

ORDINANCE NO. 19-01-17-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS AMENDING SECTION 15.10 OF CHAPTER 14, THE LAGO VISTA ZONING ORDINANCE, TO PROHIBIT ALL FORMS OR ZONING AND VARIANCE APPLICATIONS AUTHORIZED BY THAT CHAPTER THAT ARE SUBSTANTIALLY THE SAME AS ONE THAT HAS BEEN DENIED FOR AT LEAST TWELVE MONTHS FROM THE DATE OF THE LATEST FORM OF DENIAL; 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 a prohibition against an application for a zoning district change that is substantially the same as one that has been denied within the previous twelve months; and

WHEREAS, the underlying basis for that prohibition applies equally to all types of applications, appeals or variance requests authorized in Chapter 14, the Lago Vista Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has reviewed the existing regulations, held a public hearing to receive input and recommends the amendments as shown in Exhibit "A;" and

WHEREAS, the City Council of the City of Lago Vista has reviewed the existing regulations and the recommendation of the Planning and Zoning Commission and held an additional public hearing to receive input; and

WHEREAS, the City Council of the City of Lago Vista hereby desires to modify Section 15.10 of Chapter 14 of the Lago Vista Code of Ordinances as described below to prohibit substantially similar applications, appeals or variance requests authorized by the Lago Vista Zoning Ordinance for a minimum of twelve months from the latest denial.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS. All of 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. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 14, Code of Ordinances as shown in Exhibit "A."

SECTION 3. SAVINGS CLAUSE. 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orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.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 Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 17th day of January 2019.


Ed Tidwell, Mayor

ATTEST:


Sandra Barton, City Secretary



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

EXHIBIT "A"

CHAPTER 14

ZONING

15.10 Similar Applications Within One (1) Year Prohibited. No application for an approval or appeal sought pursuant to any provision of this chapter shall be accepted if substantially the same application on the same property has been denied in any prescribed forum within the preceding twelve (12) month period.
