

**CITY OF LOWRY CROSSING, TEXAS**

**ORDINANCE NO. 195**

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS AMENDING THE CITY'S ZONING ORDINANCE, THE SAME BEING ORDINANCE NO. 110, BY AMENDING SECTION 27 THEREOF RELATING TO THE PLANNING AND ZONING COMMISSION, BY PROVIDING THAT THE CHAIRMAN OF THE COMMISSION SHALL BE APPOINTED BY THE CITY COUNCIL AND THAT EACH MEMBER OF THE COMMISSION SHALL SERVE FOR A TERM OF TWO (2) YEARS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lowry Crossing, Texas ("City") heretofore adopted Ordinance No. 110, the same being the Zoning Ordinance of the City ("Zoning Ordinance"); and

**WHEREAS**, the Zoning Ordinance provides in Section 27 thereof for the creation and establishment of a Planning and Zoning Commission ("Commission"), which Section 27 includes the provision that the Commission selects one of its regular members to be the Commission Chairman and one of its regular members to be the Commission Vice-Chairman to act in the absence of the Chairman, but does not include a provision establishing a term of office for Commission members; and

**WHEREAS**, Section 32 of the Zoning Ordinance provides, except as provided in the Zoning Ordinance, for the repeal of Ordinance No. 26b and the repeal of all other ordinances or parts of ordinances, in conflict with the Zoning Ordinance; and

**WHEREAS**, prior to the adoption of the Zoning Ordinance, the City Council adopted Ordinance No. 27 which established the Commission and which provided, among other things, that the City Council appoint the Commission Chairman and for each Commission member to serve for a period of one year (set forth in Section 2 of Ordinance No. 55); and

**WHEREAS**, the length of term of a Commission member not having been included in Section 27 or any other section of the Zoning Ordinance, the provision of Section 2 of Ordinance No. 55 that each Commission member serves for a period of one year does not conflict with the provisions of Section 27 of the Zoning Ordinance; and the City Council hereby finds that such one year term for members of the Commission is still in full force and effect; and

**WHEREAS**, the City Council desires to amend the one year term of office for Commission members by amending Section 27 of the Zoning Ordinance by including therein a provision that the members of the Commission serve on the Commission for a period of two years, and to amend Section 27 of the Zoning Ordinance by adding a provision that the City Council appoint the Chairman of the Commission; and

**WHEREAS**, the City Council is authorized, pursuant to Chapter 211, Tex. Loc. Gov. Code (Vernon), as amended, and Section 28 of the Zoning Ordinance to amend the Zoning Ordinance; and

**WHEREAS**, public notice of the amendments to the Zoning Ordinance herein made was given and public hearings were held before the Commission and the City Council in accordance with law; and

**WHEREAS**, after public notice was given and a public hearing was conducted, and after considering the information submitted at the said public hearing and all other relevant information and materials, the Planning and Zoning Commission of the City has submitted its recommendation to the City Council regarding the amendments made herein; and

**WHEREAS**, after public notice was given and a public hearing was conducted, and after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and any other information and materials received at the public hearing, the City Council has determined that the Zoning Ordinance should be amended as set forth herein.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated into and made a part of this Ordinance.

Section 2. Amendment. Ordinance No. 110 of the City of Lowry Crossing, Texas, the same being the Zoning Ordinance of the City, is hereby amended in the following particulars, and all other sections, words, phrases, sentence, and provisions of Ordinance No. 110 are not amended hereby but are in all things ratified and affirmed:

A. Section 27 of Ordinance No. 110 is hereby amended by amending subsection 27-2 and subsection 27-4 thereof so that the said subsections shall hereafter read as follows (new material is underlined; material deleted is set in ~~strikeout~~ type):

27-2 (a) Each regular member of the Planning and Zoning Commission shall be appointed by the governing body of the City. Each regular member and alternate member shall be a resident of the city and shall forfeit his office should he cease to reside in the city during his term of office. After the effective date of this ordinance, regular members and alternate members, heretofore appointed under the preceding zoning ordinance, shall continue to serve as the Planning and Zoning Commission for the remainder of their terms.

(b) Members of the Planning and Zoning Commission in office at the time of the adoption of Ordinance No. \_\_\_\_\_ of the City shall, subject to the laws and ordinances applicable to such members, continue to serve as Commission members until the expiration of their present terms of office, or until their successors have been duly appointed. Upon the completion of such members' terms, members of the Planning and Zoning Commission shall be appointed as follows: four (4) members shall be appointed to each \_\_\_\_\_ (2).

and three (3) members shall be appointed to each serve a one (1) year term; upon the completion of the said one (1) year term, three (3) members shall be appointed to serve a term of two (2) years; thereafter, all members of the Planning and Zoning Commission shall serve a term of two (2) years. Vacancies of regular and alternate membership on the Planning and Zoning Commission shall be filled for the unexpired terms of office, by the governing body of the city. Alternate members may be considered for vacancies of regular membership on the Planning and Zoning Commission.

27-4 All meetings of the Planning and Zoning Commission shall be public and the board shall keep minutes of the proceedings showing the vote of each member upon each question coming before the board. The minutes of the board shall be public record. Annually, the Planning and Zoning Commission shall select/nominate one of its regular members to be the Chairman of the Planning and Zoning Commission, which nomination shall be effective when presented to and approved by the City Council; additionally, the Planning and Zoning Commission shall select one of its regular members to be Vice Chairman to act in the absence of the Chairman. During any term, the Chairman may be removed by a majority vote of the City Council. If the City Council fails to approve a nominee for Chairman or if a sitting Chairman is removed, then the procedure described hereinabove shall be repeated. Unless otherwise provided by the Planning and Zoning Commission. Meetings of the Planning and Zoning Commission may be held as often as necessary to conduct the business of the board at the call of the Chair and at such other times as the board may determine.

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City of Lowry Crossing and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect from and after its date of adoption.

**PASSED AND APPROVED** by the City Council of the City of Lowry Crossing, Texas this the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Mayor  
City of Lowry Crossing, Texas

ATTEST:

By: *Gaddie Sturgal*  
City Secretary  
City of Lowry Crossing, Texas

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney  
City of Lowry Crossing, Texas