

**STATE OF TEXAS
COUNTY OF HARRIS
CITY OF EL LAGO**

**AGENDA
PLANNING & ZONING COMMISSION MEETING
FEBRUARY 9, 2021 AT 6:00 PM**

NOTICE IS HEREBY GIVEN THAT ON THE ABOVE LISTED DATE, THE PLANNING & ZONING COMMISSION OF THE CITY OF EL LAGO WILL HOLD A PLANNING & ZONING COMMISSION MEETING BEGINNING AT 6:00 P.M. IN THE EVENT ROOM AT CITY HALL, 411 TALLOWOOD DRIVE, EL LAGO, TEXAS AND WILL CONSIDER THE FOLLOWING AGENDA ITEMS.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 281-326-1951, EXT. 111 OR FAX 281-326-2134 FOR FURTHER INFORMATION

- 1. PLANNING & ZONING COMMISSION MEETING CALL TO ORDER**
- 2. CITIZENS COMMENTS** – Citizens are invited to speak for up to (3) three minutes on matters relating to the City's Zoning ordinances and/or Commission.
- 3. CONSENT AGENDA**
 - 3.1. Consider/Approve minutes from the Planning & Zoning Commission meeting held on January 28, 2020.*
- 4. NEW BUSINESS**
 - 4.1. Discussion and review of proposed amendment to the Zoning Code of the City of El Lago regarding adding Wildlife Rehabilitation as use allowable in certain zoning districts by a Specific Use Permit.*
- 5. FUTURE AGENDA ITEMS**
- 6. ADJOURNMENT**

CERTIFICATE

I certify that this agenda has been posted at least 72 hours before the scheduled meeting and will remain posted until the meeting has ended.

Rachel Lewis –City Secretary

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF EL LAGO

Minutes
PLANNING & ZONING COMMISSION MEETING
January 28, 2020, 6:30 P.M.

1. PLANNING & ZONING COMMISSION MEETING CALL TO ORDER

The meeting was called to order at 6:52 by Chairman Joe Neigut.

Commissioners present were Joe Neigut, Jon Vernon, and Randy Roof. Absent were Al Strahan and Jeff Corbin.

Advisory guest in attendance was City Attorney Val Perkins.

2. CITIZENS COMMENTS – Citizens are invited to speak for up to (3) three minutes on matters relating to the City’s Zoning ordinances and/or Commission.

There were no citizen comments.

3. CONSENT AGENDA

3.1. Consider/Approve minutes from the Planning & Zoning Commission meeting held on November 18, 2019.

Commissioner Randy Roof made a motion to approve the minutes from November 18, 2019, and Commissioner Joe Neigut seconded. The vote to approve was unanimous.

The rest of the meeting Agenda was discussed in the following order.

4. OLD BUSINESS

4.5. Discuss Appendix A Zoning §5.05 Commercial Business District - Consider whether or not food trucks should be listed in the commercial business zoning ordinances, § 5.05

4.7. Discuss ordinance to regulate helicopters and/or aircraft in the residential district.

The actions taken at the November 18, 2019, meeting on these two items were discussed with City Attorney Val Perkins. The desires and intents of the Commissioners were explained so that Mr. Perkins could compose the changes needed for future consideration of the Commission.

5. NEW BUSINESS

5.1. Review Secs. 5.04(3), 5.05(7), 5.06(2) and 5.07(3) regarding the exterior finish or construction of structures in the City to conform to provisions of law adopted by the 86th Texas Legislature in H. B. 2439.

Mr. Perkins explained that changes are needed to the above four sections because of State of Texas mandates. He presented a document that contained the pertinent portions of the Zoning Ordinance, with suggested changes compliant with state mandates. Commissioner Randy Roof made a motion to approve the changes as written, and Commissioner Jon Vernon seconded. The vote to approve was unanimous.

4. OLD BUSINESS

4.6. Discuss having a new zoning map drawn and printed.

Mr. Perkins explained that the process of drawing a new zoning map is a responsibility that falls upon him, and he will work with an engineering firm to do so. No action taken by the Commission.

4.3. Review residential building heights to ensure they are adequate for the floodplain ordinance which requires a 2 foot freeboard above the base floodplain elevation

A general discussion on building heights was held by the commissioners. Commissioner Jon Vernon stated that the Seabrook Volunteer Fire Department has a maximum operation/rescue capability of 45 feet, and suggested that this figure be utilized as the maximum building height. The discussion then veered into what are meant by various height terms and specifications regarding a building, such as whether the height would be measured from the surrounding ground level or the BFE. Or in the case of an elevated building, would the height be measured from BFE or from the level of the lowest floor. The commissioners decided to defer action pending further study.

4.1. *Review §5.05 (6) regarding parking requirements for commercial, hotel/motels and mixed residential properties*
Commissioner Randy Roof made a motion to postpone, and Commissioner Jon Vernon seconded. The vote to approve was unanimous.

4.2. *Review Zoning ordinances regarding mobile homes/buildings in the various districts of the City*
Commissioner Jon Vernon made a motion to postpone, and Commissioner Joe Neigut seconded. The vote to approve was unanimous.

4.4. *Review Zones to ensure they are meeting their current uses*
No action was taken.

6. OTHER ITEMS MEMBERS OF THE COMMISSION WOULD LIKE TO BE CONSIDERED ON A FUTURE AGENDA

Commissioners expressed a desire to address 4.2, 4.4, and 4.3 at the next meeting.

7. ADJOURNMENT

Commissioner Jon Vernon made a motion to adjourn, and Commissioner Randy Roof seconded. The vote to adjourn was unanimous.

The meeting was adjourned by Chairman Joe Neigut

APPROVED

Joe Neigut – Commission Chair

Randy Roof – Commission Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL LAGO, TEXAS (THE “CITY”), AMENDING APPENDIX “A” “ZONING”, OF THE CODE OF ORDINANCES OF THE CITY (THE “ZONING CODE”) BY ADDING THE DEFINITION OF “WILDLIFE REHABILITATION” TO CHAPTER XVIII OF THE ZONING CODE; AMENDING SECTIONS 5.04(20), 5.05(4)(j), AND 5.07(15) OF THE ZONING CODE BY ALLOWING WILDLIFE REHABILITATION THROUGH A SPECIAL USE PERMIT; PROVIDING A SAVINGS CLAUSE; PROVIDING A CONSISTENCY IN APPLICATION CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning & Zoning Commission (the “Commission”) of the City of El Lago, Texas (the “City”) during its joint meeting with the City Council of the City (the “Council”) on _____, 2021, found that it is in the best interest of the citizens of the City to amend Appendix “A” “Zoning” of the Code of Ordinances of the City (the “Zoning Code”) by providing a definition for “wildlife rehabilitation” and by amending sections 5.04(20), 5.05(4)(j), and 5.07(15) of the Zoning Code by allowing wildlife rehabilitation through a special use permit; and

WHEREAS, the Commission recommends that the Council so amend the Zoning Code to account for the Commission’s recommended amendment; and

WHEREAS, the Council finds and determines that it is in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Code by adding the definition of “wildlife rehabilitation” and to allow for wildlife rehabilitation to be approved in certain zoning districts under a special use permit; and, **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL LAGO, TEXAS:

SECTION 1. THAT section 18.01 “Definitions”, of Chapter XVIII of Appendix “A” “Zoning”, of the Code of Ordinances, City of El Lago, Texas, is hereby amended to allow for a new definition, with such definition to be appropriately added in its alphabetical order into the existing list of such section, with such definition to read as follows:

“Wildlife rehabilitation is the act of allowing for the rehabilitation of wild animals by a State- or Federally-licensed person. Wildlife rehabilitation may occur only through a special use permit in certain zoning districts, with such permit being recommended for approval by the Commission on the applicant’s showing that: (a) such rehabilitation is for wildlife and not domestic animals; (b) the applicant has a current State or U.S. Fish & Wildlife permit to rehabilitate wildlife; (c) the applicant lives on the property where the wildlife rehabilitation will occur; (d) all wildlife associated with such use are at all times in an enclosure which is: (i) in accordance with Texas Parks and Wildlife Rehabilitation Permit, or its Federal equivalent, general facility standards; (ii) impermeable to pest and predators that may pose a threat to the wildlife or may be a nuisance to residents; and, (iii) a minimum of one hundred feet (100’) from any type of residence, church, school, day care, or hospital, with the exception that the applicant’s residence; (e) all food for the wildlife is stored in pest-proof containers; and, (f) all required records for the wildlife being

rehabilitated are maintained and available for inspection by any City official, with such records including immunizations and all other medical treatment records for the wildlife.”

SECTION 2. THAT the Code of Ordinances, City of El Lago, Texas is hereby amended by adding a section, to be numbered 5.04(20) to Chapter XVIII of Appendix “A” “Zoning”, which section reads as follows:

“(20) The city council by an affirmative vote of four (4) council members may grant a special use permit for wildlife rehabilitation. In granting a special use permit, the council will consider the public welfare, protection of property and property values and prevention of objectionable influences in the community. The council may impose special conditions and safeguards including a special time period for the permit. The special use permit shall be granted only after the potential proprietor has been granted approval by the city council after recommendation by the commission.”

SECTION 3. THAT the Code of Ordinances, City of El Lago, Texas is hereby amended by adding a section, to be numbered 5.05(4)(j) to Chapter XVIII of Appendix “A” “Zoning”, which section reads as follows:

“(j) Wildlife rehabilitation.”

SECTION 4. THAT the Code of Ordinances, City of El Lago, Texas is hereby amended by adding a section, to be numbered 5.07(15) to Chapter XVIII of Appendix “A” “Zoning”, which section reads as follows:

“(15) The city council by an affirmative vote of four (4) council members may grant a special use permit for wildlife rehabilitation. In granting a special use permit, the council will consider the public welfare, protection of property and property values and prevention of objectionable influences in the community. The council may impose special conditions and safeguards including a special time period for the permit. The special use permit shall be granted only after the potential proprietor has been granted approval by the city council after recommendation by the commission.”

SECTION 5. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 6. THAT the intent of this Ordinance is to apply consistent changes to any portion of the Code of Ordinances of the City of El Lago that is or may be affected by the changes provided herein. This Ordinance is also intended to apply consistent changes to any Ordinance that has been approved by the City Council of the City of El Lago that is or may be affected by the changes provided herein. If this Ordinance has omitted any portion of the Code of Ordinances or any other Ordinance that should otherwise be affected by the changes provided herein, such omission is inadvertent and unintentional, and, upon the effective date of this Ordinance, any such omitted portion of the Code of Ordinances or other Ordinance shall be interpreted in such a manner as to comply with the changes provided herein.

SECTION 7. THAT this Ordinance shall become effective, except as may otherwise be provided herein, upon its passage by the City Council of the City of El Lago.

PASSED, APPROVED, AND ORDAINED ON _____, 2021.

JOHN SKELTON, MAYOR

ATTEST:

Rachel Lewis, City Secretary