

## **ORDINANCE NO. 22-09-01-02**

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 13.20(e)(3) AND SECTION 13.40(a)(1) OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO INCLUDE DETAILS FROM A SIMILAR SECTION OF THE TEXAS LOCAL GOVERNMENT CODE AND TO LIMIT THE DISTRIBUTION OF NOTIFICATIONS AND CONSIDERATION OF WRITTEN PROTESTS TO THE OWNERS OF PROPERTY WITHIN THE CITY OF LAGO VISTA; 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 specified the procedures for notifying the owners of property within two hundred feet of a zoning change application in Section 13.40(a)(1) of Chapter 14, the Zoning Ordinance; and

**WHEREAS**, the City Council of the City of Lago Vista has also previously specified the consequences of written protests from twenty percent or more of the owners of property within two hundred feet of a zoning change and the consequences of a denial recommendation from the Planning and Zoning Commission in Section 13.20(e)(3) of Chapter 14, the Zoning Ordinance; and

**WHEREAS**, Section 211.007 of the *Texas Local Government Code* allows for these notifications and consideration of written protests to be limited to the owners of property within the City of Lago Vista as established by the most recently approved municipal tax roll; and

**WHEREAS**, Section 211.006 of the *Texas Local Government Code* includes detail about the method to be employed in determining the percentage of property considered to be the source of a written protest that is not currently included in Section 13.20(e)(3) of Chapter 14, the Zoning Ordinance; 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 meeting on August 11, 2022; and

**WHEREAS**, the proposed changes should also yield results that are more aligned with the expectations of the residents and property owners of the City of Lago Vista which may not always be consistent with the expectations of residents and property owners in the extraterritorial jurisdiction of Lago Vista or neighboring municipalities; 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 contained within Section 13.20(e)(3) and Section 13.40(a)(1) 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 September 1, 2022, 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 13.20(e)(3) and Section 13.40(a)(1) 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.

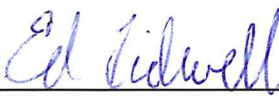
**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of 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 *Tex. Loc. Gov't. 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 September 2022.

  
Ed Tidwell, Mayor



ATTEST:

  
Lucy Aldrich, City Secretary

On a motion by Councilmember Mayor Tidwell, seconded by Councilmember Sullivan, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

**CHAPTER 14**

**ZONING**

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

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(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.

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**13.40 Procedures for Hearings Conducted by the Council, Commission or Board**

The Council and Commission shall hold at least one (1) public hearing on all proposed zoning classification changes and general amendments to this chapter. The Board shall hold a public hearing on all requests for a variance or special exception to this chapter.

(a) Notice.

(1) Written Notice to Property Owners.

- (A) Written notice of a proposed zoning change or variance request shall be given by the City to owners of real property within two hundred feet (200') of the boundaries of the property to be developed, zoned, or rezoned. Such notice shall be mailed, first class, not less than ten (10) days prior to the date set for Commission, Council and Board hearings to all property owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a zoning change proposal or variance request is pending and shall include the date, time, and place of the Commission or Board meeting and a description of the matter under consideration. However, in accordance with Section 13.20(e)(3)(B)(iii) above, only the written protests received from the owners of property within the municipal limits will be considered in determining whether the affirmative vote of at least three-fourths of all members of the governing body shall be required for a proposed zoning change.
- (B) A copy of the notice may be delivered to the person to be served, or to his duly authorized agent either in person or by mail to his last known address, or it may be given in such other manner reasonably calculated to give notice and approved by the City.
- (C) The City shall complete and mail the individual notices.

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