

**ORDINANCE NO. 19-12-19-01**

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 13.20 AND 13.40 OF CHAPTER 14, THE ZONING ORDINANCE, TO ADD SPECIFIC DOCUMENTATION REQUIREMENTS TO ZONING APPLICATIONS RELATING TO PROOF OF PROPERTY OWNERSHIP OR AUTHORITY TO ACT AS THE AGENT OF THE PROPERTY OWNER, AND TO ADD NEEDED FLEXIBILITY AND MORE REASONABLY LIMIT THE NUMBER OF NOTIFICATION SIGNS REQUIRED TO BE PLACED ON SUBJECT PROPERTIES; 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 substantive requirements limiting the filing of zoning applications not initiated by the City Council or the Planning and Zoning to property owners or their authorized agents; and

**WHEREAS**, it has been chronically time-consuming and burdensome to the City Staff to ensure compliance with those requirements, using only the existing application forms and supporting materials; and

**WHEREAS**, minor changes to those form and materials might help reduce that burden, and those changes might best be implemented by a corresponding minor change in the appropriate section of the Lago Vista Code of Ordinances; and

**WHEREAS**, the City Council of the City of Lago Vista has also previously established procedural requirements for the placement of notification signs on property that is the subject of a zoning application; and

**WHEREAS**, there was a minor ambiguity in those requirements that could be interpreted to require the placement of an excessive number of notification signs that was brought to light by a recent application; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and subsequently conducted a public hearing on concerning those regulations at their regular meeting of November 14, 2019; 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 Chapter 14 of 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.** 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 Section 13.20 and 13.40 of Chapter 14 of the Lago Vista 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 *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 19<sup>th</sup> day of December 2019.



  
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Ed Tidwell, Mayor

ATTEST:

  
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Sandra Barton, City Secretary

On a motion by Councilmember Williams, seconded by Councilmember Collins, 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**

- (a) Who May Initiate Request to Change a Zoning Classification. A request to change the zoning classification of a parcel of land may be initiated by the owner of such parcel or his authorized agent. The City may also propose a zoning change on its own motion, without such a request.
- (b) Manner of Initiating a Zoning Change Request.
  - (1) Application by Property Owner. A property owner or his authorized agent may file an application with the City Manager requesting the zoning or a change of zoning for real property. All property owners shall sign the application form and become parties to the application or provide a copy to the City of their express written authority to an agent acting on their behalf in a format compliant with all applicable state requirements. Whenever a property is owned by a corporation, a limited liability company, a partnership or any other similar entity, the person signing on behalf of that entity will provide documentation of that authority. In the case of multiple property owners, a single individual shall be designated on the application form as the source and recipient of all formal correspondence and be responsible for communication with all other parties to the application. Such application shall be accompanied by a fee established by the Council, and shall contain the following information, unless waived in writing by the City Manager or his designee:
    - (A) The legal description and address of the parcel for which the application is made (the "subject parcel").
    - (B) A map showing the present zoning classification, if any, of the subject parcel and of each abutting, adjacent or contiguous parcel.
    - (C) The present use of the subject parcel and of each abutting, adjacent or contiguous parcel.
    - (D) The type and location of all structures on the subject parcel and on each abutting, adjacent or contiguous parcel.
    - (E) The zoning requested and the proposed use of the subject parcel.
    - (F) Conceptual plan, if required by ordinance.
    - (G) If required by the planning and zoning commission or city council, a traffic impact analysis.

- (H) A map showing the location and line size of the nearest or proposed point of connection to, wastewater and water lines.
- (I) Certification from all applicable taxing authorities that all taxes due on the subject parcel sought to be zoned or rezoned have been paid.
- (J) Any other relevant information requested by the Commission or the Council.

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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 located 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 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.
- (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.

(2) By Publication. The City shall publish at least one notice of a proposed Commission, Board, or Council hearing in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the Council, Commission or Board meeting and a description of the matter under consideration.

(b) Signs Required for Proposed Zoning Change. At least fifteen (15) days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:

- (1) Each sign shall be erected on the property for which a zoning change or variance application has been filed. For the purposes of this requirement, separate contiguous tracts or lots that are part of the same application shall be considered a single property. The sign shall be placed at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. A sign shall be placed on each non-contiguous street frontage that cannot be seen from a single vantage point. Additional signs shall be

placed at approximately equal intervals along the street frontage of large properties to help ensure visibility. However, only one (1) sign shall be required for any frontage less than or equal to three hundred feet in length and no more than three (3) signs shall be required for any contiguous property frontage that is part of an application.

- (2) All required signs shall remain on the property until final disposition of the action is determined.

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