

ORDINANCE NO.03-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARION AMENDING ORDINANCE NO. 03-2010 BY ADDING SECTION III, C., 6. ENTITLED "LESSER INCLUDED USES"; AMENDING SECTION IV, A. CREATION BY ESTABLISHING THE CITY COUNCIL AS THE PLANNING AND ZONING COMMISSION; AMENDING SECTION IV, C. STRUCTURE OF THE COMMISSION BY CHANGING THE NUMBER OF MEMBERS FROM 7 TO 5; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council passed and approved Ordinance No. 03-2010 on August 16, 2010 and established zoning districts within the City limits of the City of Marion;

WHEREAS, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the advisability of allowing certain lesser restricted uses in certain zoning districts;

WHEREAS, the City Council has determined that allowing certain lesser restricted uses in districts that require greater restricts will not have a negative impact on the landowners who own property adjacent to or near the property where the landowner desires to use such land for a lesser restricted use;

WHEREAS, over the last several years, the City has had difficulty maintain enough Planning and Zoning Commission members to regularly hold meetings;

WHEREAS, the City Council finds that it is in best interest of the City to change the number of Planning and Zoning Commission members from 7 to 5 and to have the City Council serve as the Planning and Zoning Commission; and

WHEREAS, it is in the best interest of the City to encourage the use and development of the property within its City limits in a manner that will benefit the citizens of the City of Marion; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, TEXAS, THAT:

Part 1. Enacted

THAT Ordinance No. 03-2010 is hereby amended by adding SECTION III, C. 6 entitled LESSER INCLUDED USES, including the addition of Chart C; amending SECTION IV, A CREATION by naming the City Council as Planning and Zoning Commission; and amending SECTION IV, C by changing the number of members from 7 to 5. The above listed portions of sections shall now read as follows:

SECTION III. ZONING REGULATIONS

- C. ZONING DISTRICTS AND BOUNDARIES
 - 6. LESSER INCLUDING USES

Certain less restricted uses will be allowed in areas not specifically zoned for these uses.

- a. All single-family residential uses (R-, R-1A, and R-2) are considered lesser included uses and allowed in multi-family residential districts (R-3), manufactured home districts (MH) and commercial districts (C-1).
- b. Chart C shall be used to determine the allowed lesser included uses for all zoning districts included on the zoning map established at the adoption of Ordinance 03-2010.

CHART C. LESSER INCLUDED USES

The table as read from left to right will show in which zoning districts the uses of the zoning district in the first column are allowed. For example: R-1 is allowed in districts zoned R-1, R-1A, R-2, R-3, MH and C-1.

The table as read from top to bottom shows which zoning district uses are allowed in the zoning district in the top row. For example: The only allowed uses in an area zoned R-1 are those specifically set out in R-1 and P.

Zoning District	R-1	R-1A	R-2	R-3	MH	C-1	I-1	P
R-1	-	Allowed	Allowed	Allowed	Allowed	Allowed	Not Allowed	Not Allowed
R-1A	Not Allowed	-	Allowed	Allowed	Allowed	Allowed	Not Allowed	Not Allowed
R-2	Not Allowed	Not Allowed	-	Allowed	Allowed	Allowed	Not Allowed	Not Allowed
R-3	Not Allowed	Not Allowed	Not Allowed	-	Allowed	Allowed	Not Allowed	Not Allowed
MH	Not Allowed	Not Allowed	Not Allowed	Not Allowed	-	Not Allowed	Allowed	Not Allowed
C-1	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	-	Allowed	Not Allowed
I-1	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	-	Not Allowed
P	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	-

SECTION IV: PLANNING AND ZONING COMMISSION

A. CREATION

There is hereby created a Planning and Zoning Commission of the City of Marion. Unless otherwise established by a resolution of the City Council, the City Council shall serve as the Planning and Zoning Commission.

C. STRUCTURE OF THE COMMISSION

An agency of the City Council of the City of Marion, Texas, is hereby created which shall be known as the Marion Planning and Zoning Commission, and that such commission shall consist of five (5) members, which shall be appointed by the City Council.

Part 2. Severability

If any section, sub-section, clause, phrase or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 4. Open Meetings


That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code and Chapter 211, Texas Local Government Code.

Part 5. Effective Date

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

PASSED and ADOPTED this 3rd day of February 2020.





Victor A. Contreras, Mayor
City of Marion, Texas

ATTEST:



Maria Hernandez, City Secretary