

## **ORDINANCE NO. 23-08-03-03**

### **AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 20 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO AMEND THE RESTRICTIONS REGARDING THE EXPENDITURE OF FEES COLLECTED IN LIEU OF PROTECTED TREE REPLACEMENT; 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 restricting the use of fees collected in lieu of protected tree replacement to the planting of trees on City property or other areas as determined by the City Council; and

**WHEREAS**, following needed adjustments to the tree preservation and landscaping requirements within Chapter 14, the Lago Vista Zoning Ordinance, along with several years of sustained and unprecedented growth, that previous restriction has resulted in a fund balance that exceeds the practical ability of the City to use the proceeds in that specific manner only; and

**WHEREAS**, after bringing that anomaly to the attention of the Lago Vista City Council on several previous occasions, the staff was recently directed to request a review of those restrictions by the Lago Vista Planning and Zoning Commission; and

**WHEREAS**, the Planning and Zoning Commission has undertaken a review of those existing provisions within Chapter 14 of the Lago Vista Code of Ordinances following a public hearing conducted at their regular meeting on July 13, 2023; and

**WHEREAS**, after determining that the provisions within the Lago Vista Code of Ordinances include unwarranted restrictions on the use of fees collected in lieu of protected tree replacement, the Planning and Zoning Commission has forwarded a recommendation to the City Council to amend Section 20 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

**WHEREAS**, the City Council at its public hearing to consider this ordinance amendment held on August 3, 2023, reviewed the recommendation, and found the changes to be warranted.

**WHEREAS**, the City Council desires to amend 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 OF FACT.** 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. AMENDMENT.** The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 14 of the Lago Vista Code of Ordinances as shown in Exhibit “A.”

**SECTION 3. REPEALER.** 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.

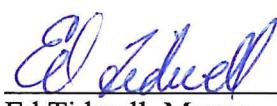
**SECTION 5. CODIFICATION AND PUBLICATION.** The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the *Texas Local Government Code*.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

**SECTION 7. 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 3rd day of August 2023.

  
Ed Tidwell, Mayor



ATTEST:

Lucy Aldrich  
Lucy Aldrich, City Secretary

On a motion by Councilor Durbin, seconded by Councilor Princo, the above and foregoing ordinance was passed and approved.

**EXHIBIT “A”**

**CHAPTER 14**

**ZONING**

\*\*\*\*\*

**Section 20 Tree Preservation and Landscaping Requirements**

\*\*\*\*\*

**(e) Replacement of Protected Trees Required.**

\*\*\*\*\*

- (7) If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees to be removed, the owner or controlling agent of the property shall pay a fee to the City of Lago Vista in lieu of tree replacement in accordance with Appendix A, Fee Schedule. Any such fees collected by the City shall be placed in a special fund and the use of these funds shall be restricted for the planting of trees or other greenery, for development or improvements of trails, or for development or improvement of pocket parks as determined by the City Council.

\*\*\*\*\*

# CHAPTER 14

## ZONING

\*\*\*\*\*

### Section 20 Tree Preservation ~~And and~~ Landscaping Requirements

\*\*\*\*\*

#### (e) Replacement of Protected Trees Required.

\*\*\*\*\*

(7) If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees to be removed, the owner or controlling agent of the property shall pay a fee to the City of Lago Vista in lieu of tree replacement in accordance with Appendix A, Fee Schedule. Any such fees collected by the City shall be placed in a special fund and the use of these funds shall be restricted for the planting of trees ~~or other greenery, for development or improvement of trails, or for development or improvement of pocket parks on City property or other areas~~ as determined by the City Council.

\*\*\*\*\*