

ORDINANCE NO. 24-07-18-04

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 10.30, SECTION 10.60, SECTION 10.80, SECTION 10.90 AND SECTION 13.20 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING THE PROCEDURAL REQUIREMENTS TO APPROVE OR AMEND A PLANNED DEVELOPMENT DISTRICT (PDD); 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 procedural requirements to approve or amend a Planned Development District (PDD) within Section 10 and Section 13 of Chapter 14, the Lago Vista Zoning Ordinances, and

WHEREAS, the City Council has recently engaged in discussions about when the affirmative vote of all their members might be warranted for zoning changes, and those discussions ultimately focused on the approval or amendment of a Planned Development District (PDD) only; and

WHEREAS, the City Council has previously engaged in discussions about the need for a requirement to notice the entirety of a Planned Development District (PDD) when an amendment to only a portion was being considered; and

WHEREAS, the City Council subsequently requested the Planning and Zoning Commission to undertake a review of the procedural requirements within Chapter 14 for approval or amendment of a Planned Development District (PDD); 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 June 13, 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 10.30, Section 10.60, Section 10.80, Section 10.90, and Section 13.20(e) 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 July 18, 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 10.30, Section 10.60, Section 10.80, Section 10.90, and Section 13.20(e) 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 18th day of July, 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

Section 10 Planned Development Districts (PDD)

10.30 Changes in the Concept Plan

Changes in the concept plan shall be considered the same as changes in the zoning ordinance and shall be processed the same as a rezoning application required by this chapter, except as specifically modified within this section. Changes in the concept plan shall require notice based on the legal description of the original PDD approval, excluding only property that has been removed from the district by a subsequent approved zoning change. However, non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan may be administratively authorized in writing by the Development Services Director. Conversely, if any change however minor, is determined to raise new issues of public interest, administrative approval of those changes shall be denied. An applicant or an aggrieved party may appeal such a denial to the Board of Adjustment in accordance with the provisions of Section 11.50 of this chapter.

10.60 Changes in the Detail Plan

Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed the same as a rezoning application required by this chapter, except as specifically modified within this section. Changes in the detail plan shall require notice based on the legal description of the original PDD approval, excluding only property that has been removed from the district by a subsequent approved zoning change. However, non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan may be administratively authorized in writing by the Development Services Director. Conversely, if any change however minor, is determined to raise new issues of public interest, administrative approval of those changes shall be denied. An applicant may appeal such a denial to the Board of Adjustment in accordance with the provisions of Section 11.50 of this chapter.

10.80 Approval of Districts

The City Council may, after receiving a recommendation from the Planning and Zoning Commission, approve by ordinance the creation of a planned development district based upon a concept plan, a detail plan or an optional combined concept and detail plan. Because relief from strict compliance with requirements that would otherwise be applicable is included, the affirmative vote of at least three-fourths of all members of the governing body is required for the approval or amendment of a Planned Development District (PDD). The approved plan shall be made part of the ordinance establishing the district. Upon approval, this zoning district change shall be indicated on the official zoning map of the City.

The approval of development standards and requirements for each use proposed for inclusion in a planned development district shall be based upon the merits of the design and layout proposed for the development. The development standards and requirements to be specified shall include, but not be limited to: building heights, lot widths, lot depths, impervious coverage percentages, lot areas, setbacks and minimum off-street parking and loading requirements. Such standards and requirements shall comply with or be more restrictive than those established in the base zoning district for the specific uses or types of uses allowed in the proposed district, except when explicitly modified by the approved ordinance. Such modifications or exceptions may be granted only when it is found that such modifications are in the public interest, are in harmony with the purposes of this chapter, are consistent with the policies of the comprehensive plan, and will not adversely impact nearby properties because any potential adverse impact has been adequately mitigated.

Absent express approval of deviations meeting the criteria above, all remaining standards and requirements of the City of Lago Vista shall be enforced when applicable, including those contained in or referenced by the Building Regulations, Zoning Ordinances, or Subdivision Regulations. Nonetheless, all requirements or standards established or referenced in the Lago Vista Code of Ordinances are subject to a deviation request except those that are also established by state or federal statutes.

10.90 Additional Requirements and Provisions

- (a) The provisions above requiring an affirmative vote of at least three-fourths of the members of the City Council shall apply to the approval of both the concept plan and detail plan, and any subsequent amendments to either component.
- (b) Planned development districts approved prior to February 6, 2020 may be developed in accordance with those existing ordinance provisions. However, any desired substantive changes to such an existing PDD approval, as determined by the Development Services Director in accordance with Section 10.120 above shall be subject to the current PDD approval requirements contained herein.
- (c) The Board of Adjustment may not consider a variance application related to property contained within a PDD. The Planning and Zoning Commission or the Board of Adjustment on appeal, may not consider an application for a special exception to height standards related to property contained within a PDD. Applications for relief from any existing requirement related to property contained within a PDD shall be processed as a PDD amendment.

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

(e) Review of Zoning Change Request by City Council. The Council shall:

- (1) Review the Commission recommendation.
- (2) Before acting upon the zoning change, hold at least one (1) public hearing on the proposed zoning change. Notice of a hearing before the Council shall be given by publication as prescribed in Section 13.40(a)(2) below. Separate written notice to property owners is not necessary. Notice of the hearing before the Council may be combined with the notice given for the hearing on the same matter before the Commission.
- (3) Take appropriate action as follows:
 - (A) The Council may enact a proposed change of zoning by ordinance, if it finds that such change is in the public interest. A change of zoning may be enacted, even though such proposed change does not conform to the land use map in the City's Master Plan provided that the Council's findings conform to the requirements of Section 13.20(d).
 - (B) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths of all members of the governing body if a written protest, signed by owners of at least twenty percent (20%) of either:
 - (i) The area of lots or land covered by the proposed change;
 - (ii) The area of lots or land immediately abutting the area covered by the proposed change and extending two hundred feet (200') from that area, that is within the municipal limits of the City of Lago Vista.
 - (iii) In computing the percentage of land area described in this subsection, the area of streets, alleys, and publicly owned property within the municipal limits of the City of Lago Vista shall be included.
 - (C) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all members of the governing body if the Commission has recommended against enactment of a proposed zoning change.
 - (D) Approval or an amendment of a Planned Development District (PDD), including a concept plan, a detail plan, or a combined concept and detail plan shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all the members of the governing body.

CHAPTER 14

ZONING

Section 10 Planned Development Districts (PDD)

10.30 ~~Process Consideration Of The Changes in the~~ Concept Plan

~~The City Council may approve a PDD concept plan with deviations from any provision in the Code of Ordinances that are consistent with applicable state and federal statutes or requirements. Such deviations shall be listed or shown on a plan that is part of the ordinance that approves the concept plan. Failure to include such deviations cannot be corrected in a detail plan and instead requires an amended concept plan. Changes in the concept plan shall be considered the same as changes in the zoning ordinance and shall be processed the same as a rezoning application required by this chapter, except as specifically modified within this section. Changes in the concept plan shall require notice based on the legal description of the original PDD approval, excluding only property that has been removed from the district by a subsequent approved zoning change. However, non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan may be administratively authorized in writing by the Development Services Director. Conversely, if any change however minor, is determined to raise new issues of public interest, administrative approval of those changes shall be denied. An applicant or an aggrieved party may appeal such a denial to the Board of Adjustment in accordance with the provisions of Section 11.50 of this chapter.~~

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10.90 Additional Requirements ~~And~~ and Provisions

- (a) The provisions ~~of Section 13.20(e)(3)(B) above~~ requiring an affirmative vote of at least three-fourths of the members of the City Council ~~under certain circumstances~~ shall apply to the approval of both the concept plan and detail plan, ~~and any subsequent amendments to either component.~~
- (b) Planned development districts approved prior to February 6, 2020 may be developed in accordance with those existing ordinance provisions. However, any desired substantive changes to such an existing PDD approval, as determined by the Development Services Director in accordance with Section 10.120 above shall be subject to the current PDD approval requirements contained herein.
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