

CITY OF LAVON
ORDINANCE NO. 2022-05-03

Planned Development Zoning – Bear Creek, Phase 6

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY RESIDENTIAL USES ON APPROXIMATELY 57.075 ACRES OF LAND, DESCRIBED HEREIN IN EXHIBIT “A” AND LOCATED SOUTHEAST OF THE INTERSECTION OF PRESIDENTS BOULEVARD AND CR 483, COLLIN COUNTY, TX.; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF \$2,000 PER DAY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Lavon, Texas (hereinafter referred to as “City”) is a Type A General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council of the City (the “City Council”), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

WHEREAS, the City Council adopted Chapter 9, Article 9.03 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

WHEREAS, owners of the Property hereinafter defined submitted an application to change the zoning from Agricultural (A) to Planned Development (PD) District, consisting of residential and parks/open space areas, on approximately 57.075 acres of land, generally located on the south side and east side of County Road 483 southeast of the intersection of Presidents Boulevard and CR 483 and more particularly described in **Exhibit “A”** and depicted in **Exhibit “B”** (the “Property”); and

WHEREAS, this proposed zoning change is in accordance with the adopted comprehensive plan of the City; and

WHEREAS, the Zoning Ordinance incorporates design standards and building materials standards that are applicable to residential structures, and such standards substantially further the preservation of property values and the promotion of economic development within the City, and establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

WHEREAS, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

WHEREAS, the City’s policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City’s zoning regulations in all planned development districts; and

WHEREAS, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

WHEREAS, the owner and/or developer of the Property has consented in writing to the enforcement of the City's design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council, 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 is of the opinion and finds that said changes would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Zoning Ordinance and official zoning map of the City (the "**Zoning Map**") should be amended.

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

SECTION 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. Definitions. Definitions shall be those contained in the Zoning Ordinance, Division 3. "Definitions", as amended, unless specifically defined herein

SECTION 3. Zoning Amendment. The Zoning Ordinance is hereby amended to change the zoning of the Property to Planned Development, subject to the following regulations, which exhibits are incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by this Ordinance:

Exhibit C:	Concept and Lot Type Plan
Exhibit D:	Development Standards

SECTION 4. Zoning Map. The Zoning Map is hereby amended to reflect the established zoning classification designation made herein.

Section 5. Compliance Required. The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

Section 6. Severability Clause. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; 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

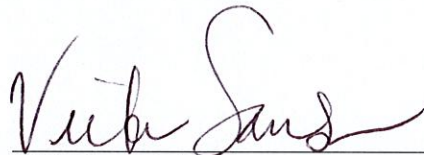
portions of said ordinances shall remain in full force and effect.

SECTION 8. 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.

SECTION 9. 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 551.041 of the Texas Government Code.

SECTION 10. Publication and Effective Date. That this Ordinance shall be in full force and effect immediately upon its adoption and its publication as required by law.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 3rd day of May 2022.


Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



EXHIBIT A

PROPERTY DESCRIPTION

BEING A 57.075 ACRE TRACT OF LAND SITUATED IN THE D. ANGLIN SURVEY, ABSTRACT NUMBER 2, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 56.22 ACRE TRACT OF LAND CONVEYED AS "TRACT ONE" TO JOHN SVENSON, TRACI SVENSON, ORLIN S. SVENSON AND CHARLES O. SVENSON, IN VOLUME 2651, PAGE 24; VOLUME 2651, PAGE 30; VOLUME 2651, PAGE 33 AND VOLUME 2651, PAGE 36, DEED RECORDS, COLLIN COUNTY, TEXAS. SAID 57.075 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND COLLIN CORS ARP (PID-DF8982), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE NORTHEAST CORNER OF SAID 56.22 ACRE TRACT AND THE SOUTHEAST CORNER OF A 92.296 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO WORLD LAND DEVELOPERS, LP, AS RECORDED IN COUNTY CLERK'S FILE NO. 20070913001271380, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE, SOUTH 00 DEGREES 54 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF SAID 56.22 ACRE TRACT, A DISTANCE OF 1637.22 FEET TO A POINT FOR A SOUTHEAST CORNER OF SAID 56.22 ACRE TRACT, SAID POINT BEING ON THE NORTH LINE OF A 15.51 ACRE TRACT OF LAND CONVEYED TO JAMES L. BRANNON AND PEGGY M. BRANNON, AS RECORDED IN COUNTY CLERK'S FILE NO. 20160919001247770, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 15.51 ACRE TRACT AND A SOUTHEAST CORNER OF THE REMAINDER OF AN 8.25 ACRE TRACT OF LAND CONVEYED AS "SECOND TRACT" TO W.W. TOLLETT, AS RECORDED IN VOLUME 105, PAGE 280, DEED RECORDS, COLLIN COUNTY, TEXAS BEARS SOUTH 89 DEGREES 02 MINUTES 07 SECONDS EAST, A DISTANCE OF 174.02 FEET;

THENCE, ALONG THE SOUTH LINE OF SAID 56.22 ACRE TRACT AND SAID NORTH LINE OF 15.51 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 02 MINUTES 07 SECONDS WEST, A DISTANCE OF 240.24 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "BOUNDARY SOL" FOUND FOR CORNER;

SOUTH 01 DEGREES 52 MINUTES 31 SECONDS WEST, A DISTANCE OF 592.17 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

NORTH 87 DEGREES 36 MINUTES 12 SECONDS WEST, A DISTANCE OF 363.54 FEET TO A 1/2 INCH IRON ROD FOUND FOR A SOUTHWEST CORNER OF SAID 56.22 ACRE TRACT, SAID POINT BEING ON THE EAST LINE OF EAST HUBBARD PROPERTIES, AN ADDITION TO COLLIN COUNTY, TEXAS, AS RECORDED IN CABINET G, PAGE 22, PLAT RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 00 MINUTES 43 SECONDS EAST, ALONG A WEST LINE OF SAID 56.22 ACRE TRACT AND SAID EAST LINE OF EAST HUBBARD PROPERTIES, A

DISTANCE OF 761.55 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID EAST HUBBARD PROPERTIES;

THENCE, NORTH 89 DEGREES 29 MINUTES 20 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 56.22 ACRE TRACT AND THE NORTH LINE OF SAID EAST HUBBARD PROPERTIES, PASSING AT A DISTANCE OF 780.56 FEET A 5/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID EAST HUBBARD PROPERTIES, CONTINUING ALONG SAID SOUTH LINE OF SAID 56.22 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 840.83 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 56.22 ACRE TRACT AND THE SOUTHEAST CORNER OF A 90.00 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO ROY BRIAN WEBB AND ANDREA KAY CAMPBELL, AS RECORDED IN VOLUME 4761, PAGE 200, DEED RECORDS, COLLIN COUNTY, TEXAS, SAID POINT BEING ON THE NORTH LINE OF LOT 19, BLOCK B OF MEADOW CREEK ESTATES, AN ADDITION TO COLLIN COUNTY, TEXAS, AS RECORDED IN CABINET G, PAGE 485, PLAT RECORDS, COLLIN COUNTY, TEXAS AND BEING ON APPROXIMATE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 483 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST, ALONG THE WEST LINE OF SAID 56.22 ACRE TRACT, THE EAST LINE OF SAID 90.00 ACRE TRACT AND SAID WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 483, A DISTANCE OF 1474.64 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID 56.22 ACRE TRACT;

THENCE, SOUTH 88 DEGREES 40 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID 56.22 ACRE TRACT, PASSING AT A DISTANCE OF 0.56 FEET A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF AFORESAID 92.296 ACRE TRACT, CONTINUING ALONG SAID NORTH LINE OF 56.22 ACRE TRACT, THE SOUTH LINE OF SAID 92.296 ACRE TRACT AND WITH THE APPROXIMATE CENTERLINE OF AFORESAID COUNTY ROAD NO. 483, IN ALL A TOTAL DISTANCE OF 1475.98 FEET TO A THE **POINT OF BEGINNING** AND CONTAINING 57.075 ACRES LAND, MORE OR LESS.

EXHIBIT B
LOCATION MAP



EXHIBIT C

CONCEPT AND LOT TYPE PLAN

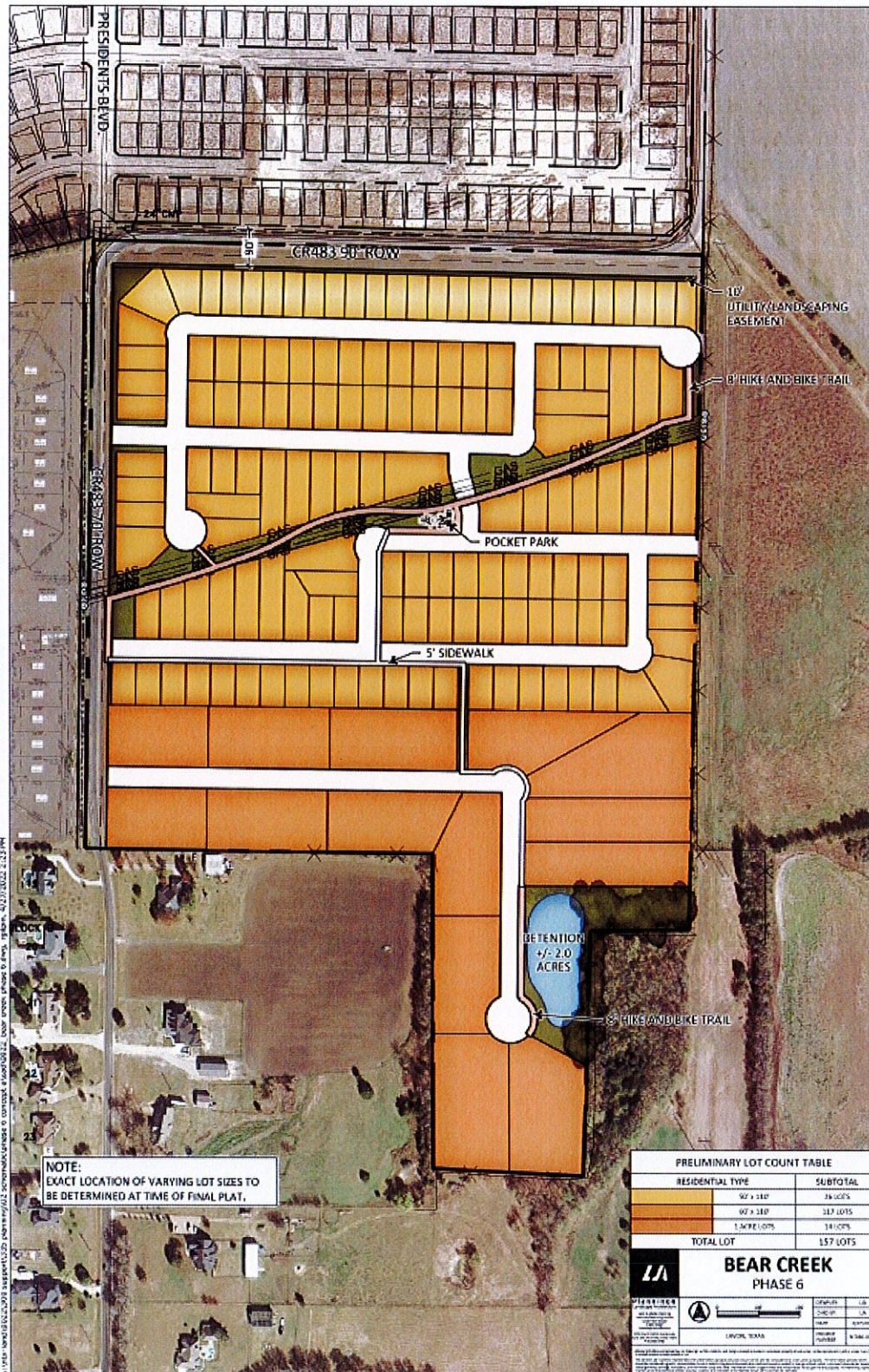


EXHIBIT D

DEVELOPMENT STANDARDS

The Development shall meet the standards in the Subdivision Regulations and the Zoning Ordinance, as may be amended, unless otherwise stated herein.

1. Concept Plan. The entire tract shall be developed generally in accordance with the Concept Plan, as attached hereto, and made a part hereof as Exhibit "C". The City Administrator or his/her designee may approve changes to the Concept Plan that do not alter the uses permitted or increase the density permitted by this PD, and that otherwise generally comply with all applicable zoning regulations. Approval of the Concept Plan shall constitute approval of the lot and street configurations with regards to lot mix and maximum street and/or block lengths.
2. Permitted and Conditional Uses. Permitted and conditional uses shall conform to the provisions set forth in the Zoning Ordinance, as may be amended, with a base Zoning District of Single Family – 4 (SF-4), except as follows:
 - A. Temporary Concrete Batch Plants serving the Development are permitted, subject to City Engineer approval and conditions upon application, and must be removed once construction of the development is completed. Should the location be proposed to change, a new application shall be required.
3. Prohibited Uses. Uses that are not Permitted Uses or Conditional Uses shall be prohibited.
4. Residential District Regulations. Development shall conform to the provisions and area requirements set forth in the Zoning Ordinance, as may be amended, with a base Zoning District of Single Family – 4 (SF-4), except as otherwise stated herein.
5. Preliminary Lot Mix.

Lot Type	Lot Size	Number of Lots
A	1 Acre	14
B	60' x 110'	117
C	50' x 110'	26
	TOTAL	157

6. Lot Regulations. The standards set forth herein shall be the exclusive lot sizes, setbacks, building heights, lot coverage, and dwelling unit size regulations for the single family detached residential products within this development.

Table on following page

A. Lot Requirements Table.

	Type A 1 Acre Lots	Type B 60' Lots	Type C 50' Lots
Minimum Gross Lot Area	43,560 square feet	6,300 square feet	5,250 square feet
Minimum Lot Width at Front Building Line	60 feet	60 feet	50 feet
Minimum Lot Frontage at ROW	30 feet	30 feet	30 feet
Minimum Lot Depth on Lot Perpendicular to Street	105 feet	105 feet	105 feet
Minimum Lot Depth at Centerline of the Lot on Elbows/Curves	95 feet	95 feet	95 feet
Minimum Front Yard Setback	20 feet	20 feet	20 feet
Minimum Side Yard on Interior Lots	5 feet	5 feet	5 feet
Minimum Side Yard on Corner Lot Adjacent to Street ROW	10 feet	10 feet	10 feet
Minimum Rear Yard	5 feet	5 feet	5 feet
Maximum Lot Coverage¹	60%	60%	60%
Maximum Building Height	35 feet or 2 ½ stories	35 feet or 2 ½ stories	35 feet or 2 ½ stories
Minimum Dwelling Area – air conditioned	1,500 square feet	1,500 square feet	1,500 square feet

B. Lot Coverage. Lot coverage shall be measured as the percent of the lot covered with structures as compared to open space. Structures include all buildings, parking lots and driveways. Roof eaves and all other minor ordinary building projections are excluded.

C. Side Yard. Fences, landscaping, retaining walls, lighting, HVAC units, utility meters, pedestals and other utility-related equipment may be located in the side yard. Air conditioning units and similar mechanical equipment, such as heat pumps, solar

collecting equipment, or pool equipment may be installed within the residential side yard setback but shall not be installed within three (3) feet of any side yard fencing, air conditioning unit/pad, or mechanical equipment of an adjacent home or structure.

- D. Front Yard Encroachments. Porches, bay windows, awnings, balconies, masonry clad chimneys, or other such architectural features may encroach into the front yard setback no more than six feet (6') towards the adjacent Street Right of Way (ROW).
7. Garages. Front entry, enclosed two car garage shall be permitted on all Lots. Face of Garage Door to be a minimum of twenty feet (20') from ROW.
8. Architectural Standards.
- A. Residential Structures. Exterior construction materials for residential structures, (excluding accessory structures), shall consist of seventy-five percent (75%) brick, stone, or stucco on vertical surfaces, excluding windows, doors, and other normal openings. Use of cementitious fiberboard is limited to the back and side elevations and architectural features that are not intended for occupancy on any elevation. (soffits).
- B. Chimneys. Construction materials for a chimney built on the exterior wall shall consist of 100% masonry. Construction materials for all other chimneys shall consist of cementitious fiberboard or equivalent.
- C. Roofs. Residential structures shall have a minimum 6:12 roof pitch. Roofs shall be constructed of composition shingles, tile, or slate.
9. Key Lots. Key Lots are defined as a lot that is siding the rear of an adjacent lot and are permitted.
10. House Elevations. The same home plan elevation shall not be repeated more frequently than every fourth lot on the same side of the street.
11. Sidewalks. The homebuilder will build sidewalks per the City of Lavon standards. The developer will build sidewalk along the frontage of any HOA lot within the addition per the City of Lavon standards.
12. Residential Street Offsets. The minimum distance from the centerline of an existing residential street to the centerline of a proposed residential street shall not be less than one hundred feet (100').
13. Screening, Landscaping along CR483. A six (6') foot wooden board-on-board fence with masonry columns spaced every 50 feet and similar to the existing treatments completed on the adjacent subdivisions will be installed along with similar landscaping. The HOA will maintain the perimeter fences and landscaping.
14. Fencing. Fencing shall be of consistent design patterns and high-quality materials throughout the development. Each lot shall have either: 1) a 6-foot board-on-board wooden fence and consistent stain or 2) wrought-iron or tubular steel fencing. A/C equipment shall be behind the front fence line and screened from the street with shrubs if wrought iron fences are utilized.

15. Landscaping. The builder shall make available to each residential lot six (6) three-gallon shrubs and six (6) one-gallon shrubs in the front yard. Two trees, being three-inch caliper, measured twelve inches from final grade shall be planted in the front yard. In addition, prior to the issuance of a certificate of occupancy, the entire front, side and rear yards will be sodded and irrigated as an upgraded addition.
16. Cul-De-Sac Length. An overlength cul-de-sac is allowed if no more than 15 lots are located on it, or as shown on the Concept plan.
17. Community Mailboxes. As required by the United States Postal Service, community mailboxes shall be used.
18. Homeowners Association (HOA). A Homeowners Association (HOA) shall be established or the property shall be annexed into the existing Grand Heritage HOA to maintain all private common open space areas within the Property. The HOA shall be established prior to the issuance of any residential building permits. A copy of the documents establishing or annexing the HOA shall be submitted to the City.

Notes to Bear Creek, Phase 6 concept plan:

- Benches and amenities will be included along the gas line easement 10' trail and at the detention pond
- The pocket park will contain playground features similar to the following:

