



**NOTICE OF MEETING
PLANNING & ZONING COMMISSION
OF MARBLE FALLS, TEXAS
Thursday, November 14, 2019 – 6:00 PM**

A quorum of the Marble Falls City Council and the Economic Development Corporation may be present.

Fred Zagst, Chairman	Mike Hodge, <i>City Manager</i>
Darlene Oostermeyer, <i>Vice-Chairman</i>	Caleb Kraenzel, <i>Assistant City Manager</i>
Angela Taylor, <i>Commissioner</i>	Valerie Kreger, <i>Development Svs. Director</i>
Greg Mills, <i>Commissioner</i>	Scarlet Moreno, <i>Planner</i>
Jason Coleman, <i>Commissioner</i>	Chelsea Seiter-Weatherford, <i>GIS Analyst</i>
Rene Rosales, <i>Commissioner</i>	Patty Akers, <i>City Attorney</i>
Tom Martin, <i>Commissioner</i>	Sabrina Smith, <i>Commission Secretary</i>

The City of Marble Falls Planning & Zoning Commission will meet on **Thursday, November 14, 2019**, in **regular session at 6:00 p.m.** in the City Council Chambers at 800 Third Street, Marble Falls, Texas.

The agenda listed below is distributed to the Chair, Commission members, and the Marble Falls Public Library no later than the Monday preceding the Commission meeting. The agenda is also posted on the City's website: www.marblefallstx.gov.

1. **CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM**
2. **CITIZEN/VISITOR COMMENTS:** This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting.
3. **REGULAR AGENDA:** The Commission will individually consider and possibly take action on any or all of the following items:
 - A. **Approval of Minutes** from the regular meeting on October 17, 2019. (*Sabrina Smith, Commission Secretary*)
 - B. **Public Hearing, Discussion and Recommendation** on Amendments to Appendix B, Development Code, City of Marble Falls Code of Ordinances, Division 5.2, Flood Damage Prevention, and Division 14.3, Definitions, for compliance with the Federal Emergency Management Agency (FEMA) to maintain enrollment in the National Flood Insurance Program (NFIP).
 - C. **Public Hearing, Discussion and Recommendation** on an ordinance amending Appendix B, Development Code, City of Marble Falls Code of Ordinances, to cause said ordinance to be in compliance with House Bill 2439, House Bill 3167, and House Bill 2497, which bills took effect on September 1, 2019.



4. UPDATES, ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

A. Presentation and Discussion regarding updates on previous Planning and Zoning Commission items and City Council disposition. *(City Staff)*

1. 7 Fall Marbles Final Plat, Case 2019-25-FP
2. Gregg Ranch Final Plat, Case 2019-31-FP
3. Fourth Street Abandonment, Case 2019-29-SC

B. Presentation and Discussion regarding Development Services Department Updates. *(City Staff)*

1. Monthly Building Report and Construction Update

5. ADJOURNMENT

"The Planning & Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including but not limited to, 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) 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code including but not limited to, Section 321.3022 (Sales Tax Information)."

In compliance with the Americans for Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending the Commission Meetings. To better serve you, requests should be received 24 hours prior to the meeting, by contacting Sabrina Smith, Commission Secretary, at 830-798-7095.

Certificate of Posting Agenda Meeting Notice

I, Valerie Kreger, Development Services Director for the City of Marble Falls, Texas, certify this Meeting Notice was posted at the Marble Falls City Hall in a place readily accessible to the general public, on the 7th day of November, 2019, by 5:00 p.m., posted thereafter for at least 72 continuous hours before the scheduled time of said meeting.



Valerie Kreger, AICP, Development Services Director



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
November 14, 2019**

To: Chairman and Planning & Zoning Commission
Item 3. A. Approval of Minutes
Requested by: Commission Secretary

SYNOPSIS

The Commission will consider approval of the minutes from the October 17, 2019, meeting.

(Minute attachments following this page)

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this 17th day of October, 2019 the Planning and Zoning Commission convened at the regular meeting place having been posted as prescribed by law, with the following members present in accordance to-wit:

MEMBERS PRESENT:	Fred Zagst Darlene Oostermeyer Greg Mills Angela Taylor Jason Coleman Rene Rosales	Chairman Vice-Chairman Commissioner Commissioner Commissioner Commissioner
MEMBERS ABSENT:	Tom Martin	Commissioner
STAFF PRESENT:	Valerie Kreger Mike Ingalsbe Sabrina Smith	Director Development Services Building Official Planning Technician
VISITORS:	Martin Stary Nathan Neese Kim McGregor	

1. CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM: Chairman Zagst called the meeting to order at 6:04 pm and declared a quorum of the Commission is present to conduct the meeting.

2. Citizens/Visitors comments to be heard for items not on the agenda: This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting. There were no citizen/visitor comments.

3. REGULAR AGENDA: The Commission will individually consider and possibly take action on any or all of the following items:

- A. Approval of Minutes** from the regular meeting on September 5, 2019. (*Sabrina Smith, Commission Secretary*). Commissioner Mills made a motion to approve the minutes. Vice-chairman Oostermeyer seconded the motion. The motion carried a 6-0 vote.
- B. Discussion and Recommendation** regarding a Final Plat for 7 Fall Marbles, City of Marble Falls, Burnet County, Texas. Case No. 2019-25-FP (*Andrew Evans, applicant, and Thomas Edwards, owner*). Commissioner Rosales made a motion to approve the final plat. Commissioner Taylor seconded the motion. The motion carried a 6-0 vote.
- C. Discussion and Recommendation** regarding a Final Plat for Gregg Ranch at Marble Falls, Phase One, City of Marble Falls, Burnet County, Texas. Case No. 2019-31-FP (*Nathan Neese, applicant, and Marble Falls 300, LP, owner*). Commissioner Mills made a motion to approve the Final Plat. Vice-Chairman Oostermeyer seconded the motion. The motion carried a 6-0 vote.
- D. Public Hearing, Discussion and Recommendation** regarding a street abandonment of a 0.03-acre tract of land out of the Fourth Street right-of-way abutting Lot 1-A, Block 184. Commissioner Coleman stepped off the dais at 6:17 due to a Conflict of Interest. They opened a public hearing and closed it due to no questions or comments. Commissioner Mills made a motion to approve the abandonment. Commissioner Taylor seconded the motion. The motion carried a 5-0 vote. Commissioner Coleman stepped back on the dais at 6:28.

4. UPDATES, ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

A. Presentation and Discussion regarding updates on previous Planning and Zoning Commission items and City Council disposition. *(City Staff)*

1. 7 Fall Marbles Preliminary Plat, Case 2019-11-PP
2. Cedar Street Duplex Conditional Use Permit, Case 2019-26-CUP
3. Avenue J Zoning Variance (Zoning Board of Adjustment decision), Case 2019-18-ZV
4. Annexation of Kemper Property, Case 2019-35-A

Valerie Kreger, Director, addressed the Commission.

B. Presentation and Discussion regarding Development Services Department Updates. *(City Staff)*

1. Monthly Building Report and Construction Update
2. Rescheduling or cancellation of the November 7, 2019, Regular Meeting. The next Planning and Zoning Meeting will take place on November 14, 2019.

Valerie Kreger, Director, addressed the Commission.

5. ADJOURNMENT. Vice-Chairman Oostermeyer made a motion to adjourn at 6:45. Commissioner Mills seconded the motion. The motion carried a 6-0 vote

Fred Zagst- Chairman

Sabrina Smith- Commission Secretary



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
November 14, 2019**

To: Chairman and Planning & Zoning Commission
Item 3. B. Public Hearing, Discussion, and Recommendation on amendments to Appendix B, Development Code, City of Marble Falls Code of Ordinances, Division 5.2, Flood Damage Prevention, and Division 14.3, Definitions, for compliance with the Federal Emergency Management Agency (FEMA) to maintain enrollment in the National Flood Insurance Program (NFIP).
Requested by: City Staff
Case: N/A

SUMMARY

To maintain eligibility in the National Flood Insurance Program (NFIP), the City adopted updated Flood Insurance Rate Maps (FIRM) in July of 2019 as required by the Federal Emergency Management Agency (FEMA). As part of this process, FEMA and the State Water Development Board reviewed the City’s flood prevention regulations to ensure consistency with FEMA standards. It was determined the City needed to make a few revisions to its current regulations within the Development Code to be consistent with those identified by FEMA. Those changes are as follows:

Division 5.2, Flood Damage Prevention

Section 5.5.2.F to be updated to read “Warning and Disclaimer of Liability”.

Division 14.3, Definitions

Add definition: “Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”

Amend definition: “Substantial Improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any



alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Add definition: "Violation means, for flood damage prevention purposes, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Code or by Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided."

RECOMMENDATION

Recommend to City Council approval of the proposed text amendments to Divisions 5.2 and 14.3 of the Development Code.



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
November 14, 2019**

To: Chairman and Planning & Zoning Commission
Item 3. C. **Public Hearing**, Discussion and Recommendation on ordinances amending Appendix B, Development Code, City of Marble Falls, Code of Ordinances, to cause said ordinance to be in compliance with House Bill 2439, House Bill 3167, and House Bill 2497, which took effect on September 1, 2019.
Requested by: City Staff
Case No. N/A

SUMMARY

During the 86th Texas legislative session, the legislature passed a significant number of bills affecting city development regulations, including House Bills 2439, 2497 and 3167, which all became effective September 1, 2019. A summary of each of these bills is shown below:

- H.B. 2439, Building Materials – Prohibits cities from adopting or enforcing a rule, charter provision, ordinance, order, or other regulation that prohibits or restricts the use or installation of a building material that is approved for use by a national model code (building code) published within the last three code cycles, or that creates a standard for materials above that established by the national model code for such materials.
- H.B. 2497, Zoning Board of Adjustment (ZBA) – Requires City Council to approve rules (bylaws) adopted by ZBA; allows appeal of an administrative decision not related to a specific application/address/project; requires filing of an appeal of an administrative decision no later than 20 days after decision and ZBA action at next meeting for which notice can be provided but no later than 60 days after filing.
- H.B. 3167, Subdivision Plats (“Shot Clock”) – Requires cities to approve, approve with conditions, or disapprove plats within 30 days of filing (for staff action or P&Z action), additional 30 days to City Council. If action does not occur within that time period, the plat is considered approved. Applicant can take as long as desired to resubmit, but City must act on any resubmittal within 15 days. This will apply to preliminary plats, final plats, development plats, minor plats, replats, and amended plats.

The adopted bills will require significant text amendments to the City’s Development Code. To ensure compliance with the new state laws during any interim period prior to drafting and review of text amendments, the attached ordinances have been provided by legal to recognize the pre-emption of H.B. 2439, H.B. 2497 and H.B. 3167 over any existing ordinance provisions in conflict with these house bills.



RECOMMENDATION

Recommend approval to City Council of the draft ordinances regarding House Bills 2439, 2497, and 3167.

Memo Contents:

- Draft Ordinance regarding HB 2439 and HB 2497 Pages 8 - 13
- Draft Ordinance regarding HB 3167 Pages 14 - 15



ORDINANCE NO. 2019-O-XXX

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS, ENACTING AMENDMENTS TO THE CITY'S DEVELOPMENT CODE AND BUILDING CODE REGULATIONS; PROVIDING FOR COMPLIANCE WITH NEW STATE LAWS AFFECTING MATERIALS USED IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL AND COMMERCIAL BUILDINGS, RULES AND PROCEEDINGS BEFORE THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR APPEALS; PROVIDING RELATED DIRECTIVES TO THE CITY MANAGER; PROVIDING A CONFLICT/SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the 2019 Legislature enacted HB 2439, prohibiting municipal regulation of materials used for construction and renovation of residential and commercial buildings in certain instances and subject to certain exceptions; and

WHEREAS, HB 2439 affects both the enactment of new regulations and the enforcement of existing regulations pertaining to materials for construction or alteration of residential and commercial buildings; and

WHEREAS, HB 2439 was signed by the Governor on June 14, 2019, and became effective date of September 1, 2019; and

WHEREAS, the City Council of the City of Marble Falls, Texas ("City"), finds that City regulations prescribing the types of materials, products or aesthetic methods used for the construction or alteration of residential and commercial buildings are essential for preserving the public health and safety of its citizens and substantially furthers the economic development and general welfare of the City; and

WHEREAS, the exemptions to the provisions of HB 2439 hereinafter provided by this Ordinance are in accordance with the purpose and content of such law; and

WHEREAS, there is insufficient time to amend specific provisions of the City's zoning and building regulations that may conflict with the provisions of HB 2439; and

WHEREAS, it is the intent of this Ordinance to supersede enforcement of regulations prescribing the types of materials, products or aesthetic methods used for construction or renovation of residential and commercial buildings, in so far as they conflict with HB 2439; and

WHEREAS, it is the further intent of this Ordinance to provide procedures for appealing decisions of officials in the enforcement of regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and

WHEREAS, it is the further intent of this Ordinance to provide information to citizens of the City that are affected by HB 2439 concerning the prohibitions and limitations on enactment and enforcement of zoning and building regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and



WHEREAS, the 2019 Legislature enacted HB 2497, which requires amendments to procedures applicable to the rules of and appellate procedures before the Zoning Board of Adjustment; and

WHEREAS, HB 2497 was signed by the Governor on June 10, 2019, and became effective date of September 1, 2019; and

WHEREAS, it is the intent of the City Council of the City to fully comply with the provisions of HB 2439 and HB 2497, while maximizing the public health, safety and general welfare of its citizens; and

WHEREAS, it is the further intent of this Ordinance to amend provisions of the City's Development Code in order to implement such changes; and

WHEREAS, the City has given notice of the amendments to the zoning and building regulations contained in this Ordinance in accordance with all provisions of state law and the City's ordinances; and

WHEREAS, a public hearing on the provisions of this Ordinance before the City's Planning and Zoning Commission was conducted on November 14, 2019; and

WHEREAS, the City Council has received the report of the Commission recommending approval of this Ordinance; and

WHEREAS, a public hearing on the provisions of this Ordinance before the City Council was conducted on November 19, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION 1. INCORPORATION OF RECITALS. The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

SECTION 2. DEFINITIONS. The following definitions apply to the provisions of this ordinance:

(a) "National model code" means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. "National model code" includes the International Building Code, International Residential Building Code, National Electrical Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, and the International Fire Code.

(b) "Residential building" means a building having the character of a one-family or two-family dwelling or a multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures of the dwelling and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.



(c) “Commercial building” means a building for the use or occupation of people for a public purpose or economic gain, or a residence if the building is a multi-family residence that is not defined as a residential building.

(d) “Building Code” means any of the following adopted by the City, as amended: the International Building Code, International Residential Building Code, National Electrical Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, and the International Fire Code.

SECTION 3. PROHIBITIONS ON ENFORCEMENT.

(a) Notwithstanding any other provision contained in the City’s ordinances, regulations or rules to the contrary, an official responsible for enforcement of the Development or Building Codes, as designated by city charter, ordinance or other authorization of the City, shall not:

(1) prohibit or limit, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) enforce a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) An applicant who proposes to use a building material, product or aesthetic method in the construction or alteration of a residential or commercial building that is prohibited or limited by the City’s adopted Development Code or Building Codes, as amended, or that is less stringent than the standard established by such Ordinance or building codes, as amended, shall identify each provision in a national model code published within the last three code cycles that approves the use of such building material, product or aesthetic method, as a necessary requirement of the application.

SECTION 4. EXEMPTIONS FOR ORDINANCES, REQUIREMENTS AND PROGRAMS. The prohibitions in Section 3 do not apply to the following ordinances, requirements or programs of the City or State, and the officials responsible for enforcement of the City’s Development Code and Building Codes, as designated by city charter, ordinance or other authorization of the City, shall apply all regulations and standards prescribed by such enactments, requirements or programs, whether such ordinances, requirements or programs existing or hereafter adopted or established, to the fullest extent therein provided:

(a) a local amendment of a building code to conform to local concerns if the amendment does not conflict with Sections 3(a) or (b);



- (b) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;
- (c) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Texas Insurance Code;
- (d) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that: (1) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or (2) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;
- (e) an ordinance that regulates outdoor lighting and is adopted under Subchapter B, Chapter 229, Texas Local Government Code, or under Subchapter B, Chapter 240, Texas Local Government Code; or
- (f) installation of a fire sprinkler protection system under Tex. Occupation Code, section 1301.551(i), or under Tex. Health and Safety Code, section 775.045(a)(1).

SECTION 5. EXEMPTIONS FOR BUILDINGS. The prohibitions in Section 3 do not apply to the following buildings, and the officials responsible for enforcement of the City's Development Code and Building Codes, as designated by city charter, ordinance or other authorization of the City, shall apply all regulations and standards prescribed by those ordinances or codes to such buildings, whether such provisions are existing or hereafter adopted or established, to the fullest extent.

- (a) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by the City which were adopted by the City Council prior to April 1, 2019;
- (b) a building located in a zoning district designated by the City Council after April 1, 2019 for its historical, cultural, or architectural importance and significance by the City, and for which the owner has voluntarily consented in writing to the application of the regulations or standards prohibited by Section 3, including the following zoning districts and any district that may hereafter be created by the City Council for its historical, cultural, or architectural importance and significance;
- (c) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Texas Local Government Code, if the municipality (1) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or (2) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;
- (d) a building located in an area designated as a historic district on the National Register of Historic Places;
- (e) a building designated as a Recorded Texas Historic Landmark;



- (f) a building designated as a State Archeological Landmark or State Antiquities Landmark;
- (g) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;
- (h) a building located in a World Heritage Buffer Zone; and
- (i) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014, Texas Government Code.

SECTION 6. APPEAL. An applicant, landowner or other aggrieved person may appeal the decision of an official responsible for enforcement of the City's Zoning Ordinance or Building Codes, as designated by city charter, ordinance or other authorization of the City, applying a regulation or standard to the construction, renovation, maintenance, or other alteration of a residential or commercial building, which application is asserted to be prohibited by Section 3, in the following manner:

- (a) If the decision applies to a requirement of a building code, to the person or entity who routinely considers appeals regarding building permit applications in accordance with the procedures described in the City's Code of Ordinances; or
- (b) If the decision applies to a requirement of the zoning regulations, to the Zoning Board of Adjustment.
- (c) The appeal shall identify the provision or provisions which the appellant alleges to have been applied in violation of Section 3. The appeal shall be filed, processed and decided in the manner provided for appeals by the appellate entity herein designated.

SECTION 7. AMENDMENTS TO ZONING BOARD OF ADJUSTMENT PROCEDURES. Notwithstanding any other provision contained in the City's ordinances, regulations or rules to the contrary, all rules of the Zoning Board of Adjustment adopted or amended on or after September 1, 2019, shall be considered for approval by the City Council.

SECTION 8. CONFLICT/SAVINGS CLAUSE. In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage. The applicability of an exemption specified by Sections 4 and 5 of this Ordinance that is hereafter adopted or established by ordinance shall take effect on the effective date of such ordinance.

DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 19th day of November, 2019.



APPROVED:

John Packer, Mayor
City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls



ORDINANCE NO. 2019-O-XXX

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS, SUSPENDING APPLICATION OF ORDINANCE PROVISIONS CONTAINED IN THE CITY'S LAND USE REGULATIONS, AS IT NOW EXISTS OR AS IT MAY BE AMENDED, THAT CONFLICT WITH THE PROVISIONS OF HB 3167 PASSED BY THE 86TH LEGISLATURE OF THE STATE OF TEXAS AND SIGNED BY GOVERNOR GREG ABBOTT ON JUNE 14, 2019; DIRECTING CITY STAFF TO PROCESS ALL PLANS, SITE PLANS AND PLATS AS DEFINED IN HB 3167 IN ACCORDANCE WITH THE PROVISIONS OF HB 3167; PROVIDING FOR A CONFLICT/SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 86th Legislature of the State of Texas passed HB 3167 which was signed by Governor Abbott on June 14, 2019, with an effective date of September 1, 2019 (the "Act"); and

WHEREAS, the Act requires extensive revisions to the City's Land Use Regulations and to the way in which the plats, site plans and plans, as defined in the Act, are processed by city staff, the Planning & Zoning Commission and the City Council; and

WHEREAS, the City Council of the City of Marble Falls urges the Texas Legislature to reconsider the provisions of the Act at its earliest opportunity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION 1. The recitals set forth above are incorporated as if fully set forth herein.

SECTION 2. The City Council hereby acknowledges the provisions of the Act and suspends the application of any ordinance or process contained in the Development Code, as it now exists or as it may be amended, that conflict with the provisions and requirements of the Act.

SECTION 3. The City Council further directs the City's Planning & Zoning Commission, city staff and outside consultants to process, approve, approve with conditions or disapprove all plats, site plans and other plans, as defined in the Act, in accordance with the provisions and requirements of the Act.

SECTION 4. Conflict/Savings Clause. In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 5. Effective Date. This Ordinance shall take effect immediately from and after its date of passage.



DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 19th day of November, 2019.

APPROVED:

John Packer, Mayor
City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
November 14, 2019**

To: Chairman and Planning & Zoning Commission
Item 4. A. 1. Presentation and Discussion regarding previous Planning and Zoning Commission items and City Council disposition.
Requested by: Planning and Zoning Commission

SYNOPSIS

This item is to update the Commission regarding previous Planning and Zoning Commission items and City Council disposition.

1. 7 Fall Marbles Final Plat, Case 2019-25-FP
2. Gregg Ranch Final Plat, Case 2019-31-FP
3. Fourth Street Abandonment, Case 2019-29-SC



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
November 14, 2019**

To: Chairman and Planning & Zoning Commission
Item 4. B. 1. Presentation and discussion regarding Development Services Department Updates
Requested by: City Staff

SYNOPSIS

1. Update the Commission about the building permits issued in the past month and other ongoing projects.

For a quick reference to some of the major permitted development projects in Marble Falls, you can refer to the 'Development Buzz' portion of our website:

<http://marblefallstx.gov/541/Development-BUZZ>

Item 5. ADJOURNMENT