

CITY OF LAVON, TEXAS
ORDINANCE NO. 2018-06-01

Zoning Change – 3.06 Acres at SH 78 and SH 205

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF LAVON CODE OF ORDINANCES TO CHANGE THE ZONING CLASSIFICATION FROM RETAIL (R) TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT CREATED BY ORDINANCE NO. 2004-09-05, AS AMENDED FOR RETAIL AND RESIDENTIAL USES ON 3.06 ACRES ON TRACT 65 IN THE W.A.S. BOHANNON SURVEY, A-121 SITUATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SH 205 AND SH 78; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS an application was submitted to change the zoning from Retail (R) to Planned Development District (PD-MU) created by Ordinance No. 2004-09-05, as amended for retail and residential uses on 3.06 acres described as Tract 65, W.A.S. Bohannon Survey, A-121, City of Lavon, Collin County, Texas (the “Property”); and

WHEREAS, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

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

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT

The Zoning Classification for and the Comprehensive Zoning Map depicting the Property is hereby rezoned from Retail (R) to Planned Development (PD-MU) Zoning District Created By Ordinance No. 2004-09-05, as amended for Retail and Residential Uses. The Property shall be subject to all ordinances and regulations of the City applicable to the Property, including without

limitation the Zoning Ordinance and those regulations adopted by Ordinance No. 2004-09-05. Ordinance No. 2004-09-05 shall control in cases of conflict with the Zoning Ordinance.

SECTION 3. SAVINGS

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 4. CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase 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 it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Lavon determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 7. PUBLICATION

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 8. EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 5th day of June 2018.



Charles A. Teske, Jr., Mayor

ATTEST:



Kim Dobbs, City Administrator | City Secretary

