



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, June 18, 2025 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 18th day of June, 2025 at 6:30 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS - Join Zoom Meeting at <https://us02web.zoom.us/j/3499549035>

Or via telephone: Dial (346) 248-7799

Meeting ID: 349 954 9035

If you wish to speak during the meeting or provide written comments, please email your name, phone number, comments, and the item number you wish to speak on to planner@westlakehills.gov by 1:00 P.M. on June 18, 2025.

1. Call to Order. Chairman Robert Meisel.
2. Citizen Communications The Commission welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Commission later in the meeting. The Commission cannot respond to or discuss matters not listed on the agenda. The Commission may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each
3. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the May 21, 2025 Zoning and Planning Commission Minutes.
 - b. Report of previous ZAPCO cases acted on by the BOA/City Council.
4. Public Hearing Discuss and make recommendations on an ordinance for code amendments regarding public notifications for building and development related applications.

5. Adjournment. Chairman Robert Meisel.

By Jennifer C. Bills, Director of Building &
Development Services

Certificate

I certify that the above Notice of the June 18, 2025 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on June, 13, 2025 at 5:00 pm. and will remain posted continuously until said meeting is convened.

By Joel Sherrouse, Development Coordinator

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. ZAPCO reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).



City of West Lake Hills
Zoning & Planning Commission

AGENDA REPORT

Meeting Date:	June 18, 2025	Item Number:	3b
	Building & Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	N/A	Source of Funds:	N/A

Subject

Report of Previous ZAPCO cases acted on by the BOA/City Council.

Discussion

Since the May 21, 2025 ZAPCO meeting the following cases forwarded by ZAPCO were considered at City Council/BOA.

Board of Adjustment

- a. **9 Rocky River Cove:** Variances for setback encroachment for residential addition
 - i. Variances approved at the June 11 BOA meeting
- b. **1002 Old Stonehedge:**
 - i. Variance approved with the following condition:
 - 1. No impervious cover in the critical root zone of the 33 inch live oak in the rear and 29 inch live oak in the front.
 - 2. The encroachment cannot be larger than what is depicted in Attachment 3 – Proposed Setback Variance Request (Page 74 of the Board of Adjustment packet).

City Council

- 2. **204 Westhaven Drive:** Lot 52R: a Replat of 1.37 acres of lot 52 of the Westlake Park Subdivision and .09 acres of lot 32 of the Barton Springs Estates subdivision.
 - i. Replat approved at the June 11 City Council Meeting
- 3. **201 Wildcat Hollow:** 201 Wildcat Minor Plat, being 1.213 acres out of the Wilkinson Sparks Survey Abstract No. 21
 - i. Minor plat approved at the June 11 City Council Meeting

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, May 21, 2025 at 6:30 PM

1. **Call to Order: Robert Meisel**

- a. Meeting begins at 6:30pm
- b. Roll Call
 - o Chair Robert Meisel: Present
 - o Vice-Chair Jim Pledger: Present
 - o Commissioner Julia Webber: Absent (excused)
 - o Commissioner Karen Bartoletti: Present
 - o Commissioner Patrick Stewart: Present
 - o Commissioner Laurie Maccini: Present

2. **Citizen Communications:**

- a. Mindy Vescovo: 604 Rocky River Road
 - o Wants to urge commission to help educate public on removal of invasive non-native plant species
 - o Understands there is a settlement on Moore tract, but is not obligated to like what is happening on tract
 1. Learned that no permits are to be issued for the removal of dead oaks due to the risk of Oak Wilt
 - a. Concerned that Moore tract is removing live oak trees

3. **Consent Agenda:** The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission Member or citizen so requests.

1. Approval of the April 16, 2025 Zoning and Planning Commission minutes
2. Report of previous ZAPCO cases acted upon by the BOA/Council

- a. **Action:** Commissioner Pledger moves for approval of the Consent Agenda
 - i. Commissioner Bartoletti Seconds
 - ii. Motion carries unanimously 4 - 0

4. **Land Use: 204 Westhaven Drive** – Consider action to make a recommendation for Lot 52R, a replat of 1.37 acres of Lot 52 of the Westlake Park Subdivision and 0.09 acres out

of lot 32 of the Barton Springs Estates Subdivision, within the city limits (Section 36.01.018 of the West Lake Hills Code).

Applicant: Kyle Quick, Austin Civil Engineering

a. Staff Report:

- i. Director Bills describes the replat and the conditions required for approval

b. Public Comments:

- i. None

c. Discussion:

- i. None

d. Action:

- i. Commissioner Bartoletti moves that the minor plat be forwarded to City Council with a recommendation of approval with conditions based on staff analysis.
 1. Commissioner Pledger seconds
 2. Motion carries unanimously (4-0)

Recommendation will be forwarded to City Council for consideration on May 28, 2025.

5. **Public Hearing: 9 Rocky River Cove** – Discuss and make a recommendation on a variance to allow:

1. An encroachment of 20 feet into the 50-foot front setback for the addition of a 2nd story over the existing nonconforming first floor (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).
2. An encroachment of 20 feet into the 50-foot front setback for the conversion of a portion of the garage.
3. An encroachment of 20 feet into the 50-foot front setback for the addition of 4 feet onto the front of the garage on the 1st and 2nd story.

Applicant: Tisha Ritta, Central Texas Permit Partners

a. Staff Report:

- i. Director Bills describes the variance requests for setback encroachments related to a proposed addition to an existing non-conforming structure.
- ii. Commissioner Stewart: Why are there 3 variance requests?

- i. The encroachments into the setback for the expansion and for the addition of a second floor can be considered separately with multiple requests.

b. Public Comments:

- i. **Tisha Ritta – applicant**
 - i. Home was built with 30-ft platted setback in mind
 - ii. Addition of 4 feet is to allow for a staircase to the second floor
 - iii. Approximately 274 total square feet of additional impervious cover for project
 - 1. Approximately 13.9% Impervious cover post-development
 - iv. Commissioner Pledger: Can you articulate the hardship associated with this variance?
 - 1. Tisha Ritta: Existing non-conforming status, lot dimensions, and setbacks
 - v. Commissioner Pledger: What's the hardship for extending the garage?
 - 1. Tisha Ritta: Existing garage is already difficult for parking. Adding the stairs to the second floor makes it more difficult.

c. Discussion:

- i. Commissioner Pledger: How is this not design-driven?
 - 1. Going over existing structure is not the same as expanding the structure further into the setback
- ii. Commissioner Bartoletti: Would support approval
- iii. Commissioner Maccini: Appreciates they are largely building over existing footprint and not asking to remove trees or encroach into undeveloped portions of setback.

d. Action:

- i. Commissioner Bartoletti moves that the variance requests be forwarded to the Board of Adjustment with a recommendation of approval based on hardships outlined in application
 - 1. Commissioner Stewart seconds
 - 2. Motion carries 3:1
 - a. Commissioner Pledger opposed

Recommendation will be forwarded to the Board of Adjustment for consideration on June 11, 2025.

6. **Public Hearing: 1002 Old Stonehedge**– Discuss and make a recommendation on a variance to allow for an encroachment of 15 feet into the 50-foot front setback for the construction of a new house (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Tisha Ritta, Texas Permit Partners

a. Staff Report:

- i. Director Bills describes variance request for a front setback variance for the construction of a new residence.

b. Public Comments:

- i. Tisha Ritta: Applicant
 - i. Meeting setbacks would move home closer to tree and place house over existing septic system
 - ii. Lot is a hardship due to having frontage on multiple sides
 - iii. Proposed plan places more of the proposed house over existing foundation
- ii. Randeep Billing: Homeowner
 - i. Lot is pie-shaped, and is only 0.63 acres, only .13 acres larger than a lot that would allow a 30-ft setback
 - ii. Willing to adjust front porch to preserve 10” oak impacted by proposed setback encroachment

e. Discussion:

- i. Commissioner Maccini: Is this just a setback variance?
 - 1. Yes – 10” tree in front is protected, but does not require variance.
- ii. Commissioner Maccini: Appreciate wanting to move driveway for safety.
- iii. Commissioner Pledger: Could house be pushed back and meet setbacks?
 - 1. Yes. Tree exhibits generally represent critical root zone, but may not show full spread of the tree canopy
- iv. Commissioner Stewart: With new construction, the burden on compliance is greater. Septic isn’t a hardship, as a 44yo septic system isn’t going to be sufficient for a larger house
- v. Commissioner Bartoletti: Struggling to find a hardship
- vi. Commissioner Maccini: Should consider shape of front of lot’s impact on new construction.
- vii. Commissioner Pledger: Moving back doesn’t necessarily have to involve impacting the tree

f. Action:

- i. Commissioner Pledger moves that the variance be forwarded to the Board of adjustment with a recommendation of denial based on lack of hardship
 - 1. Commissioner Stewart seconds
 - 2. Motion carries unanimously (4-0)

Recommendation will be forwarded to the Board of Adjustment for consideration June 11, 2025.

7. Staff Briefing: Update on Moore Estates

a. Staff Report:

- i. Director Bills updates ZAPCO on development of Moore Estates subdivision on Westlake Drive
- ii. Commissioner Bartoletti: Did the City make any effort to advise the neighbors of what was in the settlement agreement?
 - i. We do not know what was communicated in the settlement agreement process, but the agreement was included in the subdivision process
- iii. Commissioner Bartoletti: Would encourage staff to reach out to the community
- iv. Commissioner Stewart: Would any of these houses have access to the Variance process?
 - i. That has not been determined
- v. Commissioner Maccini: Do the current footprints meet code?
 - i. Staff has not received full applications

b. Public Comment:

- i. Randy Lee
 - i. Tree cutting has not abided by noise ordinances
 - ii. Concerned about the loss of tree canopy combined with drought leading to additional fire risk

8. Adjournment - Chair Robert Meisel

- 1. Chair Mesel adjourns the meeting at 7:53pm

APPROVED:

Robert Meisel, Chair

ATTEST:

Joel Sherrouse, Development Coordinator

These minutes were approved on _____, 2025.

DRAFT



City of West Lake Hills
Zoning and Planning Commission

AGENDA REPORT

Meeting Date:	<u>June 18, 2025</u>	Item Number:	<u>4</u>
Department:	<u>Building & Development Services</u>	Cost / Budget:	<u>n/a</u>
Prepared By:	<u>Jennifer C. Bills</u>	Source of Funds:	<u>n/a</u>
Exhibits:	<u>Recommended Changes, Draft Ordinance</u>		

Subject

Discuss and make recommendations on an ordinance for code amendments regarding public notifications for building and development related applications.

Recommendation

Staff recommends approval of the changes to the code as drafted.

Discussion

Public notification for various matters is a basic consideration for public involvement and should reflect community expectations. Minimum public notifications are required by State Law and generally address notification method, timing, and content. Cities, including Type A General Law cities can and often do supplement the minimum requirements established by the State. Often, however, this can lead to confusion and extend the development entitlement process resulting in delays and frustration by applicants.

These notifications are required for a number of processes that include variances, rezoning applications, replats, annexation, appeals, and other development related matters. Throughout the code there are different notification methods, and timelines for different applications. Additionally, most processes require a 30-day notification period, which is twice what the state requires.

Attached is a proposed markup of various sections of the Code of Ordinances that would be amended with the full section for context (Attachment 1). To standardize the process, notices would be sent out a minimum of 15 days before the public hearing and sent to property owners within 300 feet of the subject tract, except for residential replats. Residential replats with a variance require mailed notice before the public hearing, per state law. If a variance is not required, the notice will be mailed 15 days after the approval. The table below summarizes the type of notice per application type.

Type of Notice	Days	Zoning Change	Variance	SUP	Unified Development	Replat*
Newspaper	15	X				
Website	15	X	X	X	X	
Mailed	15	X	X	X	X	X
Signs	15	X	X	X	X	

The draft ordinance and text (Exhibit A) that will be sent for codification are also attached for review.

Variances in Chapter 22

§ 22.03.511. Procedure and notice.

- (a) The city council, when petitioned for a variance, after **fifteen (15)** ~~10~~ days' written notice to all property owners within **300** ~~200~~ feet of the subject property, shall hold a hearing, and the city council may vary the application of any provision of this article to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this article or public interest, or when, in its opinion, the interpretation and recommendation of the zoning and planning commission should be modified or reversed.

(Ordinance 372 adopted 9/11/19; Ordinance 2021-004, att. B, adopted 6/23/21)

Unified Development Agreements in Chapter 22

§ 22.03.533. Notice and hearing.

Unified development agreements are subject to the same notice and hearing requirements as provided in this code for variances.

- (1) Uniform development agreement submittal. The current property owners shall submit three (3) copies unified development agreement for approval, along with:
 - (A) A letter.
 - (B) A lienholder consent to the restrictive covenant or an affidavit of no liens.
 - (C) Documentation showing all property owners who would be subject to the restrictive covenant; and
 - (D) A copy of the recorded plat showing the properties to be subject to the restrictive covenant.

The unified development agreement must be signed and acknowledged by the property owners to be subject to the restrictive covenant. A filing fee set by the city council shall be due **fifteen (15)** ~~fourteen (14)~~ days before the ZAPCO meeting. The commission will deny unified development agreements for which fees have not been paid before the meeting convenes. All documents required for approval must be administratively complete and shall be delivered to the city administrator or administrative secretary for ZAPCO not later than **thirty (30)** ~~fourteenth (14th)~~ days before the next ZAPCO meeting date.

- (2) Duties of ZAPCO. It shall be the duty of ZAPCO to review the unified development agreement before it is submitted before the city council. ZAPCO shall submit its recommendations to the city council.
- (3) Duties of city council. City council shall review the unified development agreement and the submitted recommendations of ZAPCO. After considering the unified development agreement, considering the recommendations of ZAPCO, and holding the public hearing on the matter, city council may approve or disapprove of the unified development agreement.
- (4) Notice of public hearing. Notice of the public hearing is required, and shall be given before the **fifteenth (15th)** day before the date of the hearing by:

- (A) Publication on the city’s official website; and
- (B) By written notice, with the unified development agreement attached, forwarded by ZAPCO to the owners of lots subject to the unified development agreement and owners that are within ~~three two~~ **three** hundred (300 200) feet of the lots to be subject to the unified development agreement, as indicated **in the Travis Central Appraisal District database** ~~on the most recently approved municipal tax roll~~. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.

(C) Posting of a sign Section 38.05.002

(Ordinance 361 adopted 3/28/18)

Site Plans in the ETJ – Chapter 28 Planning and General Development

§ 28.03.034. Notice of hearing.

An applicant must provide written notification in accordance with this section if the application is scheduled for a public hearing due to a request for a variance by an applicant. Notice of the **variance** hearing **will follow the process in Section 38.05.036.** ~~must be published on the city’s official website no more than thirty (30) nor less than fifteen (15) days before the first hearing for a variance at ZAPCO.~~

(Ordinance 377 adopted 9/11/19)

Replats – Chapter 36 Subdivision

§ 36.01.004. Special provisions.

- (1) **Per Texas Local Government Code, 212.015,** if a proposed replat does not require a variance, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within ~~300~~ **300** 200 feet of the lots to be replatted according to the most recent city or county tax roll. Written notice shall be given ~~either by personal service or~~ by depositing a copy of the notice with postage paid in the mail addressed to each owner at the owner’s address shown **in the Travis County Appraisal District database.** ~~on the last approved city tax roll or in the case of owners located in the city’s extraterritorial jurisdiction, the last approved county tax roll as provided by the Travis County Appraisal District.~~ The notice shall include (A) the zoning designation of the property after the replat; and (B) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat.

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

Release of easement – Chapter 36 Subdivision

§ 36.01.017. Release of easement.

- (d) Notice of hearing. For any hearing conducted on the release of easement on a residential property, written notice of such hearing shall be given to the owners of all real property located within ~~300~~ **300** 200 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For any hearing on release of easement on a nonresidential property, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all

directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ.

Notice shall be given not less than **fifteen (15)** ~~ten~~ days prior to the date of the hearing before ZAPCO ~~either by personal service or~~ by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown **in the Travis Central Appraisal District database** ~~on the last approved city tax roll~~, with postage paid.

(Ordinance 378 adopted 9/11/19)

Special Use Permit -Chapter 38 Zoning

§ 38.04.032. Special use permit.

(e) Notice of public hearing before board of adjustment.

- (1) The board shall hold a public hearing on each application for a special use permit.
- (2) Written notice of such hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential special uses, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than **fifteen (15)** ~~ten~~ days prior to the date of the hearing ~~either by personal service or~~ by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown **in the Travis Central Appraisal District database** ~~on the last approved city tax roll~~, with postage paid.
- (3) Such notice shall state the purpose, date, time and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.
- (4) City staff shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content.
- (5) **A sign shall be posted per Section 38.05.002.** ~~Notice in the form of weather resistant signs provided by the city shall be posted by the applicant. The sign shall state the purpose, date, time and place of the hearing before the board, and shall contain a brief description of the proposed development. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Signs must be posted at least 10 days prior to hearing. All required signs shall remain on the property until final disposition of the matter by the city. The applicant must remove all signs required by this section within 24 hours of final disposition by the city. An affidavit of proof of posting shall be filed by the applicant with the city at or prior to the hearing, accompanied by legible photographs of the sign as posted.~~

(f) Review and approval by board of adjustment.

- (6) The board shall review the application for a special use permit to determine whether the proposed special use complies with each of the general criteria in section 38.04.033 and with each of the specific criteria in section 38.04.034 applicable to the proposed use, and shall make a separate finding thereon for each criterion.
- (7) The board shall not approve an application unless it finds that the proposed special use as presented complies with each of the general and applicable specific criteria.
- (8) The board shall make a written finding of its decision in accordance with section 38.02.007.
- (9) The board may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to ensure compliance with the criteria.
- (10) The board shall not grant a special use permit unless it finds that the proposed special use complies with each of the applicable general and specific criteria; otherwise, it shall deny the application.

(Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.05.002. Posting of signs on property being considered for special use permit, variance or, zoning change or subdivision approval.

The city applicant shall cause one or more weather resistant signs to be erected in conspicuous locations on property for which a special use permit, variance, or zoning change, or subdivision approval has been requested. The sign shall state the purpose, date, time and place of the hearing before the commission. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Such signs shall be erected no later than fifteen (15) ~~thirty (30)~~ days before the request is to be considered at a public hearing before the zoning and planning commission or board of adjustment, whichever is earlier, and shall remain until final disposition of the request by the city council. The applicant shall remove all such signs within 24 hours after the council's final decision.

(Ordinance 362 adopted 3/28/18)

Variance – Chapter 38 Zoning

§ 38.05.036. Notice of public hearing before zoning and planning commission.

- (a) The commission shall hold a public hearing on certain applications for a variance.
- (b) Written notice of such hearing shall be given to the owners of all real property located within three hundred (300) feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential variances, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than fifteen (15) ~~thirty (30)~~ days prior to the date of the hearing either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown on in the Travis Central Appraisal District database the last approved city tax roll, with postage paid.

- (c) Such notice shall state the purpose, date, time and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the board of adjustment will be available at a later date.
- (d) The **city applicant** shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content. ~~An affidavit of proof of service shall be filed by the applicant with the city administrator at or prior to the hearing.~~
- (e) **A sign shall be posted per Section 38.05.002.** ~~Notice in the form of a weather resistant sign provided by the city shall be posted by the applicant. The sign shall state the purpose, date, time and place of the hearing before the commission, and shall contain a brief description of the proposed development. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Signs must be posted at least thirty (30) days prior to hearing. All required signs shall remain on the property until final disposition of the matter by the city. The applicant must remove all signs required by this section within 24 hours of final disposition by the city. An affidavit of proof of posting shall be filed by the applicant with the city at or prior to the hearing, accompanied by legible photographs of the sign as posted.~~
- (f) Notice shall not be sent out until a city official (e.g., city inspector or city engineer) has reviewed the submitted and completed application for a variance.
(Ordinance 362 adopted 3/28/18)

Zoning Change – Chapter 38 Zoning

§ 38.05.094. Report and recommendation from zoning and planning commission.

- (a) Required. No amendment to this chapter shall be enacted without a report and recommendation from the zoning and planning commission.
- (b) Changing a zoning regulation or boundary. Changes to the zoning ordinance, including zoning regulations, restrictions, and boundaries, may from time to time be adopted at the request of a property owner (or the owner's designated agent, tenant, or a prospective buyer), or initiated by the zoning and planning commission, city council, or city staff.
- (c) Public hearing required. The zoning and planning commission shall hold a public hearing on its preliminary report prepared by the city administrator/staff for all zoning changes or general amendments to this chapter proposed.
- (d) Notice of public hearing.
 - (1) Publication. Notice of a public hearing before the commission to consider a proposed zoning classification change or a proposed general amendment to this chapter shall be published **in the official newspaper of the city and** on the city's official website before the **1530**th-day before the hearing. The notice shall state the time and place of the hearing and contain a description of the matter to be considered, **in accordance with Texas Local Government Code Chapter 211.**

- (2) Written notice to property owners. When the public hearing is to consider a proposed zoning district classification change, written notice of such hearing shall be sent to the property owner(s) of the tract which is the subject of the zoning district classification change and to the owners of all real property located within 300 feet of the property on which the change in classification is proposed at least **fifteen (15)** ~~thirty (30)~~ days before the hearing, **in accordance with Texas Local Government Code Chapter 211.**
- (3) **(e) A sign shall be posted per Section 38.05.002.**

Planned Development Rezoning – Chapter 38 Zoning

§ 38.06.129. Public hearing and notice.

- ~~(a) The zoning and planning commission shall hold at least one public hearing on proposed amendments to the PD ordinance.~~
- ~~(b) Notice of the zoning and planning commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the city before the 15th day before the date of the public hearing.~~
- ~~(c) Written notice of the public hearing to occur before the zoning and planning commission shall also be sent to all owners of property, as indicated by the most recently approved city tax roll, that is located within the area of application and within three hundred feet (300') of any property affected thereby, said written notice to be sent before the 30th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States Mail.~~

(a) Public hearing and notice will follow the same procedure in Section 38.05.094.

(Ordinance 362 adopted 3/28/18)

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS AMENDING THE CODE OF ORDINANCES, SECTION 22.03.511 PROCEDURE AND NOTICE, SECTION 22.03.533 NOTICE AND HEARING, SECTION 28.03.034 NOTICE OF HEARING, SECTION 36.01.004 SPECIAL PROVISIONS, SECTION 36.01.017 RELEASE OF EASEMENT, SECTION 38.04.032 SPECIAL USE PERMIT, SECTION 38.05.002 POSTING OF SIGNS ON PROPERTY BEING CONSIDERED FOR SPECIAL USE PERMIT, VARIANCE, ZONING CHANGE OR SUBDIVISION APPROVAL, SECTION 38.05.036 NOTICE OF PUBLIC HEARING BEFORE ZONING AND PLANNING COMMISSION, SECTION 38.05.094 REPORT AND RECOMMENDATION FROM ZONING AND PLANNING COMMISSION, SECTION 38.06.129 PUBLIC HEARING AND NOTICE, PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of West Lake Hills has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City has adopted public notification requirements that meet the minimum requirements of Chapter 211 and 212 of the Texas Local Government Code related to zoning, board of adjustment and subdivision; and

WHEREAS, the City Council finds certain amendments to the aforementioned codes are necessary to standardize the notification timelines and methods; and

WHEREAS, the City Council finds the attached amendments reasonable and necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TX:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

That Section 22.03.511 Procedure And Notice, Section 22.03.533 Notice And Hearing, Section 28.03.034 Notice Of Hearing, Section 36.01.004 Special Provisions, Section 36.01.017 Release Of Easement, Section 38.04.032 Special Use Permit, Section 38.05.002 Posting Of Signs On Property Being Considered For Special Use Permit, Variance, Zoning Change Or Subdivision Approval, Section 38.05.036 Notice Of Public Hearing Before Zoning And Planning Commission, Section 38.05.094 Report And Recommendation From Zoning And Planning Commission, Section 38.06.129 Public Hearing and Notice, of the Code of Ordinances of the City of West Lake Hills, Texas is hereby amended to, and after such amendment, shall read in accordance with *Exhibit "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

7. 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & APPROVED on this, the 25th day of June 2025.

APPROVED:

by: _____
James Vaughan, Mayor

ATTEST:

Terry Blanchard, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
Denton Navarro Rodriguez Bernal Santee & Zech, P.C.

§ 22.03.511. Procedure and notice.

- (a) The city council, when petitioned for a variance, after **fifteen (15)** ~~10~~ days' written notice to all property owners within **300** ~~200~~ feet of the subject property, shall hold a hearing, and the city council may vary the application of any provision of this article to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this article or public interest, or when, in its opinion, the interpretation and recommendation of the zoning and planning commission should be modified or reversed.

(Ordinance 372 adopted 9/11/19; Ordinance 2021-004, att. B, adopted 6/23/21)

§ 22.03.533. Notice and hearing.

- (1) Uniform development agreement submittal. The current property owners shall submit three (3) copies unified development agreement for approval, along with:
 - (D) recorded plat showing the properties to be subject to the restrictive covenant.
 - (E) The unified development agreement must be signed and acknowledged by the property owners to be subject to the restrictive covenant. A filing fee set by the city council shall be due **fifteen (15)** ~~fourteen (14)~~ days before the ZAPCO meeting. The commission will deny unified development agreements for which fees have not been paid before the meeting convenes. All documents required for approval must be administratively complete and shall be delivered to the city administrator or administrative secretary for ZAPCO not later than **thirty (30)** ~~fourteenth (14th)~~ days before the next ZAPCO meeting date.
- (4) Notice of public hearing. Notice of the public hearing is required, and shall be given before the **fifteenth (15th)** day before the date of the hearing by:
 - (A) Publication on the city's official website; and
 - (B) By written notice, with the unified development agreement attached, forwarded by ZAPCO to the owners of lots subject to the unified development agreement and owners that are within **three two hundred (300 200)** feet of the lots to be subject to the unified development agreement, as indicated **in the Travis Central Appraisal District database** ~~on the most recently approved municipal tax roll~~. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.
 - (C) **Posting of a sign Section 38.05.002**

§ 28.03.034. Notice of hearing.

An applicant must provide written notification in accordance with this section if the application is scheduled for a public hearing due to a request for a variance by an applicant. Notice of the **variance** hearing **will follow the process in Section 38.05.036.** ~~must be published on the city's official website no more than thirty (30) nor less than fifteen (15) days before the first hearing for a variance at ZAPCO.~~

§ 36.01.004. Special provisions.

(1) ~~Per Texas Local Government Code, 212.015, if a proposed replat does not require a variance, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 300 200 feet of the lots to be replatted according to the most recent city or county tax roll. Written notice shall be given either by personal service or by depositing a copy of the notice with postage paid in the mail addressed to each owner at the owner's address shown in the Travis County Appraisal District database. on the last approved city tax roll or in the case of owners located in the city's extraterritorial jurisdiction, the last approved county tax roll as provided by the Travis County Appraisal District. The notice shall include (A) the zoning designation of the property after the replat; and (B) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat.~~

§ 36.01.017. Release of easement.

(d) Notice of hearing. For any hearing conducted on the release of easement on a residential property, written notice of such hearing shall be given to the owners of all real property located within 300 200 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For any hearing on release of easement on a nonresidential property, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ.

Notice shall be given not less than ~~ten~~ **fifteen (15)** days prior to the date of the hearing before ZAPCO ~~either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown in the Travis Central Appraisal District database on the last approved city tax roll,~~ with postage paid.

§ 38.04.032. Special use permit.

(e) Notice of public hearing before board of adjustment.

(2) Written notice of such hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential special uses, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than ~~ten~~ **fifteen (15)** days prior to the date of the hearing ~~either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown in the Travis Central Appraisal District database on the last approved city tax roll,~~ with postage paid.

(5) ~~A sign shall be posted per Section 38.05.002. Notice in the form of weather resistant signs provided by the city shall be posted by the applicant. The sign shall state the purpose, date, time and place of the hearing before the board, and shall contain a brief description of the proposed development. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Signs must be posted at least 10 days prior to hearing.~~

~~All required signs shall remain on the property until final disposition of the matter by the city. The applicant must remove all signs required by this section within 24 hours of final disposition by the city. An affidavit of proof of posting shall be filed by the applicant with the city at or prior to the hearing, accompanied by legible photographs of the sign as posted.~~

§ 38.05.002. Posting of signs on property being considered for special use permit, variance or, zoning change or subdivision approval.

The ~~city applicant~~ shall cause one or more **weather resistant** signs to be erected in conspicuous locations on property for which a special use permit, variance, ~~or zoning change, or subdivision approval~~ has been requested. **The sign shall state the purpose, date, time and place of the hearing before the commission. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street.** Such signs shall be erected no later than **fifteen (15)** ~~thirty (30)~~ days before the request is to be considered at a public hearing before the zoning and planning commission or board of adjustment, whichever is earlier, and shall remain until final disposition of the request by the city council. The applicant shall remove all such signs within 24 hours after the council's final decision.

§ 38.05.036. Notice of public hearing before zoning and planning commission.

- (b) Written notice of such hearing shall be given to the owners of all real property located within three hundred (300) feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential variances, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than **fifteen (15)** ~~thirty (30)~~ days prior to the date of the hearing ~~either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown on~~ **in the Travis Central Appraisal District database** ~~the last approved city tax roll,~~ with postage paid.
- (d) The ~~city applicant~~ shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content. ~~An affidavit of proof of service shall be filed by the applicant with the city administrator at or prior to the hearing.~~
- (e) **A sign shall be posted per Section 38.05.002.** ~~Notice in the form of a weather resistant sign provided by the city shall be posted by the applicant. The sign shall state the purpose, date, time and place of the hearing before the commission, and shall contain a brief description of the proposed development. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Signs must be posted at least thirty (30) days prior to hearing. All required signs shall remain on the property until final disposition of the matter by the city. The applicant must remove all signs required by this section within 24 hours of final disposition by the city. An affidavit of proof of posting shall be filed by the applicant with the city at or prior to the hearing, accompanied by legible photographs of the sign as posted.~~

§ 38.05.094. Report and recommendation from zoning and planning commission.

(d) Notice of public hearing.

- (1) Publication. Notice of a public hearing before the commission to consider a proposed zoning classification change or a proposed general amendment to this chapter shall be published **in the official newspaper of the city and** on the city's official website before the **15³⁰**th-day before the hearing. The notice shall state the time and place of the hearing and contain a description of the matter to be considered, **in accordance with Texas Local Government Code Chapter 211.**
- (2) Written notice to property owners. When the public hearing is to consider a proposed zoning district classification change, written notice of such hearing shall be sent to the property owner(s) of the tract which is the subject of the zoning district classification change and to the owners of all real property located within 300 feet of the property on which the change in classification is proposed at least **fifteen (15) ~~thirty (30)~~** days before the hearing, **in accordance with Texas Local Government Code Chapter 211.**
- (3) **(e) A sign shall be posted per Section 38.05.002.**

§ 38.06.129. Public hearing and notice.

- ~~(a) The zoning and planning commission shall hold at least one public hearing on proposed amendments to the PD ordinance.~~
- ~~(b) Notice of the zoning and planning commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the city before the 15th day before the date of the public hearing.~~
- ~~(c) Written notice of the public hearing to occur before the zoning and planning commission shall also be sent to all owners of property, as indicated by the most recently approved city tax roll, that is located within the area of application and within three hundred feet (300') of any property affected thereby, said written notice to be sent before the 30th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States Mail.~~

- (a) Public hearing and notice will follow the same procedure in Section 38.05.094.**