



City of Lago Vista, Texas

**NOTICE OF A REGULAR MEETING
PLANNING AND ZONING COMMISSION
WEDNESDAY, April 16, 2014, 7:00 PM
COUNCIL CHAMBERS
CITY HALL - 5803 THUNDERBIRD**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the City of Lago Vista, Texas will hold a Regular Meeting in the Council Chambers, City Municipal Building, 5803 Thunderbird, on the above date and time for discussion and possible action on the following:

1. Public comments for Non-Hearing Related Items.

2. ZON 1028 - Hines Lake Travis Land II Limited Partnership, requests to amend Ordinances 09-12-17-01 and 12-07-19-01, Tessera on Lake Travis Planned Development District, to allow for changes in signage requirements; changes to the height of the entry tower; development within the project to conform with the 2014 Texas Department of Licensing and Regulations Code found in Title 16, Chapter 68 of the Texas Administrative Code, including exceptions found in this Code; and to permit schools, public or private, including all levels up to and including secondary and equivalent curriculum including support facilities.

3. Amendments to the City's Zoning Ordinance for the City of Lago Vista to recodify the City's Board of Adjustment and the City's Planning and Zoning Commission to within the City's Zoning Code, as well as modify the numbers of members of the Planning and Zoning Commission, remove alternates to such Commission, as well as modify selection of chairperson, notice requirements for special exceptions, posting dates of notice signs, and locations of posting of notice signs.

4. Amendments to the City's Zoning Ordinance for the City of Lago Vista related to the Airport Overlay District to promote the regulation of land uses and heights in the vicinity of the airport, as well as modifications to land use near the airport to ensure the protection of the airport, as well as updates to the zoning districts recommended for each future land use district.

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at _____ on the _____ day of _____, 2014.

Christina Buckner, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

PLANNING & ZONING REPORT

TO: Chairwoman and Members of the Planning & Zoning Commission
FROM: David Harrell, Development Service Director
DATE: April 8, 2014
CASE #: **ZON 1028**
SUBJECT: Hold A Public Hearing And Consider A PDD Amendment to Allow For Changes In Signage Requirements; Changes To The Height Of The Entry Tower; Development Within The Project To Conform With The 2014 Texas Department of Licensing and Regulations Code Found In Title 16, Chapter 68 of the Texas Administrative Code, Including Exceptions Found In This Code; And To Permit Schools, Public or Private, Including All Levels Up To And Including Secondary And Equivalent Curriculum Including Support Facilities.

RECOMMENDATION:

Staff has no recommendation.

ALTERNATIVES:

The Planning & Zoning Commission may:

- Recommend Approval Of The PDD Amendment
- Recommend Approval, With Changes, Of The PDD Amendment
- Recommend Denial Of The PDD Amendment
- Table Consideration Of This Item Until The Next Or Future Meeting.

GENERAL INFORMATION:

Owner: Hines Lake Travis Land Limited Partnership and Hines Lake Travis Land II Limited Partnership
Applicant: Same
Location: Site is located along the southside of RM 1431 on the western edge of the City.

Applicant proposes additions to the PDD Master Development Plan Text and provides several Exhibits to clarify the proposed text changes. Staff will provide each change and the nature of the deviation as state below:

- 1) One Residential Subdivision Sign along RM 1431 with Entry Columns

<u>Code Standard</u>	<u>Applicant Standard</u>
One allowed for site	One allowed for this area.
24 Square Feet	45 Square Feet

<u>Code Standard</u>	<u>Applicant Standard</u>
6' maximum height	10' maximum height
6' maximum width	5' maximum width
Wood or Stone Construction	Stone Construction only
Indirect lighting for sign with no standard for tower lighting.	External ground lighting for sign with decorative lighting for towers.
35' maximum height for entry tower	13.6' maximum height for entry tower.

- 2) Two Additional Residential Subdivision Signs along RM 1431 regarding development and construction progress of the project.

<u>Code Standard</u>	<u>Applicant Standard</u>
One allowed for site (used on #1)	Three total for this site (including #1)
24 square feet maximum	210 square feet maximum
6' maximum height	10' maximum height
6' maximum width	20' maximum width
Wood or Stone Construction	SAME
Indirect lighting for sign with no standard for tower lighting.	SAME

- 3) Additional Residential Subdivision Signs along RM 1431 for each homebuilder that has a model home or a model home under construction

<u>Code Standard</u>	<u>Applicant Standard</u>
One allowed for site (used on #1)	Four or more total for this site (including #1 & #2)
24 square feet maximum	64 square feet maximum
6' maximum height	8' maximum height
6' maximum width	8' maximum width
Wood or Stone Construction	SAME
Indirect lighting for sign with no standard for tower lighting.	SAME

- 4) Community Wayfinding Signs to the following standards

<u>Code Standard</u>	<u>Applicant Standard</u>
Allowed on municipal, property owner association and school buildings, parks, sports fields, and points of general interest.	Allowed at trailheads and along hike/bike trails and in parks.
Constructed of wood panels	Constructed of stone structure
Sign panels only on one side of sign	Signs can be attached to multiple sides of sign
Maximum heights of 4' to 8'	Maximum heights of 3.8' to 9'5'
Maximum number of panels - 1	Maximum number of panels - 3
Maximum sign area – 3 square feet	SAME

5) Destination Wayfinding Signs to the following standards

<u>Code Standard</u>	<u>Applicant Standard</u>
Allowed on municipal, property owner association and school buildings, parks, sports fields, and points of general interest.	Allowed along community roadways
Constructed of wood	Constructed of wood and aluminum
Maximum heights of 4'	Maximum heights of 7'
Sign panels only on one side of sign.	Sign panels on two sides of sign.
Maximum number of panels – 6-8	Maximum number of panels – 8
Maximum sign area – 3 square feet	Maximum sign area – 20 square feet
No illumination	External ground lighting only.
Name & logo of place to be advertised and a directional arrow.	Directional information regarding parks, trails, other community improvements, model homes and web addresses
Local Roadway for signage purposes	Tessera Parkway from 1431 to south end of traffic circle is arterial and Tessera Parkway south of circle is collector for signage purposes.
Signs shall have only one face, be on the right side of a road, and must be visible from drivers in the right lane(s) of a road.	Exempt
Lighting may only be by external ground mounted from the front of the sign and only on arterial streets. Wayfinding signs on other streets may not be illuminated but may have reflective text. A lighting plan showing location and luminance measure shall be approved by the city council for all wayfinding signs, and shall not be a glare hazard for any driver or nearby property.	External ground lighting only and exempt from lighting plan.
A sign with more than three panels shall include on the top of the sign the sailboat logo and name of the city. This embellishment shall be the same on all wayfinding signs having more than three panels.	Use of Tessera Logo on all signs.
A wayfinding sign must be placed to be effective for and relatively near a road intersection.	Signage placed along roadways not necessarily near the intersection.

6) Area of signage doesn't include any supporting structures. This is the same as the present code standard.

7) Entry tower at Tessera Pkwy and 1431

<u>Code Standard</u>	<u>Applicant Standard</u>
40' with no other standards	55' with decorative lighting, ground mounted lighting, and lighting on the structure of the tower.

8) Within a public park or HOA park the following:

<u>Code Standard</u>	<u>Applicant Standard</u>
All fence and freestanding signs require permitting, with exceptions per Code.	Signs attached to fences; freestanding signs containing park information, park use, park regulations do not require sign permits.

- 9) Develop shall be responsible for the operation and maintenance of signs and structures located within public rights of way.
- 10) Development within the project shall conform with the 2014 Texas Department of Licensing and Regulations Code found in Title 16, Chapter 68 of the Texas Administrative Code, including, exceptions found in this Code. This code covers ADA compliance which is reviewed at the state level.
- 11) Schools, public or private, including all levels up to and including secondary and equivalent curriculum including support facilities throughout the PDD. Currently this use is not listed as an allowed use in the PDD.

Staff has concerns with items 2 and 3, in particular the increase in the number and size of Residential Subdivision Signs. If granted, the applicant can place numerous large temporary signs concerning development progress, construction progress, and signs for all the builders who have a model home or has a model home under construction. These could be located all over the development or at one place in the development, for example at the entrance to RM 1431 and Tessera Parkway. Since the development will be constructed in phases for a total of 2,030 living unit equivalents, these signs may be in place almost semi-permanently within the development. Under our current regulations any sign greater than 32 square feet is regarded as a billboard and are prohibited by the City Code. If these sizes are recommended approval by the Commission, it will set a new standard for allowing larger signs.

Staff also has concerns with item 8, in regards to no permitting of certain signage. The purpose of permitting is to regulate and inspect signage to confirm it meets code or PDD requirements. With the removal of the permit process for fence and freestanding signs, there is a chance these signs could be installed, placed, and/or sized incorrectly.

Staff has no concerns with any of the other items within this staff report.

NOTIFICATION

A total of 4 notices were sent to adjacent property owners within 200 feet of the subject change. Responses received to date: 0 Approve; 0 Disapprove.

Please advise if additional information is required.

ATTACHMENTS

- 1. Letter
- 2. Aerial
- 3. Proposed Ordinance

Attachment 1

Letter

March 24, 2014

Mr. Joseph Portugal
City Manager
&
Mr. David Harrell
Director of Development Services
City of Lago Vista
5803 Thunderbird
Lago Vista, TX 78645

Regarding – Tessera on Lake Travis Planned Development District Amendment

Dear Sirs,

Based on previous discussion, and at the request of the City of Lago Vista, Hines Lake Travis Land Limited Partnership and Hines Lake Travis Land II Limited Partnership (collectively, Hines), seeks to amend the Planned Development District (PDD) ordinance that was approved in May 2012.

The previously approved PDD ordinance (May 2012) was largely focused on determining general land uses in three major areas, along with various processes and standards within those areas prior to the completion of construction and marketing plans.

At this time, Hines is seeking to amend the current PDD in order to address various signage requirements for marketing purposes, increase the height of the proposed entry tower located near the intersection of Tessera Parkway and RM 1431 and to identify code conformation requirements for various improvements. These items are identified in the attached Amendment to the Tessera on Lake Travis PDD (see items 26 – 36) along with an exhibit set to support the request.

Once you have had an opportunity to review these items, please let me know a convenient time to discuss the Amendment request.

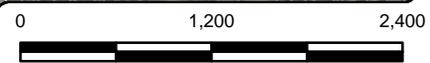
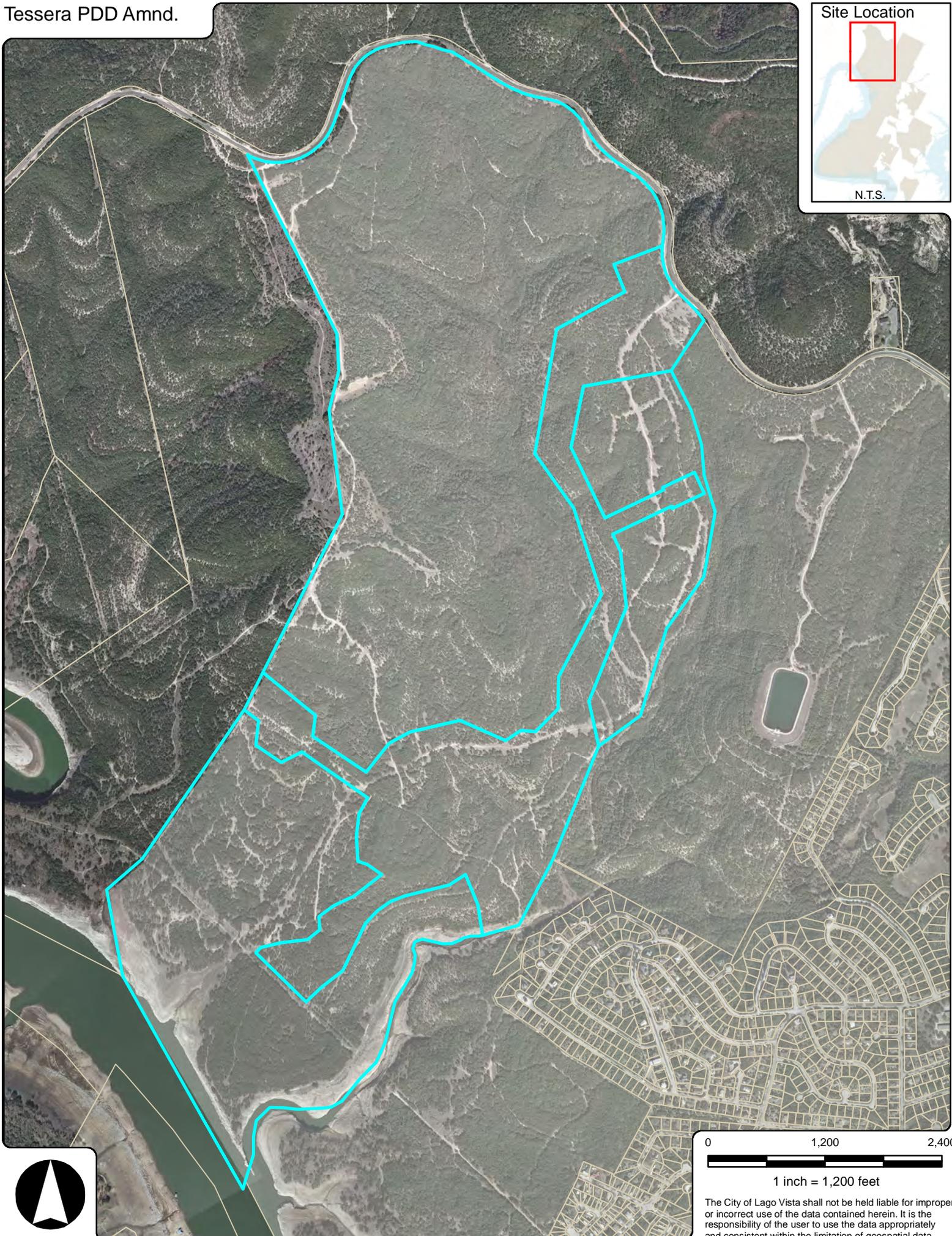
Thank for you for your time and consideration in this matter.



Duke Kerrigan
Director

Attachment 2

Aerial



1 inch = 1,200 feet

The City of Lago Vista shall not be held liable for improper or incorrect use of the data contained herein. It is the responsibility of the user to use the data appropriately and consistent within the limitation of geospatial data.

Attachment 3
Proposed Ordinance

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. O-07-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCES 09-12-17-01 AND 12-07-19-01 BY AMENDING THE TESSERA ON LAKE TRAVIS PLANNED DEVELOPMENT DISTRICT (PDD) ZONING; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of the property, more particularly described on the attached Exhibit "A," has requested that the PDD zoning be amended;

WHEREAS, after giving ten (10) days written notice to the owners of land within 200-feet of the property, the Planning and Zoning Commission and City Council held a public hearing on the proposed PDD amendment on the Property;

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the Planning and Zoning Commission and the City Council at a public hearing have reviewed the request and the circumstances of the property and finds that there is sufficient evidence to warrant a change in the zoning of the property;

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the property,

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance.

Section 2. Amendment of Zoning Ordinance. The Zoning Ordinance and other applicable ordinances, particularly Ordinance No. 09-12-17-01 and 12-07-19-01 that originally zoned the property, are hereby modified and amended as set forth in Section 3.

Section 3. Zoning Requirements for the PDD. The zoning requirements for the property described in Exhibit "A", attached hereto, shall be according to Exhibit "B," attached and made a part of this ordinance. The property shall be developed in accordance with the map and standards within on Exhibit "B."

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 6. Open Meeting. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code.*

PASSED AND APPROVED this 17th day of April, 2014.

Randy Kruger, Mayor

ATTEST:

Christina Buckner, City Secretary

874.29 Acres of Land, Rodgers Ranch
 Travis County, Texas
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EXHIBIT "A"

DESCRIPTION OF 874.29 ACRES OF LAND SITUATED IN THE F.F. FAUBION SURVEY NO. 97, ABSTRACT 2541, THE TEXAS MEXICAN RAILWAY CO. SURVEY NO. 201, ABSTRACT NO. 2291, THE A. SYLVESTER SURVEY NO. 202, ABSTRACT NO. 2524, THE WILLIAM BRANDON SURVEY NO. 1, ABSTRACT NO. 47, AND THE J.S. PEACOCK SURVEY NO. 202, ABSTRACT NO. 2469, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT CALLED 877.24 ACRES DESCRIBED IN DEED TO HINES LAKE TRAVIS LAND LIMITED PARTNERSHIP, OF RECORD IN DOCUMENT NO. 2007077705, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, (O.P.R.T.C.TX); SAID 874.29 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron rod found for the northwest corner of this tract and of said 877.24 acre tract, at the beginning of a curve in the south right-of-way line of F.M. Highway No. 1431 (100' R.O.W.), same being a northeast corner of a called 358.165 acre tract described in deed to Rodgers-Penn Investments, of record in Volume 9297, Page 43, and Volume 10382, Page 737, Real Property Records of Travis County, Texas (R.P.R.T.C.TX.) from which a cotton gin spindle found in the south right-of-way line of said F.M. 1431 bears N60°35'29"W a distance of 1002.68 feet;

THENCE with the south right-of-way line of F.M. Highway No. 1431 and the north line of said 877.24 acre tract the following twenty one (21) courses:

1. with a curve to the left an arc distance of 1085.04 feet, said arc having a radius of 622.95 feet and a chord which bears N69°28'27"E a distance of 952.99 feet to a calculated point, from which a 5/8" iron rod found bears N31°38'07"W a distance of 0.11 feet;
2. N19°31'22"E a distance of 471.80 feet to a 5/8" iron rod found at the beginning of a curve;
3. with said curve to the right an arc distance of 511.69 feet, said arc having a radius of 522.97 feet and a chord which bears N47°32'13"E a distance of 491.52 feet to a 1/2" iron rod found;
4. N75°35'07"E a distance of 112.66 feet to a 1" iron rod found at the beginning of a curve;
5. with said curve to the right an arc distance of 226.51 feet, said arc having a radius of 768.51 feet and a chord which bears N84°01'35"E a distance of 225.70 feet to a calculated point from which a 1/2" iron rod with plastic cap found bears N02°21'29"E a distance 0.13 feet;
6. S68°53'00"E a distance of 95.46 feet to a calculated point at the beginning of a curve, from which 1/2" iron rod with plastic cap found bears N58°58'18"E a distance of 0.25 feet;

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7. with said curve to the right an arc distance of 181.20 feet, said arc having a radius of 743.51 feet and a chord which bears $S73^{\circ}33'37''E$ a distance of 180.75 feet to a 1/2" iron rod with plastic cap found;
8. $S78^{\circ}12'19''E$ a distance of 95.62 feet to a 1/2" iron rod with plastic cap found at the beginning of a curve;
9. with said curve to the right an arc distance of 22.40 feet, said arc having a radius of 768.51 feet and a chord which bears $S58^{\circ}44'36''E$ a distance of 22.40 feet to a calculated point, from which a 1" iron rod found bears $S89^{\circ}16'18''E$ a distance of 0.14 feet;
10. $S57^{\circ}53'46''E$ a distance of 561.61 feet to a calculated point at the beginning of a curve, from which a 5/8" iron rod found disturbed bears $S51^{\circ}16'41''E$ a distance of 0.32 feet;
11. with said curve to the left an arc distance of 447.85 feet, said arc having a radius of 1195.93 feet and a chord which bears $S68^{\circ}37'46''E$ a distance of 445.24 feet to a 5/8" iron rod found;
12. $S79^{\circ}24'16''E$ a distance of 80.91 feet to a 5/8" iron rod found at the beginning of a curve;
13. with said curve to the right an arc distance of 436.84 feet, said arc having a radius of 522.95 feet and a chord which bears $S55^{\circ}27'49''E$ a distance of 424.25 feet to 5/8" iron rod with SAM, Inc. aluminum cap set, from which a 1/2" iron rod found disturbed bears $N41^{\circ}47'51''E$ a distance of 0.23 feet;
14. $S31^{\circ}31'50''E$ a distance of 114.79 feet to a calculated point at the beginning of a curve, from which a 1/2" iron rod found bears $N46^{\circ}54'28''E$ a distance of 0.13 feet;
15. with said curve to the left an arc distance of 410.64 feet, said arc having a radius of 1004.90 feet and a chord which bears $S43^{\circ}13'24''E$ a distance of 407.79 feet to a 1" iron rod found;
16. $S54^{\circ}55'17''E$ a distance of 261.77 feet to a 1" iron rod found at the beginning of a curve;
17. with said curve to the right an arc distance of 719.07 feet, said arc having a radius of 666.20 feet and a chord which bears $S23^{\circ}59'44''E$ a distance of 684.67 feet to a calculated point, from which a 1" iron rod found bears $N83^{\circ}02'04''E$ a distance of 0.13 feet;
18. $S06^{\circ}52'44''W$ a distance of 78.73 feet to a 1" iron rod found at the beginning of a curve;
19. with said curve to the left an arc distance of 577.81 feet, said arc having a radius of 622.96 feet and a chord which bears $S19^{\circ}39'13''E$ a distance of 557.32 feet to a calculated point, from which a 1/2" iron rod found bears $N40^{\circ}08'38''E$ a distance of 0.81 feet;
20. $S46^{\circ}30'05''E$ a distance of 103.50 feet to a calculated point at the beginning of a curve, from which a 1/2" iron rod found bears $N41^{\circ}17'09''W$ a distance of 6.68 feet;
21. with said curve to the right an arc distance of 248.61 feet, said arc having a radius of 1382.39 feet and a chord which bears $S41^{\circ}14'10''E$ a distance of 248.27 feet to a calculated point for the northeast corner of said 877.24 acre tract, same being the northwest corner of a called 313.86 acre tract described in deed to the City of Lago Vista, of record in Document No. 2004005156, O.P.R.T.C.TX., from which a 1/2" iron rod with cap found bears $N33^{\circ}12'16''E$ a distance of 0.31 feet;

THENCE with the east line of said 877.24 acre tract and the west line of said 313.86 acre tract the following ten (10) courses:

1. S33°12'16"W a distance of 617.79 feet to a 1/2" iron rod with "HAYNIE CONSULTING" cap found;
2. S26°58'50"E a distance of 453.02 feet to a 1/2" iron rod with "HAYNIE CONSULTING" cap found;
3. S16°50'45"E a distance of 366.94 feet to a 1/2" iron rod with "HAYNIE CONSULTING" cap found;
4. S05°19'49"E a distance of 327.56 feet to a 1/2" iron rod with "HAYNIE CONSULTING" cap found;
5. S16°44'04"E a distance of 387.91 feet to a 1/2" iron rod with "HAYNIE CONSULTING" cap found;
6. S10°11'44"W a distance of 672.33 feet to a 1/2" iron rod with "HAYNIE CONSULTING" cap found;
7. S35°15'54"W a distance of 660.23 feet to a 1/2" iron rod with "HAYNIE CONSULTING" cap found;
8. S16°49'50"W a distance of 928.61 feet to a calculated point, from which a cotton gin spindle found bears S42°27'00"E a distance of 0.46 feet;
9. S53°44'38"W a distance of 531.05 feet to a 1/2" iron rod with cap found;
10. S21°54'45"W a distance of 1249.55 feet to a 1/2" iron rod found for the southwest corner of said 313.86 acre tract, same being the northwest corner of that certain Tract 4 described in deed to the Lower Colorado River Authority, of record in Volume 668, Page 135, Deed Records of Travis County, Texas (D.R.T.C.TX.), from which a 1/2" iron rod found bears N35°37'59"E a distance of 4.08 feet;

THENCE continuing with the east line of said 877.24 acre tract and with the west line of said Tract 4, S27°24'43"W at a distance of 305.47 feet passing a calculated point for the southwest corner of said Tract 4 and the northwest corner of Tract 3 as described in said deed to the Lower Colorado River Authority, from which a 1/2" iron rod found bears S52°23'53"E a distance of 1.16 feet, at a distance of 572.57 feet passing a 1/2" iron rod found on line, in all a total distance of 765.19 feet to a calculated point for the northeastern end of an agreed boundary as set out in a Boundary Agreement between V. H. Montgomery and Dorothy Rodgers Igau et. al. of record in Document No. 2006102847, O.P.R.T.C.TX.;

THENCE with said agreed boundary (now submerged by the waters of Lake Travis) the following twenty seven (27) courses:

1. S74°32'24"W a distance of 421.26 feet to a calculated point;
2. N89°32'54"W a distance of 88.90 feet to a calculated point;
3. S73°50'20"W a distance of 78.77 feet to a calculated point;
4. S59°35'29"W a distance of 44.03 feet to a calculated point;
5. S67°21'23"W a distance of 82.77 feet to a calculated point;

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6. S87°23'31"W a distance of 92.92 feet to a calculated point;
7. N77°41'55"W a distance of 221.75 feet to a calculated point;
8. S70°06'06"W a distance of 79.91 feet to a calculated point;
9. S17°47'09"W a distance of 71.63 feet to a calculated point;
10. S20°22'48"E a distance of 68.81 feet to a calculated point;
11. S03°00'29"W a distance of 86.39 feet to a calculated point;
12. S14°12'27"W a distance of 103.23 feet to a calculated point;
13. S30°05'58"W a distance of 127.39 feet to a calculated point;
14. S30°37'46"W a distance of 220.07 feet to a calculated point;
15. S13°42'11"W a distance of 425.82 feet to a calculated point;
16. S24°15'29"W a distance of 222.74 feet to a calculated point;
17. S43°42'00"W a distance of 245.56 feet to a calculated point;
18. S38°47'43"W a distance of 287.19 feet to a calculated point;
19. S60°15'16"W a distance of 125.04 feet to a calculated point;
20. S84°03'51"W a distance of 89.08 feet to a calculated point;
21. S86°49'10"W a distance of 261.74 feet to a calculated point;
22. N82°51'32"W a distance of 143.11 feet to a calculated point;
23. N89°26'44"W a distance of 139.55 feet to a calculated point;
24. S46°42'04"W a distance of 192.92 feet to a calculated point;
25. S10°23'51"W a distance of 163.43 feet to a calculated point;
26. S00°24'40"W a distance of 190.85 feet to a calculated point;
27. S16°44'53"W a distance of 278.69 feet to a calculated point for the southeast corner of said 877.24 acre tract and the southwest end of said Agreed Boundary on the north bank of the Colorado River;

THENCE with the meanders of the bank of the Colorado River (now submerged by the waters of Lake Travis) as shown on Marshal Ford Dam right-of-way survey by Orin E. Metcalfe dated 1939 (Map R-96-C-159) the following three (3) courses:

1. N29°53'34"W a distance of 548.35 feet to a calculated point;
2. N27°13'23"W a distance of 913.00 feet to a calculated point;
3. N38°45'23"W a distance of 871.65 feet to a calculated point for the southwest corner of said 877.24 acre tract and the southeast corner of said 358.165 acre tract;

THENCE with the west line of said 877.24 acre tract and the east line of said 358.165 acre tract the following eight (8) courses:

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Exhibit A for Ordinance Purposes

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1. N10°36'21"W a distance of 1039.19 feet to a 1/2" iron rod found;
2. N49°13'38"E a distance of 482.78 feet to a 1/2" iron rod with "FORREST 1847" plastic cap found;
3. N34°21'24"E at a distance of 1351.74 feet passing a 1/2" iron rod with "FORREST 1847" plastic cap found, in all a total distance of 1859.27 feet to a 1/2" iron rod found;
4. N26°36'21"E passing at a distance of 541.92 feet a 1/2" iron rod with "FORREST 1847" plastic cap found, passing at a distance of 1103.99 feet a 1/2" iron rod with "FORREST 1847" plastic cap found, and continuing a total distance of 2244.32 feet to a 1/2" iron rod with plastic cap found;
5. N07°15'06"W a distance of 1076.08 feet to a 1/2" iron rod with "FORREST 1847" plastic cap found;
6. N14°03'07"E a distance of 419.07 feet to a 1/2" iron rod with plastic cap found;
7. N03°15'57"W a distance of 383.68 feet to a 1/2" iron rod with plastic cap found;
8. N26°33'26"W a distance of 2054.65 feet to the POINT OF BEGINNING and containing 874.29 acres of land within these metes and bounds.

BEARING BASIS: All bearings are based on the Texas Lambert Grid, NAD83/HARN/CORS Central Zone. Distances have been scaled to surface values using a project scale factor of 0.99988.

ACAD: 874.29 Ac. ALTA.dwg
WORD FILE: 874.29 AC ALTA.doc

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Gregory Schmidt, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas the date shown below.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735

DATE: July 21, 2008



Gregory Schmidt
 Gregory Schmidt
 Registered Professional Land Surveyor
 No. 4437 - State Of Texas

7/21/2008

AMENDMENT TO TESSERA AT LAKE TRAVIS PDD

26. One Residential Subdivision Sign may be installed near each public road intersection with RM 1431. The Residential Subdivision Sign located near the intersection of Tessera Parkway and RM 1431 shall conform to the design specifications shown in the attached **Exhibit "E."** Additional Residential Subdivision Signs must comply with the following design standards:

- a. The area of the sign shall not exceed 45 square feet, as shown in **Exhibit "E."**
- b. Have a design similar to the Residential Subdivision sign shown in **Exhibit "E."**
- c. The area of sign does not include support structures or stone as shown in the attached **Exhibit "E."**
- d. Decorative lights may be attached to the sign.
- e. The sign may be illuminated by external ground mounted lights. The entry columns and walls shown in **Exhibit "E"** may have decorative lights.
- f. The height of the entry columns is not to exceed 13'-5".

27. In addition to the sign authorized by #26 and #28, within the area shown in the attached **Exhibit "F,"** no more than two residential subdivision signs regarding development and construction progress of the project may be installed. The area of sign for each sign may not exceed 210 square feet (length 20'-0" and height 10'-0").

28. In addition to the signs authorized by #26 and #27 above, within the area shown in the attached **Exhibit "F,"** the developer may install one residential subdivision sign for each home builder that has a model home or a model home under construction within this PDD. The area of sign may not exceed 64 square feet (length 8'-0" and height 8'-0").

29. Community Wayfinding signs may be installed at trail heads and along hike and bike trails, in parks and must comply with the following design standards:

- a. The sign shall be attached to a stone structure constructed in of the three styles shown **Exhibit "G."**
- b. Signs may be attached to multiple sides of the stone structure.
- c. Maximum area of sign may not exceed 12 square feet per side.

30. For purposes of sign regulations only, Tessera Parkway from RM 1431 to the south end of the circle will be consider a major arterial street and Tessera Parkway south of the circle will be considered a collector. The design standards for Destination Wayfinding signs are amended as follows:

- a. signs may include directional information regarding parks, trails, other community improvements, model homes and web addresses.
 - b. The maximum number of panels for signs adjacent to collector streets shall be 8.
 - c. The maximum area for collector streets signs shall be 20 square feet.
 - d. A collector street sign shall not exceed seven feet in height.
 - e. The sign may have two faces and the maximum area for each face shall not exceed the maximum area.
 - f. An example of a Destination Wayfinding sign is attached as **Exhibit "H."**
 - g. signs on collector streets may be illuminated by external ground mounted lights.
 - h. signs are exempt from Section 4.807(6) (B) (x), (ix), (xi) and (xiv)(a).
31. The area of sign does not include any supporting structure.
32. The entry tower shown and located in the attached **Exhibit "I"** may not exceed a height of 55 feet above the elevation of RM 1431 adjacent to the tower. The entry tower may have decorative lighting, ground mounted lighting and lighting on the structure of the tower.
33. Within a public park or a HOA park located within the Property, signs attached to fencing and free standing signs that contain information regarding the park, use of the park and park regulations do not require a sign permit.
34. Develop shall be responsible for the operation and maintenance of signs and structures located within public rights of way.
35. Development within the project shall conform with the 2014 Texas Department of Licensing and Regulations Code found in Title 16, Chapter 68 of the Texas Administrative Code, including, exceptions found in this Code.
36. Schools, public or private, including all levels up to and including secondary and equivalent curriculum including support facilities are permitted in all Areas shown in **Exhibit "C."**

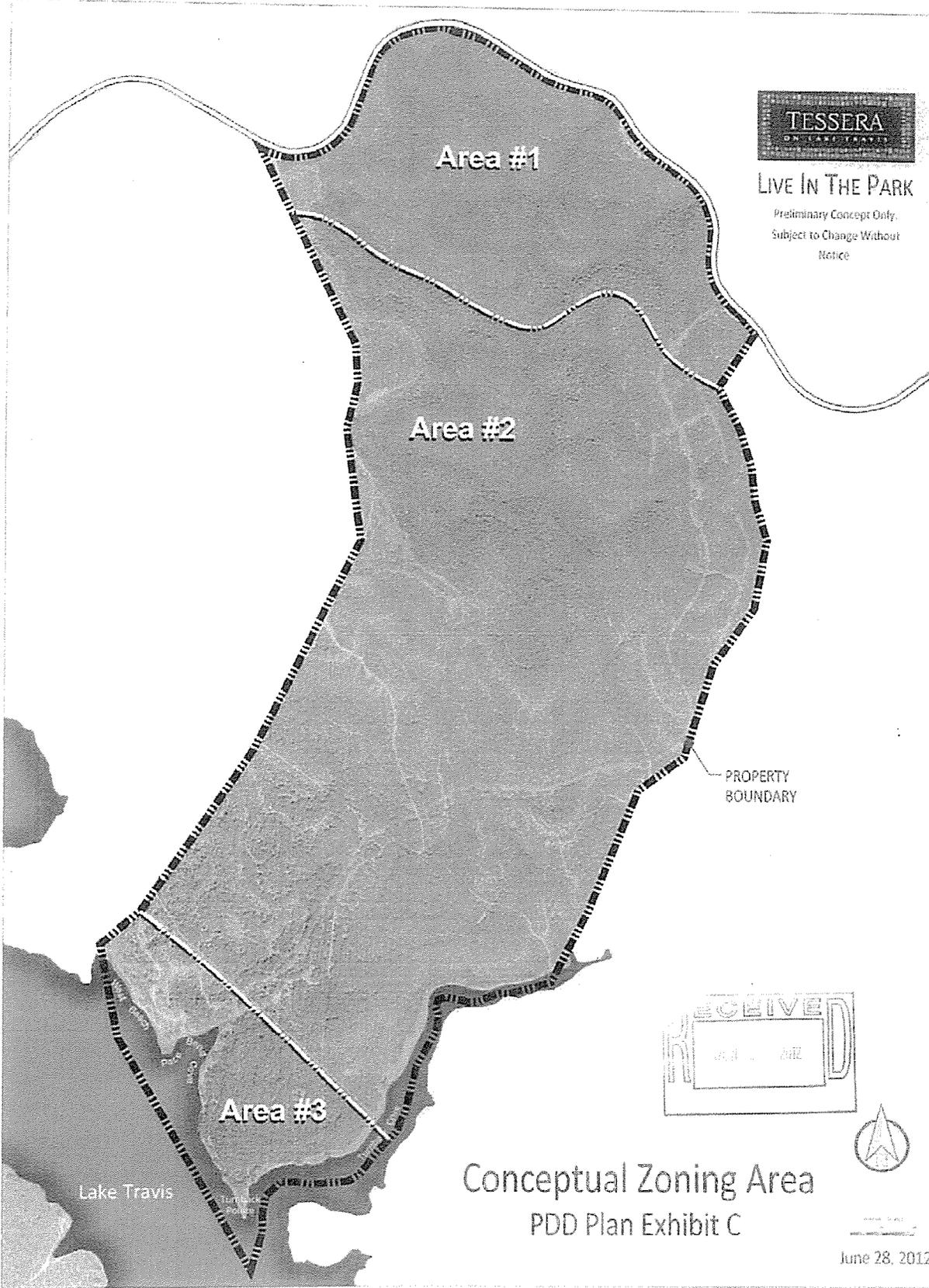


Exhibit "E" Residential Subdivision Sign

Area of Sign
Not to Exceed 55' square feet



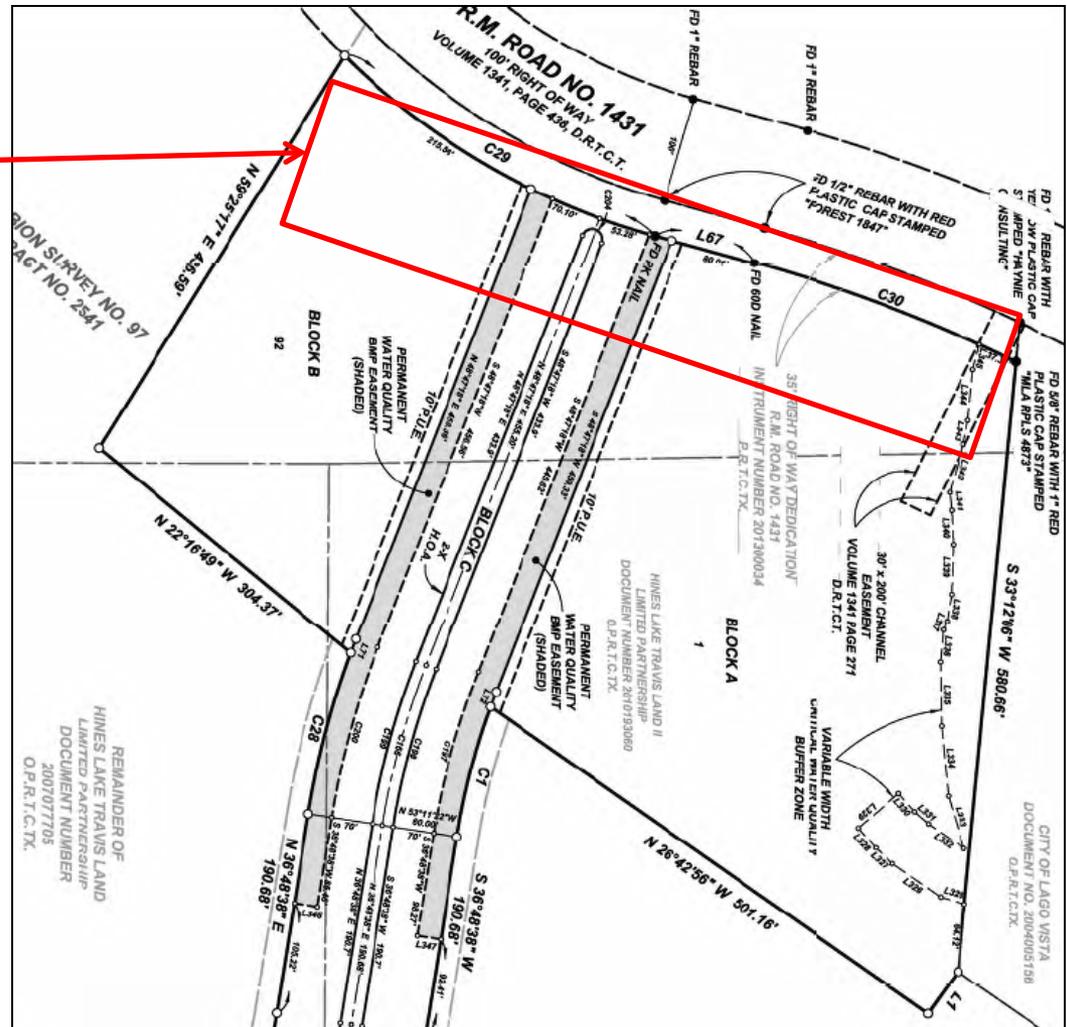
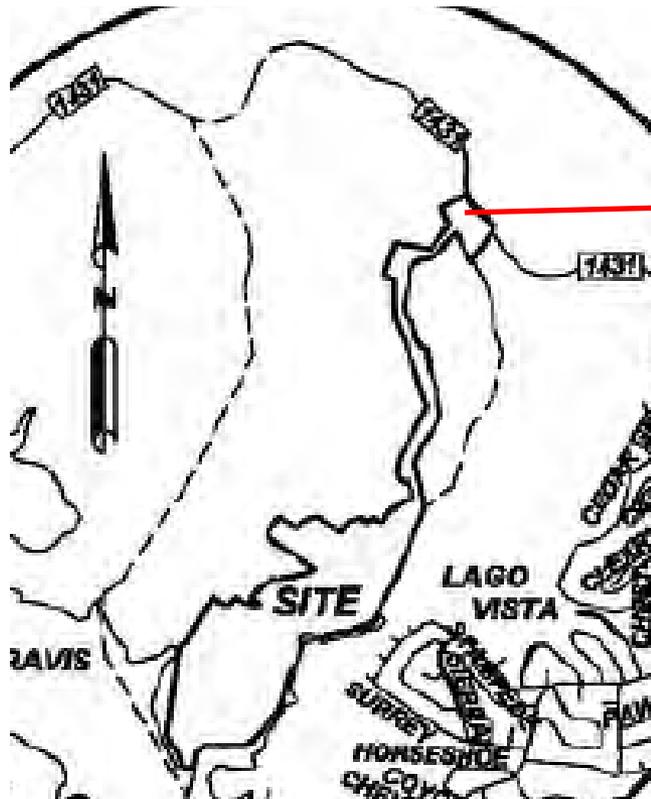
The dimensions of both entry column are as follows:
Length – 13'-0
Height – 13'-6" (includes 6" footing above grade)
Width – 5'-0"

The dimensions of the monument structure are as follows:
Length - 22'-2"
Height – 10'-0" (includes 6" footing above grade)
Width – 5'-0"

The rock wall area shown on the outside wall of each column will not exceed 250' from its connection point on the column

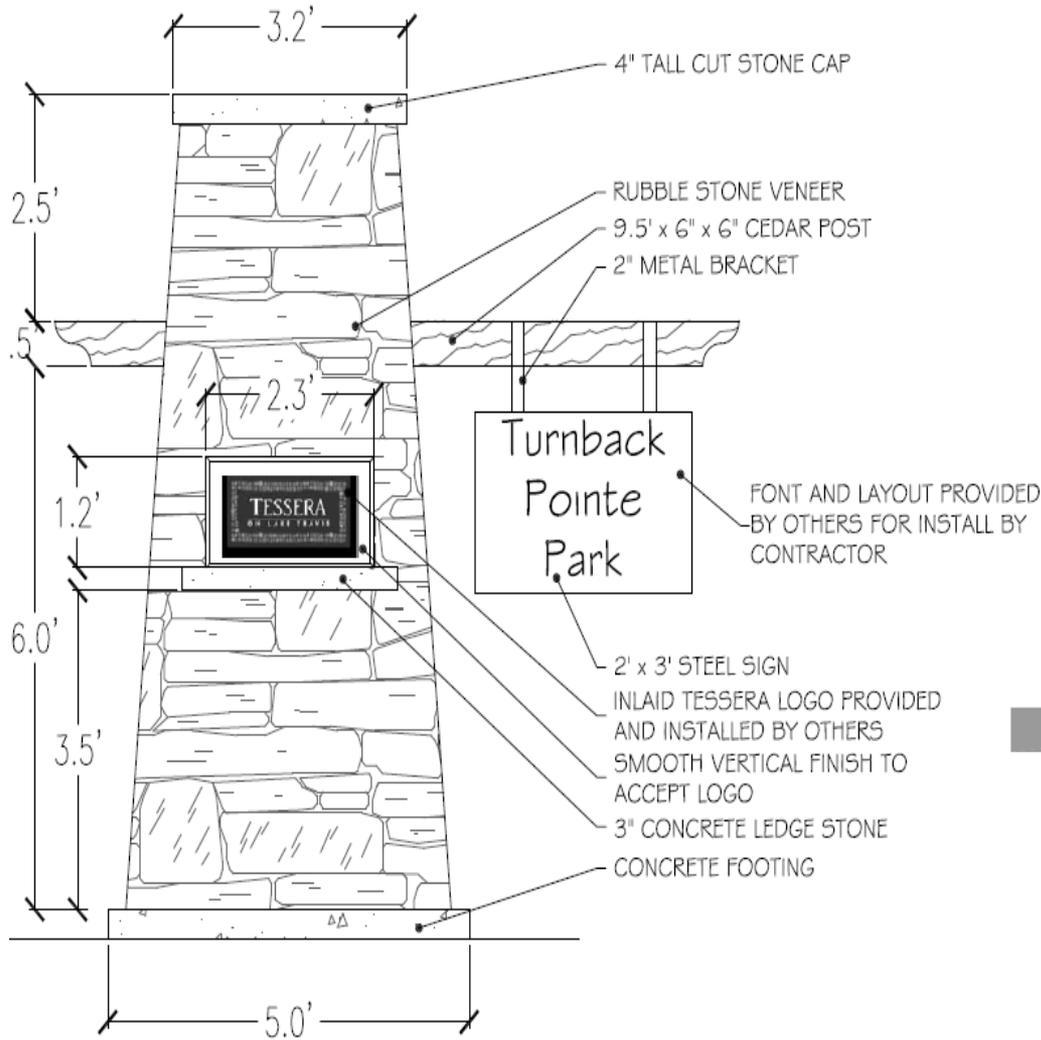
Exhibit "F" Area Location for Community and Builder Information Signs

One of the proposed two Community Information Signs may be placed within the boundary of the PDD outside of designated area highlighted below.



PDD Exhibits

Exhibit "G" Community Way Finding Signs



Height not to exceed 9'-6"
(includes 6" of footing above grade)

Exhibit B for Ordinance Purposes

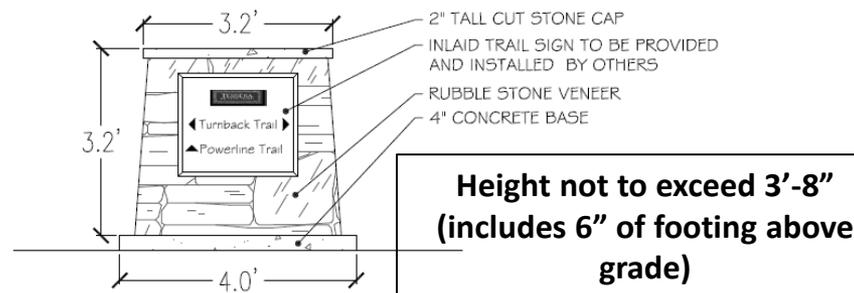
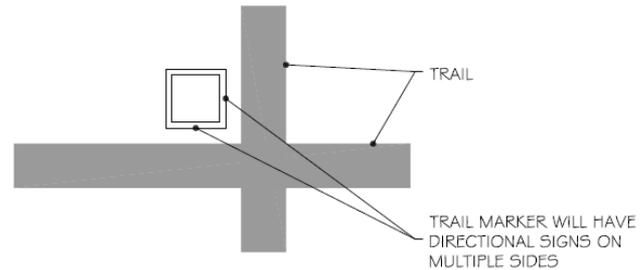
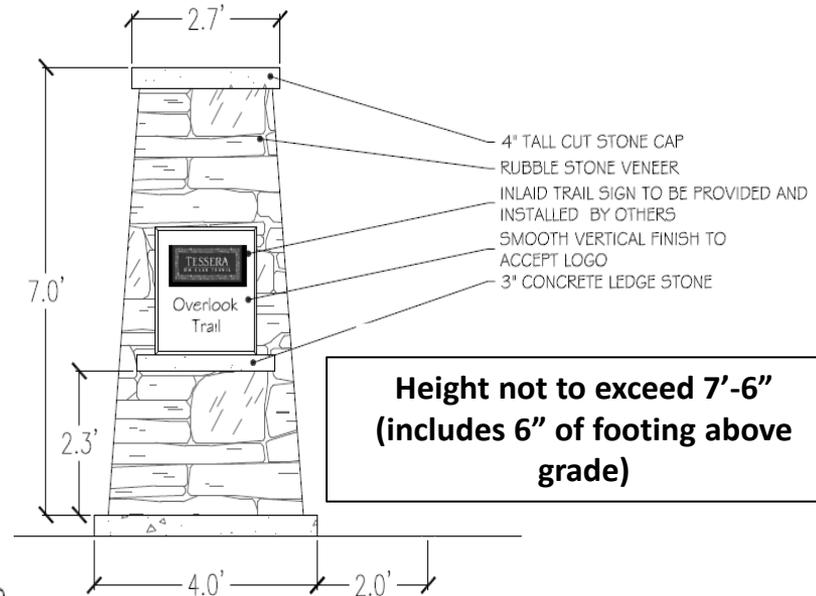
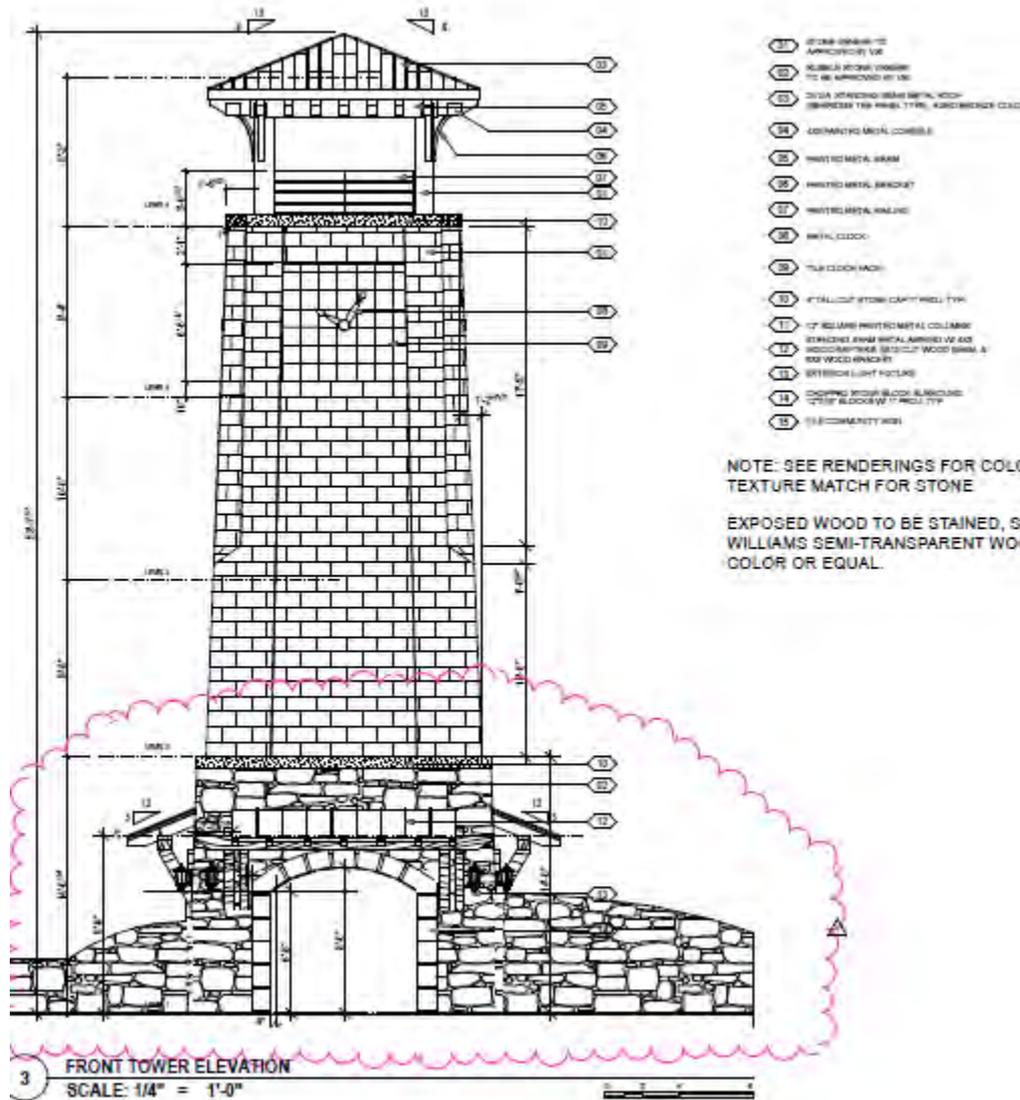


Exhibit "H" Destination Way Finding Signs



Exhibit "I" Entry Tower



PLANNING & ZONING REPORT

TO: Chairwoman and Members of the Planning & Zoning Commission

FROM: David Harrell, Development Service Director

DATE: April 8, 2014

SUBJECT: Recommend Amendments to the City's Zoning Ordinance for the City of Lago Vista to recodify the City's Board of Adjustment and the City's Planning and Zoning Commission to within the City's Zoning Code, as well as modify the numbers of members of the Planning and Zoning Commission, remove alternates to such Commission, as well as modify selection of chairperson, notice requirements for special exceptions, posting dates of notice signs, and locations of posting of notice signs.

RECOMMENDATION:

Staff recommends approval.

ALTERNATIVES:

The Planning & Zoning Commission may:

- Recommend Approval Of The Ordinance Changes
- Recommend Denial Of The Ordinance Changes

GENERAL INFORMATION:

1. Modification to Chapter 9, Article 9.5 to add the following items:

Sec. 9.504 Airport Administrative Agency

The Department of Aviation for the City is hereby designated as the Airport Administrative Agency under Tex. Local Govt. Code, Ann., Section 241.

2. Modification to Chapter 9, Article 9.9 to add the following items:

The city council of the City of Lago Vista, Texas hereby requires that the city council shall appoint chairpersons for the city's various committees and commissions, with the exception of the Planning & Zoning Commission and the Board of Adjustment. (Ordinance 89-09-27-04 adopted 9/27/89)

3. Deletion in its entirety of Chapter 9, Article 9.18 and relocation to newly created Chapter 14, Article 14.100, Section 24.

4. Deletion in its entirety of Chapter 9, Article 9.19 relocation to newly created Chapter 14, Article 14.100, Section 25.

5. Modification to Chapter 14, Article 14.100, Section 11 to add and subtract the following items:

11.60 Special Exceptions

(A) Exception to Height Standards. Special exceptions to height standards for principal buildings shall be considered according to this section.

(3) Process, Notice and Public Hearing.

~~(b) Notice of the public hearing shall be made by the city at least 10 days prior to the public hearing to property owners according to the tax roll whose property is within 200 feet of the property on which the special exception is applied for.~~ Notice requirements shall meet the standards in Section 13.40.

2. Modification to Chapter 14, Article 14.100, Section 13 to add and subtract the following items:

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.

(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 property owner filing the application shall provide the City a list of all owners affected as described in Section 13.40(A)(1)(a) above, unless waived by the city manager or his designee.~~

~~(cd)~~ The City ~~shall confirm the owner list, and~~ shall complete and mail the individual notices.

(B) Signs Required for Proposed Zoning Change. At ~~the time a proposed zoning change or variance application is filed~~ 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. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.

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

3. Addition of Chapter 14, Article 14.100, Section 24 to transfer over remaining subsections, eliminate alternates, elect chair, and designate Board of Adjustment as the Airport Board of Adjustment:

Section 24 Board of Zoning Adjustment

Section 24.10 Established. The Board of Zoning Adjustment was created and established on February 12, 1986.

Section 24.20 Composition, Removal of Members, Filling of Vacancies. The Board of Adjustment shall be composed of five (5) qualified electors of the city. The City Council will consider for appointment to the Board of Adjustment only those persons who have demonstrated their civic interest, general knowledge of the matters to be acted upon by the board, independent judgment and availability to prepare for and attend meetings and hearings. It is the intent of the city council that members shall, by reason of diversity of their individual occupations, constitute a board which is broadly representative of the community.

Section 24.30 Reestablishment, Terms of Office. The terms of three (3) of the members shall expire on January 1st of each odd-numbered year and the terms of two (2) of the members shall expire on January 1st of each even-numbered year. The members of the board of adjustment shall be identified by place numbers one (1) through five (5). The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Board of adjustment members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of four (4) years. Newly appointed members shall be installed at the first regular board of adjustment meeting after their appointment.

Section 24.40 Officers; Meetings, Rules and Regulations; Compensation of Members.

(a) The Board shall have a Chair and Vice-Chair who shall be elected annually by the Board.

(b) The Board shall adopt such procedural rules as are necessary to execute its duties.

(c) Meetings of the Board shall be held at the call of the Chair, and at such other times as the Board may determine. Such Chair, or in his/her absence the acting Chair, may administer oaths and compel attendance of witnesses. All meetings of the

Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the city secretary and shall be a public record.

Section 24.50 Powers and Duties - Generally

- (a) The Board shall operate within the scope and responsibilities identified in the Texas Local Government Code and comply with the specific duties and procedures as outlined in this article, the building code, and the zoning chapter of this code of ordinances.
- (b) The Board is charged with the responsibility to either approve, alter or deny requests made by a property owner for a variance to provisions of the existing municipal zoning ordinance and appeals of a decision by a municipal authority concerning the building code and the zoning ordinance. Such applications to the Board can be made by property owners or other persons having proper authority to administer owner rights for the properties in question.
- (c) The Board must concern itself only with the proper administration of the building code and zoning ordinance in accordance with pertinent provisions of the Texas Local Government Code.
- (d) The Board shall act as the Airport Board of Adjustment in accordance with Tex. Local Govt. Code, Ann., Section 241. It shall have the powers and responsibilities as allowed under this Section.

- 4. Addition of Chapter 14, Article 14.100, Section 25 to transfer over remaining subsections, eliminate alternates, reduce membership from 8 to 7, elect chair, and designate Planning & Zoning Commission as the Airport Zoning Commission:**

Section 25 Planning & Zoning Commission

Section 25.10 Creation and Purpose. A Planning and Zoning Commission is hereby established to perform such duties and functions as are required or authorized by state law, city charter and this enabling article. The Commission shall:

- (a) Act as an advisory board to the Council with respect to the planning, use and development of land, and related matters as provided by ordinance;
- (b) Recommend a comprehensive master plan for land use and the physical development of the city and its extraterritorial jurisdiction;
- (c) Recommend zoning, subdivision and other land use and development ordinances consistent with the master plan;

- (d) Recommend the zoning and rezoning of land, amendments to the zoning map, and the land use and services planning map for the extraterritorial jurisdiction that coincides with the master plan;
- (e) Study and recommend approval or disapproval of proposed subdivision plats and plans to ensure conformance with subdivision and development ordinances; provided that council may provide for administrative approval of short form plats;
- (f) Recommend to the Council changes in the current master plan for the city and its extraterritorial jurisdiction;
- (g) Recommend to the Council any changes deemed necessary in ordinances regulating the zoning and development of the city or its extraterritorial jurisdiction;
- (h) Consider capital improvement plans and programs and annexation plans in connection with the comprehensive master plan;
- (i) The Planning & Zoning Commission is hereby designated as the Airport Zoning Commission under Tex. Local Govt. Code, Ann., Section 241
- (j) Performs any other planning and development related functions as required by state law or requested by the Council.

Section 25.20 Membership, Appointment and Removal.

- (a) The Commission shall be composed of seven (7) voting members, all qualified electors of the city, and shall be organized and exercise such powers as prescribed herein and by city ordinances.
- (b) The Council will consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend necessary meetings. It is the intent of the city council that members shall, by reason of diversity of their occupations, backgrounds, and experience, constitute a Commission that is broadly representative of the community.

Section 25.30 Terms of Office. The terms of four (4) of the members shall expire on January 1 of each odd-numbered year and the terms of the other three (3) members shall expire on January 1 of each even-numbered year. The terms of all members of the commission shall be for a two-year term. If a membership vacancy exists, the term of office may be filled by a person appointed by the city council to fill the vacancy for the time remaining for that vacancy. No member shall be appointed for a term in excess of four (4) years. Newly appointed members shall be installed at the first regular or called commission meeting after their appointment.

Section 25.40 Organization

- (a) The Chair and Vice-Chair shall be elected by the Commission annually from the Commission's membership at its the first meeting, with it being the first agenda item, and at such other times as these offices may become vacant. No member shall serve more than two consecutive 12-month terms as chairperson. In the absence of both the Chair and the Vice-Chair, the Commission shall elect an acting Chair in order to conduct its business. The Commission shall meet regularly and shall designate the time and place of its meetings.
- (b) The Commission shall adopt its own rules and procedures and keep a record of its proceedings consistent with the provisions of this article and the requirements of state law.

Section 25.50 Meeting, Quorum, and Voting.

- (a) A quorum shall consist of four (4) members present at a called regular or special meeting, duly posted pursuant to the Open Meetings Act, which is 72 hours before said meeting.
- (b) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a minimum of three (3) favorable votes of the voting members present. When fewer than all the members are present for the voting, or if one or more members shall disqualify themselves from voting, and when all motions to recommend on a given application or issue shall fail to carry by the required three (3) votes, consideration of the application or issue shall be continued to the next regular meeting upon motion carried by a majority of those present and voting. Provided further that no request or application shall be continued under this rule beyond the next regular meeting; failure of the commission to secure three (3) concurring votes to approve or recommend approval at said meeting shall be recorded in the minutes as a denial of the proposal under this rule. The chairperson of the Commission may vote on all matters before the Commission.

Section 25.60 Disqualification from Voting

- (a) A member shall disqualify himself or herself from voting whenever they find that they have a personal or monetary interest in the property under consideration, or that they will be directly affected by the decision of the Commission.
- (b) Members may disqualify themselves from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application, other than in the public hearing.

ARTICLE 9.500 AVIATION DEPARTMENT

Sec. 9.501 Establishment of Aviation Department

There is hereby established the department of aviation of the City of Lago Vista.

Sec. 9.502 Director, Personnel and Facilities

The aviation department shall be headed by a director appointed by the city manager and the department shall have such personnel as may be authorized in the annual budget of the city.

Sec. 9.503 Duties of the Director of Aviation

The director of aviation shall, subject to the direction, supervision and oversight of the city manager and within the funds appropriated, budgeted and available for such purposes:

- (1) Supervise and manage the development, construction, enlargement, improvement and policing of the Rusty Allen Airport, pursuant to plans approved by the city council;
- (2) Maintain the city's buildings, grounds and equipment at the airport;
- (3) Provide the day to day operations and management of the airport;
- (4) Enforce the rules and regulations adopted by the city council, for the use and occupancy of the airport;
- (5) In consultation with the city manager, suspend or restrict any or all air or ground operations whenever he or she believes such action to be necessary and appropriate;
- (6) Facilitate communications and serve as a liaison between the airport advisory board, the city manager and the city council;
- (7) Perform other duties and responsibilities as directed by the city manager; and
- (8) In consultation with the city manager, supervise and negotiate terms and recommend the approval of contracts and regulations for the use of any airport owned property, including runways, taxiways, ramps, aprons, hangars, shops, administration and other buildings, and all other allied appurtenances and facilities, and the director shall supervise the operation thereof and may direct the landing, take-off, taxiing, or parking of aircraft and the vehicular and pedestrian circulation through the airport, and control ground facilities, vehicles and pedestrian traffic in and upon the airport.

Sec. 9.504 Airport Administrative Agency

The Department of Aviation for the City is hereby designated as the Airport Administrative Agency under Tex. Local Govt. Code, Ann., Section 241.

(Ordinance 99-02-18-01 adopted 2/18/99)

ARTICLE 9.900 APPOINTMENT OF CHAIRPERSONS

The city council of the City of Lago Vista, Texas hereby requires that the city council shall appoint chairpersons for the city's various committees and commissions, with the exception of the Planning & Zoning Commission and the Board of Adjustment. (Ordinance 89-09-27-04 adopted 9/27/89)

ARTICLE 9.1800 PLANNING AND ZONING COMMISSION

Sec. 9.1801—Creation and Purpose

~~A planning and zoning commission is hereby established to perform such duties and functions as are required or authorized by state law, city charter and this enabling article. The planning and zoning commission shall:~~

- ~~(1) Act as an advisory board to the council with respect to the planning, use and development of land, and related matters as provided by ordinance;~~
- ~~(2) Recommend a comprehensive master plan for land use and the physical development of the city and its extraterritorial jurisdiction;~~
- ~~(3) Recommend zoning, subdivision and other land use and development ordinances consistent with the master plan;~~
- ~~(4) Recommend the zoning and rezoning of land, amendments to the zoning map, and the land use and services planning map for the extraterritorial jurisdiction that coincides with the master plan;~~
- ~~(5) Study and recommend approval or disapproval of proposed subdivision plats and plans to ensure conformance with subdivision and development ordinances; provided that council may provide for administrative approval of short form plats;~~
- ~~(6) Recommend to the council changes in the current master plan for the city and its extraterritorial jurisdiction;~~
- ~~(7) Recommend to the council any changes deemed necessary in ordinances regulating the zoning and development of the city or its extraterritorial jurisdiction;~~
- ~~(8) Consider capital improvement plans and programs and annexation plans in connection with the comprehensive master plan;~~
- ~~(9) Performs any other planning and development related functions as required by state law or requested by the council.~~

Sec. 9.1802—Membership, Appointment and Removal

~~(a) The planning and zoning commission shall be composed of six (6) voting members and two alternate members, all qualified electors of the city, and shall be organized and exercise such powers as prescribed herein and by city ordinances. An alternate member shall not vote unless raised to voting member status as described in Section 9.1805(a).~~

~~(b) The city council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent~~

~~judgment, interest in planning and zoning, and availability to prepare for and attend necessary meetings. It is the intent of the city council that members shall, by reason of diversity of their occupations, backgrounds, and experience, constitute a commission that is broadly representative of the community. Members shall be appointed to the commission by the council based upon the recommendation of the council liaison and/or the chairperson of the commission. The city council may remove any member for good cause.~~

Sec. 9.1803 — Terms of Office

~~The terms of three (3) of the members shall expire on January 1 of each odd-numbered year and the terms of the other three (3) members shall expire on January 1 of each even-numbered year. Two (2) alternate members of the commission shall also be appointed in the same manner and shall serve in the absence of one or more of the regular members when requested to do so by the mayor, the city manager, or the chairperson as the case may be. The terms of all members of the commission shall be for a two-year term. If a membership vacancy exists, the term of office may be filled by a person appointed by the city council to fill the vacancy for the time remaining for that vacancy. No member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular or called commission meeting after their appointment.~~

Sec. 9.1804 — Organization

~~(a) — The city council shall appoint the chairperson of the planning and zoning commission. The vice chairperson shall be elected by the commission annually from the commission's membership at the first meeting in January, with it being the first agenda item, and at such other times as these offices may become vacant. No member shall serve more than two consecutive 12-month terms as chairperson. In the absence of both the chairperson and the vice chairperson, the commission shall elect an acting chairperson in order to conduct its business. The commission shall meet regularly and shall designate the time and place of its meetings.~~

~~(b) — The commission shall adopt its own rules and procedures and keep a record of its proceedings consistent with the provisions of this article and the requirements of state law.~~

Sec. 9.1805 — Meeting, Quorum, and Voting

~~(a) — A quorum shall consist of a chairperson and three voting members present at a called regular or special meeting, duly posted pursuant to the Open Meetings Act, which is 72 hours before said meeting. One or two alternate members may be raised temporarily to voting member status to achieve a quorum. The chairperson, or designee, in coordination with the city manager, shall provide the city secretary with an agenda for the required 72-hour posting.~~

~~(b) — Only a voting member of the commission may make a motion regarding an application being considered by the commission. A motion to approve any matter before the commission or to recommend approval of any request requiring city council action shall require a minimum of three (3) favorable votes of the voting members present. When fewer than all the members are present for the voting, or if one or more members shall disqualify themselves from voting, and~~

~~when all motions to recommend on a given application or issue shall fail to carry by the required three (3) votes, consideration of the application or issue shall be continued to the next regular meeting upon motion carried by a majority of those present and voting. Provided further that no request or application shall be continued under this rule beyond the next regular meeting; failure of the commission to secure three (3) concurring votes to approve or recommend approval at said meeting shall be recorded in the minutes as a denial of the proposal under this rule. The chairperson of the commission may vote on all matters before the commission.~~

~~Sec. 9.1806 — Disqualification from Voting~~

~~(a) — A member shall disqualify himself or herself from voting whenever they find that they have a personal or monetary interest in the property under consideration, or that they will be directly affected by the decision of the commission.~~

~~(b) — Members may disqualify themselves from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application, other than in the public hearing.~~

~~(Ordinance 11-04-07-02 adopted 4/7/11)~~

ARTICLE 9.1900 BOARD OF ADJUSTMENT*

Sec. 9.1901—Established

~~The board of adjustment was created and established on February 12, 1986.~~

Sec. 9.1902—Composition; Removal of Members; Filling of Vacancies

~~The board of adjustment shall be composed of five (5) qualified electors of the city. The city council will consider for appointment to the board of adjustment only those persons who have demonstrated their civic interest, general knowledge of the matters to be acted upon by the board, independent judgment and availability to prepare for and attend meetings and hearings. It is the intent of the city council that members shall, by reason of diversity of their individual occupations, constitute a board which is broadly representative of the community.~~

Sec. 9.1903—Terms of Office

~~The terms of three (3) of the members shall expire on January 1st of each odd-numbered year and the terms of two (2) of the members shall expire on January 1st of each even-numbered year. The members of the board of adjustment shall be identified by place numbers one (1) through five (5). The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Board of adjustment members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular board of adjustment meeting after their appointment.~~

Sec. 9.1904—Officers; Meetings, Rules and Regulations; Compensation of Members

~~(a) The city council shall appoint the chairperson of the board of adjustment. The board of adjustment shall have a vice chair who shall be elected by the board of adjustment.~~

~~(b) The board of adjustment shall adopt such procedural rules as are necessary to execute its duties.~~

~~(c) Meetings of the board shall be held at the call of the chairperson, and at such other times as the board may determine. Such chairperson, or in his/her absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the city secretary and shall be a public record.~~

Sec. 9.1905—Alternate Members

~~(a) The city council by this article hereby provides for the appointment of four (4) alternate members of the board of adjustment who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager, as the case may be.~~

~~(b) — These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.~~

~~**Sec. 9.1906 — Powers and Duties — Generally**~~

~~(a) — The board shall operate within the scope and responsibilities identified in the Texas Local Government Code and comply with the specific duties and procedures as outlined in this article, the building code, and the zoning chapter of this code of ordinances.~~

~~(b) — The board is charged with the responsibility to either approve, alter or deny requests made by a property owner for a variance to provisions of the existing municipal zoning ordinance and appeals of a decision by a municipal authority concerning the building code and the zoning ordinance. Such applications to the board can be made by property owners or other persons having proper authority to administer owner rights for the properties in question.~~

~~(c) — The board must concern itself only with the proper administration of the building code and zoning ordinance in accordance with pertinent provisions of the Texas Local Government Code.~~

~~(Ordinance 12-12-06-01, ex. 1, adopted 12/6/12)~~

CHAPTER 14

ZONING

ARTICLE 14.100 GENERAL PROVISIONS*

(Reserved)

ARTICLE 14.200 ZONING ORDINANCE†

PART IV. ADMINISTRATION AND ENFORCEMENT

Section 11 Variances, Appeals, and Special Exceptions

11.10 Provisions Subject to Variance. The Board of Adjustment (BOA) may authorize a variance to the provisions of this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings in accordance with the rules and conditions of this section, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the numbers of persons who will reside or work in the proposed use, and the probable effect of such variance upon traffic conditions, and upon the public health, safety, convenience and welfare in the vicinity. The Board may not grant a variance that would allow a use not permitted in a zoning district.

11.20 Conditions Required for Variance. No variance shall be granted unless the Board of Adjustment finds:

- (A) That there are special circumstances or conditions affecting the land involved such that the strict applications of the provisions of this chapter would deprive the applicant of the reasonable use of his land; or would result in significant practical difficulties or unreasonable hardship to the landowner, or unreasonable disruption of the natural terrain, or unreasonable destruction of existing flora.
- (B) That the variance is necessary for the preservation and enjoyment of a substantial right of the applicant.
- (C) That there is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship for which the variance is requested.
- (D) That the variance will be no greater than the minimum required to alleviate the difficulty or hardship for which the variance is requested.

(E) That the granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this chapter. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice is done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

(F) That the variance will not violate the intent of the Zoning Ordinance nor the goals of the City's Master Plan.

(G) That such variance shall not restrict the reasonable and necessary unobstructed access to sunlight and preservation of views of those other properties which might be affected.

11.30 Interpretive Roles.

(A) Variances to provisions to this chapter should be granted sparingly.

(B) Granting of a variance must be predicated on a finding that the applicant's request for variance arises from unusual conditions or circumstances, such as exceptional irregularity of shape or topography, which are peculiar to the parcel of land involved and not shared generally by other parcels in the neighborhood, or because no other reasonable alternative is available.

11.40 Variance Procedure.

(A) Application. An application for a variance to the provisions of this chapter shall be made in writing to the City in a form prescribed by the City Manager and shall be accompanied by a site plan and additional information as may be requested in order to properly review the application. Such information may include, but is not limited to: plat plans, site and building plans and contour maps.

(B) Signs Required for Proposed Variance. At the time a proposed zoning change or variance application is filed, the City shall place easily visible signs on the property in accordance with [Section 13.40](#) below.

(C) Review by the Board.

(1) Review. The Board shall review each application for a variance. Members of the Board or duly appointed City officials shall visit the site where the proposed variance will apply and the surrounding area, and shall report their finding to the Board.

(2) Notice and Hearing. The Board shall notify property owners in accordance with [Section 13.40](#) below of a public hearing at which the variance

will be considered. The Board shall hold a public hearing within forty-five (45) days from the date of application acceptance.

(D) Action by Board. The Board shall not grant a variance unless it finds that each of the conditions in [Section 11.20](#) has been established. The burden of proving that such conditions exist is on the applicant. The findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. The concurring vote of four members of the board shall be necessary for any decision in favor of the applicant for any matter upon which it is required to pass or to effect any variation of any ordinance, rule or regulation.

(E) Conditions Imposed by Board. The Board may impose such conditions, limitations, and safeguards as it deems appropriate upon the grant of any variance.

(F) Variance Shall Lapse After Six (6) Months. Any rights authorized by a variance which are not exercised within six (6) months from the date of granting such variance shall lapse. The applicant may apply for one (1) extension without fee. The right to a variance beyond this date maybe re-established only after application and a new hearing pursuant to this section.

11.50 Appeals

(A) Appeals to the board may be made by any person aggrieved, or by an officer, department or an agency of the city affected by a decision or action of a municipal authority concerning the zoning ordinance. Such appeal shall be made within 10 working days of the decision, by filing with the city manager or his designee and with the board a notice of appeal, which shall specify the grounds thereof. The city manager or his designee shall transmit to the board all of the papers constituting the record upon which the action appealed was taken. A filing fee, in an amount provided by ordinance to defray part of the expense of legal publication, accumulating engineering data and other administrative costs shall accompany each such notice.

(B) An appeal from the decision or action of a municipal authority shall stay all proceedings in furtherance of such action unless the city manager or his designee certifies to the board, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In the event the city manager or his designee shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order which may be granted by the board, or by a court of record, upon application of the party aggrieved by the action of the city manager or his designee and after notice to him and upon due cause shown.

(C) The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and shall decide such

appeal within a reasonable time. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.

(D) In exercising the powers set out in this section, the board may, in conformity with the provisions of state law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the city municipal authorities from whose action the appeal is taken.

(E) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the permitting official or a municipal authority, or for any decision in favor of the applicant for any matter upon which it is required to pass or to effect any variation of any ordinance, rule or regulation.

(F) Any person jointly or severally aggrieved by a decision of the board, may present any such matter to a court of record for review.

(G) The reversal by the board of any order, requirement, decision or determination of the municipal authorities or any decision in favor of the applicant, on any matter, shall lapse after the expiration of ninety days where action by the applicant is not taken pursuant thereto within such period. This provision shall not apply when the applicant has presented to the board a development plan which requires a length of time greater than ninety days, in which event, the board may grant a greater length of time. In no event, however, shall such time granted exceed two years.

11.60 Special Exceptions

(A) Exception to Height Standards. Special exceptions to height standards for principal buildings shall be considered according to this section.

(1) The planning and zoning commission or the city council on appeal from a denial by the planning and zoning commission may grant a special exception for a principal building or an addition to a principal building or grant a special exception with conditions if it finds there is no significant adverse impact on views created by the proposed special exception, but in no case shall the special exception exceed a height for the proposed building of 35 feet above the ground measured from the geometric center of the proposed foundation or for more than two stories.

(2) Application.

(a) Ridgepole. After making application with the development services department, the applicant shall erect one or more ridgepoles representing the height to which the applicant desires to build. Ridgepoles shall be

placed at the approximate location of the center of the highest ridgeline. At least one ridgepole shall be in place for a minimum of two weeks prior to the public hearing for which the special exception will be held. The planning and zoning commission and if on appeal the city council may require that additional ridgepoles be established and that a written report stamped by a licensed surveyor be provided certifying the height of the ridgepoles and their location on the property. The ridgepole(s) shall be marked with the height permitted by the standards in which the applicant's property lies. The mark shall be clearly visible from the street that the lot fronts upon. Unless otherwise directed by the planning and zoning commission or the city council if there is an appeal, the ridgepoles shall be removed no later than two weeks from the final decision by the city.

(b) Application shall be made on a form provided by the city and include the following:

(i) The requested height above natural grade under the geometric center of the proposed foundation and height above the highest point on the lot.

(ii) A topographic survey of the property.

(iii) An accurate front elevation silhouette of the new building, drawn to scale is not required with the initial application but may be required by the planning and zoning commission or the city council.

(iv) Deed restrictions for the property.

(c) Fee. Fees shall be the same as for a variance to the zoning ordinance.

(3) Process, Notice and Public Hearing.

(a) The planning and zoning commission shall hold a public hearing prior to consideration of any special exception.

~~(b) Notice of the public hearing shall be made by the city at least 10 days prior to the public hearing to property owners according to the tax roll whose property is within 200 feet of the property on which the special exception is applied for.~~ Notice requirements shall meet the standards in Section 13.40.

(c) The special exception hearing shall be held at a regular planning and zoning commission meeting. The commission may adjourn the public hearing and reopen the hearing on the site of the special exception at a time announced at the meeting of the original public hearing.

(d) Commissioners should visit the site. If the commission's decision is appealed, councilmembers should visit the site. Members who have not visited the site or observed the ridgepoles may not vote on the special exception. A concurring vote of at least four members is necessary to approve the special exception or approve with conditions.

(e) Appeal. The applicant may appeal to the city council if the planning and zoning commission denies the special exception or appeal a condition imposed by the commission. Such appeal must take place at the time the commission takes its vote and will be scheduled for the next regularly scheduled city council meeting, in order for those that attend the public hearing to know if and when the city council will consider the appeal.

(4) Term. The term of a granted special exception shall be three years. If a permit incorporating the special exception is not applied for and approved within that time, the special exception shall be void.

11.70 Definitions and Assumptions

(A) Issuance of permits for the City of Lago Vista is determined as strictly an administrative function and not legislative. Permitting officials shall determine whether proposed construction or proposed land use conforms to appropriate municipal ordinances or regulations.

(B) The provisions of the Texas Local Government Code grant the city the rights to enjoin violations of ordinances or regulations.

(C) A variance or special exception is a request by a person authorized to administer owner's rights to deviate from existing city ordinance as they apply to zoning or land use.

(D) It is conceived that the planning and zoning commission and the municipal administration are duly constituted with individuals who are fully qualified and are considered to possess the expertise required to fully administer the provisions of the appropriate ordinances. The initial processing of normal permit applications will be submitted to the city for initial evaluation. The city will grant either an approval or disapproval based upon the compliance with applicable ordinance.

(E) The city's issuance or refusal to issue a permit based on an original request can be appealed within a reasonable time to the board if an alleged error is considered to have occurred in the enforcement of the appropriate ordinance.

Section 13 Zoning Changes and Ordinance Amendments

13.10 Amendments. Amendments to this chapter shall be made by the Council in accordance with the provisions of this section. Amendments shall be of two types:

- (A) A change of the zoning classification of a parcel(s) of land.
- (B) An amendment that supplements, changes, or repeals general provisions of this chapter.

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.

(a) 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. Such application shall be accompanied by a fee established by the Council, and shall contain the following information, unless waived by the city manager or his designee:

- (1) The legal description and address of the parcel for which the application is made (the “subject parcel”).
- (2) A map showing the present zoning classification, if any, of the subject parcel and of each abutting, adjacent or contiguous parcel.
- (3) The present use of the subject parcel and of each abutting, adjacent or contiguous parcel.
- (4) The type and location of all structures on the subject parcel and on each abutting, adjacent or contiguous parcel.
- (5) The zoning requested and the proposed use of the subject parcel.
- (6) Conceptual plan, if required by ordinance.
- (7) If required by the planning and zoning commission or city council, a traffic impact analysis.
- (8) A map showing the location and line size of the nearest or proposed point of connection to, wastewater and water lines.
- (9) Certification from all applicable taxing authorities that all taxes due on the subject parcel sought to be zoned or rezoned have been paid.

(10) Any other relevant information requested by the Commission or the Council.

(C) Review of Zoning Change Requests by Planning and Zoning Commission. The Commission shall:

- (1) Review each application for a zoning change.
- (2) Conduct a hearing. Notice of a hearing before the Commission shall be given by notification as prescribed in [Sections 13.40\(A\)\(1\) and \(A\)\(2\)](#) below. Notice of the hearing before the Commission may be combined with the notice given for the hearing on the same matter before the Council.
- (3) Following the hearing on the requested change it shall prepare a recommendation for the Council.

(D) Parcel Change Does Not Conform to Master Plan. A change of zoning proposed by the owner of the parcel affected may be recommended for enactment, even though such proposed change does not conform to the land use map in the City's Master Plan provided that:

- (1) The Commission finds significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted.
- (2) It is unlikely that the parcel will be developed or used for any use permitted under the zoning classification indicated in the City's Master Plan.
- (3) The Commission finds that the requested zoning classification is the most appropriate classification for the area affected.

(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 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:

(1) Lots or land covered by the proposed change;

(2) Lots or land immediately abutting the area covered by the proposed change and extending two hundred feet (200') from that area.

(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.

13.30 Procedure for Amending General Provisions of this Chapter.

(A) Initiation of an Amendment by the Planning and Zoning Commission or City Council. Amendments to this chapter may be proposed by the Council or the Commission.

(B) Commission Action. The commission shall:

(1) Review the proposed amendment.

(2) Conduct a hearing. Notice of a hearing before the Commission shall be given by notification as prescribed in [Section 13.40\(A\)\(2\)](#) below. Notice of the hearing before the Commission may be combined with the notice given for the hearing on the same matter before the Council.

(3) Following the hearing on the proposed amendment it shall prepare a recommendation for the Council.

(C) Review of Proposed Amendments by City Council. The Council shall:

(1) Review the Commission recommendation.

(2) Before acting upon the proposed amendment, hold at least one (1) public hearing. Notice of a hearing before the Council shall be given by publication as prescribed in [Section 13.40\(A\)\(2\)](#) below. 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 if it finds that the proposed amendment is in the public interest. An amendment to the chapter shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all the members of the governing body, if the Commission has recommended against enactment of a proposed amendment.

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 property owner filing the application shall provide the City a list of all owners affected as described in Section 13.40(A)(1)(a) above, unless waived by the city manager or his designee.~~

~~(cd)~~ The City ~~shall confirm the owner list, and~~ 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 ~~the time a proposed zoning change or variance application is filed~~ 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. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.

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

13.50 City Council Postponements. The Council may postpone any action proposed under the provision of this chapter, should such actions be in the best interest of the City or other parties concerned.

Section 24 Board of Zoning Adjustment

Section 24.10 Established. The Board of Zoning Adjustment was created and established on February 12, 1986.

Section 24.20 Composition, Removal of Members, Filling of Vacancies. The Board of Adjustment shall be composed of five (5) qualified electors of the city. The City Council will consider for appointment to the Board of Adjustment only those persons who have demonstrated their civic interest, general knowledge of the matters to be acted upon by the board, independent judgment and availability to prepare for and attend meetings and hearings. It is the intent of the city council that members shall, by reason of diversity of their individual occupations, constitute a board which is broadly representative of the community.

Section 24.30 Reestablishment, Terms of Office. The terms of three (3) of the members shall expire on January 1st of each odd-numbered year and the terms of two (2) of the members shall expire on January 1st of each even-numbered year. The members of the board of adjustment shall be identified by place numbers one (1) through five (5). The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Board of adjustment members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of four (4) years. Newly appointed members shall be installed at the first regular board of adjustment meeting after their appointment.

Section 24.40 Officers; Meetings, Rules and Regulations; Compensation of Members.

(a) The Board shall have a Chair and Vice-Chair who shall be elected annually by the Board.

- (b) The Board shall adopt such procedural rules as are necessary to execute its duties.
- (c) Meetings of the Board shall be held at the call of the Chair, and at such other times as the Board may determine. Such Chair, or in his/her absence the acting Chair, may administer oaths and compel attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the city secretary and shall be a public record.

Section 24.50 Powers and Duties - Generally

- (a) The Board shall operate within the scope and responsibilities identified in the Texas Local Government Code and comply with the specific duties and procedures as outlined in this article, the building code, and the zoning chapter of this code of ordinances.
- (b) The Board is charged with the responsibility to either approve, alter or deny requests made by a property owner for a variance to provisions of the existing municipal zoning ordinance and appeals of a decision by a municipal authority concerning the building code and the zoning ordinance. Such applications to the Board can be made by property owners or other persons having proper authority to administer owner rights for the properties in question.
- (c) The Board must concern itself only with the proper administration of the building code and zoning ordinance in accordance with pertinent provisions of the Texas Local Government Code.
- (d) The Board shall act as the Airport Board of Adjustment in accordance with Tex. Local Govt. Code, Ann., Section 241. It shall have the powers and responsibilities as allowed under this Section.

Section 25 Planning & Zoning Commission

Section 25.10 Creation and Purpose. A Planning and Zoning Commission is hereby established to perform such duties and functions as are required or authorized by state law, city charter and this enabling article. The Commission shall:

- (a) Act as an advisory board to the Council with respect to the planning, use and development of land, and related matters as provided by ordinance;
- (b) Recommend a comprehensive master plan for land use and the physical development of the city and its extraterritorial jurisdiction;
- (c) Recommend zoning, subdivision and other land use and development ordinances consistent with the master plan;

- (d) Recommend the zoning and rezoning of land, amendments to the zoning map, and the land use and services planning map for the extraterritorial jurisdiction that coincides with the master plan;
- (e) Study and recommend approval or disapproval of proposed subdivision plats and plans to ensure conformance with subdivision and development ordinances; provided that council may provide for administrative approval of short form plats;
- (f) Recommend to the Council changes in the current master plan for the city and its extraterritorial jurisdiction;
- (g) Recommend to the Council any changes deemed necessary in ordinances regulating the zoning and development of the city or its extraterritorial jurisdiction;
- (h) Consider capital improvement plans and programs and annexation plans in connection with the comprehensive master plan;
- (i) The Planning & Zoning Commission is hereby designated as the Airport Zoning Commission under Tex. Local Govt. Code, Ann., Section 241
- (j) Performs any other planning and development related functions as required by state law or requested by the Council.

Section 25.20 Membership, Appointment and Removal.

- (a) The Commission shall be composed of seven (7) voting members, all qualified electors of the city, and shall be organized and exercise such powers as prescribed herein and by city ordinances.
- (b) The Council will consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend necessary meetings. It is the intent of the city council that members shall, by reason of diversity of their occupations, backgrounds, and experience, constitute a Commission that is broadly representative of the community.

Section 25.30 Terms of Office. The terms of four (4) of the members shall expire on January 1 of each odd-numbered year and the terms of the other three (3) members shall expire on January 1 of each even-numbered year. The terms of all members of the commission shall be for a two-year term. If a membership vacancy exists, the term of office may be filled by a person appointed by the city council to fill the vacancy for the time remaining for that vacancy. No member shall be appointed for a term in excess of four (4) years. Newly appointed members shall be installed at the first regular or called commission meeting after their appointment.

Section 25.40 Organization

- (a) The Chair and Vice-Chair shall be elected by the Commission annually from the Commission's membership at its the first meeting, with it being the first agenda item, and at such other times as these offices may become vacant. No member shall serve more than two consecutive 12-month terms as chairperson. In the absence of both the Chair and the Vice-Chair, the Commission shall elect an acting Chair in order to conduct its business. The Commission shall meet regularly and shall designate the time and place of its meetings.
- (b) The Commission shall adopt its own rules and procedures and keep a record of its proceedings consistent with the provisions of this article and the requirements of state law.

Section 25.50 Meeting, Quorum, and Voting.

- (a) A quorum shall consist of four (4) members present at a called regular or special meeting, duly posted pursuant to the Open Meetings Act, which is 72 hours before said meeting.
- (b) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a minimum of three (3) favorable votes of the voting members present. When fewer than all the members are present for the voting, or if one or more members shall disqualify themselves from voting, and when all motions to recommend on a given application or issue shall fail to carry by the required three (3) votes, consideration of the application or issue shall be continued to the next regular meeting upon motion carried by a majority of those present and voting. Provided further that no request or application shall be continued under this rule beyond the next regular meeting; failure of the commission to secure three (3) concurring votes to approve or recommend approval at said meeting shall be recorded in the minutes as a denial of the proposal under this rule. The chairperson of the Commission may vote on all matters before the Commission.

Section 25.60 Disqualification from Voting

- (a) A member shall disqualify himself or herself from voting whenever they find that they have a personal or monetary interest in the property under consideration, or that they will be directly affected by the decision of the Commission.
- (b) Members may disqualify themselves from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application, other than in the public hearing.



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April 11, 2014

Planning & Zoning Commission Members:

Item #4 will not be heard at this hearing date and has not been included in your packet.

Respectfully,

David Harrell, AICP
Director