



Lavon City Council Regular Meeting

P.O. Box 340 ~ 120 School Rd.

Lavon, TX 75166

Ph. (972) 843-4220 ~ Fax (972) 843-0397

LAVON CITY HALL – COUNCIL ROOM

April 5, 2016

7:00 PM

NOTICE OF ATTENDANCE

NOTICE is hereby given that members of the Lavon Economic Development Corporation, Lavon Planning and Zoning Commission, Parks and Recreation Board, Infrastructure and Facilities Commission and Tax Increment Financing Zone #1 Board may be in attendance at this Lavon City Council Meeting.

- I. PRESIDING OFFICER TO CALL THE LAVON CITY COUNCIL MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT.**
- II. PRESIDING OFFICER TO LEAD THE COUNCIL AND VISITORS IN THE PLEDGE OF ALLEGIANCE.**
- III. INVOCATION**
- IV. CITIZENS COMMENTS**

Citizens, who wish to address the Council, may discuss matters not on the agenda and who have not previously expressed to the Council or City Hall a desire to discuss such matters. The only response from the Council can be to request these items to be placed on a future agenda for action. Citizens comments are limited to three minutes for each person.
- V. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS**

Members of City Council have the opportunity to notify others of community events, functions and other activities.
- VI. CONSIDERATION AND ACTION**
 - A.** City Council to Consider and Act on appointing Leticia Harrison to the Economic Development Corporation Board, Place 5, whose term will expire on July 1, 2016. (Wright)
 - B.** City Council to Consider and Act on approving Ordinance 2016.04.01, an ordinance establishing regulations for fences and providing for enforcement. (Teske)
- VII. DISCUSSION**
 - A.** City Council to discuss adding a Municipal Development District for parks or other qualified community benefit to the November 2016 ballot. The .25 cent sales tax increase would fund the Municipal Development District. (Sanson)
 - B.** City Council to discuss the Economic Development Corporation's 2015 Annual Report. (Wright/Mundo)
 - C.** City Council to discuss the Economic Development Corporation's Strategic Plan. (Wright/Mundo)



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CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS


Council Members and staff may request items be placed on a future agenda or request a special meeting be called.

VIII. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Notes to the Agenda:

1. Items marked with an * are consent items considered to be non-controversial and will be voted on in one motion unless a council member asks for separate discussion.
2. The Council may vote and/or act upon each of the items listed in this Agenda except for discussion items.
3. The Council reserves the right to retire into executive session under Sections 551.071 – of the Texas Open Meetings Act concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.
4. Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-843-4220 two working days prior to the meeting so that appropriate arrangements can be made.

This is to certify that I, Susan K. Johnson, Acting City Secretary for the City of Lavon, posted this Agenda on the glass of the front door of the City Hall, facing the outside, the City's website at www.cityoflavon.com and on the City Hall bulletin board, on or before 7:00 PM on April 1, 2016.


Susan K. Johnson, Acting City Secretary

Removed from posting this ____ day of April, 2016 at ____ a.m. / p.m.

Susan K. Johnson, Acting City Secretary

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Lavon Economic Development Corporation Strategic Plan update for 2016

Mission: "We cultivate Investment and Growth"

GOAL 1. ATTRACT NEW PRIVATE SECTOR COMMERCIAL DEVELOPMENT EXPANDING THE PROPERTY AND SALES TAX BASE FOR LAVON.

Strategy: Attract partners in the development of build to suit and speculative commercial/business & office buildings

Strategy: Market Lavon available retail and commercial properties through the Lavon EDC website and at tradeshow such as NTCAR and TX Deal Making of the ICSC

Strategy: Encourage the continued development of property through voluntary annexation and extension of utilities

Strategy: Participate, as appropriate, in development of public facilities that will attract new development

Strategy: Continue efforts for improved telecommunications and high speed broadband Internet

Strategy: Support the development of the 17 acre Lavon Park and Recreational Sports Complex

Strategy: Meet periodically with City Council and the Planning and Zoning Commission to coordinate efforts of land development and economic development

Strategy: Develop effective local micro-small business events and opportunities including Shop Small Saturday and incentive efforts to attract small business development in Lavon

GOAL 2. DEVELOP THE BRAND “LAVON”MARKETING LAVON THROUGH THE WEB SITE AND A MINIMUM OF 3 OUTSIDE MARKETING EVENTS

Strategy: Participate in two regional trade shows – NTCAR and Texas Deal Making

Strategy: Update the aerial map and develop an aerial brochure of Lavon showing completion of SH 78

Strategy: Continue to update, expand and maintain the Lavon web site with fresh information and facts

Strategy: Invite local developers/investors to the EDC meetings to promote their products

Strategy: Continue efforts to place the designed SH 205 Monument sign on the Collin County site

Strategy: Encourage City Council to adopt the Film Friendly ordinance and obtain Texas Film Friendly designation

Strategy: Update or create an additional Lavon Video after opening of SH 78 and the two on-going building projects are completed.

GOAL 3. STRENGTHEN THE MANAGEMENT TOOLS OF THE LAVON ECONOMIC DEVELOPMENT CORPORATION

Strategy: Encourage the training of Board Directors and staff

Strategy: Actively encourage full capture of the sales tax rates available to Lavon through the creation of a Municipal Development District as a method to support and manage Lavon's Recreational Sports Complex and other community facilities

Strategy: Continue the use of a Professional and Certified Economic Developer as the Lavon Board Executive Director

Strategy: Continue the use of an Office Administrator with scheduled office hours at the City Hall

Strategy: Continue the Board of Directors policy to meet at least monthly and more if necessary to meet the Mission of the EDC

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LAVON ECONOMIC DEVELOPMENT CORPORATION

Lavon Economic Development Corporation is a Texas Type B Development Corporation whose purpose is to promote and develop new & expanding business enterprises to retain or expand primary jobs plus projects that improve the quality of life such as sports/ recreational facilities, tourism & entertainment facilities, convention facilities, store, restaurant, parking, transportation facilities and related street, water and sewer facilities.

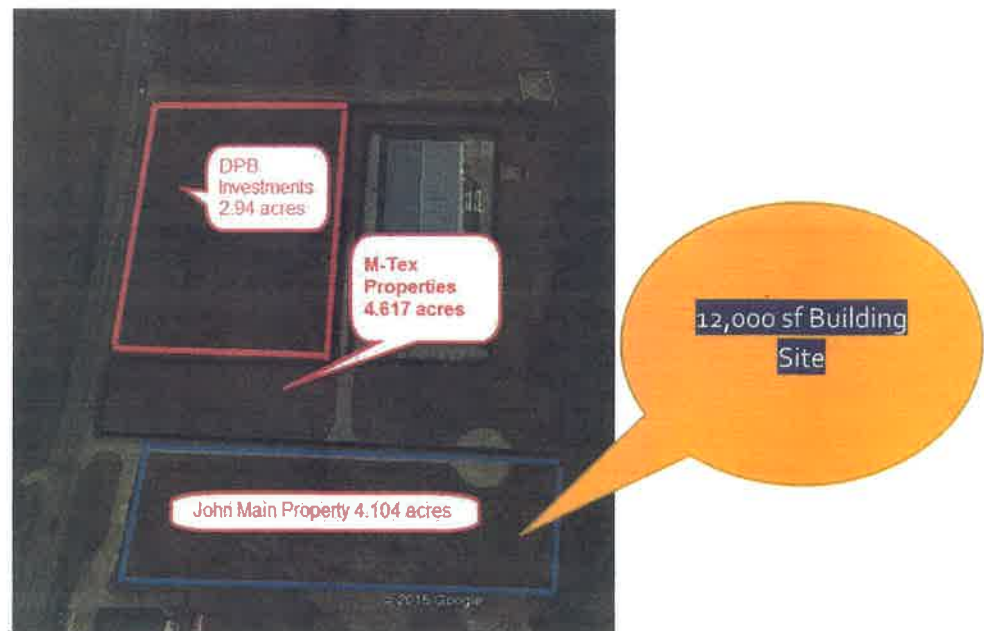
ANNUAL REPORT FOR 2015

MISSION: "WE CULTIVATE INVESTMENT AND GROWTH"

Goals for 2015

ATTRACT NEW PRIVATE SECTOR COMMERCIAL DEVELOPMENT & EXPAND TAX BASE

Lavon Economic Development Corporation (EDC) completed Lavon Business Park Phase II sanitary sewer line. This project extended the sanitary sewer line to additional acreage. LEDC sanitary sewer line project made the 11 acres in Lavon Business Park more attractive to retail and business development.



Lavon Business Park

In 2015 a business park prospect committed to build a 12,000 square foot business/warehouse building in the Lavon Business Park. This project of \$1,250,000 will bring to Lavon 15 employees. Growth

projects employment to increase to 50 employees. Developer expected to begin construction in early spring of 2016. This project will add approximately \$5,625 annually to the Lavon property tax rolls.

In 2015 Lavon EDC completed an agreement for a sanitary sewer line extension on Lake Road attracting a 3,000 square foot medical office building to be used by dentists. The value of the construction is between \$750,000 and \$900,000. This construction will add between \$3,418 and \$4,101 annually to the Lavon tax rolls. Construction has started on this project. This sewer line will also make service available to adjoining properties.



Construction underway for office building on Lake Road

Lavon EDC participated, with the City and the Parks Board, to develop an overall Lavon Park and Recreational Sports Complex Master Plan. This Master Plan will allow the City to create phases for development as funds become available or a future bond issuance is considered.



Small Business Development was actively pursued by Lavon EDC. The Lavon EDC held a half day small business training session, led by the American Red Cross, for workplace emergency training. Participants were trained in First Aid, CPR, and AED. The Small Business Saturday was also promoted by the Lavon EDC for the first Saturday after Thanksgiving. And a committee was formed to begin research on incentives for small business growth. The Directors of the LEDC continue marketing Lavon to cable and high speed Internet providers.



GOAL: DEVELOP THE BRAND "LAVON...MARKETING LAVON THROUGH THE WEB SITE AND A MINIMUM OF THREE OUTSIDE MARKETING EVENTS.

The LEDC participated in the NTCAR (North Texas Commercial Association of Realtors) trade show in Dallas and the International Council of Shopping Centers – Texas Deal Making Show to meet with land developers, investors and real estate brokers.



Lavon EDC completed design of the SH 205 location for a City Monument Sign.



Director Charles Allen attended the Texas Film Friendly training to begin attracting filming and video development in Lavon by the Texas film industry.



Lavon EDC continues to advertise in the Lavon Area Chamber of Commerce Directory, the CISD All Sports Guide and "Round Town" to increase awareness of the Lavon opportunities & Lavon EDC.



Lavon EDC assisted the City and the Lavon Area Chamber of Commerce through participating in the Easter Egg Hunt and Halloween Event. The Lavon EDC assisted with the 4th of July John Abston Breakfast, at Lake Side Cemetery. The event recognized early pioneer John Abston as the only US Revolutionary soldier buried in Collin County.

The Lavon EDC continues to update and improve the Lavon EDC web site including reorganization of the navigation tools and links to report. The website is recognized as the initial source of information and the primary marketing tool bringing prospects to Lavon and the Lavon EDC staff.

GOAL: STRENGTHEN THE MANAGEMENT TOOLS OF THE LAVON EDC

The Lavon EDC began a program of computer replacements (3 computers yearly) and professional IT service to assure proper record keeping and utilization of up to date software.

The Lavon EDC began a new financial/budgeting Month to Month reporting system and installed Quick Books to begin utilizing that software for financial record keeping.

The Board of Directors received a successful annual financial audit.

The Lavon EDC Administrative Services position was reorganized. The position went from an independent contractor position to a part-time employee position. Hiring was completed through services provided by Mundo and Associates, Inc.



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CITY OF LAVON, COLLIN COUNTY TEXAS

ORDINANCE NO: 2016.04.01

Revised Fence Ordinance

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS: PROVIDING FOR THE REGULATION OF FENCES WITHIN THE CITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Lavon ("City Council") seeks to protect the public safety, preserve the quality of life, promote health, welfare, convenience and enjoyment of the public in the City; and

WHEREAS, pursuant to Texas Local Government Code the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, City Council of the City of Lavon believes it is in the best interest of the citizens and visitors to the City, to regulate the construction, maintenance and placement of fencing within the City of Lavon.

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

SECTION 1. Enactment

1.1 The City Council of the City of Lavon finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Lavon.

1.2 Popular Name

This Chapter shall be commonly cited as the "Revised Fence Ordinance."

1.3 Scope

This Chapter applies to all fences within the incorporated municipal boundaries (i.e., "city limits").

SECTION 2. Purpose.

2.1 Purpose, Generally

This Chapter provides uniform standards for the erection and maintenance of fences. All fences in this Chapter shall be erected and maintained in accordance with these standards. The general objectives of these standards are to: promote health, safety, welfare, convenience and enjoyment of the public; improve the long term sustainability of residential structures; and to promote the safety of persons and property by providing that fences do not:

- 2.1.1 Create a hazard due to collapse, fire, decay or abandonment;
- 2.1.2 Obstruct firefighting or police observation ability;
- 2.1.3 Create traffic hazards by confusing or distracting pedestrians or motorists;
- or
- 2.1.4 Become obstacles that hinder the ability of pedestrians, bicyclists or motorists to read traffic Signs.

SECTION 3. Definitions

3.1 Definitions, Generally

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

3.2 Approved Fence Materials

Materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, metal tubing, wood planks, chain link and vinyl composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use that are weather and decay-resistant. The provisions of this Ordinance are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by a Building Official, or his designee. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Ordinance in quality, strength, effectiveness, fire resistance, durability and safety.

3.3 Building Official

The City of Lavon Code Enforcement Officer, Building Inspector, or a designee of any of the preceding persons.

3.4 City

The City of Lavon.

3.5 Codes

Ordinances passed and approved by the City of Lavon, Texas.

3.6 Dilapidated Fence

A fence which is decayed, deteriorated, or has fallen into partial ruin.

3.7 Director of Public Works

The person(s) so designated by the City to provide oversight for and have responsibility of the Public Works Department.

3.8 Easement

A right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, and may be dedicated by plat or implied by right. It is either for the benefit of appurtenant land such as for the right to cross, or egress, such as a public utility easement, or in specific, such as an exclusive utility easement. An easement may or may not have descriptive metes and bounds.

3.9 Fence

An artificially constructed barrier enclosing, separating, or screening areas of land, serving as a boundary, a means of protection, a buffer, a decorative element, a means of visually modifying the view, and/or for confinement. A fence is any part of a fence including the base, footings, supporting columns, post, braces, structural members, or any other of its appendages. Except where otherwise required in this Code, regulations governing the height, location and opacity of fences also apply to walls, hedges or landscaping used in lieu of a fence or in combination with a fence.

3.10 Fence Contractor

A person, who for remuneration, erects, maintains, constructs, or reconstructs a fence on the premise of another. It does not mean the owner who owns or leases the premises on which the fence is located.

3.11 Fence Contracting

Engaging in the business of erecting, maintaining, constructing, or reconstructing fences for which a permit is required.

3.12 Front Yard

A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

3.13 Lot, Corner

A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

3.14 Lot, Depth

The mean horizontal distance between the front and rear lot lines.

3.15 Lot, Interior

A lot other than a corner lot.

3.16 Lot, Key

A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

3.17 Opacity

Opacity is the degree of openness which light or views are blocked measured perpendicular to the fence for each fence section between supports.

3.18 Public Right-of-Way (ROW)

A strip of land which is used as a roadbed for street, alley or a highway and is intended for use by the public at large, or land set aside as an easement or in fee, either by purchase, agreement or condemnation. Generally, describes an area used for the provision of streets and utilities. Unless otherwise specified, the term right-of-way shall refer to a public right-of-way.

3.19 Rear Yard

The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

3.20 Repair

A repair to a fence shall be defined as maintenance to a fence where replacement of materials does not exceed forty (40%) percent of the fence and does not change the scope, location or dimensions of the fence. Repairs shall be made using the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made.

3.21 Residential District

A district where the primary purpose is residential use and is defined in the comprehensive zoning ordinance, excluding multi-family.

3.22 Retaining Wall

A wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

3.23 Screening

A method of visually modifying the view of a structure, building, feature or use by methods such as fencing, walls, berms, densely planted vegetation or a combination of these methods.

3.24 Screening Wall

A wall or architectural extension that may be part of the structure or a standalone feature that screens from view the interior of a property so that visibility through the wall shall be prevented from the exterior side of the wall or architectural extension.

3.25 Setback

The distance from the property line or the right-of-way line of all streets adjacent to the premises on which a fence is located to the part of the fence closest to the property line or right-of-way line.

3.26 Side Yard

The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

3.27 Street

Any dedicated public thoroughfare that affords the principal means of access to abutting property.

3.28 Vision or Visibility Triangle

The corner visibility triangle is defined at an intersection by extending the two ROW lines from their point of intersection to a distance of thirty feet (30'). These two points are then connected with an imaginary line to form the corner visibility triangle. If there are no curbs existing, then the triangular area shall be formed by extending the property lines for distance of thirty feet (30') from their point of intersection.

3.29 Yard

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

SECTION 4. Permits

4.1 Permit Required

It is unlawful for any person to construct, repair, replace, or cause to be constructed, repaired, or replaced, a fence or any part of a fence in the city without first obtaining a

fence permit from the Building Official. No permit is required for repairs as defined by this Ordinance.

4.2 Unlawful Securing of Permits

No registrant under this ordinance shall for any purpose allow its registration, by name or any other identification, to be transferred to, assigned to, or in any manner directly or indirectly used by, any person, and corporation or business entity other than the one to whom the registration was issued.

4.3 Approved Plans

The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the City Secretary's Office. When a permit is submitted where plans are required, the Building Official or his designee shall endorse in writing or stamp the plans and specifications "Reviewed." Such reviewed plans and specifications shall not be changed, modified or altered by any person without authorization from the Building Official or his designee, and a person shall do work regulated by this Ordinance in accordance with the approved plans.

4.4 Expiration.

Every permit issued shall become invalid unless the work authorized by such permit is commenced within ninety (90) days after its issuance, or if the work authorized by such permit is suspended, abandoned or lacks the required inspections by a Building Official for a period of ninety (90) days after the time the work is commenced. The City Secretary's Office or his designee may extend the time for action by the applicant for a period not to exceed ninety (90) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No applications shall be extended more than once. Changes, alterations, or adjustments in the permit or in the work authorized by the issuance of the permit, after it has been issued, shall not extend the original expiration date established upon the original issuance of the permit.

4.5 Suspension or Revocation

The City Secretary's Office or his designee may, in writing, suspend or revoke a permit issued under the provisions of this Ordinance when the permit was issued in error, on the basis of incorrect information, or in violation of any applicable law.

4.6 Validity of Permit

The issuance or granting of a permit or approval of plans, specifications and computations is not a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other city ordinance. Permits presuming to give authority to violate or cancel the provisions of this Ordinance or any other city ordinance are not valid.

4.7 Construction Documents

Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets, as required by the Building Official,

with each application for a permit. When required by a City Secretary's Office or his designee the applicant shall also provide additional information as required by the building code. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

4.7.1 Where special conditions exist, a Building Official or the City Secretary's Office are authorized to require additional construction documents to be prepared by a registered design professional.

4.7.2 Exception: The City Secretary's Office is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

4.8 Availability of Plans

One set of approved plans, specifications, and a copy of the permit shall be made available, by the applicant, for inspection of the work authorized by the permit. The said set of approved plans, specifications and permit shall be kept on the work site by the applicant during the construction process.

4.9 Other Laws

The owner or the owner's authorized agent who applies for a permit to construct a fence must comply with all the requirements of this Ordinance and the requirements of the building code. The provisions of this Ordinance shall not be deemed to nullify any provisions of local, state or federal law.

4.10 Posting Permit

The owner, the owner's authorized agent or the contractor who receives a permit to construct a fence must post the permit in accordance with this section.

4.10.1 Each permit shall be posted in such a manner as to be visible from the street;

4.10.2 Each permit shall be posted in the first window left of the front door;

4.10.3 If the residence has no windows to the left of the front door, the permit shall be posted in the first window right of the front door;

4.10.4 If the property has no windows facing the street, the permit shall be sealed in a clear watertight container in such a manner as to be readable through the container; affixed to a sturdy backer-board that is at least 1 inch larger than the permit on all sides; affixed to a sturdy post; and posted in the front yard in a manner clearly visible from the street.

4.10.5 All descriptions of directions in this section shall be from the viewpoint of a person facing the front of the house.

SECTION 5. Contractor

5.1 Contractor Registration Required

It is unlawful for any person to engage in the business of fence contracting without a valid contractor's registration. Property owners are not required to register as a contractor.

5.2 Forms and Applications

The City Secretary's Office shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for a contractor registration.

5.3 Contractor Registration Expires

Every contractor registration provided for in this code shall expire one (1) year following the date of its issuance, and shall be renewed by the City Secretary's Office upon application.

5.4 Revocation

The City Secretary or his designee may revoke or suspend a fence contractor's registration for either of the following reasons:

5.4.1 The registrant violates the requirements of this ordinance twice within a twelve (12) month period.

5.4.2 The registrant fails to obtain permits and/or inspections twice within a twelve (12) month period.

5.5 Reinstatement

A contractor whose registration has been revoked or suspended may be reinstated by the City Secretary's Office or the City Council. The registration may only be reinstated if the contractor corrects all violations and pays all applicable fees.

5.6 Appeal

Appeals from an order, requirement, decision or determination of a Building Official or the City Secretary's Office shall be made in writing to the City Secretary's Office within seven working days of the order, requirement, decision or determination. The City Secretary's Office shall notify the Building Official and the appellant of the placement of the appeal on an upcoming City Council agenda in compliance with the Texas Open Meetings law.

5.7 City Council's Decision

The decision of the City Council is final.

SECTION 6. Application for Fence Permit

6.1 Application Required

Any person making application for a fence permit shall complete a permit application, provided by the City Secretary's Office or his designee. The City Secretary's Office shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for a contractor registration.

6.2 Expiration of Plan Review

Application for which no permit is issued within ninety (90) days following the date of application shall expire by limitation, and plans and other data submitted for review may be returned to the applicant or destroyed by the City Secretary's Office. City Secretary's Office may extend the time for action by the applicant for a period not exceeding ninety (90) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No applications shall be extended more than once.

6.3 Homeowner Validation

Permits will not be processed without contractor and homeowner written validation.

SECTION 7. Regulation of Fences Generally

7.1 Encroachment on public property.

No person shall construct a fence, guy wire, brace or any fence post upon, or into public right-of-way or property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through.

7.2 Fence not to create a traffic hazard.

It is unlawful to erect, maintain, suffer or permit any fence on any corner lot in such a manner as to create a traffic hazard or restrict visibility. Failure of the owner, agent or occupant to remove such obstruction within the specified time limit required on the receipt of notice to do so is a violation of this Ordinance.

7.3 No fence material shall be used to construct a fence except for those listed and regulated in this chapter or other city ordinances.

7.4 Materials acceptable for the construction of fences include sections of fence designed by a manufacture for the express purpose of use as a component of a fence intended for the type location it is purposed to be used and consisting of wood, metal, plastic or composite.

7.5 Fence sections essentially parallel with a public street shall have their back side (the side with the exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public. Exception: Posts and rails may be oriented to the exterior of the residence when concealed within construction that is consistent with and

complementary to the construction of the fence. Visual depictions of construction shall be required for review of appearance prior to issuance of a permit.

7.6 No fence shall be erected on public right-of-way, within any drainage easement, or Visibility, Access & Maintenance Easements unless otherwise authorized by the Public Works Director.

7.7 Fences constructed in non-residential zoning districts must meet requirements found in the zoning ordinance.

7.8 Any area three (3') feet in radius around any fire hydrants and fire hose connections must be kept free of any fencing that could impede access to or use of the hydrant or fire hose connection.

7.9 A fence must not impede access to public utilities or metering devices.

7.10 Fences are not permitted in floodway areas as designated on FEMA's flood boundary and floodway map.

7.11 A fence must not adversely affect drainage or create debris build-up.

SECTION 8. Regulation of Residential Fences

8.1 Residential Zoning District Regulations.

This section shall apply in all residential zoning districts within the city.

8.2 Height Limitation, Rear yard.

It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence in any rear yard or along any rear yard lot line which fence exceeds eight (8') feet in height as defined in this ordinance.

8.2.1 Decorative gate embellishments are allowed. They shall not exceed the height of the fence by more than two (2') feet.

8.3 Height Limitation, Side yard.

It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence in any side yard or along any side yard lot line which fence exceeds eight (8') feet in height as defined in this ordinance.

8.4 Construction in front yards.

8.4.1 All fences constructed in the front yard of a residential property shall be no taller in height than forty-eight (48") inches as defined in this ordinance.

8.4.2 All fences constructed in the front yard of a residential property shall allow minimum fifty (50%) percent opacity.

8.4.3 All fences constructed in the front yard of a residential property shall not impede the vision triangle.

8.4.4 All fences constructed in the front yard of a residential property shall not allow vertical support posts and gates to extend more than four (4") inches above the top of the fence intersection.

8.4.5 Decorative Gates. A decorative gate over four (4') feet in height in the front yard requires the approval of the City Secretary's Office or designee.

8.5 Key Lots.

There are special restrictions for fences on key lots.

8.5.1 Refer to the definition in the definitions section for an explanation of a key lot.

8.5.2 A fence, that is more than 50% opaque and constructed of tubular steel or wrought iron and not exceeding eight (8) feet in height, may be located up to five (5) feet from the property line of the side of the house on a key lot.

8.5.3 A solid fence, not exceeding eight (8) feet in height, may be located at the setback line (front yard setback shall be used for key lots) as defined by Zoning Ordinance as it is currently written or may be amended. It is the property owner's responsibility to ensure proper setbacks are maintained.

8.6 Temporary fences.

Temporary fences are prohibited in residential districts, except where required by Code for construction, excavation or life safety issues.

8.7 Prohibited Fences

Except as noted in 7.7.7, the following types of fences are prohibited in a residential district. It is unlawful for any person to erect, maintain, or permit a fence that;

8.7.1 Is electrically charged in any manner, except single-strand wires designed to conduct electricity through an approved low-voltage regulator shall be allowed along the fence's interior for the purposes of securing pets within a fenced yard.

8.7.2 Has barbed wire in or on it.

8.7.3 Has concertina wire in or on it.

8.7.4 Has razor wire in or on it.

8.7.6 Has in it or on it barbs, projections, broken glass, or anything reasonably capable of causing harm to persons or animals.

8.7.7 Residential lots consisting of one or more acres and that are or can be used for housing horses or livestock in compliance with all City ordinances are exempt from sections 8.7.1 and 8.7.2.

8.8 Perimeter Walls

8.8.1 Where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of twenty (20') feet.

8.8.1.1 Exception

The City Secretary's Office may make exceptions to the twenty (20') feet transition where terrain and lot orientation does not allow for an orderly transition. Visual depictions of construction shall be required for review prior to issuance of a permit.

8.9 Access for Residential Garbage Collection.

Access must be maintained upon a residential lot for the access and collection of trash and recycling containers.

8.9.1 Residential lots that enclose the driveway with a gate shall provide a separate area where trash and recycling containers are accessible for collection as approved by the Public Works department.

8.9.2 Residential lots that do not provide an accessible location for the collection of refuse containers may be refused service.

8.10 Pools

Residential lots with a pool shall have an interior fence as required by code to protect access to the pool.

8.11 Determining fence height and opacity

8.11.1 Fence height is measured to include the body of the fence, plus allowing a maximum of six (6") inches (on average between posts) above the natural grade (i.e., for drainage purposes). Fence posts are permitted to extend a maximum of four (4") inches above the body of the fence. Columns are permitted to extend a maximum of twelve (12") inches above the body of the fence.

8.11.2 Elevations. In the event that the fence height has been elevated through the use of a retaining wall, the fence height is measured from the ground level at the highest point. The creation of a berm or other method for the primary purpose of increasing the elevation of the fence is not allowed.

8.11.3 Opacity is the degree of openness which light or views are blocked measured perpendicular to the fence for each fence section between supports.

SECTION 9. Non-Residential Fences

9.1 Fences constructed in non-residential zoning districts must meet requirements found in the zoning ordinance.

9.2 Height Restrictions.

A fence in a non-residential zoning district may not exceed eight (8') feet in height nor be less than six (6') feet in height and meet the requirements of the Zoning Ordinance as it currently exists or may be amended.

9.3 Fences in districts zoned Agricultural or Industrial may also contain the following material:

9.3.1 Fence arms,

9.3.2 Barbed wire as accessory to other fencing material

9.3.3 Razor wire with special applications

9.3.4 Chain Link

9.3.5 Other material that may be approved for use in that district by the City Secretary's Office or his designee, unless approved by a site specific zoning case or approved by a variance.

9.3.6 Fences on parcels used for Agricultural purpose may contain barbed wire or other material approved by the City Secretary's Office or his designee.

SECTION 10. Fees

10.1 When a person begins any work for which a permit is required by this Ordinance without first obtaining a permit, the permit application fee shall be double the amount of the standard permit fee whether or not a permit is ultimately issued.

10.1.1 Payment of the fee shall not exempt any person from compliance with all other provisions of this Ordinance nor from any penalty prescribed by law.

10.2 Permit fees shall be designated by the City Fee Schedule.

SECTION 11. Offense

11.1 It shall be unlawful for any person or organization to violate any regulation described in this ordinance.

SECTION 12. Savings and Repealing Clause

12.1 All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect. This ordinance repeals Ordinance 2000-02-02 in its entirety.

SECTION 13. Severability

13.1 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 judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 14. Enforcement and Penalties

14.1 Civil & Criminal Penalties

14.1.1 The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

14.2 Criminal Prosecution

14.2.1 Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

14.3 Civil Remedies

14.3.1 Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

14.3.1.1 injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

14.3.1.2 a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the

Ordinance or failed to take action necessary for compliance with the Ordinance; and other available relief.

SECTION 15. Effective Date

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON,
TEXAS ON THIS ____ DAY OF _____, 2016.**

The Honorable Charles Teske, Mayor

Attest:

LeAnn McClendon, Acting City Secretary