

ORDINANCE NO. 24-05-16-02

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 11.60(b)(4) OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING EXPIRATION OF SPECIAL EXCEPTION APPROVALS; 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 created provisions that called for the expiration of a special exception approval in Chapter 14 of the Lago Vista Code of Ordinance; and

WHEREAS, those expiration provisions included a error when unnecessarily attempting to total the length of the maximum two six-month extensions; and

WHEREAS, throughout the course of several amendments to Section 11 of Chapter 14 related to special exception approvals that relocated, but did not amend those expiration provisions, this error remained undetected until recently; and

WHEREAS, those expiration provisions are now located in Section 11.60(b)(4) of Chapter 14 of the Lago Vista Code of Ordinances; and

WHEREAS, following detection of the error, a review of those provisions has been placed on an agenda of the Planning and Zoning Commission that has been posted in accordance with the requirements of local ordinances and the Texas Local Government Code; 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 special call meeting on April 22, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend those requirements and correct the error contained within Section 11.60(b)(4) 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 May 16, 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 11.60(b)(4) 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 16th day of May, 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary



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

EXHIBIT “A”

CHAPTER 14

ZONING

11.60 Special Exceptions Approvals

(b) Generally.

- (3) Approval Requirements. The concurring vote of 75 percent of the members of the Board of Adjustment is necessary for approval of a special exception.
- (4) Term. As opposed to a variance approval, a special exception approval shall expire in one calendar year if not incorporated in a building permit. However, the City Manager or their designee may approve a maximum of two extensions of six months each (a total maximum of one year) upon a showing of hardship received prior to the expiration. Special exception approvals also expire upon abandonment, either voluntary or involuntary, of one calendar year or longer. A new special exception application and approval is required for any approval that has expired.
- (5) Appeal. Any individual or group jointly or severally aggrieved by a decision of the Board of Adjustment related to a special exception application may present that matter to a court provided under state law.

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- (5) Appeal. Any individual or group jointly or severally aggrieved by a decision of the Board of Adjustment related to a special exception application may present that matter to a court provided under state law.
