

## ORDINANCE NO. 2022-O-06A

**AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS (“CITY”), AMENDING CITY OF MARBLE FALLS CODE OF ORDINANCES, APPENDIX B, DEVELOPMENT CODE, ARTICLE 3, LAND USE, DIVISION 3.1 LAND USE BY ZONING DISTRICT, SECTION 3.1.4 CIVIC USES, TABLE 3.1.4, CIVIC USES BY ZONING DISTRICT; ARTICLE 4, GENERAL DEVELOPMENT REGULATIONS, DIVISION 4.6, SUPPLEMENTAL DEVELOPMENT STANDARDS, SECTION 4.6.1 ACCESSORY BUILDINGS AND STRUCTURE, TABLE 4.6.1, ACCESSORY BUILDING AND STRUCTURE DESIGN STANDARDS AND SECTION 4.6.2 BOAT DOCKS; PROVIDING FOR REPEALER, SEVERABILITY, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Marble Falls, Texas, (herein the “City”) is a home-rule city having authority to exercise its police power to regulate the health, safety and general welfare of the citizens of the City; and

**WHEREAS**, the City of Marble Falls, Texas, is legally empowered to regulate development in the community through the legitimate use of its police powers; and

**WHEREAS**, the City Council of the City of Marble Falls, Texas, is legally empowered to amend the land use and development regulations to provide for changes and additions to permitted uses, conditional uses, and site development regulation; and

**WHEREAS**, on October 23, 2018, the Marble Falls City Council, per Ordinance 2018-O-10A, adopted Appendix B, Development Code, of the City’s Code of Ordinances; and

**WHEREAS**, the City Council desires to provide amendments (the “Amendments”) to Appendix B, Development Code, of the Code of Ordinances; and

**WHEREAS**, notice of a public hearing on these Amendments to be held by the Marble Falls Planning and Zoning Commission was published in the official newspaper of the City of Marble Falls, Texas, on April 19, 2022; and

**WHEREAS**, following proper mailed and published notice, a public hearing on the Amendments was held by the Marble Falls Planning and Zoning Commission on May 5, 2022; and

**WHEREAS**, on May 5, 2022, the Marble Falls Planning and Zoning Commission recommended approval of the Amendments; and

**WHEREAS**, notice of a public hearing on the Amendments to be held by the Marble Falls City Council was published in the official newspaper of the City of Marble Falls, Texas, on April 19, 2022; and

**WHEREAS**, following proper mailed and published notice, a public hearing on the Amendments was held by the Marble Falls City Council on June 7, 2022; and

**WHEREAS**, the City Council further finds that the Amendments provided under this Ordinance are in the best interest of the City of Marble Falls.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:**

**SECTION I. PREAMBLE.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II. AMENDMENT.** The City of Marble Falls Code of Ordinances is hereby amended in accordance with the following:

A. Appendix B, Development Code, is amended as follows:

1. That Article 3, Land Use, Division 3.1, Land Use by Zoning District, Section 3.1.4 Civic Uses, Table 3.1.4, Civic Uses by Zoning District is amended to reflect the following:

Table 3.1.4 Civic Uses by Zoning District																		
Land Use	ZONING DISTRICTS																	Reference to Supplemental Use Standards
	P=Permitted R=Restricted E=Existing C=Conditional MP=Master Planned Community --=Prohibited																	
	Ag	Residential					ENZ Subdistrict					Nonresidential						
FR	RE	NR	TR	DR	MR	ENZ. 1	ENZ. 2	ENZ. 3	ENZ. 4	ENZ. 5	NC	GC	DN	DT	BP	IN		
Aviation Uses, Fixed Wing	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Aviation Uses, Rotary Wing	C	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	
Cemetery	P	R	C	--	--	--	E	E	E	E	E	R	R	--	--	--	--	Table 3.2.1.C
Child-care Facility, Day-Care Center	R	--	MP	C/MP	C	R	C	C	C	--	C	R	R	C	C	C	--	
Child-care Facility, Residential	--	--	R	R	R	C	R	R	R	--	R	C	--	--	--	--	--	
College / University	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	N/A
Community Assembly / Amenity	C	C	C	C	C	C	C	C	C	C	C	R	P	P	P	C	--	
Education	R	R	R	R	R	R	--	--	--	--	--	R	R	R	R	--	--	Table 3.2.1.C
Government	P	P	R	R	R	P	C	C	C	C	C	P	P	P	P	P	P	
Housing & Services for the Aging	--	C	C	C	C	C	E	E	E	C	C	C	C	--	--	--	--	
Hospital	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	N/A
Neighborhood Amenity	R	R	R	R	R	R	R	R	R	R	R	--	--	--	--	--	--	Table 3.2.1.C
Passive Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Provisional Housing	--	--	--	--	--	C	--	--	--	--	--	C	C	--	--	--	--	
Religious Assembly	P	P	R	R	R	R	R	R	R	R	R	P	P	R	R	P	P	Table 3.2.1.C
Social Service Institution	--	--	--	--	C	--	--	--	--	--	--	--	P	P	P	P	--	

Transportation Facilities	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	P	
Utilities, Local / Neighborhood	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Utilities, Major	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	
Wireless Transmission Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Table 3.2.1.C

2. That Article 4, General Development Regulations, Division 4.6, Supplemental Development Standards, Section 4.6.1, Accessory Buildings and Structures, Table 4.6.1, Accessory Buildings and Structure Design Standards is amended to reflect the following:

Table 4.6.1 Accessory Buildings and Structure Design Standards									
Zoning District	Lot Size	Max. # of Accessory Buildings or Structures	Maximum Number of Stories <sup>2</sup>	Maximum Size of Individual Accessory Building or Structure	Maximum Combined Footprint of All Accessory Buildings or Structures <sup>4</sup>	Setbacks			
						Front Setback	Interior Side Setback	Street Side Setback	Rear Setback
FR (agricultural uses)	N/A	N/A	Not to exceed max height of district	N/A	Maximum lot coverage permitted by district	Same as for principal structure	20 ft	35 ft	25 ft
FR (non-agricultural uses)	4 acres or more	3 <sup>1</sup>	2	1,200 sf 5,000 sf 15,000 sf– limited to total max. on the lot/property	Maximum lot coverage permitted by district	Behind front building line of house	20 ft	35 ft	25 ft
	Less than 4 acres	2 <sup>1</sup>	2	1,200 sf 1 acre or less – 1,500 sf 1 to 2 acres – 2,000 sf 2 to 4 acres – 3,000 sf	30% of the rear yard area	Behind rear building line of house	20 ft	35 ft	25 ft
RE, ENZ-1	4 acres or more	3 <sup>1</sup>	2	1,200 sf (but may not exceed house sf) 5,000 sf 12,000 sf– limited to total max. on the lot/property	30% of the rear yard area	Behind rear building line of house	15 ft	25 ft	25 ft 15 ft
	Less than 4 acres	2 <sup>1</sup>	1 / 2 <sup>3</sup> 2	1,200 sf (but may not exceed house sf) 1 acre or less – 1,500 sf 1 to 2 acres – 2,000 sf 2 to 4 acres – 3,000 sf	30% of the rear yard area	Behind rear building line of house	15 ft	25 ft	25 ft 15 ft
NR, TR, DR, ENZ-2, ENZ-3, ENZ-5	2 acres or more	2 <sup>1</sup>	1 / 2 <sup>3</sup>	50% of the sq ft of house or 1,000 sf, whichever is less; however, a detached garage allowed max of 600 sf (provided it is the only garage on site)	30% of the rear yard area	Behind rear building line of house	5 ft	15 ft <sup>5</sup>	40 ft 5 ft
	Less than 2 acres	2 <sup>1</sup>	1 / 2 <sup>3</sup>	25% of the sq ft of house or 800 sf, whichever is less; however, a detached garage allowed max of 600 sf (provided it is the only garage on site)	30% of the rear yard area	Behind rear building line of house	5 ft	15 ft <sup>5</sup>	40 ft 5 ft
MR, ENZ-4	Same as for principal building								

Table 4.6.1 Accessory Buildings and Structure Design Standards									
Zoning District	Lot Size	Max. # of Accessory Buildings or Structures	Maximum Number of Stories <sup>2</sup>	Maximum Size of Individual Accessory Building or Structure	Maximum Combined Footprint of All Accessory Buildings or Structures <sup>4</sup>	Setbacks			
						Front Setback	Interior Side Setback	Street Side Setback	Rear Setback
Nonresidential Uses (all districts)	Same as for principal building								
Table Notes: <sup>1</sup> Maximum number of accessory buildings/structures includes detached accessory dwelling units (ADUs). <sup>2</sup> Maximum number of stories cannot exceed the height of the principal building or maximum building height of zoning district, whichever is less. <sup>3</sup> Maximum number of stories is one, unless the first story of accessory building includes a detached garage, then maximum stories is two. <b>Any second story, not used as an Accessory Dwelling Unit (ADU), shall not count towards a property's maximum accessory square footage.</b> <sup>4</sup> Maximum footprint of all accessory buildings/structures cannot exceed maximum set out in this Table or maximum lot coverage for zoning district, whichever is less. <sup>5</sup> A side entry garage must be setback at least 25 ft from street side property line.									

3. That Article 4, General Development Regulations, Division 4.6, Supplemental Development Standards, Section 4.6.2, Boat Docks is amended to reflect the following:

**Section 4.6.2 - Boat Docks**

A. *Purpose.* Minimal standards are established for the access and storage of boats on Lake Marble Falls and corresponding waterways to ensure safety, compatibility, and harmony consistent with the following:

1. To allow access and enjoyment of the water through diverse and creative ways, while providing a basis for safety and compatibility;
2. To ensure that the size and intensity of structures on Lake Marble Falls and area waterways do not deconstruct from the character of the Lake and area waterways;
3. To ensure that docks are not excessive in size, storage, or utilization in relation to the size and surface area of Lake Marble Falls and navigable waterways;
4. To increase safety by providing separation between dock structures and navigable boating access to and from docks; and
5. To ensure docks have lighting, storage, and utilization consistent with character and operation of the prevailing existing dock inventory that exists in the City.

B. *General Boat Dock Standards.* The following are design and construction requirements applicable to all boat docks within the City:

1. A permit issued by the City is required for the construction, addition, or remodel of any boat docks within the City limit. Maintenance does not require a permit.
2. All boat dock construction shall comply with the City's adopted building codes.

3. No boat dock may be permitted or erected on a lot until construction of the principal building or establishment of a principal use has commenced.
4. All boat dock(s) shall be fixed or anchored to the shoreline of the property for which the primary use is established.
5. Boat dock length.
  - a. Boat docks shall not extend further into Lake Marble Falls than thirty-five feet (35') from the shoreline.
  - b. To preserve the navigable area along all adjoining waterways, boat docks shall not extend from the shore further than twenty feet (20') or 20% of the total width of the channel where the dock is proposed; whichever is less. In no instance shall the navigable area be reduced to less than 40 feet.
6. Fueling facilities and permanent storage of fuel, oil, or other related chemicals shall be prohibited on the boat dock and within any accessory storage constructed upon the dock.
- ~~7. Boat docks shall not be enclosed on any sides, except the square footage designed and constructed for the allowed dock storage area herein.~~
- 7. Boat docks enclosures shall be limited to the boat storage area and shall have adequate structural design to allow for inundation of water during high water and/or flood events. Enclosures shall not be allowed any square footage for habitation and any enclosed storage square footage shall be limited to the standards for dock storage area herein.**
8. All boat docks are prohibited from having any living quarters constructed upon or within the structure.
9. Boat dock(s) are an accessory use to the primary usage of the property or development. Therefore, all boat dock(s) are prohibited from being constructed without a primary building existing or permitted in conjunction with a primary use on the premises to which the dock is fixed/anchored.
10. All dock lighting shall be full cut-off fixture or dark sky compliant, unless it is related to safety illumination required by law.
11. Any boat dock(s) that, due to its size or operating characteristics, requires compliance with the Highland Lakes Marina Ordinance must be approved and permitted by LCRA and the City of Marble Falls.
12. Public boat docks owned or operated by a governmental entity shall be exempt from these standards.

C. *Residential Boat Dock Standards.* The following are design and construction requirements applicable to boat docks for single-family residential properties and developments within the City:

1. Each property is allowed one boat dock. However, each boat dock may include more than one boat slip, provided the overall dimensions of the boat dock do not exceed those prescribed herein.
2. Residential boat docks shall not:
  - a. Exceed 14 feet in finished floor elevation (lower or upper floor height) from the Lake Marble Falls water surface elevation at property; **an additional 10 feet is allowed for the addition of a roof structure for second story sundecks;**
  - b. Exceed 800 square feet in water level deck footprint, excluding boat slips, but including permanent personal watercraft ramps, docks and storage; or
  - c. Exceed 50 square feet of enclosed storage on the dock.

~~3. Residential boat docks may be covered by a roof or a second story sundeck, provided a second story sundeck shall not extend beyond the footprint of the first level nor be covered by a roof.~~

**3. Residential boat docks may be covered by a roof or have a second story sundeck, provided a second story sundeck shall not extend beyond the footprint of the first level. Second stories may be covered by a roof structure. The second story roof shall have a pitched roof.**

4. Residential boat docks may be recessed into the shoreline.

5. Residential boat docks shall be setback a minimum of 10 feet from a projected side yard line, as defined in this code.

~~6. Residential day docks are allowed but must be constructed upon the shoreline and not project over the water. Day docks must be a minimum of 20 feet in length and may span up to 100% of the property width. Day docks may be combined with a standard boat dock in accordance with these standards.~~

**6. Residential day docks are allowed for a linear dock structure, along the shoreline, versus projecting into the water, and thus are subject to the following standards:**

- a. **Must attach to land/shoreline and not be structurally independent. May project over the water as limited herein.**
- b. **Be a minimum of 5 feet wide and not wider 20 feet from the shoreline.**

c. Day docks must be a minimum of 20 feet in length and may span up to 80% of the property width. Day docks may be combined with boat dock storage areas in accordance with the standard of this article.

**SECTION III. REPEALER.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained herein are hereby repealed, but only to the extent of any such conflict.

**SECTION IV. SEVERABILITY.** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be and become effective immediately upon and after its passage and publication as may be required by law.

**SECTION VI. PROPER NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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.

**DULY PASSED** by the City Council of the City of Marble Falls, Texas, on the 7<sup>th</sup> day of June, 2022.

**CITY OF MARBLE FALLS, TEXAS**

\_\_\_\_\_  
Richard Westerman, Mayor

ATTEST:

\_\_\_\_\_  
Christina McDonald, City Secretary

(Seal)

APPROVED AS TO FORM:

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Patty L. Akers, City Attorney