

CITY OF LAVON
ORDINANCE NO. 2022-04-01

Subdivision Code Amendment – Development Plat and Building Permits

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, ENACTING AN AMENDMENT TO THE CITY OF LAVON CODE OF ORDINANCES, CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS”, ARTICLE 9.02 “SUBDIVISION ORDINANCE”, SECTION 9.02.002 “DEFINITIONS”, SECTION 9.02.003 “PURPOSES, AUTHORITY AND JURISDICTION”, AND SECTION 9.02.004 “PROCEDURE” TO PROVIDE FOR DEVELOPMENT PLATS UNDER CERTAIN CIRCUMSTANCES AND TO PROHIBIT ISSUANCE OF BUILDING PERMITS ON UNPLATTED LAND; PARTIALLY AMENDING ORDINANCE NO. 2022-02-06 TO CORRECT NUMBERING IN SECTION 9.02.004 AND PROVIDE FOR NEW RENUMBERING; PROVIDING CONFLICT, SEVERABILITY, AND REPEALING CLAUSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR A PENALTY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the “City”) is a Type A general law municipality; and

WHEREAS, Section 51.012 of the Texas Local Government Code authorizes a city to adopt ordinances regulating the subdivision and development of land; and

WHEREAS, the City Council of the City (the “City Council”) desires to facilitate the plat process in instances where development will occur without subdivision, and to assure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of these subdivision regulations, for the protection of proximate individual interest, community interests, or community development; and

WHEREAS, the City Council desires to provide for a development plat in the City’s subdivision ordinance as governed by Section 212.048 of the Texas Local Government Code; and

WHEREAS, the City Council finds that this Ordinance substantially promotes the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

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

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. Amendments to Sections 9.02.002, 9.02.003, and 9.02.004. Chapter 9 “Planning and Development Regulations”, Article 9.02 “Subdivision Ordinance” of the City’s Code of Ordinances is hereby amended as follows:

a) Section 9.02.002 “Definitions” is hereby amended to add the following defined terms to read as follows:

Development, for the purposes of this Article 9.02, shall have the meaning set forth by Texas Local Government Code 212.043.

Development Plat shall mean the map, drawings, or chart pursuant to Section 212.045 of the Texas Local Government Code, as may be amended, where a plat under Chapter 212, Subchapter A of the Texas Local Government Code may not be required.

b) Section 9.02.003 “Purposes, authority and jurisdiction”, subsection (c) is hereby amended to read as follows:

(c) Any owner of land inside the corporate limits of the city and outside the corporate limits of the city and within the extraterritorial jurisdiction of the city wishing to subdivide such land shall submit to the planning and zoning commission a plan of subdivision which shall conform to the rules, regulations, and minimum requirements set forth in this Article. All plats, including development plats, within the corporate limits of the city, and outside the corporate limits of the city and within the extraterritorial jurisdiction of the city, shall conform to the rules and regulations of this Article.

c) Section 9.02.003 “Purposes, authority and jurisdiction” is hereby amended to add subsection (i) to read as follows:

(i) Building Permits. Prior to commencing Development, the land upon which such building or structure is located shall be platted in accordance with the provisions of this chapter.

d) Section 9.02.004 “Procedure” is hereby amended to add subsection (f) to read as follows:

(f) Development Plat. The purpose of the development plat is to assure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of these subdivision regulations where the land to be developed is not intended to be subdivided. A development plat is required where the development of a tract of land does not otherwise require a plat in this Article, and shall be submitted for approval and processed in accordance with the procedures established for final plat approval, and include any information required to accompany a final plat. A development plat must be prepared by a registered professional land surveyor, and comply with the requirements of Local Government Code Section 212.045. New development may not begin, and building permits will not be issued, on property requiring a development plat until the development plat is filed with and approved by the city.

Section 3. Amendment to Numbering. In accordance with the above amendments, and as a partial amendment to City of Lavon Ordinance No. 2022-02-06, Chapter 9 “Planning and Development Regulations”, Article 9.02 “Subdivision Ordinance”, Section 9.02.004 “Procedure” of the City’s Code of Ordinances is hereby amended to update the numbering of subsections (d)-(h) as follows:

- (d) Final Plat.
- (e) Combination Preliminary and Final Plat.
- (f) Development Plat.
- (g) Replats.
- (h) Final warranty inspection procedure.

Section 4. Conflict Clause. To the extent any provisions of the City's Subdivision Ordinance, codified as Article 9.02 of the City's Code of Ordinances, are in conflict with this Ordinance, this Ordinance shall control.

Section 5. Severability Clause. It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this Ordinance.

Section 6. Repealing. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent that they conflict with this Ordinance.

Section 7. Penalty. Violations of this Ordinance shall be enforced by penalties in accordance with Section 9.02.009 of the City's Code of Ordinances.

Section 8. Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.042, Texas Government Code.


Section 9. Effective Date. This Ordinance shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 5th day of April 2022.



Vicki Sanson, Mayor

ATTEST:


Rae Norton, City Secretary

