

Meeting Packet  
Building & Standards Commission Regular Meeting

March 12, 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, MARCH 12, 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:**

- A. January 8, 2019 Regular Meeting of the Building and Standards Commission
- B. February 12, 2019 Regular Meeting of the Building and Standards Commission

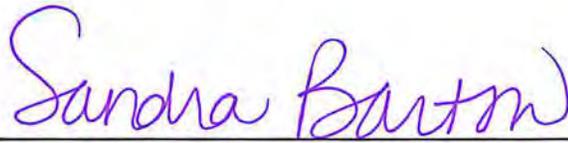
### **BUSINESS ITEMS**

- 2.** Comments from the Council liaison.
- 3.** Discussion of the draft ordinance for the regulation of stormwater detention.
- 4.** Discussion for clarification of items to be included in the nuisance and offenses ordinances, respectively.

### **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 2:30 p.m. on the 7<sup>th</sup> day of March 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 & Standards Commission Regular Meeting

March 12, 2019

Draft Minutes

February 12, 2019 Regular Meeting

Agenda Item 1B

Draft Minutes

January 8, 2019 Regular Meeting

Agenda Item 1A

Building & Standards Commission Regular Meeting

March 12, 2019

Agenda Item 2

Draft Ordinance: Stormwater Detention

## **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 platting, not part of common larger development.
4. Development intended to be used fully as a Park or Recreational Activities.
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.

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.
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.
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, 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.

#### **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. 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 exceptions 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, 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.

Building & Standards Commission Regular Meeting

March 12, 2019

Agenda Item 3

Draft Ordinance: Nuisance Vehicles, Aircraft & Watercraft

## Nuisances and Unsafe Conditions

Article 3.600 of Chapter 3 Oak Wilt Control

Article 3.1200 of Chapter 3 Substandard and Dangerous Buildings

Article 6.100 of Chapter 6 Garbage and Rubbish

Article 6.200 of Chapter 6 Property Maintenance

Article 8.300 of Chapter 8 Noise ? (could be offense if you want the police to enforce)

Article 8.800 of Chapter 8 Junked Vehicles

Article 8.900 of Chapter 8 Junked Vehicles and Abandoned Aircraft

## Offenses

Chapter 2 Animal Control ? (now a stand-alone chapter enforced by police)

Article 8.100 of Chapter 8 Hunting and Shooting

Article 8.200 of Chapter 8 Firearms on City Premises

Article 8.400 of Chapter 8 Damaging or Removal of City Owned Signs

Article 8.500 of Chapter 8 Reward Offer ? (should it instead read: Government Property Damage Information)

Article 8.600 of Chapter 8 Hostile Actions Against Elected or Paid City Officials

Article 8.700 of Chapter 8 Juvenile Curfew

Article 8.1000 of Chapter 8 Sex Offenders Residency

**EXHIBIT "A"**

**CHAPTER 6**

**NUISANCES AND UNSAFE CONDITIONS**

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**ARTICLE 6.X00 ABANDONED, INOPERABLE OR UNREGISTERED VEHICLES,  
AIRCRAFT AND WATERCRAFT**

**Sec. 6.X01 Purpose**

Except as authorized by specific provisions of Chapter 14, Zoning or exempted below, all abandoned, inoperable or unregistered vehicles, aircraft and watercraft, including any parts thereof, that are visible from a public place or neighboring property are prohibited as:

- A. Detriments to the safety and welfare of the general public;
- B. Tending to reduce the value of private property;
- C. Inviting vandalism;
- D. Contributing to fire hazards;
- E. Constituting an attractive nuisance detrimental to the health and safety of minors in particular;
- F. Producing urban blight adverse to the maintenance and continuing development of the municipality;  
and
- G. Creating a public nuisance.

**Sec. 6.X02 Definitions**

The words used in this article and not defined by their context or in this section shall have their ordinarily accepted meaning. Otherwise, the following words and phrases shall have the meaning respectively ascribed to them below:

Abandoned, Inoperable or Unregistered Aircraft - any vessel that is invented, used, or designated for air navigation or flight, other than a parachute or other device used primarily as safety equipment that can be described in any one or more of the following ways:

- A. Has been stored for more than 90 days on City property at the Rusty Allen Airport during which time the City has been unable to determine and/or locate the owner;
- B. Is wrecked, discarded, "junked," dismantled or partially dismantled;

- C. Is inoperable and has remained inoperable for more than 180 days;
- D. Is not properly licensed or registered in the manner provided by the Federal Aviation Administration (FAA) registration regulations; or
- E. Does not have identifications numbers clearly displayed on the aircraft in compliance with Federal Aviation Administration (FAA) regulations.

Abandoned, Inoperable or Unregistered Vehicle - any vehicle, whether motorized or not including passenger cars, trucks, recreational vehicles (RVs), campers, travel trailers or motorcycles that can be described in any one or more of the following ways:

- A. Is wrecked, discarded, “junked,” dismantled or partially dismantled;
- B. Is inoperable or immovable and has remained in that condition for more than:
  - 1. Seventy-two hours if the vehicle is on public property; or
  - 2. Thirty consecutive days if the vehicle is on private property.
- C. Does not include both of the following lawfully attached certifications:
  - 1. An unexpired license plate; and
  - 2. A current motor vehicle registration/inspection decal.

Abandoned, Inoperable or Unregistered Watercraft - any structure or vessel designed or adapted to be navigated from place to place on the water (without or without propelling machinery), such as boats, ships, sailboats, barges or jet skis, that can be described in any one or more of the following ways:

- A. Is not secured to a trailer designed for that specific vessel type to be transported on public streets and includes both of the following attached certifications:
  - 1. An unexpired license plate; and
  - 2. A current motor vehicle registration/inspection decal.
- B. Does not display current and valid Texas Parks and Wildlife Department registration decals;
- C. Is wrecked, discarded, “junked,” dismantled or partially dismantled;
- D. Is otherwise damaged so as to be unsafe if launched and remains in that condition for more than seventy-two hours.

Antique Aircraft or Vehicle - an aircraft, passenger car or truck constructed by the original manufacturer (or licensee) on or prior to August 31, 1945.

Aircraft or Vehicle Collector - a person who:

- A. Owns one or more antique or special interest aircraft or vehicles; and
- B. Acquires, collects, restores, preserves or disposes of an antique or special interest aircraft or vehicle for historic interest or public display.

*Special Interest Aircraft or Vehicle* – an aircraft or vehicle of any age that has not been changed from original manufacturer’s specifications and, because of its historic interest, is being preserved.

**Sec. 6.X03      Applicability**

The provisions of this article shall apply to all abandoned, inoperable or unregistered vehicles, aircraft or watercraft, or parts thereof, except in accordance with the following specific exemptions:

- A. When stored or completely enclosed within a building in a lawful manner and in accordance with all other applicable regulations such that the vehicle, aircraft or watercraft in question is not visible from any public or neighboring property;
- B. When stored or parked in a lawful manner on private property in accordance with all other applicable regulations, including the provisions of Chapter 14, Zoning by an active business with all appropriate or required credentials and when all such outdoor areas are:
  - 1. Maintained in an orderly manner;
  - 2. Do not contribute to a health or safety hazard; and
  - 3. Are screened from ordinary public view by appropriate means, including fencing and/or landscaping.
- C. Antique or special interest aircraft or motor vehicles stored or parked in a lawful manner on the private property of an aircraft or vehicle collector and when all such outdoor areas are:
  - 1. Maintained in an orderly manner;
  - 2. Do not contribute to a health or safety hazard; and
  - 3. Are screened from ordinary public view by appropriate means, including fencing and/or landscaping.
- D. Static Display of the F-4 Phantom II Jet on loan to the City of Lago from the National Museum of the United States Air Force.

**Sec. 6.X04      Enforcement Procedures**

- A. Prior Notice.
  - 1. Prior to any official action being taken to abate and remove a vehicle, aircraft or watercraft constituting a public nuisance, from private or public property (including a right-of-way), not less than fifteen days notice shall be given, except as hereinafter provided, to the following parties:
    - a. The last known registered owner of the vehicle, aircraft or watercraft as shown on the certificate of title;
    - b. Any lienholder of record;
    - c. When the vehicle, aircraft or watercraft is located on private property, the owner or occupant of that property; and

- d. When the vehicle, aircraft or watercraft is located on public property (including a right-of-way), the owner or occupant of all adjacent private property.
2. In the case of an aircraft, the additional provisions below are applicable.
    - a. If the City is unable to determine the ownership of an aircraft that has been located on public property at the Rusty Allen Airport for more than 90 days, the City may petition a district court in Travis County to determine the ownership of the aircraft if:
      - i. The City has provided notice in the same manner as provided by Transportation Code, Section 683.012 for notice of an abandoned motor vehicle; and
      - ii. The City has contacted the Federal Aviation Administration in an attempt to identify the owner of the aircraft.
    - b. If an owner of an aircraft fails to claim the aircraft within 60 days after the date notice is given and the court declares the aircraft as abandoned property, and grants title to the aircraft to the City, the City shall dispose of the aircraft in the same manner the city disposes of salvage or surplus property.
    - c. A determination of ownership made by the court under this Section does not affect the right of the City to recover fees against the owner of the aircraft for storage or maintenance costs or fees.
  3. The notice shall be mailed, by certified mail with a five-day return requested, and a copy of such notice shall also be affixed in a conspicuous manner to the vehicle, aircraft or watercraft, and shall state the following:
    - a. The nature of the public nuisance;
    - b. That it must be removed and abated not later than the fifteenth day after the date on which the notice was mailed;
    - c. That any, request for a hearing must be made before the fifteen-day period expires, and that the hearing will be held by the city council on a date specified in the notice, which date will be at least eleven days following the date of the service of notice;
    - d. That the persons required to be noticed are entitled to speak at the public hearing, either by making a request prior to the time of the hearing or by making a request at the time of the hearing; and
    - e. That failure to abate the nuisance or failure to attend the hearing after notice constitutes a waiver by the owner and lienholders of all right, title and interest in the vehicle, aircraft or watercraft and shall be deemed as their consent to disposal of the property under the applicable terms of the Texas Transportation Code.
  4. If the post office address of the last known registered owner of the public nuisance is unknown, notice may be affixed in a conspicuous manner to the vehicle, aircraft or watercraft, or, if the owner is located, hand delivered.
  5. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return of the notice.

B. Hearing.

1. At the public hearing, the City Council shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time.
2. At the hearing an abandoned, damaged or unregistered vehicle, aircraft or watercraft is presumed, unless demonstrated otherwise by the owner, to be inoperable.
3. Following the public hearing, the City Council shall consider all evidence and determine whether the vehicle, aircraft or watercraft, or any part thereof, constitutes a public nuisance as alleged. If the City Council finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, and that notice requirements provided in this article have been met, the City Council shall make a written order setting forth his findings and ordering that the nuisance be abated.
4. If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include the following:
  - f. Description of the moveable property (vehicle, aircraft or watercraft);
  - g. Vehicle or other equivalent or similar identification number;
  - h. License plate number of any vehicle or trailer;
  - i. Registration number or other similar certification numbers; and
  - j. A statement that all such moveable property (vehicle, aircraft, watercraft or trailer) will be disposed of in accordance with the Texas Transportation Code.
5. The relocation of a vehicle, aircraft or watercraft that is a public nuisance to another location within the municipal limits after a proceeding for the abatement or removal of the public nuisance has commenced, has no effect on the proceeding if the same moveable property constitutes a public nuisance at the new location.

C. Abatement and Disposal.

1. In the event the City Council orders abatement of the nuisance, the City or any duly authorized person may abate such public nuisance by removal and disposal of the moveable property in question.
2. After any vehicle, aircraft or watercraft has been removed under the authority of this article, it shall not be reconstructed or made operable again.
3. Any vehicle, aircraft or watercraft taken into custody by the City or any duly authorized person pursuant to a provision of this article shall be disposed of in accordance with applicable provisions of Chapter 683, subchapter E of the Texas Transportation Code.

D. Notice to State.

No later than the fifth day after the date of removal of a vehicle, aircraft or watercraft pursuant to this article, notice must be given to the state Department of Transportation. Such notice must identify the moveable property in question.

E. Offenses and Penalty.

A person commits an offense by maintaining a public nuisance described by this article. Such an offense is a misdemeanor punishable by a fine in accordance with the general penalty provision found in Section 1.109 of Chapter 1 of this code. Each day an offense occurs or continues shall be considered a separate offense.

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