

ORDINANCE NO. 21-10-21-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT FOR THE APPROXIMATELY 32.42-ACRE TRACT KNOWN AS ABSTRACT 2152, SURVEY 35 OF THE H & O.B. RAILROAD COMPANY, WHICH FRONTS ON AN UNIMPROVED SECTION OF RIGHT-OF-WAY PLATTED AS SANTA VISTA WAY, FROM C-R (“COMMERCIAL RESORT”) TO R-1G (“SINGLE-FAMILY RESIDENTIAL”); AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owners of the approximately 32.42-acre tract known as Abstract 2152, Survey 35 of the H & O.B. Railroad Company, which fronts on an unimproved section of right-of-way platted as Santa Vista Way, have filed an application requesting the change in zoning of this property from the CR (“Commercial Resort”) to the R-1T (“Single-Family, Tall”) residential zoning district; and

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

WHEREAS, after giving ten (10) 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 September 9, 2021 reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property sufficient to warrant a change in the zoning of the Property has transpired, but that the R-1G (“Single-Family Residential”) zoning district is instead preferable, a recommendation that the property owners did not object to; and

WHEREAS, the City Council at its public hearing held on October 21, 2021, has reviewed the request, the recommendation of the Planning and Zoning Commission and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; 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 Texas Local Government Code Section 51.001, 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 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 Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning the approximately 32.42-acre tract known as Abstract 2152, Survey 35 of the H & O.B. Railroad Company, which fronts on an unimproved section of right-of-way platted as Santa Vista Way, from the CR (“Commercial Resort”) to the R-1G (“Single-Family Residential”) zoning district.

Section 3. Repealer. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 21st day of October 2021.



ATTEST:



Sandra Barton, City Secretary

On a motion by Councilor Williams, seconded by Mayor Pro Tem Davila, the above and foregoing ordinance was passed and approved.