

**CITY OF LAVON, TEXAS**

**ORDINANCE NO. 2022-10-01**

Conditional Use Permit – Temporary Concrete Batch Plant

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE CODE OF ORDINANCES TO GRANT A CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A TEMPORARY CONCRETE BATCH PLANT; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lavon recognizes the need for ongoing development of the City, and that because of such development, an amendment of the zoning ordinance may occasionally be required; and

**WHEREAS**, the City of Lavon has received an application from Chris Harp Construction for a conditional use permit (CUP) to construct a Temporary Concrete Batch Plant in Trails of Lavon Phase 1 and Phase 2, on approximately 1.1 acres described as a part of the D. Anglin Survey, Abstract No. 2, Tract 58, City of Lavon, Texas located southeast of the intersection of CR 485 and CR 484, Lavon, Collin County, Texas; and

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Lavon, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lavon, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the City of Lavon Code of Ordinances be amended as follows.:

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

**SECTION 1. Findings.**

It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

**SECTION 2. Authorization.**

- A. The City of Lavon Code of Ordinances, Zoning Code, as heretofore amended, and the same is hereby amended so as grant a Conditional Use Permit on the property as described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein to permit construction of a temporary concrete batch plant for the purpose of constructing infrastructure within the development and constructing, repairing, or reconstructing public infrastructure within the vicinity of the development as approved by the Director of Public Works.
- B. That the time period for the Conditional Use Permit shall be the earlier of twelve (12) months, or as may be extended, from the effective date or the City’s final acceptance of the improvements.

C. That the applicant shall proactively maintain dust control related to batch plant operations at all times.

D. That the plant hours of operations shall be limited to 7:00 a.m. to 8:00 p.m. seven days per week.

**SECTION 3. Severability Clause.**

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

**SECTION 4. Cumulative Clause.**

This ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

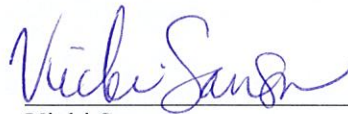
**SECTION 5. Public Meeting.**

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.

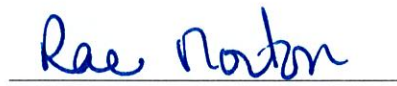
**SECTION 6. Effective Date.**

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 18<sup>th</sup> day of October 2022.

  
Vicki Sanson  
Mayor

ATTEST:

  
Rae Norton  
City Secretary



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**EXHIBIT A**

Property Description

Approximately 1.1 acres southeast of the intersection of CR 484 and CR 485 out of a 112.0157- acre tract situated in the Drury Anglin Survey, Abstract 2, Sheet 4, Tract 68, in the vicinity of Trails of Lavon,

[illegible]