

ORDINANCE NO. 24-03-07-03

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 15.10 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING WITHDRAWALS OF APPLICATIONS OR APPEALS SUBMITTED PURSUANT TO THE PROVISIONS OF THE ZONING ORDINANCE; 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 specified the consequences of a denial of an application or appeal submitted pursuant to the provisions of the Lago Vista Zoning Ordinance, in Section 15.10 of Chapter 14; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and conducted a public hearing at their meeting on February 8, 2024; and

WHEREAS, there have been multiple occasions in the recent past where applicant initiated withdrawals at the meeting in which a request was being considered preserved the ability to submit substantially the same application on the same property within less than the twelve (12) month period otherwise required by the current ordinance provisions; and

WHEREAS, a denial or a recommendation of a denial does not create any mandatory delay for an amended or substantially different application or appeal to be submitted while ensuring that impacted nearby property owners are not compelled to attend otherwise avoidable public meetings over a relatively short period of time in order to express their opposition or support for substantially the same application; and

WHEREAS, the changes considered during that review would require the approval of the City Council, the Board of Adjustment, or the Planning and Zoning Commission as applicable for any applicant initiated withdrawal after it has been placed on an agenda that has been posted in accordance with the requirements of the Texas Local Government Code; 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 Section 15.10 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 March 7, 2024, 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 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 Section 15.10 of 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. 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 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*.

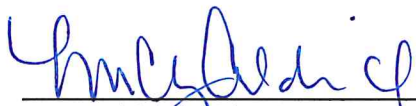
AND, IT IS SO ORDERED.

PASSED AND APPROVED this 7th day of March, 2024.


Kevin Sullivan, Mayor



ATTEST:


Lucy Aldrich, City Secretary

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

EXHIBIT "A"

CHAPTER 14

ZONING

15.10 Denial of Similar Applications and Withdrawals

No application for an approval or appeal sought pursuant to any provision of this chapter shall be accepted if substantially the same application on the same property has been denied in any prescribed forum within the preceding twelve (12) month period. Once an application or appeal pursuant to any provision of this chapter has been noticed in accordance of the provisions of Section 13 above and been included on an agenda posted in accordance with the requirements of the *Texas Local Government Code*, a withdrawal of that application or appeal requires the approval of the applicable Council, Board, or Commission in the open meeting specified in that agenda.

CHAPTER 14

ZONING

15.10 Denial of Similar Applications ~~Within One (1) Year Prohibited~~ and Withdrawals

No application for an approval or appeal sought pursuant to any ~~provisions~~ provision of this chapter shall be accepted if substantially the same application on the same property has been denied in any prescribed forum within the preceding twelve (12) month period. ~~Once an application or appeal pursuant to any provision of this chapter has been noticed in accordance of the provisions of Section 13 above and been included on an agenda posted in accordance with the requirements of the *Texas Local Government Code*, a withdrawal of that application or appeal requires the approval of the applicable Council, Board, or Commission in the open meeting specified in that agenda.~~
