

CITY OF LAVON, COLLIN COUNTY TEXAS

ORDINANCE NO: 2012-08-03

A Temporary Moratorium on the Enforcement of the Freeze on Certificates of Occupancy as specified in Ordinance 2004-09-05 section 2.7.2 as amended by Ordinance 2005-08-01

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS: TEMPORARY MORATORIUM ON THE ENFORCEMENT OF THE FREEZE ON CERTIFICATES OF OCCUPANCY AS SPECIFIED IN ORDINANCE 2004-09-05 SECTION 2.7.2 AS AMENDED; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.7.2 of Ordinance 2004-09-05, Planned Development District #1 (as amended by Ordinance 2005-08-01) requires that "Construction of one community center as described in Section 3.13.2 shall be completed within one of the east Residential Planning Areas before a certificate of occupancy is issued for the 250th residential unit constructed in such areas identified on the Site Plan.; and

WHEREAS, the construction of a community center has not begun in any east planning area and, as of 16 August 2012, the City has issued 246 certificates of occupancy in east planning areas; and

WHEREAS, the City Council for the City of Lavon has determined that freezing the certificates of occupancy until the community center is complete would negatively impact the City, Citizens and builders in the City of Lavon, at this time; and

WHEREAS, the City Council has given due and diligent thought to this concern.

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

SECTION 1. Enacting a Moratorium

1.1 The City Council for the City of Lavon does hereby declare and enact a temporary moratorium on the enforcement of the freeze on certificates of occupancy as specified in ordinance 2004-09-05 Section 2.7.2 (as amended) until:

1.1.1 ninety days from the passage of this ordinance; or

1.1.2 the City has issued a total of 275 certificates of occupancy for residential units constructed in east planning areas

Whichever of these two occurrences happens first.

1.2 If the construction of a community center has not been completed by the termination of this temporary moratorium, the City Secretary shall notify the Mayor so that the City may prepare notices to builders and new home purchasers concerning the reinstatement of the freeze on issuances of certificates of occupancy.

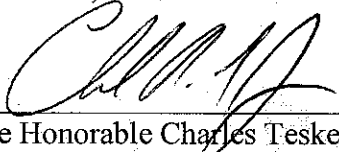
SECTION 2. SEVERBILITY

2.1 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 effect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 3. EFFECTIVE DATE

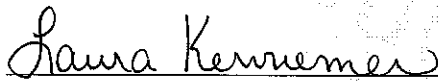
This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS ON THIS 21st DAY OF AUGUST, 2012.



The Honorable Charles Teske, Mayor

Attest:



Laura Kennemer, Acting City Secretary

Primary Sponsor(S):

Mayor Teske

Additional Sponsors: