

**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 THE ZONING CODE BY ADDING SECTION 5.13 “SPECIFIC USE PERMIT” TO CHAPTER V OF THE ZONING CODE TO ALLOW FOR A SPECIFIC USE PERMIT TO BE ISSUED FOR CERTAIN USES UNDER CERTAIN CONDITIONS AS APPROVED BY THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; PROVIDING A SAVINGS CLAUSE; PROVIDING A CONSISTENCY IN APPLICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND, PROVIDING FOR PUBLICATION.

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 providing for specific use permits to be issued for certain uses under certain circumstances for the various zoning districts in the City; 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 the use of specific use permits for certain uses under certain circumstances for the various zoning districts in the City as recommended by the Commission and approved by the Council; 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 within any zoning district only through a specific use permit, 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 Chapter V "Zoning District Regulations" of Appendix "A" "Zoning", of the Code of Ordinances, City of El Lago, Texas, is hereby amended by adding a section, to be numbered section 5.13 "Specific Use Permit", which section reads as follows:

"5.13 Specific Use Permit

(1) The purpose of a specific use permit is to provide for design and land use flexibility in the city by allowing variations in the land use standards within the various zoning districts of the city, provided the intent, principles, and innovations of modern urban planning and design are used for the specific use authorized by a specific use permit.

(2) In order for a specific use permit to be issued for a proposed use that is not expressly permitted in a zoning district of the city, or for a specific use permit to be issued to allow for flexibility from the express provisions of a zoning district, the Commission must recommend approval to the City Council of an application for a specific use permit, with such application being made available by the City upon request.

(3) In addition to any documents or information that might be requested by City staff or the Commission, to be considered complete, an application for a specific use permit shall contain:

- (a) three (3) copies of a site plan;
- (b) a preliminary plat application, if the property has not previously been platted, or if the specific use zone change requested necessitates a replat; and
- (c) copies of the proposed articles of incorporation, bylaws, and protective covenants providing for the permanent care and maintenance of common areas, open space, or recreational areas, when any proposed development includes such areas.

(4) At a regular or special meeting of the Commission, the Commission shall hold public hearing on the proposed specific use permit. The Commission shall recommend denial, approval with conditions, or approval of the specific use permit to the City Council.

(5) The City Council shall deny, approve with conditions, or approve the application for a specific use permit. If a specific use permit is denied, then the applicant is prohibited from applying for the same, or substantially similar, use for a period of six (6) months.

(6) If the Council approves, or approves with conditions, the application for the specific use permit, then only the use expressly provided for in the specific use permit shall be allowed to exist at the site associated with the specific use permit. However, a specific use

permit does not prohibit the permit holder from allowing on the site a use granted by right for the zoning district of the site as provided in this Code.

(7) A specific use permit is effective for the length of time specified by the City Council in its approval, or approval with conditions, of the specific use permit. The use authorized in the specific use permit must be initiated at the site associated with the specific use permit within six (6) months of the City Council’s approval, or approval with conditions, of the specific use permit.”

SECTION 3. 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 4. 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 5. 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