



The City of Lago Vista

*To provide and maintain a healthy, safe, vibrant
community, ensuring quality of life.*

**NOTICE OF A REGULAR MEETING
PLANNING AND ZONING COMMISSION
THURSDAY, May 26, 2016, 7:00 PM
COUNCIL CHAMBERS
CITY HALL - 5803 THUNDERBIRD ST.**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the City of Lago Vista, Texas will hold a meeting on the above date and time for discussion and possible action to be taken on the following:

CITIZEN COMMENTS FOR NON-HEARING RELATED ITEMS:

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

CONSENT AGENDA

All matters listed in Item 1, Consent Agenda, are to be considered routine by the Commission and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately under Business Item.

1. Consider Approval Of The Following Minutes:

- A. November 23, 2015 Impact Fee Advisory Committee Regular Meeting
- B. March 31, 2016 Planning & Zoning Commission Regular Meeting
- C. April 7, 2016 Planning & Zoning Commission Special Meeting
- D. April 12, 2016 Impact Fee Advisory Committee Regular Meeting
- E. April 19, 2016 Planning & Zoning Commission Special Meeting
- F. May 5, 2016 Planning & Zoning Commission Special Meeting

PUBLIC HEARING

- 1. Discussion and Potential Action regarding removal of chickens, turkeys, and guineas from the requirements of a Special Use Permit, clarification on allowance of these and other domestic farm birds, additions and changes to Chapter 2, Article 2.200 for definitions and limits of chickens, turkeys, rabbits, and guineas.
 - A. Staff Presentation
 - B. Open Public Hearing
 - C. Close Public Hearing
 - D. Discussion

ORDINANCE

- 1. Recommendation of Ordinance No. 16-06-02-01; An Ordinance Of The City Of Lago Vista, Texas, Amending Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry And Pets, And Part IV,

Administration And Enforcement, Section 18.20, Applicability And Uses And Structures Requiring A Special Use Permit (SUP), Item L, And Chapter 2, Animal Control, Article 2.200, Animal Control Generally, All Of The Lago Vista Code Of Ordinances; Adding Provisions Relating To Definitions, Regulations Concerning Fowl, Fur Bearing Animals And Other Domesticated Animals; Distances Of From Private Residences And Public Buildings In New Section 2.238; Providing A Savings Clause, Effective Date, And Open Meetings Clauses; And Providing For Related Matters.

BUSINESS ITEM

FUTURE AGENDA ITEMS

ADJOURNMENT

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 _____, 2016.

Sandra Barton, 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.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING & ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Minutes
Monday, November 23, 2015, 7:00 P.M.
Impact Fee Advisory Committee
City of Lago Vista

Vice-Chair Jim Moss called the meeting to order at 7:00 P.M. at the Council Chambers, City Hall, 5803 Thunderbird St., Lago Vista, Texas. Members present were Vice-Chair Jim Moss, Richard Brown, Vernon Reher, and Andy White. Members absent were Chair Tara Griffin, Paul Smith, and Gary Zaleski were absent. Also present were Mayor Dale Mitchell and Development Services Director David Harrell

Public Comment for Non-Hearing Related Items

There were no members of the public present for item.

Action Item

1. Recommendation and/or Written Comments to the City Council regarding re-visitation of the Land Use Assumptions and Capital Improvements Plan

The Development Services Director presented his staff report. He stated this was being brought back to the Committee due to Council approval of the Committee recommendation to review the increase in impact fees in one (1) calendar year. The Committee, Mayor, and Director discussed growth rates in approved report, present cost of impact fees, rates in other neighboring cities, development in the R-1-T zoning, potentially raising water fees to maximum rates or closer to maximum rates, desire to hear the City Engineers comments regarding infrastructure, and cost of composing the Report.

Motion was made by Vernon Reher, seconded by Andy White, to retain the \$2,115 maximum for sewer and to raise water to the \$4,331 maximum, and that it is implemented within six (6) months from date of passage by City Council.

Vote was unanimous (4-0) to recommend approval to the Council.

Adjournment

On a motion by Vernon Reher, seconded by Andy White, the Impact Fee Advisory Committee meeting adjourned at 8:04 P.M.

Jim Moss, Vice-Chair

David Harrell, Secretary Pro-Tem

On a motion by _____, seconded by _____,
the above and foregoing instrument was passed and approved this 26th day of May, 2016.

MINUTES
Thursday, March 31, 2016 Regular Meeting
Planning and Zoning Commission
City of Lago Vista

Chair Tara Griffin called the meeting to order at 7:00 P.M. in the Council Chambers, City Hall, 5803 Thunderbird Street, Lago Vista, Texas. Members present were Tara Griffin, Jim Moss, Paul Smith, Vernon Reher, Richard Brown and Gary Zaleski. Andy White was absent. City Attorney Barbara Boulware-Wells, City Council Liaison Rich Raley, Development Services Director David Harrell, and Development Services Administrative Assistant Sherry McCurdy were also present.

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.

There were no public comments.

CONSIDER THE MINUTES OF JANUARY 28, 2016.

On a motion by Paul Smith, seconded by Vernon Reher, the Commission unanimously approved the January 28, 2016 Regular Meeting Minutes.

PUBLIC HEARING

1. **ZON-1047** - Recommendation of a Conditional Use Permit located at 3606 Bunyan Circle to allow an existing pool and associated accessory building on a lot without a principal building.

David Harrell presented the staff report from the information included in the Commission packet. He requested that the Planning and Zoning Commission recommend approval to the City Council.

Applicant, Dave Street, 3606 Bunyan Circle, stated that there was no issue when he purchased the home. He discovered a Conditional Use would be required to refinance the mortgage. The improvements have been there since 1991 with no changes.

Public Hearing was opened at 7:07P.M.

Members of the Planning and Zoning Commission, Barbara Boulware-Well, applicant, and David Harrell discussed ownership of adjoining lots, permitting of existing improvements, lot consolidation, location of pool and pool house and private easement through back of property.

Public Hearing was closed at 7:21P.M.

On a motion by Paul Smith, seconded by Vernon Reher, the Commission voted unanimously to recommend approval to the City Council of ZON-1047 for a Conditional Use located at 3606 Bunyan Circle to allow an existing pool and associated accessory building on a lot without a principal building.

2. **ZON-1048** - Consideration of a Special Exception located on lot 10021 Highland Lakes Estates Section 10 to allow for an additional nine (9) feet of height, for a total of twenty-four (24) feet, to build a two story home.

David Harrell presented the staff report from the information included in the Commission packet. Mr. Harrell stated he did not believe there would be any adverse impact from the nine (9) foot height increase.

Applicant, Chris Camos, 113 Howard Lane, Liberty Hill, Texas explained the lot is small and that combined with the setbacks restrict the buildable space. They would like to be able to build a two (2) story home for additional footage.

Tara Griffin asked what members had visited the site. All members indicated they visited the site with the exception of Gary Zaleski. Due to code requirements to visit the site, Mr. Zaleski could not vote.

Public Hearing was opened at 7:21P.M.

Members of the Commission, applicant, and David Harrell discussed the possibility of a lesser height, affected view of neighbors, and design of house.

Public Hearing was closed at 7:28P.M.

On a motion by Vernon Reher, seconded by Jim Moss, the Commission voted 4 to 1 to approve ZON-1048, a Special Exception located on lot 10021 Highland Lakes Estates Section 10 to allow for an additional nine (9) feet of height, for a total of 24 feet to build a two (2) story house. Voting members were Richard Brown, Jim Moss, Tara Griffin, Vernon Reher (ayes) and Paul Smith (nay).

3. Repeal and replacement of Chapter 10, Code of Ordinances (Subdivision Standards).

David Harrell requested the item be tabled. He stated more items have to go back to the Attorney. Barbara Boulware-Wells stated an outside counsel that specializes in Land Use had extensive comments that need to be addressed.

Tara Griffin requested a minimum of ten (10) days to review when the item is going to come back to the Commission.

It was decided that a workshop would be set for review before this item was placed on an agenda for action.

On a motion by Vernon Reher, seconded by Tara Griffin, the Planning and Zoning Commission voted unanimously to table the repeal and replacement of Chapter 10, Code of Ordinances (Subdivision Standards).

ORDINANCE

1. Recommendation of an Ordinance of the City Council of the City of Lago Vista, Texas, repealing and replacing Chapter 10, (subdivision standards) Code of Ordinance; providing a saving clause; providing a severability clause; and, providing an effective date.

On a motion by Tara Griffin, seconded by Vernon Reher, the Planning and Zoning Commission voted unanimously to table a recommendation of an Ordinance of the City Council of the City of Lago Vista, Texas, repealing and replacing Chapter 10, (subdivision standards) Code of Ordinance; providing a saving clause; providing a severability clause; and, providing an effective date

BUSINESS ITEMS

1. Discussion concerning police presence at meetings.

David Harrell asked the Commission to declare a momentary recess.

On a motion by Tara Griffin, seconded by Vernon Reher, the Planning and Zoning Commission voted unanimously to take a recess to enable David Harrell to check the status of the officer for tonight's meeting. The recess began at 7:35 P.M. and the meeting was reconvened at 7:46 P.M. There was a police officer present at that time.

David Harrell explained that the Development Service's staff cannot order a police officer be present.

City Attorney, Barbara Boulware-Wells explained the law that was passed in the legislative session regarding signage and courtroom procedures. She stated she would take the request for an officer to be present to the City Council. She will make sure they are aware of the Commission's request and make sure the City Manager and Police Chief understand the request.

Members of the Commission, Barbara Boulware-Wells and David Harrell discussed the Mayor's directive for a police officer to be present, proper signage, panic button, hostile members of audience, resources and including the City Manager on the discussion.

FUTURE AGENDA ITEMS

There were no Future Agenda Items.

On a motion by Tara Griffin and seconded by Vernon Reher, the Planning & Zoning Commission meeting adjourned at 8:15P.M.

Tara Griffin, Chair

Sherry McCurdy, Development Services Admin. Assistant

On a motion by _____, seconded by _____, the foregoing instrument was passed and approved this 26th day of May, 2016.

MINUTES
Thursday, April 7, 2016 Special Meeting
Planning and Zoning Commission
City of Lago Vista

Chair Tara Griffin called the meeting to order at 1:00 P.M. in the Council Chambers, City Hall, 5803 Thunderbird St., Lago Vista, Texas. Members present were Tara Griffin, Jim Moss, Vernon Reher, Richard Brown, Gary Zaleski, and Andy White. Paul Smith was absent. Development Services Director David Harrell and Development Services Administrative Assistant Sherry McCurdy were also present.

WORKSHOP

1. Review, discuss and provide input on the rough draft for “The City of Lago Vista 2030 Comprehensive Plan”.

Dan Sefko from Freese and Nichols introduced his staff consisting of Erica Craycraft-Bartlett and Chelsea Irving.

Dan gave a slide show presentation to the Planning and Zoning Commission. In his presentation he summarized progress made to this point on the draft 2030 Comprehensive Plan.

Tara Griffin opened the meeting for discussion at 2:17 P.M. Members of the Planning and Zoning Commission, Freese and Nichols Staff, Jill Rowe, and David Harrell then discussed the presentation. At the meeting the Planning & Zoning Commission discussed changes involving the location of conserved land areas on Figure 11 near the Airport, two other minor changes involving grammar, and placement of clarification language in the Plan.

Tara Griffin requested the Planning and Zoning Commission have their own separate work session regarding the Comprehensive Plan, to more thoroughly go through the document.

On a motion by Vernon Reher and seconded by Gary Zaleski, the Planning & Zoning Commission meeting adjourned at 3:14 P.M.

Tara Griffin, Chair

Sherry McCurdy, Development Services Admin. Assistant

On a motion by _____, seconded by _____, the foregoing instrument was passed and approved this 26th Day of May, 2016.

Minutes
Tuesday, April 12, 2016, 7:00PM
Impact Fee Advisory Committee
City of Lago Vista

Chair Tara Griffin called the meeting to order at 7:02 P.M. at Viking Hall, 8039 Bar K Ranch Road, Lago Vista, Texas. Members present were Tara Griffin, Richard Brown, Vernon Reher, Gary Zaleski, Jim Moss, Paul Smith and Andy White. Also present were Public Works Director Gary Graham, City Attorney Paige Sanez, Development Services Director David Harrell and Development Services Administrative Assistant Sherry McCurdy.

Public Comment for Non-Hearing Related Items.

There were no members of the public present for item.

Action Item

1. Recommendation and/or Written Comments to the City Council of amendments of the Land Use Assumptions and Capital Improvements Plan and possible amendment to the impact fees.

David Harrell presented his staff report directly from the material previously provided for the Impact Fee Advisory Committee Members. David explained the following actions could be taken:

1. Reduce the water and/or wastewater impact fee of \$3,000.00 and \$2,115.00 respectively.
2. Retain the current water and wastewater from the current \$3,000.00 and \$2,115.00 respectively.
3. Increase the water impact from the current \$3,000.00 up to the maximum amount of \$4,206.00 and retain the maximum wastewater impact fee of \$2,115.00.

The Public Hearing was opened and closed at 7:09 PM.

Members of the Impact Fee Advisory Committee, Gary Graham, Paige Sanez, and David Harrell discussed the Engineer's Seal, Land Use, existing error in Report that resulted in the removal of the water tower from the calculation, how Impact Fees are used, time frame to review Impact Fees, Comprehensive Plan, builders versus tax payers paying fees, and possible deadline for comments to be sent to City Council. The conversation continued to include growth rates, time frame to review, builder notification, response of possible increase, topography, number of new home permits, need for more information, projected population for 2025, and water treatment capacity.

Jim Moss motioned the Impact Fee Advisory Committee make a recommendation to City Council to increase Water Impact Fee to \$3,600.00 and retain the Sewer Impact Fee at the maximum of \$2,115.00. The motion failed for lack of a second.

Gary Zaleski motioned the Impact Fee Advisory Committee make a recommendation to City Council to increase Water Impact Fee to \$3,880.00 and retain the Sewer Impact Fee at the maximum of \$2,115.00 for a total of \$5,995.00, keeping the total under \$6,000.00. The motion failed for lack of a second.

On a motion by Jim Moss, seconded by Gary Zaleski, the Impact Fee Advisory Committee recommended to City Council to retain the Impact Fees of \$2115.00 (sewer) and \$3000.00 (water) respectively.

On a motion by Jim Moss, seconded by Gary Zaleski, the previous motion was modified to include that the Report was consistent with State Law and good engineering practices, that the underlying impact fee calculations were reasonable and useful for City purposes, and that the Water and Wastewater Fees were in good condition. The recommendation was approved with a 4-3 vote. Members voting for were Tara Griffin, Gary Zaleski, Jim Moss, and Paul Smith. Members voting against were Andy White, Richard Brown, and Vernon Reher.

Andy White recommended a peer review of all data by the engaged Engineering Firm of the Impact Fee Report in a year.

Tara Griffin asked for the minutes to reflect that she does not feel the Committee was given enough information to make an educated decision. She stated there were no information about what is in reserve, new Water and Wastewater Master Plan have not been completed, a comp plan that has not been approved, and a new engineering firm.

The discussion continued regarding time frame for review, Waster Water Master Plan, peer review, Comp Plan, and possible cost of new study.

Paul Smith motioned and Tara Griffin seconded that the Impact Fee Advisory Committee re-evaluate the Impact Fee in 18 months. The Commission voted unanimously in favor of the motion.

Andy White motioned and Vernon Reher seconded that a peer review be conducted on existing documents within 18 months and that review be brought to the Committee at the Impact Fee Advisory Committee meeting to be held in 18 months. The vote was 4-3 in favor of the motion. Members voting for were Andy White, Richard Brown, Paul Smith, and Vernon Reher. Members voting against were Tara Griffin, Jim Moss, and Gary Zaleski.

Business Item

1. Discussion of the 2015/2016 1st Quarter of the Capital Improvements Program Reports.

Gary Graham went through each slide of the Power Point presentation.

Gary Graham, David Harrell, and members of the Committee discussed the report that had been attached to the Committee packet.

David Harrell stated a work shop was need for the Comprehensive Plan the week if April 18th through the 22nd. The meeting was set for 4/19/2016 at 7:30 P.M.

Adjournment

On a motion by Tara Griffin, seconded by Paul Smith, the Impact Fee Advisory Committee meeting adjourned at 9:30 PM.

Tara Griffin, Chair

Sherry McCurdy, Development Services Secretary

On a motion by _____, seconded by _____,
the above and foregoing instrument was passed and approved this 26th day of May, 2016.

Minutes
Tuesday, April 19, 2016, 7:30PM
Special Planning and Zoning Commission Meeting
City of Lago Vista

Chair Tara Griffin called the meeting to order at 7:33 P.M. at Viking Hall, 8039 Bar K Ranch Road, Lago Vista, Texas. Members present were Tara Griffin, Richard Brown, Vernon Reher, Gary Zaleski, Jim Moss, Paul Smith and Andy White. Also present were City Council Member Ron Smith, Development Services Director David Harrell and Development Services Administrative Assistant Sherry McCurdy.

Public Comment for Non-Hearing Related Items.

There were no public comments.

Workshop

- 1. Review, discuss and provide input on the rough draft for “The City of Lago Vista 2030 Comprehensive Plan”.**

David Harrell gave a summary of the draft copy of the Comprehensive Plan.

The Planning and Zoning Commission, Jill Rowe (a member of the audience), and David Harrell reviewed the plan. They discussed date plan will be adopted, demographics, implementation tables, review time frame, 1999 Airport Plan. The discussion also included Future Land Use, funding, need for maps to be legible, seasonal homes, items prioritized in year one, Public Information Officer, and diversity of public interest.

Tara Griffin requested a review of the Implementation Tables in 4 months.

Adjournment

On a motion by Gary Zaleski and seconded by Jim Moss, the Planning and Zoning Committee meeting adjourned at 9:24 PM.

Tara Griffin, Chair

Sherry McCurdy, Development Services Administrative Assistant

On a motion by _____, seconded by _____,
the above and foregoing instrument was passed and approved this 26th day of May, 2016.

Minutes
Tuesday, May 5, 2016, 1:00 PM
Special Planning and Zoning Commission Meeting
City of Lago Vista

Vice Chair Jim Moss called the meeting to order at 1:03 P.M. at Council Chambers, City Hall, 5803 Thunderbird St, Lago Vista, Texas. Members present were Richard Brown, Vernon Reher, Gary Zaleski, and Jim Moss. Members absent were Tara Griffin, Paul Smith, and Andy White. Also present were City Attorney Barbara Boulware-Wells, Development Services Director David Harrell, and Development Services Administrative Assistant Sherry McCurdy.

PUBLIC HEARING

1. Review and discuss the final draft of “The City of Lago Vista 2030 Comprehensive Plan”.

Dan Sefko, Erica Craycraft-Bartlett, and Chelsea Irby from Freese and Nichols gave a presentation to the Commission members. Dan Sefko documented the changes made through 4/7/2016 with a slide show presentation.

The Vice-Chair opened the Public Hearing at 1:11 PM.

There were no members of the public present.

The Vice-Chair closed the Public Hearing at 1:12 PM.

The Commission, Freese and Nichols, and the Development Services Director reviewed the Plan. They discussed Future Land Use, in-fill, conservation map, areas near the Airport, topography, corrections needed, utility extensions, demographics, and possible bridge across lake.

Discussion was closed at 2:01 PM.

2. Discussion and Potential Action regarding removal of chickens form the requirements of a Special Use Permit.

The City Attorney explained the requirements of the Special Use Permit. She stated the City Council has been approached by children who want to raise chickens. The City Council would like for the Planning and Zoning Commission to review. She explained Section 18.20 had been added for review. Discussion pertains to chickens only and no other type of fowl. The item for discussion today and will be coming back to the Commission in the future. The recommendation today is to discuss and table.

The Vice-Chair opened the Public Hearing at 2:12 PM.

There were no members of the public present.

The Vice-Chair closed the Public Hearing at 2:13 PM.

The Commission, City Attorney, and Development Services Director discussed number of chickens that would be allowed, chicken coops, Special Use Permits, reason for agenda item, possible modification to ordinance, possible actions to be taken, and the intention of City Council.

The Vice-Chair stated he believes the Commission should wait to take action until staff has had time to work on modifications to the ordinance.

Barbara explained that she would be taking the individual ideals and concerns of the Commission to the City Council.

ORDINANCE

- 1. Recommendation of Ordinance 16-05-05-02 to the City Council of the City of Lago Vista, Texas, an Ordinance repealing Ordinance 08-08-07-02 which adopted a Comprehensive Master Plan, providing for the amendment of the plan; providing for related matters; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law.**

On a motion by Gary Zaleski, seconded by Vernon Reher, the Commission unanimously recommended Ordinance 16-05-05-02 to the City Council of the City of Lago Vista, Texas, an Ordinance repealing Ordinance 08-08-07-02 which adopted a Comprehensive Master Plan, providing for the amendment of the plan; providing for related matters; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law with the condition that the items discussed in today's meeting will be addressed by Freese & Nichols.

- 2. Recommendation of Ordinance 16-05-05-03 to the City Council of the City of Lago Vista, Texas, an Ordinance amending Chapter 14, Article 14.100, Section 6.35 to remove the requirement of obtaining a Special Use Permit for chickens, making findings of fact; and providing for related matters.**

On a motion by Gary Zaleski, seconded by Richard Brown, the Commission unanimously voted to decline to make any exceptions to the existing Animal Control Ordinance.

Adjournment

On a motion by Gary Zaleski, seconded by Vernon Reher, the Commission meeting adjourned at 2:52 PM.

Jim Moss, Vice Chair

Sherry McCurdy, Development Services Administrative Assistant

On a motion by _____, seconded by _____,
the above and foregoing instrument was passed and approved this 26th day of May, 2016.



Development Services Department

STAFF REPORT

Public Hearing Item #1

Date: May 22, 2016

DEVELOPMENT SERVICES DEPARTMENT COMMENTS

In April, the City Council wanted Staff to bring code changes forward to allow for chickens and potentially other types of livestock. The Planning & Zoning Commission saw some of these changes at their May 5, 2016 meeting and provided comments at that time. The City Attorney has been working with Councilman Tidwell regarding additional updates to both the zoning code and the animal control code. Staff will summarize the changes in the present Ordinance below:

1. Excludes chickens, guineas, and turkeys from the Special Use Permit (SUP) requirements while retaining all other farm birds as an SUP or allowed by right within the PDD zoning.
2. Sets numbers of chickens, rabbits, guineas, and turkeys as defined in the Animal Control Ordinance
3. Exempts maximum numbers of chickens, guineas, and turkeys for educational agricultural purposes for up to six (6) months if approved by an SUP.
4. Gives definitions for chickens, turkeys, rabbits, and guineas in the Animal Control Section.
5. Requires these animals be kept in enclosures.
6. Prohibits male species of chickens, turkeys, and guineas
7. Prohibits enclosures closer than fifty (50) feet of any building or dwelling inhabited by human beings or golf course.
8. Required moving provisions for enclosures closer than fifty (50) feet if a building or dwelling inhabited by human beings appears after installation; this becomes a removal provision if the enclosure cannot be moved on the property to keep it further than fifty (50) feet from a building or dwelling inhabited by human beings within one (1) year of such non-compliance.

ORDINANCE NO. 16-06-02-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 14, ZONING, EXHIBIT A, PART III, ZONING DISTRICTS, SECTION 6, SUPPLEMENTARY REQUIREMENTS, SUBSECTION 6.35, LIVESTOCK, POULTRY AND PETS, AND PART IV, ADMINISTRATION AND ENFORCEMENT, SECTION 18.20, APPLICABILITY AND USES AND STRUCTURES REQUIRING A SPECIAL USE PERMIT (SUP), ITEM L, AND CHAPTER 2, ANIMAL CONTROL, ARTICLE 2.200, ANIMAL CONTROL GENERALLY, ALL OF THE LAGO VISTA CODE OF ORDINANCES; ADDING PROVISIONS RELATING TO DEFINITIONS, REGULATIONS CONCERNING FOWL, FUR BEARING ANIMALS AND OTHER DOMESTICATED ANIMALS; DISTANCES OF FROM PRIVATE RESIDENCES AND PUBLIC BUILDINGS IN NEW SECTION 2.238; PROVIDING A SAVINGS CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry and Pets, City of Lago Vista Code of Ordinances (“Ordinances”) has previously allowed animals that meet the definition of the term “Livestock” within the Ordinances, only in areas granted a Specific Use Permit or within a Planned Development District; and

Whereas, Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, provides for description of those items that require a Special Use Permit and presently includes “Livestock and/or poultry keeping, caring or shelters”; and

Whereas, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of such regulations and forwarded a recommendation to the City Council and thereafter, the City Council has considered the requests of some residents and hereby desires to modify such Zoning provisions; and

Whereas, Chapter 2, Animal Control, Article 2.200, Animal Control Generally, set out in the Ordinances defines “Livestock” and needs to be modified to address more fully animals that the City desires to allow within certain areas of the City and therefore must define and regulate them separately; and

Whereas, it is necessary for the City to amend all of the Sections set out above, as well as add an additional section pertaining specifically to the allowance of such specific.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the amending or addition of rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amending Chapter 14, Zoning, Exhibit A, Part III, Zoning Districts, Section 6, Supplementary Requirements, Subsection 6.35, Livestock, Poultry and Pets, City of Lago Vista Code of Ordinances Subsection 6.35(A), Section 6, Chapter 14, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

6.35 Livestock, Poultry and Pets.

(A) No animals, livestock or poultry of any kind, except as set forth below, shall be raised, bred or kept outside or in a structure designed to feed them, unless permitted by SUP or PDD. Dogs, cats or other household pets may be kept. At no time shall any animals be kept or used for breeding purpose and they may not be kept in quantities which create an annoyance or nuisance. The above exceptions must fully comply with all regulations of the City of Lago Vista and with state law.

Deleted: provided there is no

Deleted: commercial

Deleted: are

(B) Exceptions are as follows:

- (1) Horses are allowed on lot 1980, Lago Vista Estates, Section 6.
- (2) Farm operations that have been in existence for at least one year before October 1, 2009, annexed after October 1, 2009, and are exempt from city regulation in accordance with Chapter 215 of the Texas Agricultural Code.
- (3) Chickens, turkeys, or guineas (females only) may be kept in numbers and within enclosures defined in the Animal Control Ordinance throughout the City; all other domestic farm birds must be permitted by SUP or PDD.
- (4) Rabbits may be kept in numbers and within enclosures defined in the Animal Control Ordinance throughout the City.
- (5) Chickens, turkeys, guineas and rabbits may be kept in larger numbers than those allowed in the Animal Control Ordinance for educational agricultural purposes (FFA or 4-H) for a period not to exceed six (6) months if permitted by SUP.

Section 3. Amending Chapter 14, Zoning, Exhibit A, Part IV, Administration and Enforcement, Section 18.20, Applicability and Uses and Structures Requiring a Special Use Permit (SUP), Item L, Lago Vista Code of Ordinances. Section 18.20, Part IV, Administration and Enforcement, Chapter 14, Zoning, Exhibit A, Lago Vista Code of Ordinances is hereby amended to read as follows:

(L) Livestock and/or poultry keeping, except chickens, turkeys, or guineas (female only) or rabbits, caring or shelters.

Section 4. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to define “Chickens,” “Turkeys,” “Guineas,” and “Rabbits” found therein Lago Vista Code of Ordinances. Section 2.201, Definitions is hereby added to read as follows:

Chickens. Any particular domesticated farm or ranch animal of the particular fowl family, Gallus domesticus developed in a number of breeds for its flesh, eggs, and feathers but does not include ducks, geese, turkeys, or other domesticated fowl.

Guineas. Any of several African, gallinaceous birds of the subfamily Numidinae, especially a common species, Numida meleagris, that has a bony casque on the head and dark gray plumage spotted with white and that is now domesticated and raised for its flesh and eggs.

Rabbits. Any of a family (Leporidae) of long-eared short-tailed lagomorph mammals with long hind legs.

Turkeys. A large North American gallinaceous bird (Meleagris gallopavo) that is domesticated in most parts of the world.

Section 5. Amending Chapter 2, Animal Control, Article 2.200, Animal Control Generally, to add Section 2.238 pertaining to Chickens within the city limits. Article 2.200, Animal Control Generally, is modified to add Section 2.238 pertaining to the allowance of Chickens within the City limits with regulations as follows:

Sec. 2.238 Chickens, Guineas, Turkeys and Rabbits within City Limits

- (a) It shall be unlawful for any person to own, manage or control any chickens, guineas, turkeys or rabbits except as the same shall be kept within an enclosure upon his own premises.
- (b) No male chickens, turkeys or guineas are allowed.
- (c) No chickens, guineas, turkeys or rabbits shall be kept in any enclosure, any part of which is nearer than fifty (50) feet to any building or dwelling occupied and used by human beings.
- (d) No chickens, guineas, turkeys or rabbits shall be kept in any enclosure, any part of which is nearer than fifty (50) feet to any portion of the golf course.
- (e) Should such chickens, guineas, turkeys or rabbits be kept on a lot in the City and such surrounding area is later developed to bring it closer to any building or dwelling occupied and used by human beings closer than fifty (50) feet, such enclosure may be required to be moved to keep in compliance or if unable to keep in compliance, such animals shall be required to be removed from such premises within one (1) year of such non-compliance.

(f) Chickens, guineas, turkeys and rabbits may be kept on property zoned and used for veterinary hospitals or educational facilities for such purposes such as FFA or 4-H in larger numbers than allowed provided such location has sought and obtained a special use permit (SUP) from the City's Planning and Zoning Commission.

(g) Not more than six (6) birds of any one species or a total of ten (10) birds if more than one species shall be allowed on any property at any time.

(h) Not more than six (6) rabbits of one species and a total of ten (10) animals of any species shall be allowed on any property at any time.

(i) Enclosure requirements – chickens, turkeys, or guineas. No person shall maintain chickens, turkeys or guineas within the city limits unless the following requirements are met:

(1) There shall be a minimum of four (4) square feet for each bird kept in the city limits. The enclosure must be of such construction as will allow for ease in cleaning and airing and kept in such a manner as not to become offensive to adjacent neighbors or the public. The enclosure shall be fully enclosed on all sides and the top and shall provide protection from the weather as necessary to ensure adequate living conditions. At no time shall the birds be allowed to roam free.

(2) It shall be the duty of every person raising, keeping, or harboring any chicken, turkey, or guinea to keep the premises and/or pen or other enclosure in a sanitary condition.

(j) Enclosure requirements – rabbits. No person shall maintain rabbits within the city limits unless the following requirements are met:

(1) There shall be a minimum of four (4) square feet for a single rabbit and a minimum of three (3) square feet per rabbit for quantities greater than a single rabbit housed within the same pen. Rabbits may be housed separately but each pen would be required to be a minimum of four (4) square feet. The enclosure shall be fully enclosed on all sides and the top and shall provide protection from the weather as necessary to ensure adequate living conditions. At no time shall the rabbits be allowed to roam free.

Section 6. Amendment of Ordinances. Chapter 14, Subsection 6.35 and 18.20 and Chapter 2, Animal Control, Section 2.201 are hereby amended in their entirety as provided in this Ordinance, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 7. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 8. 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 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this _____ day of June, 2016.

ATTEST:

THE CITY OF LAGO VISTA, TEXAS

Sandra Barton, City Secretary

Dale Mitchell, Mayor

TYPE	DESCRIPTION	ENCLOSURE and ADDITIONAL REQUIREMENTS	QUANTITY	EXAMPLE
Fowl	Females of species only. Chickens, Turkeys, Guinea considered for personal use for the production of eggs or meat. Males are prohibited. Other types of domesticated farm birds considered by SUP.	All fowl are required to be housed in an appropriate pen associated with the species being kept. Pens must be fully enclosed on all sides and the top. Pens must provide a minimum of 4 square feet per bird and provide protection from the weather as necessary to ensure adequate living conditions. Pens may not be located within 50 feet of commercial or residential structures not located on the property on which the enclosure is located, not located within 50 feet of golf course, nor within 15 feet of commercial or residential structures located on the same property on which the enclosure is located. At no time will animals be allowed to roam free.	A maximum of 6 birds of any one species. A total quantity of 10 birds if housing more than one species.	A homeowner may have a pen of fowl containing 6 chickens and 4 guinea. (Maximum of 6 birds of one species and a total maximum of 10 birds.) The pen must be a minimum of 40 square feet and enclosed on all sides and the top. The pen must be at least 15 feet from the house and 50 feet from any neighbors' houses or nearby business or golf course.
Fur Bearing Animals	Rabbits, Guinea pigs, Ferrets, Hamsters, and other small fur bearing animals	All fur bearing animals except for rabbits must be housed <i>within</i> the commercial or residential structure located on the property on which the homeowner resides. Rabbits may be housed in an appropriate pen located outside the structure. Outdoor pens must be fully enclosed on all sides and the top and provide protection from the weather as necessary to ensure adequate living conditions. Pens must provide a minimum of 4 square feet for a single rabbit and an average minimum of 3 square feet per rabbit for quantities greater than a single rabbit housed within the same pen. Rabbits may be housed separate but each pen would be required to provide the minimum square footage. Pens may not be located within 50 feet of commercial or residential structures not located on the property on which the enclosure is located nor within 50 feet of golf course. At no time will animals be allowed to roam free.	A maximum of 6 animals of any one species. A total quantity of 10 animals housed inside or out of a structure.	A homeowner may have small fur bearing animals as pets. Most fur bearing animals are sensitive to weather conditions and must be raised indoors. However, rabbits are capable of living in a rabbit hutch and may be housed outdoors. A homeowner may own as many as 6 rabbits plus an additional 4 other small fur bearing animals for a total of 10. Pens must be at least 50 feet from any neighbors' houses, nearby business or golf course.

Other Domesticated Animals	<p>Pigs, goats, and other uncommon yet domesticated species occasionally raised as pets. Referred to as dwarf, miniature, potbelly, or pygmy. A single animal may not be over 24 inches in height nor more than 150 pounds in weight. Does not include miniature livestock typically considered beasts of burden although they may be classified as miniature. (i.e. miniature horses or cattle)</p>	<p>All animals falling under this category may be housed indoors or out. Homeowner must request an SUP to house such pets outdoors. Outdoors pens must be fully enclosed on all sides and should be of a minimum height to prevent the animal from escaping. Pen location will be determined under the SUP process. Pen may have a maximum height of 6 feet. Pen must provide protection from the weather as necessary to ensure adequate living conditions. Pen must provide a minimum of 25 square feet per animal. An animal may be allowed out of the pen only when on a halter or appropriate harness and under the control of the owner. At no time will animals be allowed to roam free. Each animal in this category must be registered with the police department in the same manner in which dogs are required to be registered with the police department.</p>	<p>A maximum of 2 animals regardless of the species.</p>	<p>A homeowner may have 2 pygmy goats as pets or 2 potbelly pigs or 1 of each. Location of pen will be determined when homeowner applies for SUP on an individualized basis. Each animal must still be registered with LVPD.</p>
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