

ORDINANCE NO. 97-01-16-03

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE, ORDINANCE NO. 93-03-18-01, AS AMENDED; PROVIDING DEFINITIONS; PROVIDING FOR A CONDITIONAL USE PERMIT FOR SINGLE FAMILY RESIDENTIAL WITHIN THE C-4 ZONING DISTRICT; PROVIDING REQUIREMENTS FOR RESIDENTIAL UNITS RECEIVING A CONDITIONAL USE PERMIT; PROVIDING FOR OWNER OCCUPANCY; PROVIDING FOR PERMIT EXPIRATION; AND PROVIDING FOR RELATED MATTERS.

Whereas, the Zoning Ordinance of the City should be amended for the purposes of providing for a conditional use permit to authorize a limited number of single family residential units as a mixed use within a commercial building in the C-4 zoning district;

Whereas, authorizing a limited number of structures within the C-4 zoning district to be used and occupied by the owner for both permitted commercial uses and as the owner's primary place of residence will benefit the City and improve the safety and security of the airport and the properties in the areas neighboring the airport;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Amendment of Comprehensive Zoning Ordinance. Ordinance No. 93-03-18-01, the City of Lago Vista Zoning Ordinance, as amended, (the "Zoning Ordinance") is hereby modified and amended as set forth in this ordinance.

Section 2. Definitions. Subsection 2.10 of the Zoning Ordinance is hereby amended by adding the following definition:

"Hangar" means a building or structure, suitable for the primary use of housing, storing and sheltering an aircraft, that is designed and constructed on C-4 district property accessible to aircraft from the municipal airport via a paved ramp.

Section 3. Procedure. The City Council, after the public hearings and proper notice to all parties affected as provided by state law, and after recommendations by the Planning and Zoning Commission, may authorize the issuance of a conditional use permit to authorize the location of a single family residence within a hangar or commercial building within the C-4 zoning district subject to the terms and provisions of this ordinance. The City Council and the Planning and Zoning Commission shall require and follow the following specific actions and procedures:

(a) Application. Any person proposing to begin a use requiring a conditional use permit under this ordinance may file an application accompanied by a site plan.

(i) The site plan shall be a sketch or drawing on one or more pages which shall be drawn to scale with distances marked. The site plan, along with the application, will become a part of the conditional use permit, if approved. The site plan shall provide the following information:

(A) The lot, tract or parcel covered by the site plan;

(B) The location of each existing building and use in the area covered by the site plan;

(C) The location and dimensions of the proposed residential unit;

(D) Location and dimensions of all curb cuts, public and private streets, parking and loading areas on and abutting the lot;

(E) Location and dimensions of all proposed additional curb cuts, driveways and parking areas on and abutting the lot;

(ii) A written statement signed by the applicant and notarized:

(A) Describing the existing commercial and business uses of the lot, tract or parcel;

(B) Acknowledging that the applicant has reviewed the ordinances of the City and understands that, if granted, the conditional use permit will:

(i) expire and terminate as provided in the City ordinances, including, but not limited to, the sale or transfer of ownership of the property, the occupancy of the residential unit is discontinued, or any person other than the owner and his/her immediate family occupies the residential unit; and

(ii) be subject to termination by the City Council upon a finding that the owner or any occupant of the residential unit has violated any safety rule, regulation or ordinance adopted by the City Council for the purpose of providing for the safety of the travelling public and/or persons on the premises of the Lago Vista Rusty Allen Airport.

(C) That the conditional use permit shall be valid only for use of the property by the person owning the property when the permit is issued.

(iii) The application shall contain such additional documentation as necessary to show

within the C-4 zoning district.

(c) Minimum Living Area. The minimum living area required for any residential unit located within the C-4 zoning district shall be 750 square feet.

(d) Building Code Requirements. Residential units within the C-4 zoning district shall comply with the building standards and regulations applicable to mixed use occupancy. A certificate of occupancy for any such residential unit shall be issued only upon the residential unit being found to comply with the Uniform Building Code, 1994 edition (or subsequent editions adopted by the City Council), requirements for mixed use occupancy, including, but not limited to, requirements for firewalls, separation, ingress and egress, construction materials, etc.

Section 5. Permits and Certificates. A building permit or certificate of occupancy will not be issued for any residential unit or occupancy within the C-4 zoning district unless the residential unit for which a permit or certificate is requested is in a mixed use structure designed for use both as a single family dwelling, and a hangar, or other commercial or business use. Such building permits and certificates of occupancy shall otherwise be issued upon compliance with the Building Code of the City.

Section 6. Expiration and Termination. (a) Immediate Termination. Conditional use permits granted pursuant to this ordinance shall immediately terminate and expire upon the first of the following to occur.

- (i) Sale or Conveyance. The person owning the property, when such permit is issued, sells, conveys, leases or rents such property to a third party.
- (ii) Abandonment. The person owning the property when the permit is issued fails to occupy the residential unit as his/her primary place of residence.

(b) Termination for Safety Violation. A conditional use permit granted pursuant to this ordinance may be terminated by the City Council upon the City Council finding that the owner or any occupant of the residential unit established and occupied pursuant to such conditional use permit has violated a rule, regulation or ordinance adopted by the City Council for the purpose of providing for the safety of the operation and/or use of, or persons on the premises of, the Lago Vista Rusty Allen Airport. Prior to terminating a conditional use permit pursuant to this Section 6(b), the City Council shall: (A) receive the recommendation of the Planning and Zoning Commission made after a public hearing to consider the termination of such conditional use on the basis that the owner or an occupant of the premises has violated, or has been suffered, allowed or permitted to violate, a rule, regulation or ordinance adopted by the City Council to provide for the safe operation and/or use of the airport, and/or for the safety of persons on the premises of the airport; (B) hold a public hearing which includes an opportunity for the owner of the property to be heard; and (C) find that the owner or occupant of the residential unit has violated a rule, regulation or ordinance adopted for the purpose of providing for the safety of operations or use, and/or persons on the premises of, the Lago Vista Rusty Allen Airport.

that the structures and buildings as existing or proposed to be improved prior to occupancy will comply with the requirements of this ordinance.

(b) Notification and Hearing.

- (i) The notification and public hearing process for conditional use permits under this section shall be the same as rezoning amendments under the City's Zoning Ordinance and Subchapt. A, Chapt. 211, Tex. Loc. Gov't. Code; and
- (ii) Written notice of the public hearing to be held by the Planning & Zoning Commission on any application for conditional use permit authorized by this ordinance shall be given to any entity leasing the Lago Vista Rusty Allen Airport from, or operating such airport pursuant to contract with, the City. Notice under this paragraph shall be mailed at least ten (10) days in advance of such hearing.

(c) Required Findings. A conditional use permit shall be authorized only if all the following conditions have been found:

- (i) The conditional use permit will be compatible with and not injurious to the use and enjoyment of the properties within neighboring or surrounding areas, nor materially diminish or impair property values within the vicinity of the property;
- (ii) The establishment of the conditional use will not impede the normal and orderly use and/or development and improvement of surrounding property;
- (iii) Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
- (iv) The single family residential unit will be located within a hangar or other commercial or business structure and occupied by the owner of the property;
- (v) The application establishes compliance with each requirement of this ordinance; and
- (vi) The conditional use and occupancy of the residential unit will benefit the safety and security of persons and/or property within the C-4 zoning district.

Section 4. Requirements and Limitations.

(a) Limited Number. Not more than five (5) conditional use permits shall be issued for a single family residential unit to be located within the C-4 zoning district.

(b) Parking. Two (2) off-street parking spaces shall be required in addition to the number of parking spaces required for the existing or proposed commercial and business use

Section 7. Application of Conflicting Ordinances. All ordinances, parts of ordinances and sections of the City Code of Ordinances in conflict with this ordinance shall be amended and modified to the extent necessary to give effect to this ordinance.

Section 8. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 9. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below, after third reading.

Section 10. Open Meetings. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

First Reading: Passed and Approved this 16th day of January, 1997.

Second Reading: Passed and Approved this 20th day of February, 1997.

Third Reading: Passed and Approved this 20th day of March, 1997.

FINALLY, PASSED AND ADOPTED this 20th day of March, 1997.

THE CITY OF LAGO VISTA


Russell L. Allen, Mayor

ATTEST:


Glenda Sowle, City Secretary

On a motion by Alderman Tom Martin, seconded by Alderman Ed Moore,
the above and foregoing instrument was unanimously approved.