

## **ORDINANCE NO. 24-05-16-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP REGARDING THE USES AND DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC PORTIONS OF THE ORIGINAL “PLANNED DEVELOPMENT DISTRICT” (PDD) KNOWN AS “MARSHALL’S HARBOR” ESTABLISHED BY ORDINANCE NO. 01-01-18-01 AND AMENDED BY ORDINANCE NO. 05-11-03-01 AND ORDINANCE NO. 06-06-08-02; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, in the absence of any known activity or investment in the previous two years by the owners of the property more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), the authority of Section 14.10 of Chapter 14 of the Lago Vista Code of Ordinances, and pursuant to the Interim Growth Management Policy adopted by Resolution No. 23-1996, the City of Lago Vista has filed an application requesting an amendment to specific portions of the original “Planned Development District” (PDD) known as “Marshall’s Harbor” established by Ordinance No. 01-01-18-01 and amended by Ordinance No. 05-11-03-01 and Ordinance No. 06-06-08-02; and

**WHEREAS**, the Property currently resides within the corporate limits of the City of Lago Vista; and

**WHEREAS**, the changes in use and development standards to be applicable to the Property are included in Ordinance No. 01-01-18-01, but also further described below; and

**WHEREAS**, these described changes in use and development standards along with the balance of the contiguous property described by Ordinance No. 01-01-18-01 that remains in the municipal limits as more particularly described in the attached **Exhibit “B”** can be definitively and hereafter again be referred to as a “Planned Development District” (PDD) known as “Marshall’s Harbor;” and

**WHEREAS**, after giving fifteen (15) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

**WHEREAS**, the Planning and Zoning Commission at its public hearing held on April 22, 2024, and the City Council at its public hearing held on May 16, 2024, have both reviewed the request and the circumstances of the Property, and find that approval of the “Planned Development District” (PDD) referred to herein as “Marshall’s Harbor” is warranted and consistent with the Interim Growth Management Policy adopted by Resolution No. 23-1996; and

**WHEREAS**, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan, which shall not be interpreted as inconsistent with this rezoning; and

**WHEREAS**, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

**WHEREAS**, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

**WHEREAS**, pursuant to Section 51.001 of the *Texas Local Government Code*, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, pursuant to Chapter 211 of the *Texas Local Government Code*, the City has the authority to zone and rezone property; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 10, and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the "Zoning Code").

**Section 2. Enactment.** The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Code is hereby amended by zoning the Property described in **Exhibit "A"** attached to this Ordinance, as described herein with the uses and development standards as described in both Ordinance No. 01-01-18-01 and below."

**Section 4. Zoning Requirements.** The zoning requirements established in Section 4 of Ordinance No. 01-01-18-01 shall remain intact except as follows:

1. Section 4.1.A shall be amended to read that Lots 43 through 48, and Lots 50 through 74 shall be single-family residential lots and comply with the zoning requirements of the R-1S (15A) residential zoning district, previously known as the R-1A residential zoning district except as hereinafter modified.
2. Section 4.1.B shall be amended to read that Lot C shall be a public park and comply with the zoning requirements of the “P-2” zoning district except as hereinafter modified.
3. Section 4.1.E, Section 4.1.F, Section 4.9, Section 4.12, Section 4.17 through Section 4.19, and Section 4.24 shall be repealed.
4. Section 4.14 shall be amended to read that the maximum building height for single-family residential lots is thirty-five (35) feet above the highest point on the lot.
5. Section 4.20.D shall be amended to read that the maximum number of residential condominium units shall not exceed fifty-six (56) units in accordance with Ordinance No. 05-11-03-01.

**Section 5. Amendment of Applicable Zoning Ordinances.** The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

**Section 6. Rezoned Property.** The Zoning Code is also hereby amended by establishing the contiguous land that is more particularly described in **Exhibit “B”** attached to this Ordinance as the “Planned Development District” (PDD) known as “Marshalls’s Harbor” as originally established by Ordinance No. 01-01-18-01 except as amended herein below.

**Section 7. Repealer.** The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the “Marshall’s Harbor Planned Development District” as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan, or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

**Section 8. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 9. Penalty.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

**Section 10. Publication Clause.** The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

**Section 11. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

**Section 12. Change of Zoning Map.** The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

**Section 13. Proper Notice and Meeting.** 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, Texas Local Government Code*.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 16th day of May, 2024.

  
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Kevin Sullivan, Mayor

ATTEST:

  
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Lucy Aldrich, City Secretary



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

**EXHIBIT “A”**

**Legal Description of Property Rezoned by this Amendment**

Marshall’s Harbor

- Lot 67
- Lot 68
- Lot 69
- Lot 70
- Lot 71
- Lot 72
- Lot 73
- Lot 74

## **EXHIBIT “B”**

### **Legal Description of “Marshall’s Harbor PDD” as Amended**

#### **Marshall’s Harbor**

- Lot C (Park)
- Lot 44
- Lot 46
- Lot 48
- Lot 49-BB (Lot 49-A & Lot 49-B amended)
- Lot 51
- Lot 53
- Lot 55
- Lot 57
- Lot 59
- Lot 61
- Lot 63
- Lot 65
- Lot 67
- Lot 69
- Lot 71
- Lot 73
- Lot 43
- Lot 45
- Lot 47
- Lot 49-AA (Lot 49-A & Lot 49-B amended)
- Lot 50
- Lot 52
- Lot 54
- Lot 56
- Lot 58
- Lot 60
- Lot 62
- Lot 64
- Lot 66
- Lot 68
- Lot 70
- Lot 72
- Lot 74