

ORDINANCE NO. 18-12-06-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT OF A TRACT OF LAND CONSISTING OF 4.3546 ACRES OF THE W.A. COOK SURVEY NUMBER 100, ABSTRACT NUMBER 2605 AND LOCATED ON THE SOUTH SIDE OF BOGGY FORD ROAD IMMEDIATELY WEST OF THE INTERSECTION OF DRAPERS COVE, FROM THE TR--1 ("TEMPORARY RESTRICTED") ZONING DISTRICT TO THE R1-E ("SINGLE-FAMILY RESIDENTIAL") ZONING DISTRICT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of 4.3546 acres of the W.A. Cook Survey Number 100, Abstract Number 2605 and located on the south side of Boggy Ford Road immediately west of the intersection of Drapers Cove has filed an application requesting the City of Lago Vista ("City") to consider rezoning this property from the TR-1 Temporary Restricted zoning district to the R1-E Single-Family Residential zoning district; and

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearing(s), the Planning and Zoning Commission and City Council each held a public hearing on the proposed re-zoning; and

WHEREAS, the Planning and Zoning Commission (the "Commission") at its public hearing on the zoning of this property, reviewed the request and the circumstances of the area to be rezoned from the TR-1 Temporary Restricted zoning district to the R1-E Single-Family Residential zoning district, and found the requested change to be warranted; and

WHEREAS, the Commission recommends rezoning such property from the TR-1 zoning district to the R1-E zoning district; and

WHEREAS, the City, by and through its legislative discretion has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning being approved herein is consistent with the comprehensive plan as well as the surrounding uses; and

WHEREAS, the City Council at its public hearing on the rezoning, reviewed the request and the circumstances of the area and it concurs with the recommendation of the Commission; and

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

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 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 and Zoning Map. The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning 4.3546 acres of the W.A. Cook Survey Number 100, Abstract Number 2605 and located on the south side of Boggy Ford Road immediately west of the intersection of Drapers Cove, from the TR-1 zoning district to the R1-E zoning district.

Section 3. 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 4. Conflicting Ordinances. 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 5. Penalty. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 6. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 7. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 8. 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, *Chapter 551, Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 6th day of December, 2018.



Ed Tidwell
Ed Tidwell, Mayor

ATTEST:

Sandra Barton
Sandra Barton, City Secretary

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