

ORDINANCE NO. 19-06-20-01

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 11.60, SUBSECTION C (1) OF CHAPTER 14, THE ZONING ORDINANCE, REGARDING STANDARDS AND REQUIREMENTS FOR RIDGEPOLLS TO BE USED IN THE EVALUATION OF SPECIAL EXCEPTIONS TO HEIGHT STANDARDS APPLICATIONS; 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 within Chapter 14 of the Lago Vista Code of Ordinances that include procedures for obtaining special exception approval that would permit additional height beyond that which would otherwise be allowed in a certain zoning district; and

WHEREAS, those procedures include requirements for the applicant to erect ridgepoles used to evaluate the merits of those applications; and

WHEREAS, the ridgepoles provided by applicants are often inadequate to serve their intended purpose; 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 forwarded a recommendation to the City Council to amend those requirements contained within Chapter 14 of 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 Section 11.60, Subsection C (1) of Chapter 14 of the Lago Vista 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orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.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 20th day of June 2019.





Ed Tidwell, Mayor

ATTEST:



Sandra Barton, City Secretary

On a motion by Mayor Pro Tem Williams, seconded by Councilman Robbins, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 14

ZONING

PART IV ADMINISTRATION AND ENFORCEMENT

Section 11 Variances Appeals and Special Exceptions

11.60 Special Exceptions to Height Standards.

A. Process.

- (1) Ridgepole: Prior to submitting the required application documents specified below, the applicant shall erect one or more ridgepoles, that clearly and visibly indicate, as prescribed below, both the proposed maximum "building height" and the maximum "building height" allowed by right in the development standards for the zoning district in which the property is located. The ridgepole shall also include clear and visible marking of the reference points described below that are related to the proposed maximum "building height." Required height indication markings shall be the top edge of a minimum 2-inch-wide, brightly colored, high adhesion tape around the circumference of the ridgepole. Both the pole and markings shall be visible from the street that fronts the property.

The proposed maximum "building height" shall be indicated by an orange or red mark that is coincidental to the top of the ridgepole. The maximum "building height" allowed by right in the development standards for the zoning district in which the property is located shall be indicated on the ridgepole by a green mark. Each primary finish floor level of the proposed residence shall be indicated on the ridgepole by a blue mark. If the highest undisturbed natural grade on the property is at least foot or above the federally designated 100-year floodplain, that height shall be indicated on the ridgepole by a yellow mark. Otherwise, one foot above the

federally designated 100-year floodplain shall be indicated on the ridgepole by a yellow mark.

The primary ridgepole shall be placed at the approximate location of the highest peak or the center of the highest ridgeline and be constructed of such sturdiness as to remain within five degrees of a true vertical position throughout the application and hearing process. The Planning and Zoning Commission or the Board of Adjustment on appeal, may require additional ridgepoles and that a licensed surveyor certify the location and heights of all ridgepoles and markings in a stamped report.

All required ridgepoles shall remain in place and their condition maintained through the end of the public hearing process. Unless otherwise directed, the ridgepoles shall be removed no later than two weeks after the final decision by the Planning and Zoning Commission or the Board of Adjustment, upon appeal.
