

**CITY OF LAVON, TEXAS**

**ORDINANCE NO. 2023-03-02**

Amend Grand Heritage PD Regulations relating to Alcohol Uses on 1.24 acres

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE GRAND HERITAGE PLANNED DEVELOPMENT (PD) DISTRICT REGULATIONS ESTABLISHED BY ORDINANCE NO. 2004-09-05, IN SECTION 3.2.4 “USES IN COMMERCIAL PLANNING AREAS”, AND OTHER RELATED SECTIONS, TO AMEND THE PERMITTED USES, CONDITIONAL USES, OFF-STREET PARKING REQUIREMENTS, AND OFF-STREET LOADING REQUIREMENTS RELATING TO ALCOHOL-RELATED RESTRICTIONS AS ADOPTED IN ORDINANCE NO. 2022-07-02, TO APPLY TO CERTAIN PORTIONS OF THE PROPERTY DESCRIBED IN ORDINANCE NO. 2004-09-05, CONSISTING OF 1.24 ACRES; 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 (hereinafter referred to as “City”) is a Home Rule municipality organized under the Constitution and laws of the State of Texas; and; 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 Ordinance No. 2004-09-05, which set forth various regulations for the Grand Heritage Planned Development District; and

**WHEREAS**, the City Council desires to amend the Zoning Ordinance to apply the provisions of Ordinance No. 2022-07-02 to the property described in Exhibit “A” attached hereto and incorporated herein; 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. AMENDMENT.**

The Grand Heritage Planned Development (PD) District regulations established by Ordinance No. 2004-09-05, in Section 3.2.4 “Uses in Commercial Planning Areas”, and other related sections is hereby approved to amend the permitted uses, conditional uses, off-street parking requirements, and off-street loading requirements relating to alcohol-related restrictions as adopted in Ordinance No. 2022-07-02, to apply to certain portions of the property described in Ordinance No. 2004-09-05, consisting of 1.24 acres described in Exhibit “A” attached hereto and incorporated herein.

**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.

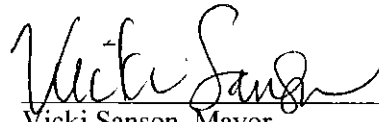
**SECTION 5: SEVERABILITY.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. 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.

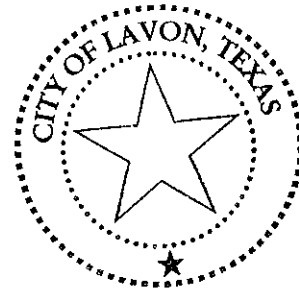
**SECTION 8. OPEN MEETING.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Collin County, Texas, on this the 7<sup>th</sup> day of March 2023.

  
Vicki Sanson, Mayor

ATTEST:

  
Rae Norton, City Secretary



**ORDINANCE NO. 2023-03-02**

**EXHIBIT A**

BEING 1.24 ACRES out of Tract 1 in Deed to Bear Creek Commercial Properties, LP, as recorded in Volume 5446, Page 3422, Real Property Records, Collin County, Texas; said Tract 1 more particularly described as follows:

BEING A 3.005 ACRE TRACT OF LAND SITUATED IN THE W.S. BOHANNON SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS IN THE CITY OF LAVON AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO ROBERT BROWN McGAUGHEY, RECORDED IN VOLUME 211, PAGE 215 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) BASIS OF BEARINGS FOR THIS SURVEY IS GEODETIC NORTH. SAID 3.005 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS' SET FOR THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO BEAR CREEK COMMERCIAL PROPERTIES, UP., A TEXAS LIMITED PARTNERSHIP RECORDED IN VOLUME 5376, PAGE 005574, D.R.C.C.T. AND THE COMMON NORTH LINE OF SAID McGAUGHEY TRACT SAID POINT ALSO BEING IN THE SOUTH R.O.W. LINE OF STATE HIGHWAY NO. 78 (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE S 01°28'04" W. ALONG THE WEST LINE OF SAID BEAR CREEK COMMERCIAL TRACT A DISTANCE OF 413.49 FEET TO A 5/6" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS' SET FOR AN INTERIOR ELL CORNER OF SAID BEAR CREEK COMMERCIAL TRACT;

THENCE N 89°33'54" W. ALONG A NORTH LINE OF SAID BEAR CREEK COMMERCIAL TRACT A DISTANCE OF 315.02 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO HWY. NO. 205/76, L.P. RECORDED IN COUNTY CLERKS FILE NO. 2000-0103656, D.R.C.C.T.:

THENCE. N 01°26'04" E. ALONG THE EAST LINE OF SAID HWY. 20S/78. L.P., TRACT A DISTANCE OF 417.76 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID HWY. HO. 205/78. L.P. TRACT IN THE NORTH LINE OF SAID McGAUGHEY TRACT AND THE COMMON SOUTH R.O.W. LINE OF SAID STATE HIGHWAY NO. 78:

THENCE. S 88°47'20" E. ALONG THE SAID COMMON LINE A DISTANCE OF 315.00 FEET FOR THE POINT OF BEGINNING. AND CONTAINING 3.005 ACRES OF LAND.

SAVE & EXCEPT any portion of property described in Agreed Judgment in Condemnation Proceedings in Cause No. 0032912012, Collin County Court At Law No. 3, a certified copy being recorded in Clerk's No. 20121101001398670, Real Property Records, Collin County, Texas.