufficiently constructed of materials and of a design to resist external pressure caused by earth or building; and internal pressure or abrasion caused by water or debris.
- * 3. No person, construction, or development shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainageway without first obtaining written permission of the City Engineer and any other applicable City of Lago Vista Department having jurisdiction.
4. All creeks and drainage areas shall be protected in their natural condition.
5. The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to the City's TCSS Manual. *WHAT/WHERE IS IT?*

3.07 Easements

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3. Drainage easements shall encompass the entire proposed or existing drainage facility plus 5' width in all directions.
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3.08 Penalties

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent City of Lago Vista from taking such other lawful action as is necessary to prevent or remedy any violation.

Meeting Packet
Building and Standards Commission Regular Meeting
April 9, 2019

Agenda Item 5

Prioritization of Ordinance Amendments
Potential Recommendations to Master Plan Subcommittee

Meeting Packet
Building and Standards Commission Regular Meeting
April 9, 2019

Agenda Item 6

Discussion of “Sunset” Provisions and Exemptions
Outdoor Lighting (“Dark Sky”) Ordinance

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.800 OUTDOOR OR EXTERIOR LIGHTING

Section 3.803 Scope and Applicability

All outdoor or exterior lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes, except as provided herein.

- A. New Construction. All outdoor or exterior lighting associated with newly constructed residential and nonresidential structures permitted after the effective date of this article shall comply with these requirements and other applicable regulations unless otherwise exempted.
- B. Renovations and Repairs. All residential and nonresidential renovations or repairs requiring a permit after the effective date of this article shall comply with these requirements and other applicable regulations unless otherwise exempted. All renovations or repairs that include installation or replacement of exterior or outdoor lighting in excess of 6,200 lumens within any 90 day period shall require a permit.
- C. Nonconforming Existing Lighting. All existing outdoor or exterior lighting that was legally permitted or installed before the effective date of this article, but does not conform to the standards imposed shall be considered nonconforming. Nonconforming outdoor or exterior lighting is allowed to remain except as described below.
 - (1) Residential and Nonresidential Property. All existing outdoor or exterior lighting located on a property that is the subject of any land use application (zoning, conditional use, special exception, etc.), a sign permit or a building permit for an addition or renovation is required to comply with these requirements within 90 days as a condition of the approval.
 - (2) Multifamily and Nonresidential Property.
 - (a) All nonconforming existing outdoor or exterior lighting that becomes damaged or inoperable and is subsequently repaired, replaced or improved, shall comply with the requirements for new construction.
 - (b) If a nonconforming use or structure has been abandoned for more than twelve months all outdoor or exterior lighting on the property must be brought into compliance as a condition of reoccupation or reuse.

- (c) Occupied multifamily and nonresidential property shall be brought into compliance with outdoor or exterior lighting requirements within five (5) years from the effective date of this article. A new property owner may request a three-year extension to come into compliance if the purchase occurred within this timeframe.
- (3) Street Lighting. Non-conforming street lights shall be allowed to remain until replacement is otherwise required. Replacement fixtures and lamps shall comply with the requirements of this article as specified below.

D. Exemptions and Exceptions.

- (1) Outdoor or exterior lighting fixtures, including landscape lighting with a maximum output (regardless of the number of lamps) of 800 lumens per fixture for shielded fixtures, and 450 lumens per fixture for unshielded fixtures. However, the collective output from these fixtures shall be included in the total output limitation specified below.
- (2) Lighting produced directly or indirectly by the combustion of natural gas, liquid propane or other fossil fuels.
- (3) Nonconforming sports facility lighting prior to 11:00 p.m. or later if required to complete an event in progress prior to that time.
- (4) Flag or flag pole lighting.
- (5) Holiday lights from November 15th to January 15th between 6:00 a.m. and midnight, except that flashing holiday lights are prohibited on nonresidential properties and discouraged on residential properties.
- (6) Temporary lighting for events or construction areas provided the lights do not present a traffic hazard.
- (7) Traffic control signals or devices and specialized or temporary lighting needed for safety, during emergency repairs or by law enforcement, fire and emergency services.
- (8) Lighting required by federal or state laws or regulations, including those required to be installed on motor vehicles or for the safe operation of aircraft.
- (9) Security lighting that is motion sensor activated and remains active no longer than five minutes after motion on the property has ceased.

Section 3.804 Procedures and Compliance

A. Single-family and Two-family Residential Outdoor Lighting.

- (1) Upon receipt of single-family or two-family residential building permit application, the Development Services Department shall provide either a summary or a copy of these requirements. Continued pursuit of a permit shall serve as acknowledgment that the applicant has been notified of these outdoor lighting regulations.

- (2) Compliance with outdoor lighting requirements for single-family or two-family residences will be reviewed onsite, and verified before issuance of a Certificate of Occupancy. A separate lighting permit apart from the building permit is not required. However, the Building Official may require manufacturer's data on any outdoor light fixture or lamp as part of that review.

B. Multifamily and Nonresidential Outdoor Lighting. All applications for multifamily and nonresidential building permits or land use planning review, including subdivision construction plans, which include installation of outdoor lighting fixtures shall include lighting plans conforming to the provisions of these regulations. Submittals shall include the following information as applicable to each specific project:

- (1) Plans indicating the location, type, intensity, and height of all existing and proposed outdoor light fixtures, including those indoor fixtures defined as outdoor or exterior lighting by these provisions;
- (2) Specifications and descriptions of all fixtures, including lamps, photometric data showing the pattern of light emission and intensity, shielding devices, light standards or other supports, which may be provided as manufacturer's standard literature;
- (3) Calculations of the total outdoor light output, the total outdoor light output per acre, the total illuminated property area and both the fixture and lamp data used in the calculations; and
- (4) Additional information requested by the Development Services Director and Building Official and required to verify compliance.

Meeting Packet
Building and Standards Commission Regular Meeting
April 9, 2019

Agenda Item 7

Discussion of Wildfire Fuel (“Firewise”) Regulations
Relative to Non-Local Property Owners

CHAPTER 6 HEALTH AND SANITATION REGULATIONS

Sec 6.203 Definitions

The following definitions shall apply in the interpretation and enforcement of this article:

Brush. All uncultivated shrubs, bushes and small trees.

Earth and Construction Materials. Earth, rocks, bricks, concrete, other similar materials and waste materials resulting from construction or remodeling.

Garbage. Rubbish, trash, kitchen and household waste, ashes, bottles, cans, rags, paper, food, food containers, lawn trimmings, tree trimmings, hedge trimmings, leaves, grass, weeds and refuse, and all decayable wastes, including animal and vegetable matter, but not including sewage, hazardous, toxic or corrosive materials, earth and construction materials as herein, or any other material which may be found to be harmful to garbage collection and handling personnel or equipment.

Injure. Any and all character of physical damage, whether caused by fire or force, and which shall be done or caused willfully by any person.

Junk. All worn out, worthless and discarded material, in general, including, but not limited to, odds and ends, old iron or other metal, glass, paper, cordage, tires or other waste or discarded materials.

Lot. In addition to land within the boundaries of the property lines, all land adjacent to and extending beyond the property lines of any lot or parcel of land to the curblines or adjacent streets where curblines have been established or, where no curblines have been established, to eight (8) feet beyond the property lines.

Refuse. See “garbage.”

Rubbish. All refuse, rejected tin cans, old vessels of all sorts, useless articles, abandoned pipe, discarded clothing and textiles of all sorts, and in general all litter. The words “any and all objectionable or unsanitary matters,” not included within the meaning of the other terms as herein used, mean those which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the general locality where the same are situated.

Solid Waste. Household garbage and refuse and commercial garbage and refuse, brush cuttings and weeds.

Trash. See “garbage.”

Unwholesome Matter. All stagnant water, filth, carrion, impure matters and any condition liable to produce disease.

Weeds. All rank and uncultivated vegetable growth or matter which is liable to become an unwholesome or decaying mass, or breeding place for flies, mosquitoes, or a wildfire hazard.

Wildfire Fuel. Brush; piles and accumulations of dead or cut vegetation, brush or trees; grass and weeds over 24 inches in height; and limbs of cedar trees (ashe juniper) closer to the ground than six feet.

Sec 6.206 Right To Abate Dangerous Weeds And Wildfire Fuel

Whenever an immediate danger to the health, life or safety of any person exists as a result of weeds which have grown to a height; at any point on the property, of greater than 24 inches, or wildfire fuel on vacant or unoccupied property the city may abate or cause the abatement of the weeds or wildfire fuel without notice

to the owner. In the event the city abates the nuisance under this section, the city shall forward notice to the owner within ten (10) days in the manner set forth in Section 6.208.

Sec 6.211 Limitation On Height Of Grass And Weeds And Wildfire Fuel Limitations

1. Improved Lots. It shall be unlawful for any person who shall own or occupy any improved lot or lots in the city limits to allow weeds and/or grass to grow on such lot or lots to a height of more than twelve (12) inches. Weeds and/or grass of a height exceeding twelve (12) inches are declared a nuisance. Provided, however, this section shall not apply to property used for the growing of agricultural crops or grass if such property has not been platted into lots.
2. Unimproved or Vacant Property. It shall be unlawful for any person who shall own or occupy any unimproved or vacant property in the city limits to allow weeds and/or grass to grow on such lot or lots to a height of more than 24 inches and/or cedar tree (ashe juniper) limbs to be within six feet of the ground on unimproved or vacant land. Provided, however, this section shall not apply to property used for the growing of agricultural crops or effluent irrigation.
