

CITY OF LAVON
ORDINANCE NO. 2023-02-02

Subdivision Code Amendment – Standard Construction Detail and Home Rule Reference

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”, DIVISION 1 “GENERAL,” SECTION 9.02.003 (G) (2) “ADEQUATE PUBLIC FACILITIES,” TO REFERENCE ARTICLE 9.01 “GENERAL PROVISIONS”, SECTION 9.01.001 “PUBLIC WORKS CONSTRUCTION,” AND OF SECTION 9.02.08 “BONDS AND INSURANCE,” (A) “WARRANTY BOND,” TO CHANGE THE REFERENCE FROM GENERAL LAW TO HOME RULE MUNICIPALITY; 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 home rule 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 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. Amendment to Section 9.02.003. Chapter 9 “Planning and Development Regulations”, Article 9.02 “Subdivision Ordinance” of the City’s Code of Ordinances is hereby amended as follows:

§ 9.02.003 Purposes, authority and jurisdiction.

(g) Adequate Public Facilities.

(1) Purpose and policy.

(D) Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the city’s adopted master plan, **the city’s adopted Standard Construction Details**, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

Section 3. Amendment to Section 9.02.008. Chapter 9 “Planning and Development Regulations”, Article 9.02 “Subdivision Ordinance” of the City’s Code of Ordinances is hereby amended as follows:

§ 9.02.008 **Bonds and insurance.**

(a) Warranty bond.

...CITY OF LAVON, TEXAS, a general-law **home rule** municipality located in Collin County, Texas...

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 7th day of February 2023.

ATTEST:

Rae Norton
Rae Norton, City Secretary

Vicki Sanson
Vicki Sanson, Mayor

