

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION



MARCH 14, 2022
3:00 P.M.

**CITY OF HORSESHOE BAY
PLANNING AND ZONING COMMISSION
NOTICE OF REGULAR PUBLIC MEETING**

March 14, 2022

Notice is hereby given to all interested members of the public that the Horseshoe Bay Planning and Zoning Commission will hold a meeting on Monday, March 14, 2022 in the City Council Chambers located at #1 Community Drive, Horseshoe Bay, Llano County, Texas. The Regular meeting will begin at 3:00 pm.

This meeting will be open to in-person attendance by the public.

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes)
3. Approval of Minutes of the January 4, 2022 Regular Meeting
4. Public Hearing, discussion, consideration and recommendation to City Council regarding text amendments to Chapter 14, Zoning, Article 14.02 Zoning Ordinance
5. Adjournment

CITY OF HORSESHOE BAY
PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING AND WORKSHOP

January 4, 2022

The Planning and Zoning Commission of the City of Horseshoe Bay held a Regular Meeting in the City Council Chambers located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on January 4, 2022, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum

Chairman Brent Lane called the meeting to order at 3:00 PM with a quorum present as follows:

Commission Members present:

Chairman Brent Lane
Commissioner Greg Waldron
Commissioner Camille Reasor
Commissioner Ken Burgess
Commissioner John Stafford

2. Public Comments

Mayor Cynthia Clinesmith, Mayor Pro Tem Elsie Thurman and City Council Member Randy Rives were in attendance. Randy Rives thanked the Commissioners for their service to the community.

3. Election of a Vice Chairman

Ken Burgess motioned to appoint Greg Waldron as Vice Chairman. Camille Reasor seconded. VOTE: 5-0 motion passed.

4. Approval of Minutes of the September 7, 2021 Regular Meeting

Ken Burgess motioned to approve the meeting minutes as written. Vice Chairman Waldron seconded. VOTE: 4-0 (John Stafford did not vote on this item as he was not on the Planning & Zoning Commission at the time) motion passed.

5. Review and approval of Meeting Schedule for 2022

The Commissioners reviewed the Proposed Meeting Schedule. Vice Chairman Waldron motioned to approve the Proposed Meeting Schedule for 2022. Camille Reasor seconded. VOTE: 5-0 motion passed.

6. Member orientation:

- A. Review and discuss any questions regarding the New Member packet of planning and zoning information previously delivered to new P&Z members**
- B. Presentation by City Attorney Rex Baker regarding legal aspects of planning and zoning, role of P&Z within the City of Horseshoe Bay, role of City Council on zoning cases**

Sally McFeron presented a review of material provided to the Commissioners including planning & zoning information as well as information about the Development Services Department. Rex Baker presented information regarding legal aspects of planning & zoning and the role of Planning & Zoning Commissioners within the City. This was not placed on the agenda as an action item and no action was taken.

7. Adjournment

Camille Reasor motioned to adjourn the meeting. Vice Chairman Waldron seconded. VOTE: 5-0 motion passed. Chairman Lane adjourned the meeting at 4:15 PM.

APPROVED this 14th day of March, 2022



CITY OF HORSESHOE BAY

MARCH 14, 2022

To: Planning & Zoning Commission
Thru: Jeff Koska, City Manager
From: Sally A. McFeron, Development Services Director
RE: Public Hearing, discussion, consideration and recommendation to City Council regarding a text amendment to Chapter 14, Zoning, Article 14.02 Zoning Ordinance

In 2019 the Texas legislature passed H.B. 2439 creating a new chapter of the Government Code restricting a city's ability to adopt rules limiting the use of building materials in Construction. City Council approved Ordinance 2020-1 October 15, 2019, to reflect the legislative changes in the law.

In the 2021, the Texas legislature passed S.B. 1090 expanding the exceptions related to Dark Skies Communities and carving out a few new exceptions to the restrictions on city regulation of building materials.

This ordinance places the foundation covering restrictions into the zoning code.

The following is the proposed wording:

Section 14.02.402 (b) (20) is hereby amended to read as follows:

(20) Covering the exposed concrete foundation on a new residence. Every new residence constructed commencing with the date of approval of this section is required to only have a maximum of twelve (12) inches of height of exposed concrete foundation above the level of the ground. Any residence that exceeds this amount will be required to cover the concrete with the same material shown covering it on the building permit plans.

Enclosure: Ordinance 2022-_____

CITY OF HORSESHOE BAY

ORDINANCE NO. 2022-__

AMENDMENT OF ARTICLE 14.02 STANDARDS APPLICABLE TO ALL PROPERTY IN ALL ZONES TO REFLECT LEGISLATIVE CHANGES AND CODE UPDATES

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS AMENDING ARTICLE 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, SECTION 14.02.402 (b)(20) PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay seeks to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the City Council finds that the public is well-served by the enactment of rules and regulations that govern the size of lots; height, number of stories, and size of buildings and other structures; use of real property; percentage of a lot that may be occupied; size of yards, courts, and other open spaces; population density; location of buildings and other structures; land available for use for business, residential uses, or other purposes; and

WHEREAS, the City of Horseshoe Bay contains established subdivisions with established declarations of reservations, restrictive covenants, and deed restrictions that the City Council believes should be preserved and continued to the maximum extent possible within its Zoning Ordinance; and

WHEREAS, in 2019 the Texas legislature passed H.B. 2439 creating a new chapter of the Government Code restricting a city's ability to adopt rules limiting the use of building materials in construction if those materials were approved for use by a national model code. H.B. 2439 contained exceptions for Dark Skies Communities and historic areas, where, under certain circumstances, certain building materials could be limited or required by cities. City Council approved Ordinance 2020-01 on October 15, 2019 to reflect the legislative changes in the law; and

WHEREAS, in 2021, the Texas legislature passed S.B. 1090 expanding the exceptions related to Dark Skies Communities and carving out a few new exceptions to the restrictions on city regulation of building materials; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Horseshoe Bay to review, update, and amend local ordinances from time to time to reflect text corrections, language, clarification, and changes in law; and

WHEREAS, notice of the March 14th, 2022 Planning and Zoning Commission public hearing was published in the official newspaper in the City before the 30th and 15th day before the date of the hearing and notice of the March 15th, 2022 City Council public hearing was

published in the official newspaper of the City before the 30th and 15th day before the date of the hearing; and

WHEREAS, the Planning and Zoning Commission voted unanimously to recommend to City Council the approval of the zoning amendments as presented in this ordinance; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning of the City Code of Horseshoe Bay should be amended as herein described.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT OF CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE SECTION 14.02.402 (b) STANDARDS APPLICABLE TO ALL PROPERTY IN ALL ZONES

Section 14.02.402 (a) (20) is hereby amended to read as follows:

(20) Covering the exposed concrete foundation on a new residence. Every new residence constructed commencing with the date of approval of this section is required to only have a maximum of twelve (12) inches of height of exposed concrete foundation above the level of the ground. Any residence that exceeds this amount will be required to cover the concrete with the same material shown covering it on the building permit plans.

III. REPEALER

Any ordinances or parts of ordinances in conflict are herewith repealed to the extent that they are in conflict.

IV. SEVERABILITY

If any of the provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

V.

VI. EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication in accordance with the law.

VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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.

PASSED AND APPROVED on this the 15th day of March 2022

CITY OF HORSESHOE BAY, TEXAS

Cynthia Clinesmith, Mayor

ATTEST:

Kerri Craig, City Secretary