

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-09-02

Amend Zoning Ordinance – Retail -Residential Compatibility

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING THE CITY’S ZONING ORDINANCE BY AMENDING SECTION 9.03.131 “RETAIL DISTRICT”, SUBSECTIONS (B) “PERMITTED USES”, (D) “AREA REQUIREMENTS”, AND (E) “BUILDING PLACEMENT, ORIENTATION AND SITE DESIGN” TO PROVIDE BUILDING SETBACK AND LANDSCAPE STANDARDS TO ENCOURAGE COMPATIBILITY WITH ADJACENT SINGLE-FAMILY RESIDENTIAL USES; PROVIDING SAVINGS, CUMULATIVE REPEALER, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the “City”) is a Type A general law municipality; and

WHEREAS, Chapter 211 “Municipal Zoning Authority” of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the city and Chapter 109; and

WHEREAS, as presented in the Comprehensive Plan, the City Council desires to adopt regulations and standards to encourage compatibility and minimize the impact of property use transitions between commercial and retail uses and single-family residential uses; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City (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 should be granted and that the Comprehensive Zoning Ordinance 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

Article 9.03 “ZONING ORDINANCE” of the City of Lavon Code of Ordinances shall be amended in Section 9.03.131 Retail District (R) as follows, with deletions struck through and additions underlined:

(1) Subsection **(b) Permitted Uses**, shall be amended as follows:

(5) Retail sales in individual buildings or in planned centers of retail users

(6) Restaurant

(7) Privately owned educational and/or day care facility

(8) Federal, state, or local governmental use

(2) Subsection (d) **Area Requirements, (5) Yard Requirements - Main Structures**, shall be amended as follows:

(B) Minimum side yard (feet): 7 except adjoining residential where the side yard shall be ~~(feet) 15~~ the greater of 15 feet or equivalent to the building setback of the adjacent residential property

...

(D) Minimum rear yard (feet) ~~none~~ 10 except adjoining residential where the rear yard shall be ~~(feet) 15~~ 50 feet measured from the property line to the building foundation

(3) Subsection (e) **Building Placement, Orientation and Site Design**, shall be amended as follows:

(12) Retail and commercial uses adjacent to a residential use or zone shall provide:

a) a masonry wall or similar screening device ~~dense landscaped screen~~ along the shared lot line ~~from the front yard through the rear yard; and~~

b) a landscape buffer area of at least twenty (20) feet in width along the common property line, with one canopy tree for each thirty (30) linear feet or portion thereof of adjacent exposure. These trees shall not be clustered. When applicable, connection to the adjacent neighborhood shall be provided via a sidewalk or trail through the wall and landscaped buffer area, leading to an adjacent right-of-way, sidewalk, and/or trail to provide connectivity to adjacent neighborhoods or other developments.

SECTION 3. SAVINGS

That all rights and remedies of the City 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.

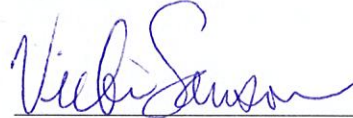
SECTION 7. PUBLICATION

The City Secretary of the City is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by law.

SECTION 8. EFFECTIVE DATE

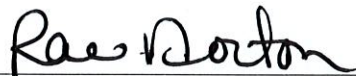
This Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 6th day of September 2022.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

