

ORDINANCE NO. 24-08-01-02

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 22.20 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO CREATE AN EXEMPTION FOR ELECTRICAL SUBSTATION SECURITY FENCING; 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 requirements for fencing and screening devices within Section 22 of Chapter 14, the Lago Vista Zoning Ordinances, and

WHEREAS, a recent application for a new electrical substation within the corporate limits includes security fencing of a type currently prohibited except at certain municipal facilities such as water and wastewater plants; and

WHEREAS, similar exemptions in the existing provisions were not included for electrical substations since the existing substation does not employ that type of security fencing; and

WHEREAS, the consultants for the current electrical utility provider allege that the use of this type of security fencing is warranted for this new facility; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of the existing regulations and conducted a public hearing at their regular meeting on July 11, 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 22.20 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 August 1, 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 22.20 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orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.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 1st day of August, 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary



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

EXHIBIT "A"

CHAPTER 14

ZONING

Section 22 Fences and Screening Devices

22.20 Exemptions

The following are exempt from the requirements of this Section:

- (a) schools and school-owned property including but not limited to buildings, walls, land, structures and facilities, except swimming pools;
- (b) municipal property including but not limited to buildings, walls, land, structures and facilities, except swimming pools;
- (c) tennis courts, basketball courts, baseball fields, soccer fields or other non-swimming related athletic facilities of a homeowner's association or private country club;
- (d) electronic control security gates and electrical substation security provisions added to otherwise compliant improvements;
- (e) wire structures to prevent deer or other animals from eating trees, hedges or shrubbery and is located within two (2) feet of the trees, hedges or other shrubbery;
- (f) temporary construction fencing erected after a building permit is issued for a building and valid for the duration of the building permit;
- (g) temporary silt or erosion control fences maintained during construction; and
- (h) U.L. approved electric fences six feet or less in height with required warning signs, insulators and wood or t-posts, no less than fifteen (15) feet from a public right-of-way or two feet from a property line and located inside of a fence enclosure permitted in accordance with this section. Whenever the outside face of an electric fence is visible from adjoining property or a required front yard setback, warning signs no less than twelve (12) inches in either height or width and spaced no further than fifty (50) feet apart shall state: "Warning: Electric Fence in Operation."

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