

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-10-04

Amend Zoning Ordinance – Swimming Pool Regulations

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING ARTICLE 9.03 “ZONING ORDINANCE”, DIVISION 4 “REGULATIONS APPLICABLE TO ALL DISTRICTS”, SECTION 9.03.083 TO ADD SWIMMING POOL AND DECKING REQUIREMENTS FOR ALL DISTRICTS; PROVIDING SAVINGS, CUMULATIVE REPEALER AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; 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

WHEREAS, the City Council of the City (the “City Council”) adopted Article 9.03 of the City’s Code of Ordinances, being the Comprehensive Zoning Ordinance of the City (the “Zoning Ordinance”); and

WHEREAS, Article 9.03 “Zoning Ordinance”, Division 4. “Regulations Applicable to All Districts” provides regulations applicable to all districts; and

WHEREAS, the amendment to the Zoning Ordinance proposed herein standardizes swimming pool and decking requirements in all districts; 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 should be granted and that the 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. AMENDMENTS TO ZONING ORDINANCE

- A. The title of Section 9.03.083 of the Zoning Ordinance shall be amended as follows with additions underscored:

“Section 9.03.083 Accessory structures and improvements”

- B. Section 9.03.083 of the Zoning Ordinance shall be amended to amend Subsection (c) and add Subsection (d) to read entirely as follows:

“(c) Swimming Pools:

- (A) Swimming pools and decking shall be located behind the front yard or front building line, and in no case shall the water surface be nearer than three (3) feet to any bounding property line of the lot or tract on which it is situated.
 - (B) Swimming pool decking at grade may extend to the property line.
 - (C) Swimming pool decking may not block a drainage swale.
 - (D) A structural engineering design letter shall be required when the water surface is located within five (5) feet of a retaining wall. Such distance shall be measured from the retaining wall point closest to the water surface, whether that be the exterior face of the retaining wall or the interior face of the retaining wall.
- (d) Accessory structures that do not conform to the requirements of this Section may be permitted with a conditional use permit.”

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 of the City 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. OPEN MEETING

That 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 Article 551.041, Texas Government Code

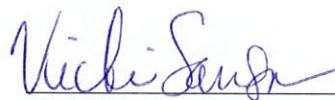
SECTION 8. PUBLICATION

The City Secretary of the City is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9. EFFECTIVE DATE

That 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 18th day of October 2022.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

