

ORDINANCE NO. 55

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS ESTABLISHING A PLANNING AND ZONING COMMISSION; DEFINING THE MEMBERSHIP THEREOF; DEFINING THE RESPONSIBILITIES AND AUTHORITY THEREOF; ESTABLISHING THE LOWRY CROSSING CITY COUNCIL AS THE ZONING BOARD OF APPEALS; REQUIRING COMPLIANCE WITH TEXAS OPEN MEETINGS LAWS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE THEREOF; AND DECLARING AN EMERGENCY:

WHEREAS, Texas cities are given broad powers to control land use for the welfare and benefit of citizens; and

WHEREAS, the control of land use requires specialized effort which is outside of the normal functions of the City Council; and

WHEREAS, it is in the best interests of the citizens of Lowry Crossing to establish a separate commission which specializes in the planning, zoning of land use:

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

SECTION 1. ESTABLISHING A P & Z COMMISSION

The City Council of Lowry Crossing shall appoint a commission to be known as the Planning and Zoning Commission of Lowry Crossing to 1) recommend a comprehensive plan for land use, and 2) recommend the boundaries of various zoning districts and appropriate regulations for each district.

SECTION 2. DEFINING THE MEMBERSHIP THEREOF

The P & Z Commission shall be composed of a Chairman appointed by the City Council, and a minimum of four additional members chosen from geographically diverse parts of the city, to be nominated by the Chairman and confirmed by the City Council.

All members shall be residents of the City of Lowry Crossing and shall serve for a period of one year.

SECTION 3. DEFINING RESPONSIBILITIES AND AUTHORITY THEREOF

The P & Z Commission shall act as the initial and primary interface between the Public and the City Council, except in matters appealed to the City Council acting as the Board of Adjustments.

For the purpose of promoting the health, safety, morals and the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the city, the P & Z Commission is empowered to:

- a. Regulate and restrict the height, number of stories, and size of buildings and other structures;

- b. Regulate the percentage of a lot that may be occupied;
- c. Regulate the size of yards, courts, and other open spaces;
- d. Regulate the density of population; and
- e. Regulate the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

3.1 Comprehensive Plan

The P & Z Commission shall prepare and maintain a Comprehensive Plan for orderly use of land and growth of the City for protection of the public health, safety, and welfare. As a minimum, the Comprehensive Plan shall contain maps of present zoning districts with a description of uses in those districts and proposed plans for areas which have not yet been developed, including areas outside the city limits.

While the Comprehensive Plan is not legally binding, it shall represent the current thoughtfully prepared plan for land use and growth of the City, and shall be used as a guide in any changes to the current Zoning Ordinance and/or Subdivision Ordinance.

The Comprehensive Plan shall be designed to:

- 1) Lessen congestion in the streets;
- 2) Secure safety from fire, panic, and other dangers;
- 3) Promote health and the general welfare;
- 4) Provide adequate light and air;
- 5) Prevent the overcrowding of land;
- 6) Avoid undue concentration of population; or
- 7) Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public improvements.

3.2 The P & Z Commission shall be cognizant of all aspects of the current Zoning Ordinance regulations, shall recommend specific changes consistent with the Comprehensive Plan to the City Council at appropriate times, and shall prepare and maintain a current Zoning Map.

3.3 The P & Z Commission shall be cognizant of all aspects of the current Subdivision Ordinance regulations, and shall recommend specific changes consistent with the Comprehensive Plan to the City Council at appropriate times.

3.4 The P & Z Commission shall be responsible for establishing its own organizational rules; electing its

own officers; recommending budget requests and adhering to the budget annual allocations; setting agendas, notices and public hearings; and for maintaining its own records. Monthly activity reports shall be furnished to the City Secretary for submission to the Lowry Crossing City Council at the regular monthly meetings.

SECTION 4. ESTABLISHING THE CITY COUNCIL AS THE ZONING BOARD OF APPEALS

The Lowry Crossing City Council shall be the Board of Appeals for all decisions rendered by the Planning and Zoning Commission.

SECTION 5. REQUIRING COMPLIANCE WITH TEXAS OPEN MEETINGS AND OPEN RECORDS LAWS

The Planning and Zoning Commission, having rule-making or quasi-judicial power shall comply with Texas Open Meetings Act and Texas Open Records Act.

SECTION 6. PROVIDING A REPEALING CLAUSE

All ordinances or parts of ordinances found to be in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. SEVERABILITY CLAUSE

If any part of this ordinance should be declared unconstitutional or invalid by any judgement of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining clause, sentence, paragraph, or section of the ordinance.

SECTION 8. EFFECTIVE DATE AND DECLARING AN EMERGENCY

The fact that a Planning and Zoning Commission has been operating occasionally without authorization by the City Council creates an urgency and emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall be effective immediately upon passage by the Lowry Crossing City Council.

PASSED AND APPROVED this 20th day of May, 1991

/s/ Peggy Simpson
Mayor

ATTEST:

/s/ Brenda Anderson
City Secretary