

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2022-09-04**

Conditional Use Permit – Lavon Beer & Wine, 440 S. SH 78

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF LAVON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CONDITIONAL USE PERMIT FOR AN ALCOHOL: MIXED BEVERAGE PACKAGE STORE (OFF-PREMISE CONSUMPTION) AT 440 S. SH 78, SUITE 200, LAVON BUSINESS PARK, BLK A, LOT 4R, LAVON, COLLIN COUNTY, TX; 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**, the Comprehensive Zoning Ordinance of the City allows for an Alcohol: mixed beverage package store/retailer (on- and/or off-premises consumption), defined as a business selling distilled spirits, wine, and/or malt beverages to consumers for on- and/or off-premises consumption, including the possible transportation of its inventory between its other licensed locations within the same county, transportation/delivery of alcoholic beverage orders to its end-consumer customers, conducting product tastings on the package store premises, and/or other related sales activity with an approved Conditional Use Permit; 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 are compatible with surrounding properties and are appropriate for the location of the Property and that the Comprehensive Zoning Ordinance and Zoning 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**

2.01 That the Comprehensive Zoning Ordinance and Zoning Map, of the City of Lavon Code of Ordinances as heretofore amended, is hereby amended to grant a Conditional Use Permit in a Retail (R) Zoning District on the property described and depicted in Exhibit “A” for an “Alcohol: mixed-beverage package store (off-premises consumption).”

- 2.02 That the herein-described property shall only be used in the manner and for the purpose provided for in the Zoning Ordinance of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.
- 2.03 Pursuant to Section 9.03.211(i)(2), this Conditional Use Permit shall be declared null and void and of no force and effect and shall discontinue if or for any one or more of the following:
- A. Any failure to comply with any term or condition of this Ordinance or the applicable regulations, as they exist or may be amended; or
  - B. Any improvements, the Property, uses, or structures regulated by this Conditional Use Permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate conditional use permit or other required authorization is granted therefor; or
  - C. A certificate of occupancy for any existing structure for which a use authorized by this Ordinance is not applied for and issued within one hundred and eighty (180) days from the effective date of this Ordinance; or
  - D. A use for which this CUP is granted ceases to operate for a continuous period of ninety (90) consecutive calendar days; or
  - E. This Conditional Use Permit was obtained by fraud or deception; or
  - F. As otherwise permitted by law, this Ordinance and/or the City's Zoning Ordinance, as they exist or may be amended.

### **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.

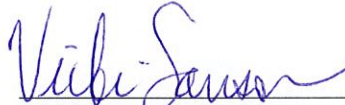
**SECTION 7. PUBLICATION**

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 6<sup>th</sup> day of September 2022.

  
Vicki Sanson, Mayor

**ATTEST:**

  
Rae Norton, City Secretary



**CITY OF LAVON, TEXAS**  
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**EXHIBIT A**

LAVON BEER & WINE  
440 S. SH 78, SUITE 200,  
LAVON BUSINESS PARK, BLK A, LOT 4R  
LAVON, COLLIN COUNTY, TX

