

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2019-08-26-01

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS, AMENDING THE CODE OF ORDINANCES TO ADD TITLE I: GENERAL ORDINANCES; CHAPTER 2: ADMINISTRATION AND PERSONNEL; ARTICLE 2.03: BOARDS, COMMISSIONS AND COMMITTEES; DIVISION 5: CITY BUILDING COMMISSION; AND PROVIDING FOR SAVINGS, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lakeway, Texas (“the City”) has the authority pursuant Article VII of the City Charter to establish by ordinance, such boards and commissions as may be required by the laws of the State of Texas and as it may deem necessary for the conduct of City business and management of municipal affairs; and

WHEREAS, the City wishes to update the functions and duties of the City Building Commission to better conduct and manage City business, and therefore better serve the citizens of Lakeway; and

WHEREAS, the City wishes to update and consolidate the locations of Boards, Commissions, and Committees within the City Code.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:

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. ADDITION

Title I (General Ordinances); Chapter 2 (Administration and Personnel); Article 2.03 (Boards, Commissions and Committees); Division 5 (City Building Commission); Sections 2.03.092 – 2.03.098 of the City of Lakeway Code of Ordinances is hereby amended as follows:

“Division 5. City Building Commission

Sec. 2.03.092 Creation and purpose

There shall be established a City Building Commission (CBC) to perform such functions and duties as required by City ordinances and as may be directed by the Council.

Sec. 2.03.093 Membership and appointment

- (a) The commission shall be composed of seven (7) members.
- (b) The members are to be appointed by the mayor and confirmed by the city council in accordance with the requirements established in the city's charter.
- (c) Eligibility for membership on the commission is as specified in the charter.
- (d) A quorum shall consist of four (4) voting members of the commission.
- (e) The mayor in consultation with the council liaison for this commission shall designate a member to serve in the capacity of chair.

Sec. 2.03.094 Duties and powers

- (a) The CBC has authority to review and decide variances to the city building and zoning codes as set forth in Chapters 24 and 30 of this Code.
- (b) The CBC shall have such additional duties as may be delegated to it by the city council or other commissions within the city after such delegation is approved and accepted by the city council.

Sec. 2.03.095 Terms and vacancies

The term of office shall run concurrently with the term of the mayor. Vacancies shall be filled in the same manner as appointment.

Sec. 2.03.096 Meeting and public notice

- (a) The committee shall meet as needed.
- (b) Written notice of all public hearings before the commission shall be sent to owners of real property lying within 200 feet of the property on which the action is proposed, such notice to be given not less than ten (10) days before the date set for hearing.

Sec. 2.03.097 Removal

A commission member may be removed pursuant to section 7.01 of the City Charter.

Sec. 2.03.098 Appeals

- (a) Any person aggrieved by any decision of the CBC may take an appeal to the city's board of adjustment. Any appeal must be taken within 30 days from the date of the decision appealed from, by paying the required fee and by filing with the building and development services department (BDS) a notice of appeal, specifying the grounds in writing thereof.

BDS shall transmit to the board of adjustment all the papers upon which the action appealed from was taken.

(b) The proceeding before the board of adjustment shall follow the process set forth in Chapter 30 of this Code, and the rules and regulations adopted by the board of adjustment.

(c) A decision of the board of adjustment to vary the application of any provision of this article, or to modify an order of the CBC, shall specify in what manner such variance or modification is made, the conditions upon which it is made, and the reasons therefor.”

3. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

5. REPEALER

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.

6. EFFECTIVE DATE

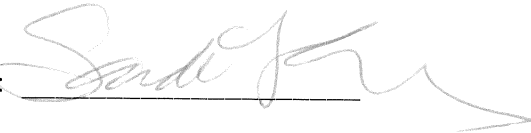
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

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

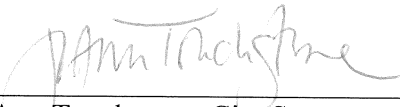
PASSED & APPROVED this, the day of Sept 4, 2019, by a vote of ____ (ayes) ____ (nays) ____ (abstentions) of the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 

Sandra L. Cox, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

