

ORDINANCE NO. 23-04-20-01

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA
REPEALING ORDINANCE NO. 22-09-01-01.**

WHEREAS, a public hearing was held by the Planning and Zoning Commission on or around August 11, 2022, to consider a request by the owner of property referenced in City of Lago Vista Ordinance No. 22-09-01-01 (the “Property”) to amend the existing Planned Development District (PDD) for such property; and

WHEREAS, on or around September 1, 2022, a public hearing was held by City Council on the matter and Ordinance No. 22-09-01-01 was passed by City Council, finding in part that notice was properly given to the owners of land within 200 feet of the Property; and

WHEREAS, upon further investigation it has come to the attention of the City Council that such notice was given to some, but possibly not all of the property owners within 200-feet of the area affected by such Ordinance; and

WHEREAS, the City Council subsequently properly notified owners of land within 200 feet of the Property; and

WHEREAS, the Planning and Zoning Commission, at a public hearing held on February 9, 2023, has reviewed the request and the circumstances of the Property, and voted 3-0 on the question of whether to recommend approval of the application subsequently properly notified owners of land within 200 feet of the Property; and

WHEREAS, before City Council held a public hearing on or approved the application, the applicant withdrew its application; and

WHEREAS, the City Council would like to clarify its position that absent reconsideration of such application, the approvals included in Ordinance No. 22-09-01-01 are not effect.

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

SECTION 1. 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.

SECTION 2. The City Council finds that insufficient notice of the hearing held by the Planning and Zoning Commission on or around August 11, 2022, was provided to those owners of real property located within 200 feet of the Property. As a result, the public hearing held by the Planning and Zoning Commission and the hearing held and action taken by City Council on or around September 1, 2022, on the proposed rezoning of the Property was not proper.

SECTION 3. Ordinance No. 22-09-01-01 is hereby repealed.

SECTION 4. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or unenforceable, such unconstitutionality, illegality, invalidity, or unenforceability 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 5. It is officially found and determined that the meeting at which this Resolution 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*.

PASSED AND APPROVED this the 20th day of April, 2023.

Ed Tidwell
Ed Tidwell, Mayor



ATTEST:

Lucy Aldrich
Lucy Aldrich, City Secretary

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