

CITY OF LAVON, COLLIN COUNTY TEXAS

ORIGINAL

ORDINANCE NO: 2005-02-04

Planning and Zoning Commission

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS AFFIRMING THE LAVON PLANNING AND ZONING COMMISSION; ESTABLISHING RULES AND PROCEDURES, APPOINTMENT OF MEMBERS, DUTIES AND FUNCTIONS, ORGANIZATION AND MEETINGS, RECORDS AND REPORTS, REPEALING ORDINANCE 2001-01-02; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 211, grants to municipalities the power of zoning and TEXAS LOCAL GOVERNMENT CODE SECTION 211.007, grants the municipality the ability to appoint a zoning commission; and

WHEREAS, it is necessary in order to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to promote the health and the general welfare of the public; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation and other public requirements; to conserve the value of property; and to encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan; and

WHEREAS, in the course of human events, it becomes necessary to make changes and improvements in the functions, procedures and duties of governmental bodies; and

WHEREAS, the City Council believes it is in the best interest for the City of Lavon, its citizens and visitors to reorganize the Planning and Zoning Commission for the City of Lavon.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON:

SECTION 1. AFFIRMATION OF PLANNING AND ZONING COMMISSION

- A) The City Council of the City of Lavon acknowledges and affirms the creation of the Planning and Zoning Commission for the City on January 20, 2000; and

- B) The City Council of the City of Lavon acknowledges and affirms the actions of the Planning and Zoning Commission from the date of its creation until the passage of this ordinance; and
- C) The City Council of the City of Lavon acknowledges and affirms the structure of the Planning and Zoning Commission, consisting of five (5) members serving terms of two (2) years.

SECTION 2. APPOINTMENT OF MEMBERS

- A) The Planning and Zoning Commission shall consist of five (5) members who shall be appointed by the City Council to serve a term of two (2) years or until their successors are duly appointed. Seats one (1), three (3) and five (5) shall expire at the first City Council meeting in June of each odd-numbered year. Seats two (2) and four (4) shall expire at the first City Council meeting in June of each even-numbered year. Each and every member of the Planning and Zoning Commission shall be residents of the City. Should a sitting member change their residency to a location outside the Corporate City limits, they will immediately vacate their seat on the Commission. However, the current members' terms shall expire as follows:
- 1) Seat one (1) Trey Smith - Term expires June 2005
 - 2) Seat two (2) Donna Elfers - Term expires June 2006
 - 3) Seat three (3) Patrick Hodges - Term expires June 2005
 - 4) Seat four (4) David Barnhart - Term expires June 2006
 - 5) Seat five (5) Bill Bonney - Term expires June 2005
- B) The City Council shall appoint new members or reappoint previous members to seats for which a term has expired at the first City Council meeting in June of each year, or as soon thereafter as is reasonable.
- C) If a seat is vacated or empty for any reason, the City Council shall appoint a new member for the balance of the unexpired term at the first City Council meeting after the seat is vacated, or as soon thereafter as is reasonable.
- D) The City Council shall designate a member of the Commission as Chairman and another member as Vice Chairman for the Planning and Zoning Commission at the first City Council meeting in June of each year, or as soon thereafter as is reasonable. The member shall hold the position of Chairman or Vice Chairman for a period of one year or until a new Chairman or Vice Chairman is designated by the City Council.
- E) The City Council by majority vote may remove any member from the Commission with or without cause at any time.

SECTION 3. COMPENSATION OF MEMBERS

The members of the Planning and Zoning Commission shall serve without compensation. However, the City Council may authorize the payments of expenses for travel and meetings and similar costs which may be incurred by members incidental to the performance of their duties as members of the Planning and Zoning Commission.

SECTION 4. DUTIES AND FUNCTIONS

A) **RECOMMENDATION OF SUBDIVISION PLATS.** The Commission shall perform the following duties related to the review and recommendation of subdivision plats:

- 1) The Commission shall review all plats and subdividing of land within the corporate limits of the City and outside the corporate limits to the extent allowed by law, including preliminary plats, final plats, amended plats, vacated plats, and replats for conformance to the City of Lavon Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance and other regulations of the City and Texas Law.
- 2) The Commission shall complete their review and forward a written recommendation to the City Council within thirty (30) days of the initial date the subdivision plat was received by the City. The minutes of the Commission meeting may suffice for a written recommendation.
- 3) If the Commission fails to complete its review and forward a written recommendation to the City Council within thirty (30) days of the initial date the subdivision plat was received by the City, the plat shall be forwarded to the City Council for action with no recommendation by the Commission.

B) **PREPARATION OF A COMPREHENSIVE PLAN.** The Commission shall – as a whole or as individual parts thereof, prepare or cause to be prepared, a Comprehensive Plan for the growth, development, and beautification of the City of Lavon and its environs, including but not limited to:

- 1) Land use;
- 2) Thoroughfare Maps;
- 3) Thoroughfare Plan;
- 4) Transportation Plan;
- 5) Park and school sites;

- 6) Public buildings and facilities;
- 7) Housing and neighborhood improvements;
- 8) Drainage;
- 9) Utilities and services;
- 10) Municipal expansion and annexation;
- 11) Slum clearance and blighted areas; and
- 12) Parking and use of streets and alleys

C) **RECOMMENDATION OF COMPREHENSIVE PLAN.** The Commission shall — as a whole or as individual parts thereof — recommend a Comprehensive Plan to the City Council. From time to time the Commission shall recommend changes to the then current Comprehensive Plan to the City Council.

D) **RECOMMENDATION OF ZONING AND REZONING.** The Commission shall hold a public hearing and make a recommendation to the City Council on all applications or proposals for amendment, supplement or other change to the zoning ordinance or zoning map.

- 1) The Commission shall hold a public hearing and forward a written recommendation to the City Council within thirty (30) days of the date the zoning application or proposal was received by the City. The minutes of the Commission meeting may suffice for a written recommendation.

- 2) If the Commission fails to forward a written recommendation to the City Council within thirty (30) days of the date the zoning application or proposal was received by the City, the zoning or rezoning request shall be forwarded to the City Council for action with no recommendation by the Commission.

E) **REVIEW OF ORDINANCES.** The Commission shall regularly review the existing City Ordinances relating to zoning, building and subdivisions and recommend changes to the Mayor and City Council.

F) **RECOMMENDATION OF VARIANCES.** The Commission shall not perform any duties related to the review and recommendation of variances unless assigned to do so by the City Council.

G) **CONDUCT RESEARCH AND ANALYSIS.** The Commission shall conduct research and analysis of matters affecting development of the City as is appropriate.

- H) OTHER DUTIES. The Commission shall perform other duties as may be assigned by the City Council.
- I) OTHER ENTITIES: The Commission shall act with and assist all other municipal and governmental entities in formulating proper plans of city development and growth including annexation and disannexation.

SECTION 5. ORGANIZATION AND MEETINGS

- A) The Commission shall meet once a month and at such other times as may be necessary for the efficient performance of its duties.
- B) Three (3) members of the Commission shall constitute a quorum, and all actions of the Commission shall be approved by a vote of no less than three (3) affirmative votes. All members including the Chairman shall be able to vote.
- C) The Commission shall keep an appropriate record of all meetings as required by Texas Law.
- D) All decisions and recommendations of the Commission shall be made in a meeting and shall be duly recorded.
- E) Procedure at meetings shall be governed by the Rules and Procedures as established by the City Council.

SECTION 6. RECORDS AND REPORTS

The Commission shall keep accurate records of its meetings and shall report to the City Council at least once per calendar quarter concerning its activities during the previous quarter and its anticipated activities for the current quarter.

SECTION 7. REPEALING ORDINANCE 2000-01-02

This ordinance shall repeal in act and effect the previously passed ordinance 2000-01-02.

SECTION 8. SEVERABILITY

It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgement or decree of any court of

competent jurisdiction, such event shall not ^{affect} ~~effect~~ any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 9. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained.


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS ON THIS 24 DAY OF February, 2005.


The Honorable Steve Parker, Mayor

Attest:


Rosa Stovall, City Secretary

Approved as to form:


Andy Messer, City Attorney

