

**CITY OF LAVON, TEXAS**

**ORDINANCE NO. 2013-12-13**

**Planned Development District No. 2**

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING PLANNED DEVELOPMENT DISTRICT NUMBER 2, WHICH PROVIDES FOR RETAIL, RESTAURANT, TRADE CONTRACTOR OFFICES AND DISPATCH FACILITIES, WAREHOUSE AND DISTRIBUTION, ASSEMBLY OF PARTS AND EQUIPMENT, AND COMPUTER AND ELECTRONIC TECHNOLOGY USES ON A 4.104 ACRE TRACT OF LAND LOCATED GENERALLY AT THE SOUTHEAST CORNER OF S.H. 205 AND LAVON CIRCLE; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF \$2,000 PER DAY; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, at its meeting held on the 30th day of December, 2013, the Planning & Zoning Commission considered and made recommendations on a certain request for a Planned Development District; and

**WHEREAS**, this zoning change is in accordance with the adopted Comprehensive Plan of the City of Lavon; and

**WHEREAS**, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Lavon, Texas, as follows:

Section I.     Definitions. Definitions shall be those contained in Ordinance 97-12-08, as amended unless specifically defined herein.

Section II.     Permitted Uses. Planned Development District No. 2 is hereby created for a certain approximately 4.104 acre tract of land, both described in the attached Exhibit A and located at the southeast corner of State Highway 205 and Lavon Circle, being Lavon Business Park #2, Lot 2, Collin CAD Property ID 2666582, providing for the following uses:

- a. All principal and accessory uses which are allowed by right in the Retail "R" District as set forth in the Comprehensive Zoning Ordinance, as amended

- b. Trade Contractor Offices and Dispatch Facilities (excluding outside storage)
- c. Warehouse Distribution
- d. Assembly of Parts and Equipment contained wholly within a building
- e. Computer and Electronic Technology, Design and Engineering including data centers and software design

Section III. Prohibited Uses. The following uses shall be prohibited:

- a. Uses that are not Permitted Uses
- b. Outside storage that is accessory to Permitted Uses
- c. Outside storage as a primary use

Section IV. Landscape Standards. Landscaping shall be provided as required by Section 5.1 of the Comprehensive Zoning Ordinance, as amended.

Section V. Site Plan Required. The property may not be developed and no building may be constructed without a site plan having been approved by the City Council after receipt of a recommendation by the Planning & Zoning Commission.

Section VI. Development Standards. Development shall be in accordance with the general requirements contained in the Comprehensive Zoning Ordinance and the Subdivision Ordinance and the following special conditions, restrictions and regulations:

- a. Height – 100' maximum – not including cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms which may exceed the maximum height by 12 feet.
- b. Setbacks
  - (1) Front – Minimum 20 feet. Accessory uses must be set back not less than 60 feet from the front property line.
  - (2) Side – Minimum 20 feet
  - (3) Rear – Minimum 20 feet
- c. Lot Coverage – Buildings shall not cover more than 50% of the Lot.
- d. Screening – A minimum 6 foot masonry or wood fence shall be constructed between any Permitted Use and any adjacent property zoned for a residential use.
- e. Parking
  - (1) Non-Retail or Restaurant Use - One (1) off-street parking space shall be provided for each 333 sq. feet of gross floor area
  - (2) Retail Use – One (1) off-street parking space for each 200 sq. feet of gross floor area
  - (3) Restaurant Use – One (1) off-street parking space for each 100 sq. feet of gross floor area
- f. Façade Requirements
  - (1) Any building façade facing S.H. 205 shall be composed of not less than 80% masonry.

- (2) Building facades facing on a street other than S.H. 205 shall be composed of not less than 50% masonry.
- (3) Loading Areas. Loading areas shall not face a public street.


Section VII. The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section VIII. Penalty Clause. Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable by a fine not to exceed two thousand dollars (\$2000) per day.

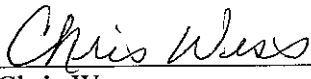
Section IX. Savings Clause. Should any word, phrase, sentence or section contained herein be found to be invalid, such validity shall not affect any other portion of this ordinance.

Section X. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

**PASSED AND APPROVED** this 30<sup>th</sup> day of December 2013.

  
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Charles Teske  
Mayor, City of Lavon, Texas

**ATTESTED:**

  
\_\_\_\_\_  
Chris Wess  
City Secretary, City of Lavon, Texas

## EXHIBIT A

### EXHIBIT "A"

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE W.A.S. BOHANNON SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 2.139 ACRE TRACT OF LAND DESCRIBED IN DEED TO JOHN MAIN, SANDY PRESLEY AND DANNY ROBERSON, VENTURERS/ PARTNERS OF LAVON BUSINESS PARK, A TEXAS JOINT VENTURE, AS RECORDED IN COUNTY CLERK'S NO. 2004-0165642, DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A CALLED 24.37 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JOHN MAIN, SANDY PRESLEY AND DANNY ROBERSON, VENTURERS/ PARTNERS OF LAVON BUSINESS PARK, A TEXAS JOINT VENTURE, AS RECORDED IN COUNTY CLERK'S NO. 2003-0231913, DEED RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET FOR CORNER IN THE EASTERLY LINE OF STATE HIGHWAY NO. 205, SAID POINT BEING SOUTH 04°23'05" WEST, A DISTANCE OF 150.43 FEET FROM THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO P.D. BROWN, RECORDED IN VOLUME 341, PAGE 638, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 89°59'50" EAST, PASSING THROUGH SAID 2.139 ACRE TRACT AND PASSING AT 263.56 FEET THE NORTH / SOUTH COMMON LINE OF SAID 2.139 ACRE TRACT AND THAT CALLED PORTION OF SAID 24.37 ACRE TRACT OF LAND, AND CONTINUING A TOTAL DISTANCE OF 758.83 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET FOR CORNER IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO CARY A. WINEGARDEN, RECORDED IN VOLUME 5394, PAGE 5005, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 00°32'25" EAST, A DISTANCE OF 226.42 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET AT THE SOUTHWEST CORNER OF SAID WINEGARDEN TRACT, SAME BEING THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JOHNNY LYNN MCKNOWN, RECORDED IN VOLUME 3758, PAGE 455, DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING THE NORTHEAST CORNER OF LOT 10, LAVON BUSINESS PARK, DOCUMENT NO. 2004-0036445, PLAT RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 00°33'24" WEST, A DISTANCE OF 0.23 FEET;

THENCE SOUTH 89°11'00" WEST, PASSING AT 716.02 FEET THE NORTHWEST CORNER OF SAID LOT 10, AND CONTINUING A TOTAL DISTANCE OF 780.85 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET FOR CORNER IN THE EAST LINE OF COUNTY ROAD NO. 746;

THENCE NORTH 00°49'00" WEST, ALONG SAID EAST LINE, A DISTANCE OF 46.00 FEET TO A RAILROAD SPIKE FOUND FOR CORNER IN THE EASTERLY LINE OF SAID STATE HIGHWAY NO. 205, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 01°04'36" WEST, A DISTANCE OF 6.00 FEET, SAID POINT BEING IN A CURVE TO THE LEFT HAVING A RADIUS OF 5,779.58 FEET, A CENTRAL ANGLE OF 01°54'26" AND A CHORD BEARING AND DISTANCE OF NORTH 06°05'03" EAST, 192.37 FEET;

THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT AND SAID EASTERLY LINE, AN ARC DISTANCE OF 192.37 FEET TO THE PLACE OF BEGINNING AND CONTAINING 4.104 ACRES OF LAND.

Filed and Recorded  
Official Public Records  
Stacey Keep, County Clerk  
Collin County, TEXAS  
11/01/2010 01:57:23 PM  
\$24.00 CLUNA  
20101101001187730



A handwritten signature in cursive script, appearing to read "Stacey Keep".