

ORDINANCE NO. 441

AN ORDINANCE OF THE CITY OF EL LAGO, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY; AMENDING **§4.01(4)(iii)** RELATING TO "STRUCTURAL" ALTERATIONS OF A NONCONFORMING USE; AMENDING **§4** BY ADDING A NEW SUBSECTION 4(iv) RELATING TO OFF-STREET PARKING AND/OR OFF-STREET LOADING CAPABILITIES; AMENDING **§4.01(6)** RELATING TO THE CHANGING OF NONCONFORMING USES; AMENDING **§5.04** BY ADDING A NEW SUBSECTION (2A) RELATING TO THE REQUIREMENTS FOR THE GRANTING OF AN APPLICATION TO PERMIT THE CONSTRUCTION OF A DRIVEWAY OR OTHER IMPROVED FLAT SURFACE IN ZONE A; AMENDING **§5.04(17)** BY DELETING AN OUTDATED PROVISION RELATING TO THE PARKING OF VEHICLES ON A PROPERTY; AMENDING **§5.05(2)(n)** BY ADDING A NEW SUBSECTION (4) RELATING TO THE DISPLAY OF WARES ON THE SIDEWALK IN FRONT OF A RETAIL STORE OR OTHER BUSINESS; AMENDING **§5.05(3)** BY ADDING A NEW SUBSECTION (I) ADDING "TATTOO PARLORS" TO THE LIST OF ITEMS SPECIFICALLY PROHIBITED IN ZONE B; AMENDING **§5.05(4)** BY ADDING A NEW SUBSECTION (i) ADDING "SMOKE SHOPS" TO THE LIST OF ITEMS WHICH MAY BE GRANTED A SPECIAL USE PERMIT IN ZONE B BY AN AFFIRMATIVE VOTE OF FOUR (4) COUNCIL MEMBERS; MAKING CERTAIN FINDINGS; AND PROVIDING FOR SEVERABILITY.

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**WHEREAS;** it has been a number of years since a comprehensive review of the Zoning Ordinance of the City has been undertaken; and

**WHEREAS,** at the request of the City Council and the Mayor, the Planning and Zoning Commission of the City held numerous meetings at which the entirety of the Zoning Ordinance was reviewed; and

**WHEREAS,** after that comprehensive review, the Planning and Zoning Commission prepared a draft report of its proposed amendments to the Zoning Ordinance; and

**WHEREAS,** following the publication and posting of that report as required by law, the Planning and Zoning Commission conducted a public

hearing on the report at which input on the contents of the report by citizens of the City were heard and considered; and

**WHEREAS**, following that public hearing, the Planning and Zoning Commission held a meeting at which it adopted a final report of its proposed amendments to the Zoning Ordinance for the consideration of the City Council; and

**WHEREAS**; the City Council has also conducted a public hearing on the final report at which time input on the contents of the final report by citizens of the City were heard and considered; and

**WHEREAS**; the City Council now desires to adopt the final report of the Planning and Zoning Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL LAGO, TEXAS:**

**Section 1.**

The findings contained in the preamble to this Ordinance are determined to be true and correct and are hereby adopted as a part of the Ordinance.

**Section 2.**

Zoning Ordinance § 4.01(4)(iii) is amended to read as follows:

(iii) Such ~~structural~~ alterations, improvements or reconstructions which are structural in nature are made during its lifetime subsequent to becoming a nonconforming use to an extent in the aggregate not to exceed ten (10) percent of the fair market value of the building or structure, unless it is changed to a conforming use.

**Section 3.**

Zoning Ordinance § 4 is amended by deleting "or" at the end of Subsection 4(iii), adding "or" at the end of Subsection 4(iv) and adding a new subsection (v) to read as follows:

(v) Such change has the purpose of expanding off-street parking and/or off-street loading capabilities."

#### **Section 4.**

Zoning Ordinance § 4.01(6) is amended to read as follows:

(6) No nonconforming use shall be changed to another nonconforming use.

#### **Section 5.**

Zoning Ordinance § 5.04 is amended by adding a new subsection (2A) to read as follows:

(2A) Any person desiring to cut any curb or otherwise construct any driveway for the purpose of ingress and egress to and from the property to be served shall make application for a permit to the building official. The application shall be in writing and shall be accompanied by a plat or map of the property upon which the driveway is to be located. If approved by the building official, the city secretary shall charge a minimum fee of forty dollars (\$40.00) for the issuance of the permit. The fee shall cover the expenses of the issuance of the permit. No permit shall be issued to authorize the construction of a driveway or improved flat surface within the building setback lines described and contained in subsection (11) of this section unless the driveway extends from the curb (i) into the garage located on the property or, if there is no garage there located, to the back building line of the residence house on the property, or (ii) back to the curb if the curb cuts are separated by a distance of at least thirty-five (35) feet. In addition, a permit shall be issued to authorize said construction if a part of the permitted driveway or improved flat surface commences at the curb and extends to a garage, fence or into the back yard of the property to the back building line of the residence house on the property. Notwithstanding the provisions of this subsection, no permit shall be issued to authorize the construction of a driveway in excess of thirty-five (35) feet wide in front of the front building line of the residence house on the property, or which, when added to all other improved surfaces or structures (excepting sidewalks), takes up more than 35% of the total area located between the curb and the building line of the residence house on the property to be served by the driveway. For a residence house located on a corner lot, this percentage of improved surface prohibition does not apply to a driveway sought to be permitted from the side street of the lot on which the residence house is located.

A rendering of "allowed" and "not allowed" examples of driveway construction is adopted as a part of this Zoning Ordinance § 5.04(2A) and shall be included in the Ordinance at the conclusion of such subsection.

## **Section 6.**

Zoning Ordinance § 5.04(17) is amended to read as follows:

(17) No towed vehicles, including trailers, mobile homes, boat trailers, boats, boat rigging or carts, and large motor driven vehicles including motor homes, recreational vehicles or campers shall be parked, stored or left standing in streets, driveways, or on lawns unless the vehicle is parked on a constructed driveway or improved surface behind the building setback line or if on a corner lot, the side setback line. In the event that a structure is constructed deeper into a particular lot than any building setback line, no such vehicle shall be parked, stored or left standing outside of the actual front line (or in the case of a corner lot, the side construction line) of the structure on the particular lot. Additionally, vehicles may be parked, stored or left standing in any location on the constructed driveway of a residence for a period of time not to exceed seventy-two (72) hours in any given week if the vehicle is in use or is undergoing general maintenance activities. No vehicle(s) as described in this subsection may be parked, stored, or left standing on any portion of a property used for residential purposes if said vehicle or any combined measurement of said vehicles are greater than thirty (30) feet in length, are wider than ten (10) feet in width or are higher than ten (10) feet in height unless said vehicle(s) has/have been parked, stored or left standing on the property in accordance with this subsection on the date of the passage of this Ordinance. The measurement of a motor vehicle shall be from front to rear bumper; the measurement of a trailer or boat shall be from the trailer tongue or bow to the stem or rear of the trailer. The measurements shall be made from that portion of the said vehicle that extends the furthest. The height measurement will be from, the ground up to the highest fixed portion of the said vehicle. Removable structures such as air conditioners, boat towers and antennas temporarily mounted on said vehicles shall not be included in the height measurement. All combined measurements will consist of like measurements (i.e., length + length, width + width or height + height).

## **Section 7.**

Zoning Ordinance § 5.05(2)(n) is amended by adding a new subsection (4) to read as follows:

(4) That wares may be displayed on the sidewalk in front of their location and/or in their parking lot limited to hours of normal operation, not before 8:00 a.m. or after 9:00 p.m. and any such display is limited to 50% of the store front, not to extend beyond 10 feet out from the front of the building."

## **Section 8.**

Zoning Ordinance § 5.05(3) is amended by adding a new subsection (l) to read as follows:

(l) Tattoo Parlors.

## **Section 9.**

Zoning Ordinance § 5.05(4) is amended by adding a new subsection (i) to read as follows:

(i) Smoke Shops.

## **Section 10. Severability.**

In the event that any provision, section, subsection, sentence, clause, or phrase of this Ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

PASSED, APPROVED AND ADOPTED this the 18th day of July, 2016.

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ROBERT WHITE  
Mayor  
City of El Lago, Texas

ATTEST:

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ANN VERNON  
City Secretary  
City of El Lago, Texas

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