

ORDINANCE NO. 24-06-06-04

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 11.40, SECTION 11.60, AND SECTION 13.20 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO ESTABLISH FORMAL MINIMUM DEADLINES FOR ZONING APPLICATIONS DETERMINED TO BE COMPLETE IN ORDER TO BE NOTICED FOR INCLUSION ON THE APPROPRIATE AGENDA; 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 not previously created provisions that formally established minimum deadlines for zoning applications or the explicit authority for determining whether an application was complete enough for inclusion on a forthcoming agenda of the Planning and Zoning Commission or the Board of Adjustment; and

WHEREAS, the City Council has recently established provisions in the applicable rules of procedure that requires publication of the packets for the use by the Planning and Zoning Commission or the Board of Adjustment on or before the time at which statutory notices are posted or mailed; and

WHEREAS, together with the existing procedures and deadlines for publication of City Council meeting packets and the existing procedures requiring publication of all other packets at the same time the agenda is required to be posted in accordance with the Open Meetings Act, Chapter 551 of the *Texas Government Code*, multiple simultaneous deadlines were created that were causing a significant burden on the Development Services Department staff; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a discussion of possible solutions to relieve that burden caused by simultaneous deadlines, including possible amendments to the regular meeting schedule of the Planning and Zoning Commission and Board of Adjustment during their meeting on April 11, 2024; and

WHEREAS, at that regular meeting on April 11, 2024, the Planning and Zoning Commission of the City of Lago Vista directed the staff to advertise a public hearing for potential amendments to Chapter 14 that would establish formal minimum deadlines of at least sixty days for all zoning applications requiring public hearings and associated notices that would relieve that burden on the Development Services Department staff; 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 regular meeting on May 9, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the requirements of Section 11.40, Section 11.60, and Section 13.20 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 June 6, 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 11.40, Section 11.60, and Section 13.20 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*.

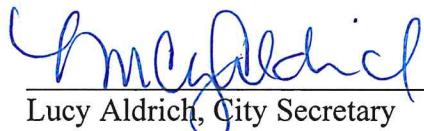
AND, IT IS SO ORDERED.

PASSED AND APPROVED this 6th day of June, 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 June 6, 2024, and further amended on June 20, 2024.

EXHIBIT “A”

CHAPTER 14

ZONING

11.40 Variance Procedure

- (a) **Application and Fee.** An application for a variance to the provisions of this chapter shall be made in writing to the City in a form prescribed by the City Manager and shall be accompanied by the fee prescribed by ordinance, a site plan, and additional information as may be requested in order to properly review the application. Such information may include, but is not limited to: plats, site and building plans, and contour maps.
- (b) **Application Deadline.** Consideration of the application by the Board of Adjustment shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete by the City Manager or their designee.
- (c) **Review by the Board.**
 - (1) **Review.** The Board of Adjustment members shall adequately prepare to make the required determinations for each application for a variance, including studying the application material and visiting the site, subject to compliance with the City’s ethics policy and in the absence of a disability.
 - (2) **Notice and Hearing.** Notice requirements for a public hearing by the Board of Adjustment for a variance application shall meet the standards established in Section 13.40.

11.60 Special Exceptions Approvals

- (a) **Purpose.** Except as specifically described elsewhere herein, these land use regulations are based upon the division of the City of Lago Vista into zoning districts, within which the treatment of land and improvements is substantially uniform. It is recognized, however, that there are certain improvements that, because of their unique characteristics or circumstances, must be considered individually to address the impact on neighboring land and the community while considering a specific need at a particular location. As such, the Board of Adjustment may approve a special exception in accordance with the various specific procedures described in this section. Such approval, with or without conditions, shall be based on the standards described below.
- (b) **Generally.**

(1) Application, Fee, and Deadline. An application for a special exception approval in accordance with the provisions of this chapter shall be made in writing to the City using a form prescribed by the City Manager or their designee and shall be accompanied by the application fee prescribed by ordinance. Applications shall also include all documents required to describe relevant aspects of the proposed construction and additional information as may be requested to facilitate a proper and complete evaluation. Such information shall include, but not be limited to site plans, survey of existing improvements and protected trees, topographic information, and accurate building plans drawn to scale.

Consideration of the application by the Board of Adjustment shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete by the City Manager or their designee.

(2) Public Hearing. The Board of Adjustment shall hold a public hearing prior to consideration of any special exception application.

(A) Notice requirements for a public hearing by the Board of Adjustment for a special exception approval shall meet the standards established in Section 13.40.

(B) The public hearing to consider a special exception application shall be held at a regularly scheduled or special called Board of Adjustment meeting. The Board may adjourn the public hearing and reopen the hearing on the site seeking the special exception approval at a time announced during the meeting that includes the original public hearing.

(C) Board of Adjustment members shall adequately prepare to make the required determinations, including studying the application material and visiting the site, subject to compliance with the City's ethics policy and in the absence of a disability. Board members who have not adequately prepared may not vote on the consideration of a special exception application.

13.20 Procedure for a Change of Zoning Classification of a Parcel of Land

(a) Who May Initiate Request to Change a Zoning Classification. A request to change the zoning classification of a parcel of land may be initiated by the owner of such parcel or his authorized agent. The City may also propose a zoning change on its own motion, without such a request.

(b) Manner of Initiating a Zoning Change Request.

(1) Application by Property Owner. A property owner or his authorized agent may file an application with the City Manager requesting the zoning or a change of zoning for real property. All property owners shall sign the application form and become parties to the application or provide a copy to the City of their express written authority to an agent acting on their behalf in a format compliant with all applicable state requirements. Whenever a property is owned by a corporation, a limited liability company, a partnership or any other similar entity, the person signing on behalf of that entity will provide documentation of that authority. In the case of multiple property owners, a single individual shall be designated on the application form as the source and recipient of all formal correspondence and be responsible for communication with all other parties to the application. Such application shall

be accompanied by a fee established by the Council, and shall contain the following information, unless waived in writing by the City Manager or his designee:

- (A) The legal description and address of the parcel for which the application is made (the "subject parcel").
- (B) A map showing the present zoning classification, if any, of the subject parcel and of each abutting, adjacent or contiguous parcel.
- (C) The present use of the subject parcel and of each abutting, adjacent or contiguous parcel.
- (D) The type and location of all structures on the subject parcel and on each abutting, adjacent or contiguous parcel.
- (E) The zoning requested and the proposed use of the subject parcel.
- (F) Conceptual plan, if required by ordinance.
- (G) If required by the planning and zoning commission or city council, a traffic impact analysis.
- (H) A map showing the location and line size of the nearest or proposed point of connection to, wastewater and water lines.
- (I) Certification from all applicable taxing authorities that all taxes due on the subject parcel sought to be zoned or rezoned have been paid.
- (J) Any other relevant information requested by the Commission or the Council.

(2) Application Deadline. Consideration of the application by the Planning and Zoning Commission shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete by the City Manager or their designee.

(c) Review of Zoning Change Requests by Planning and Zoning Commission. The Commission shall:

- (1) Review each application for a zoning change.
- (2) Conduct a hearing. Notice of a hearing before the Commission shall be given by notification as prescribed in Section 13.40(a)(1) and (a)(2) below. Notice of the hearing before the Commission may be combined with the notice given for the hearing on the same matter before the Council.
- (3) Following the hearing on the requested change it shall prepare a recommendation for the Council.

(d) Required Conformance to Master Plan. The adopted Comprehensive Plan documents the current land use policy recommendations applicable within the municipality and serves as a guideline for future zoning decisions that will yield a balanced, diversified, and compatible pattern of development consistent with the vision of its citizens. While it does not establish zoning regulations or establish zoning district boundaries, no zoning application deemed to be inconsistent with the Comprehensive

Plan shall be considered without first successfully seeking an amendment, in accordance with the provisions below, that eliminates that inconsistency.

- (1) An application for an amendment to the Comprehensive Plan shall be required prior to the approval of a zoning change application whenever the City Manager or their designee determines that the proposed change is otherwise inconsistent with the adopted Comprehensive Plan. An appeal of that determination shall comply with the procedures outlined in Section 11.50 of this chapter.
- (2) An amendment to either the text of the Comprehensive Plan or any of its various components, including but not limited to the Future Land Use Plan or Map, shall be requested using the required form available from the Development Services Department and include the fee specified in Appendix A.
- (3) The procedure for an amendment to the Comprehensive Plan shall be the same as specified in this section for a zoning change, including the ability of the City to initiate a proposed amendment and the notice required by Section 13.40 when specific property is the subject of the request. However, the provisions of 13.20(e)(3) are not applicable. Consideration of the application by the Planning and Zoning Commission shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete by the City Manager or their designee. A successful application shall be accompanied by an amendment to the ordinance that adopted the current Comprehensive Plan. That amendment shall require the affirmative vote of at least three-fourths (3/4) of all members of the governing body for adoption.

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- (b) Signs Required for Proposed Variance Application Deadline. ~~At the time a proposed zoning change or variance application is filed, the City shall place easily visible signs on the property in accordance with Section 13.40 below.~~ Consideration of the application by the Board of Adjustment shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete ~~at the sole discretion of the Development Services Director by the City Manager or their designee.~~
- (c) Review by the Board.
 - (1) Review. The Board of Adjustment members shall ~~review~~ adequately prepare to make the required determinations for each application for a variance, including studying the application material and visiting the site, subject to compliance with the City's ethics policy and in the absence of a disability. ~~Members of the Board or duly appointed City officials shall visit the site where the proposed variance will apply and the surrounding area, and shall report their finding to the Board.~~
 - (2) Notice and Hearing. ~~The Board shall notify property owners in accordance with Section 13.40 below of a public hearing at which the variance will be considered. The Board shall hold a public hearing within forty five (45) days from the date of acceptance.~~ Notice requirements for a public hearing by the Board of Adjustment for a variance application shall meet the standards established in Section 13.40.

11.60 Special Exceptions Approvals

- (a) Purpose. Except as specifically described elsewhere herein, these land use regulations are based upon the division of the City of Lago Vista into zoning districts, within which the treatment of land and improvements is substantially uniform. It is recognized, however, that there are certain improvements that, because of their unique characteristics or circumstances, must be considered individually to address the impact on neighboring land and the community while considering a specific need at a particular location. As such, the Board of Adjustment may approve a special exception in accordance with the

various specific procedures described in this section. Such approval, with or without conditions, shall be based on the standards described below.

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(1) Application, Fee, and Fee Deadline. An application for a special exception approval in accordance with the provisions of this chapter shall be made in writing to the City using a form prescribed by the City Manager or their designee and shall be accompanied by the application fee prescribed by ordinance. Applications shall also include all documents required to describe relevant aspects of the proposed construction and additional information as may be requested to facilitate a proper and complete evaluation. Such information shall include, but not be limited to site plans, survey of existing improvements and protected trees, topographic information, and accurate building plans drawn to scale.

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liability company, a partnership or any other similar entity, the person signing on behalf of that entity will provide documentation of that authority. In the case of multiple property owners, a single individual shall be designated on the application form as the source and recipient of all formal correspondence and be responsible for communication with all other parties to the application. Such application shall be accompanied by a fee established by the Council, and shall contain the following information, unless waived in writing by the City Manager or his designee:

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- (3) The procedure for an amendment to the Comprehensive Plan shall be the same as specified in this section for a zoning change, including the ability of the City to initiate a proposed amendment and the notice required by Section 13.40 when specific property is the subject of the request. However, the provisions of 13.20(e)(3) are not applicable. **Consideration of the application by the Planning and Zoning Commission shall occur at a regular scheduled or special called meeting following a public hearing no sooner than sixty (60) days or more than one-hundred eighty (180) days after receipt of an application determined to be complete at the sole discretion of the Development Services Director by the City Manager or their designee.** A successful application shall be accompanied by an amendment to the ordinance that adopted the current Comprehensive Plan. That amendment shall require the affirmative vote of at least three-fourths (3/4) of all members of the governing body for adoption.
