

CITY OF LAVON
ORDINANCE NO. 2025-10-05

Amendment to GH Planned Development – 845 S. SH 78

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE ARTICLE 9.03 “ZONING ORDINANCE” TO AMEND ORDINANCE NO. 2004-09-05, AS AMENDED, THAT ESTABLISHED THE PLANNED DEVELOPMENT DISTRICT REGULATIONS FOR THE COMMERCIAL PLANNING AREA IN THE GRAND HERITAGE DEVELOPMENT PROJECT, TO AMEND ARTICLE III. “DEVELOPMENT STANDARDS”, SECTION 3.9 “OFF-STREET PARKING REQUIREMENTS” TO ADD A USE AND SPACE REQUIREMENT FOR A “RESTAURANT WITH NO DINE-IN SERVICE OF 1:200” FOR THE PROPERTY AT 845 S. SH 78, LOT 3, BLOCK A OF THE SB LAVON ADDITION ON 1.505 ACRES OF LAND NORTHEAST OF THE INTERSECTION OF SH 78 AND BURLESON DR., LAVON, COLLIN COUNTY, TX; PROVIDING A PENALTY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR PUBLICATION.

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

WHEREAS, the City Council of the City (the “**City Council**”), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

WHEREAS, the City Council adopted Chapter 9, Article 9.03 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “**Zoning Ordinance**”); and

WHEREAS, owners of the Property have submitted an application to amend Article 9.03 “Zoning Ordinance” to amend Ordinance No. 2004-09-05, as amended, that established the Planned Development District regulations for the Commercial Planning Area in the Grand Heritage development project, to amend Article III. “Development Standards”, Section 3.9 “Off-Street Parking Requirements” to add a Use and Space Requirement for a “Restaurant With No Dine-In Service of 1:200” for the property at 845 S. SH 78, Lot 3, Block A of the SB Lavon Addition on 1.505 acres of land northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, TX, as described in **Exhibit “A”** and depicted in **Exhibit “B”** (the “**Property**”); and

WHEREAS, this proposed zoning change is in accordance with the adopted comprehensive plan of the City; and

WHEREAS, the Zoning Ordinance incorporates design standards and building materials standards that are applicable to commercial structures, and such standards substantially further the preservation of property values and the promotion of economic development within the City, establish the character of

community development, and embody architecturally and, in some contexts, culturally significant features of continuing duration; 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 would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Zoning Ordinance of the City should be amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lavon, Texas, as follows:

SECTION 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Definitions. Definitions shall be those contained in the Zoning Ordinance, Division 3. "Definitions", as amended, unless specifically defined herein.

SECTION 3. Zoning Amendment. The Zoning Ordinance is hereby amended in Article 9.03 "Zoning Ordinance" to amend Ordinance No. 2004-09-05, as amended, that established the Planned Development District regulations for the Commercial Planning Area in the Grand Heritage development project, to amend Article III. "Development Standards", Section 3.9 "Off-Street Parking Requirements" to add a Use and Space Requirement for a "Restaurant With No Dine-In Service of 1:200" for the property at 845 S. SH 78, Lot 3, Block A of the SB Lavon Addition on 1.505 acres of land northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, TX.

SECTION 4. Compliance Required. The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

SECTION 5. Severability Clause. 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, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

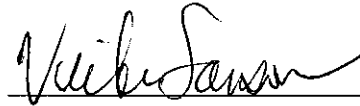
SECTION 6. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from 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.

SECTION 7. 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.

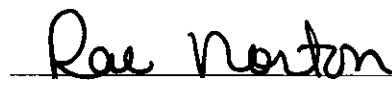
SECTION 8. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

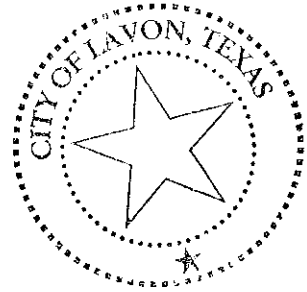
SECTION 9. Publication and Effective Date. That this Ordinance shall be in full force and effect immediately upon its publication as required by law.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 7th day of October 2025.


Vicki Sanson, Mayor

ATTEST:


Rae Norton, City Secretary



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EXHIBIT "A" - DESCRIPTION

Being 1.505 acres on Lot 3, Block A of the Lot 3 and 4, Block A SB Lavon Addition, described as:

WHEREAS 78 Commercial West, LP are the owners of a 4.556 acre tract of land within the William H. Moore Survey, Abstract Number 638, being a portion of a tract of land described to 78 Commercial West, LP by deed recorded in Instrument Number 20081112001321990, Official Public Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an aluminum monument found for the southeast corner of the hereindescribed tract, same being the southwest corner of Lot 1, Block S of Grand Heritage Club, an addition to the City of Lavon as recorded in Volume 2006, Page 211, Plat Records, Collin County, Texas and lying on the north right-of-way line of State Highway 78 (Variable Width right-of-way);

THENCE North 88 degrees 47 minutes 59 seconds West, with the north line of said State Highway 78, a distance of 219.20 feet to a 5/8 inch rebar capped "TRAVERSE LS PROP COR" set for corner;

THENCE South 89 degrees 14 minutes 07 seconds West, with the north right-of-way line of said State Highway 78, a distance of 300.17 feet to a 5/8 inch rebar capped "TRAVERSE LS PROP COR" set for corner;

THENCE South 83 degrees 08 minutes 55 seconds West, with the north line of said State Highway 78, a distance of 44.61 feet to a 5/8 inch rebar capped "TRAVERSE LS PROP COR" set for corner;

THENCE North 88 degrees 25 minutes 49 seconds West, with the north line of said State Highway 78, a distance of 98.10 feet to a 1/2 inch rebar capped "EAGLE" found for the southeast corner of Lot 2, Block A of SB Lavon Addition, an addition to the City of Lavon, as recorded in _____, Plat Records, Collin County, Texas;

THENCE North 01 degrees 15 minutes 29 seconds East, departing the north right-of-way line of said State Highway 78, with the east line of said Lot 2, a distance of 288.07 feet to a point for corner, said point being the northeast corner of Lot 2, same being a point on the south line of Block E of Grand Heritage Club, an addition to the City of Lavon, as recorded in Volume 2006, Page 211, Plat Records, Collin County, Texas from which a 1/2 inch rebar found on line is stamped "OFF SET";

THENCE North 82 degrees 50 minutes 31 seconds East, with the south line of said Block E, a distance of 116.54 feet to a 5/8 inch rebar capped "TRAVERSE LS PROP COR" set for corner;

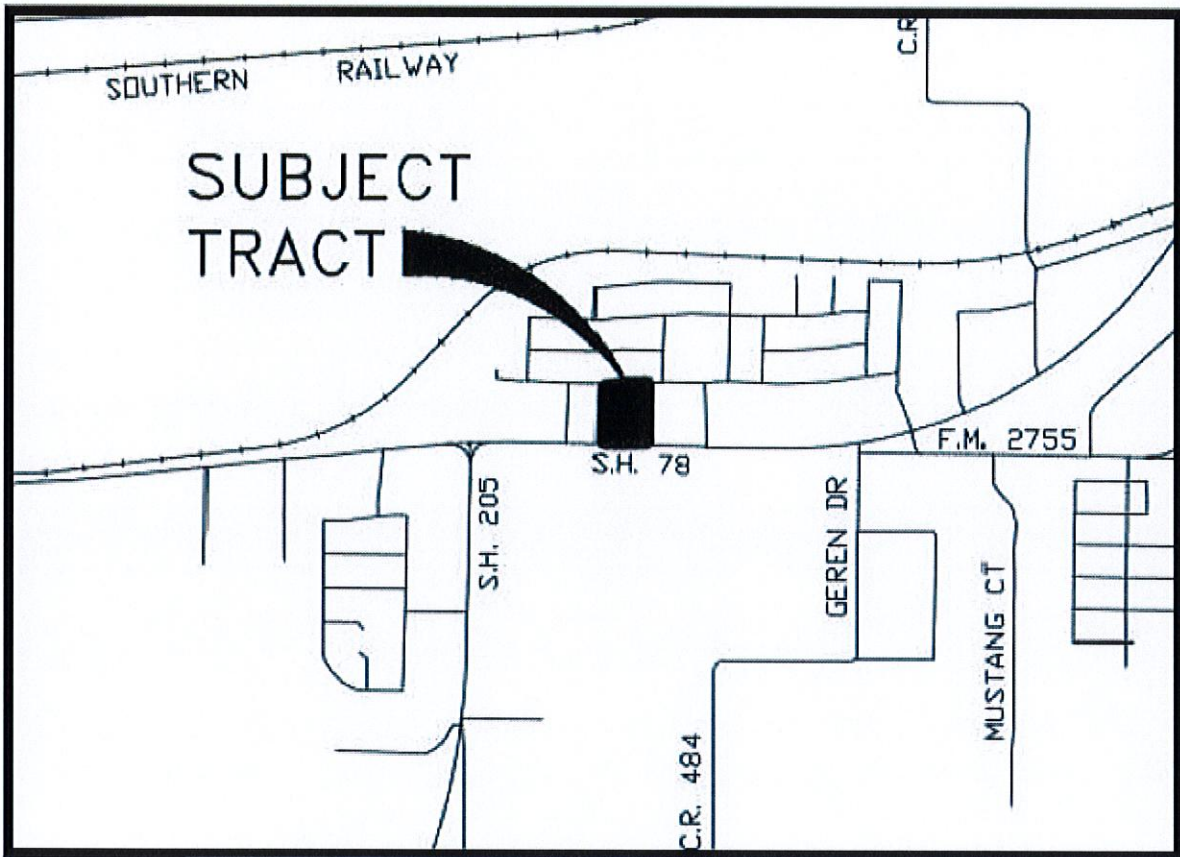
THENCE North 89 degrees 15 minutes 31 seconds East, with the south line of said Block E, passing a 1/2 inch rebar capped "OFF SET" at a distance of 104.36 feet and continuing a total distance of 321.86 feet to a 5/8 inch rebar capped "TRAVERSE LS PROP COR" set for corner;

THENCE South 88 degrees 41 minutes 37 seconds East, with the south line of said Block E, passing a 1/2 inch rebar for the southeast corner of Lot 17, same being the southwest corner of Lot 18 at a distance of 152.10 feet and continuing a total distance of 226.85 feet to a 5/8 inch rebar capped "TRAVERSE LS PROP COR" set for corner;

THENCE South 01 degrees 42 minutes 29 seconds West, departing the south line of said Block E, with the west line of said Lot 1, a distance of 299.60 feet to THE POINT OF BEGINNING and containing 198,471 square feet or 4.556 acres of land, more or less.

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EXHIBIT "B" - DEPICTION



VICINITY MAP

N.T.S.