

**ORDINANCE NO. 18-04-19-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ARTICLE 9.1900 OF CHAPTER 9 OF THE LAGO VISTA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; SEVERABILITY CLAUSE; EFFECTIVE DATE, OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Lago Vista, Texas is a Home Rule City; and

**WHEREAS**, the City Council of the City of Lago Vista has previously established a Board of Adjustment within Chapter 9, Article 9.1900 of the Lago Vista Code of Ordinances; and

**WHEREAS**, the Board of Adjustment currently consists of five regular members and two alternates; and

**WHEREAS**, the City Council finds that they would be better served by a Board of Adjustment consisting of seven regular members.

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

**SECTION 1. FINDINGS.** All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

**SECTION 2. MODIFICATION.** The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 9, Article 9.1900, Code of Ordinances as shown in Exhibit "A."

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orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 6. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 19<sup>th</sup> day of April, 2018.



  
\_\_\_\_\_  
Ed Tidwell, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Barton, City Secretary

On a motion by Councilman Davila, seconded by Councilman Williams, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

**CHAPTER 9**

**PERSONNEL**

**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**

- (a) 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.
- (b) Each board member shall be required to meet qualifications within city charter Section 3.02.

**Sec. 9.1903 Reestablishment, Terms of Office**

The terms of four (4) of the members shall expire on January 1st of each odd-numbered year and the terms of three (3) 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 seven (7). The odd-numbered places shall expire in the odd-numbered years. Board of adjustment members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, yet 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.

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

- (a) Officers shall be elected annually from among the board's membership at its first meeting in the new calendar year, with it being the first agenda item, and at such other times as time offices may become vacant. In the absence of both the chair and vice-chair, the board shall elect a chair pro tem.
- (b) The board shall all 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.

**Sec. 9.1905 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 zoning chapter of this code.
- (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 or 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.