

**CITY OF LAVON, TEXAS**

**ORDINANCE NO. 2022-12-03**

Amend Planned Development District (PD) Regulations

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS”, ARTICLE 9.03 “ZONING ORDINANCE”, DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP” AND DIVISION 6 “REGULATIONS APPLICABLE TO MIXED USE AND NONRESIDENTIAL DISTRICTS” OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, BY AMENDING THE CITY’S REGULATIONS REGARDING PLANNED DEVELOPMENT DISTRICTS IN THE CITY; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Lavon (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 its Code of Ordinances, the same being the comprehensive Zoning Ordinance of the City (the “Zoning Ordinance”), which sets forth various regulations for Planned Development Districts; and

**WHEREAS**, the City Council desires to amend the Zoning Ordinance to provide for planned development districts to use any base zoning district provided in the Zoning Ordinance; and

**WHEREAS**, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Zoning Ordinance as set forth in this Ordinance; and

**WHEREAS**, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to the Zoning Ordinance and the appropriateness

of the amendment, the City Council does hereby find that the amendment to the Zoning Ordinance approved hereby accomplishes such objectives.

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

**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. FINDINGS.** After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety and welfare of its citizens.

**SECTION 3. AMENDMENTS.** The Zoning Ordinance is hereby amended as follows:

1. Division 2 “Districts and Zoning District Map”, Section 9.03.031 “Zoning districts established”, Figure 9.1.2.1 is hereby amended to read entirely as follows:

**Figure 9.1.2.1**

<b>ABBREVIATED DESIGNATION</b>	<b>ZONING DISTRICT NAME</b>
<b>Agricultural &amp; Residential Districts</b>	
A	Agricultural
SF-1	Single Family-1
SF-2	Single Family-2
SF-4	Single Family-4
<b>Commercial Districts</b>	
R	Retail
M	Main Street
B	Business Park
<b>Planned development districts</b>	
PD <sup>1</sup>	Planned Development

<sup>1</sup> Planned Development Districts shall have a base zoning district (e.g., PD-SF-1, PD-R).

2. Division 2 “Districts and Zoning District Map”, Section 9.03.032 “Permitted use table”, Figure 9.1.2.2 is hereby amended to remove (i) the last column under “Nonresidential & Special Districts” for “PD”, and (ii) the following sentence at the end of the chart: “For uses listed in the PD District, consult property-specific PD ordinances.”

3. Division 6 “Regulations Applicable to Mixed Use and Nonresidential Districts”, Section 9.03.134 “Planned Development District (PD)”, Subsection (b) “Description” is hereby amended to read entirely as follows:

(b) Description. After a public hearing has been convened and proper notice to all affected property owners has been made in accordance with this division and after a recommendation by the planning and zoning commission has been submitted to the city council, the city council may authorize the creation of a (PD) planned development district which shall have base zoning of one or more zoning district(s) of the city. No PD district shall be established for a gross area less than two (2) acres.

4. Division 6 “Regulations Applicable to Mixed Use and Nonresidential Districts”, Section 9.03.134 “Planned Development District (PD)”, Subsection (c) “Permitted uses” is hereby amended to read entirely as follows:

(c) Permitted uses. The uses to be permitted in any (PD) planned development district shall be consistent with the uses permitted in the (PD) planned development district’s base zoning district, unless otherwise enumerated in the ordinance which creates the (PD) planned development district. Any proposed amendment to the uses permitted within a (PD) planned development district shall be submitted and processed in accordance with this division.

**SECTION 4: 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. This Ordinance shall not repeal, alter, or amend, or be interpreted as conflicting with any ordinance having created a planned development district prior to this Ordinance.

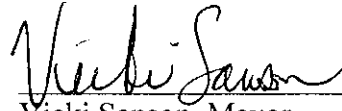
**SECTION 5: SEVERABILITY.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, 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 6: PENALTY.** Any person, firm, corporation, or entity violating this Ordinance or any provision of the City’s Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2000.00). Each continuing days’ violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 7: PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**SECTION 8. OPEN MEETING.** That it is hereby 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 Chapter 551, Texas Government Code.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Collin County, Texas, on this the 6<sup>th</sup> day of December 2022.

  
Vicki Sanson, Mayor

ATTEST:

  
Rae Norton, City Secretary

