

CITY OF LAVON
ORDINANCE NO. 2017-09-01

Planned Development – Lavon Farms

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING A PLANNED DEVELOPMENT (PD) DISTRICT FOR RESIDENTIAL USES ON A 38.62 ACRE TRACT OF LAND DESCRIBED HEREIN AND LOCATED GENERALLY AT SOUTHWEST OF THE INTERSECTION OF FM 2755 AND CR 483, LAVON, COLLIN COUNTY, TX; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF \$2,000 PER DAY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, at its meeting held on the 25th day of July, 2017, the Planning & Zoning Commission considered and made recommendations on a certain request for a Planned Development District; and

WHEREAS, this zoning change is in accordance with the adopted Comprehensive Plan of the City of Lavon; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

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 Ordinance No. **97-12-08**, as amended unless specifically defined herein.

Section 3. Permitted Uses. The Planned Development is hereby created for a certain approximately 38.62 acres of land, described in the attached Exhibit “A” located southwest of the intersection of FM 2755 and CR 483, (Collin County CAD ID#’s 2653997, 2087762 and 2507840), providing for the following permitted uses:

- A. Single family detached dwellings
- B. Churches
- C. Parks, playgrounds and public recreational facilities
- D. Public buildings and facilities

- E. Real estate sales offices in model homes not to exceed ten (10) years
- F. Temporary buildings incidental to infrastructure construction work
- G. Accessory uses as defined by the Zoning Ordinance
- H. Customary home occupation
- I. Temporary batch plant during construction limited to the subdivision.
- J. Except as permitted as a customary home occupation, use of a model home as a real estate sales office must terminate not later than thirty (30) days after the sale of the last lot owned by Owner or an assignee of Owner developing the Property.
- K. Any use that is not a Permitted Use as described herein is prohibited.

Section 4. Exception to Zoning Ordinance. The Planned Development will not be subject to the provision contained in Ordinance No. **97-12-08**, Article II, Section 1.2 A – Agricultural District that states: “Once land in an “A” category has been placed into another district, the intent of this ordinance is that such land shall not be changed back to an “A” category by any subsequent request for a change.”

Section 5. Concept Plan. The entire tract shall be developed generally in accordance with the PD Concept Plan, as attached hereto, and made a part hereof as Exhibit “C”.

Section 6. Developer’s Agreement. Prior to approval of a final plat, a Developer’s Agreement for improvements to County Road 483 contiguous and adjacent to the development shall be submitted.

Section 7. Development Standards. Development shall be in accordance with the development standards established for the Single-Family Residential District, in the Zoning Ordinance, except as follows:

- A. Density. The minimum lot area shall be 5,500 square feet. A maximum of 152 dwelling units are permitted on the Property.
- B. Lot Composition and Layout. The lot layout and composition shall generally conform to the Concept Plan depicted in Exhibit ‘B’ and as stated herein. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed below.
 - 1. The total number of lots does not exceed 152 units.
 - 2. The average lot size for the development is not less than 5,500 SF.
 - 3. Density and Dimensional Requirements. The maximum permissible density for the Subject Property shall not exceed 3.9 dwelling units per gross acre of land; however, in no case should the proposed development exceed 152 units. All lots shall conform to the standards depicted in Table 1 below.

Table 1: Lot Dimensional Requirements

Minimum Lot Width ⁽¹⁾	50'
Minimum Lot Depth	110'
Minimum Lot Area	5,500 SF
Minimum Front Yard Setback ⁽²⁾	20'
Minimum Side Yard Setback	5'
Minimum Side Yard Setback (Adjacent to a Street) ⁽²⁾	10'
Minimum Length of Driveway Pavement	20'
Maximum Height ⁽³⁾	35'
Minimum Rear Yard Setback ⁽⁴⁾	10'
Minimum Area/Dwelling Unit (SF)	1,800 SF
Maximum Lot Coverage	60%

General Notes:

- ¹ The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ² The location of the *Front Yard Building Setback* as measured from the front property line.
- ³ The *Maximum Height* shall be measured to the eave or top plate (whichever is greater) of the single family home.
- ⁴ As measured from the rear yard property line.

C. Building Standards. All development shall adhere to the following building standards:

1. Masonry Requirement. The minimum masonry requirement for the exterior façades of all buildings is permitted up to 90% of the total facade. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, cast stone, and cementaceous fiberboard horizontal lap-siding (e.g. HardiBoard or Hardy Plank) or a decorative pattern (see examples below), stucco (i.e. three [3] part stucco or a comparable material.)

Examples of Cementaceous Fiberboard



2. Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.
3. Garage Orientation. Garages shall conform to the following: Garages may be configured in a front entry configuration with a minimum setback of twenty (20'), (ie allowing the garage to be flush with the front façade of the primary structure).
4. Corner Lots. Corner lots shall utilize a wood fence that extends no further forward than the back (rear) corner of the house. The fence shall be a maximum of six (6) feet tall. The fence shall be located a minimum of five (5) feet from the sidewalk's edge. The property owner shall be responsible for maintaining the portion of the property situated between the fence and the sidewalk.

D. Fencing Standards. All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:

1. Rear Yard Fences. Rear yard fences shall not extend forward, towards the front of the house, beyond the back (rear) corner of the house.
2. Wood Fences. All wood fences shall be constructed of a standard fencing material (minimum of ½" thickness or better; spruce fencing will not be allowed), and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the "public side" facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a maximum of six (6) feet in height.
3. Wrought Iron/Tubular Steel. Lots located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence. Wrought iron/tubular steel fences can be a maximum of six (6) feet in height
4. Solid Fences (including Wood Fences). All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.

E. Landscape and Hardscape Standards.

1. Landscape. All Canopy/Shade Trees planted within this development shall be a minimum of four (4) caliper inches in size and all Accent/Ornamental/Under-Story Trees shall be a minimum of four (4) feet in total height. The following tree species are approved for planting within this subdivision:
 - a. Canopy/Shade Trees. Bald Cypress, Cedar Elm, Texas Red Oak, Homestead Elm, Lace Bark Elm, Alle Elm, Chinese Pistachio, Shumard Oak, Sycamore, and Burr Oak.
 - b. Accent/Ornamental/Under-Story Trees. Texas Redbud, Eve's Necklace, Mexican Plum, Downy Hawthorn, Crepe Myrtle, Texas Mountain Laurel, Vitex, and Desert Willow.
2. Landscape Buffers. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
3. Landscape Buffer and Sidewalks (FM HWY 2755 McClendon Street). A minimum of a 20-foot landscape buffer shall be provided along the frontage of said Roads

(over and beyond any required right-of-way dedication), and shall incorporate ground cover, a shrubbery or a combination thereof along the entire length of the frontage. Shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. Lots adjacent to the Roads fencing will be constructed of Wrought Iron/Tubular steel fencing with masonry columns spaced on twenty (20') centers, with a maximum eight (8') in height fencing. In addition, at least one canopy tree shall be planted per 50-feet of linear frontage. A minimum of an eight (8') foot sidewalk shall be required along the Roads, located within the 20' Landscape Buffer.

F. Irrigation Requirements. Irrigation shall be installed for all landscaping located within common areas, landscape buffers and/or open space, lots 1x thru 6x as shown on Concept Plan Exhibit "B". Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association

G. Lighting. Light poles shall not exceed 20-feet in total height (i.e. base and lighting standard). All fixtures shall be down-light and cut off type and be positioned to contain all light within the development area.

H. Sidewalks. At a maximum, all sidewalks adjacent to a street shall begin two (2) feet behind the right-of-way line and be four (4) feet in overall width.

I. Buried Utilities. Shall adhere to the City of Lavon Code of Ordinances.

J. Open Space. The development shall consist of a minimum of 12.00% open space (or 4.7-acres), and generally conform to the Open Space Plan contained in Exhibit 'B' of this ordinance. All open space areas shall be maintained by the Homeowner's Association (HOA).

K. Neighborhood Signage. Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the Preliminary Plat. Final approval of monuments and signage shall be reviewed and approved at the time of Engineering Construction Plans and Final Platting of the property.

L. Homeowner's Association (HOA). A Homeowner's Association shall be created to maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping and screening fences associated with this development.

M. Variiances. The variance procedures and standards for approval that are set forth in the Zoning Code & Subdivision Regulations shall apply to any application for variances to this ordinance.

N. Non-Repetition of Building Form. The same house elevation may not be duplicated within three (3) lots on the same side of street and within three (3) lots on the opposite side of street.

Section 8. Trail. In connection with development construction, Owner, at Owner's sole expense, shall construct an eight (8) foot wide concrete walking path within the boundaries of the Property ("Trail") located along FM 2755 and in the flood plain area consistent with the Concept Plan for the use and enjoyment of residents of the development, which trail shall be designed and constructed in accordance with plans and specifications mutually agreeable to the City and the Owner. The Trail located upon the Property will be made accessible for restricted public use subject to rules, regulations and restrictions adopted by the Owner and/or property owners association and the City.

Section 9. The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 10. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.


Section 11. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncodified, 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 to the extent of such conflict.

Section 12. Penalty Clause. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Lavon, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 13. Savings Clause. Should any word, phrase, sentence or section contained herein be found to be invalid, such validity shall not affect any other portion of this ordinance.


Section 14. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED this 5th day of September 20 17.



Charles A. Teske, Jr.
Mayor

ATTESTED:



Kim Dobbs
City Administrator



CITY OF LAVON
ORDINANCE NO. 2017-09-01

EXHIBIT A

LEGAL DESCRIPTION

BEING 38.620 acres of land situated in the D. Anglin Survey, Abstract No. 2, Collin County, Texas, and being a part of a called 38.42 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772120, Deed Records, Collin County Texas, (DRCCT), all of a called 4.74 acre tract of land (out of said 38.42 acres) described in deed to Belinda Collier, recorded as Instrument No. 20130605000772100, (DRCCT), and all of a called 10.00 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772130, (DRCCT), and being more particularly described as follows:

BEGINNING at a point in the south line of F.M. Hwy 2755 (McClendon Road- a variable width right-of-way), at the northwest corner of said 38.42 and 4.74 acre tracts, common to the northeast corner of a called 22.04 acre tract of land described in deed to Gary Ronald Dean, SR. and Bobbie N. St. John, recorded in Volume 4059, Page 0236, (DRCCT);

THENCE Easterly along the south lines of said HWY and the common north lines of said 4.74 acre tract and said 38.42 acre tract, the following courses and distances:

South 89°10'16" East, a distance of 269.32 feet to a point for corner, from which a 1/2" iron rod found for reference bears North 11°31'14" West, a distance of 0.29 feet;

North 82°04'51" East, a distance of 101.47 feet to a 5/8" iron rod with a yellow plastic cap stamped "RPLS 3963" set for corner;

South 89°09'55" East, at 78.22 feet passing the northeast corner of said 4.74 acre tract and continuing with a north line of said 38.42 acre tract for a total distance of 698.59 feet to 5/8" iron rod with a yellow plastic cap stamped "RPLS 3963" set for corner;

THENCE South 00°51'58" West, passing at a distance of 401.78 feet the northwest corner of a called 1.25 acre tract of land described in deed to Jerold Carter, recorded as Instrument No. 20130617000834110, (DRCCT), and continuing with the west line of last mentioned tract for a total distance of 565.52 feet to a point for corner at the southwest corner thereof and being in the north line of a called 2.11 acre tract of land described in deed to CR 483 Trust, Mazen Fatayri Trustee, recorded as Instrument No. 20110819000880540, (DRCCT), from which a 1/2" iron rod found for reference bears, North 72°06'52" East a distance of 0.30 feet;

THENCE North 89°10'06" West, along the north line of said 2.11 acre tract a distance of 88.19 feet, to a 1/2" iron rod found for corner at the northwest corner thereof;

THENCE South 00°51'29" West, along the west line of said 2.11 acre tract a distance of 223.83 feet to a 1" iron pipe found for corner at the southwest corner thereof;

THENCE South 89°15'31" East, along the south line of said 2.11 acre tract a distance of 406.13 feet to a point for corner at the southeast corner thereof, said point also being in the east line of said 38.42 acre tract, and in the centerline of County Road 483, from which a 1" iron pipe found for reference bears North 89°09'51" West, a distance of 30.18 feet;

THENCE South 03°43'43" West, along the centerline of said road and the east line of said 38.42 acre tract, a distance of 205.84 feet to a point for corner at an upper southeast corner of said 38.42 acre tract, common to the northeast corner of a called 2.111 acre tract of land described in deed to Jonathan David Greene and Brittany Greene, recorded as Instrument No. 20140701000672130, (DRCCT), from which a 1/2" iron rod found for reference bears North 89°15'41" West, a distance of 29.87 feet;

THENCE North 89°10'32" West, along a lower boundary of said 38.42 acre tract, and along the north lines of said 2.111 acre tract, a called 1.81 acre tract, and a called 2.190 acre tract recorded as Instrument No. 20160122000077250, (DRCCT) and Instrument No. 20160627000811300, (DRCCT), respectively, passing at a distance of 805.97 feet, an interior "ell" corner of said 38.42 acre tract, common to the northwest corner of said 2.190 acre tract, and the northeast corner of a called 2.20 acre tract of land described as Instrument No. 20161220001727400, (DRCCT) and continuing for a total distance of 1017.02 feet to a 1/2" iron rod found for corner at the northwest corner of said 2.20 acre tract;

THENCE South 00°48'52" West, along the west line of said 2.20 acre tract a distance of 226.96 feet to a point for corner at the northeast corner of a called 1.102 acre tract of land described in deed to Walter O. Silva and Judith J. Silva, recorded as Instrument No. 20131122001570900, (DRCCT), from which a steel fence post found for reference bears, North 03°29'32" West, a distance of 23.26 feet;

THENCE North 89°29'54" West, along the north line of said of said 1.102 acre tract a distance of 211.00 feet to the northwest corner thereof and being in a common line of said 10.00 acre and 38.42 acre tracts, from which a steel fence post found for reference bears, North 01°16'28" East, a distance of 49.48 feet;

THENCE South 00°49'28" West, along the common lines of last mentioned 3 tracts, a distance of 227.56 feet to a point at the common south corner thereof, and in the north line of a called 50.64 acre tract of land described in deed to Michael J. Box, recorded in Volume 5420, Page 487, (DRCCT), said point also being in the centerline of said County Road 483, from which a 1/2" iron rod found for reference bears North 00°36'50" East, a distance of 29.92 feet;

THENCE North 89°32'43" West, along the common lines of said 10.00 acre tract, said 50.64 acre tract, and a called 31.269 acre tract of land described in deed to The City of Lavon, recorded in Instrument No. 20060725001041390,

(DRCCT), a distance of 700.95 feet to a point for corner in the centerline of a creek, at an interior "ell" corner of said 31.269 acre tract, from which a 1/2" iron rod found for reference bears, South 89°32'43" East, a distance of 50.34 feet;

THENCE along and near the centerline of said creek, partly with the east lines of said 31.269 acre tract, all of the east lines of said 22.04 acre tract and all of the west lines of said 10.00 acre, 38.42 acre, and 4.74 acre tracts, the following courses and distances:

North 11°43'37" East, a distance of 83.62 feet to a point for corner;

North 33°00'52" East, a distance of 141.23 feet to a point for corner;

North 04°26'02" West, a distance of 101.81 feet to a point for corner;

North 39°21'27" West, a distance of 103.75 feet to a point for corner;

North 24°43'50" East, a distance of 144.19 feet to a point for corner;

North 47°54'58" East, a distance of 190.14 feet to a point for corner;

North 07°24'23" East, a distance of 93.46 feet to a point for corner, from which a 5/8" iron rod with a cap found for reference bears South 54°51'31" East, a distance of 56.08 feet

North 16°37'32" West, a distance of 99.62 feet to a point for corner;

North 22°40'19" East, a distance of 103.68 feet to a point for corner;

North 74°03'24" East, a distance of 92.98 feet to a point for corner;

North 29°25'38" East, a distance of 66.80 feet to a point for corner;

North 43°00'29" East, a distance of 164.40 feet to a point for corner;

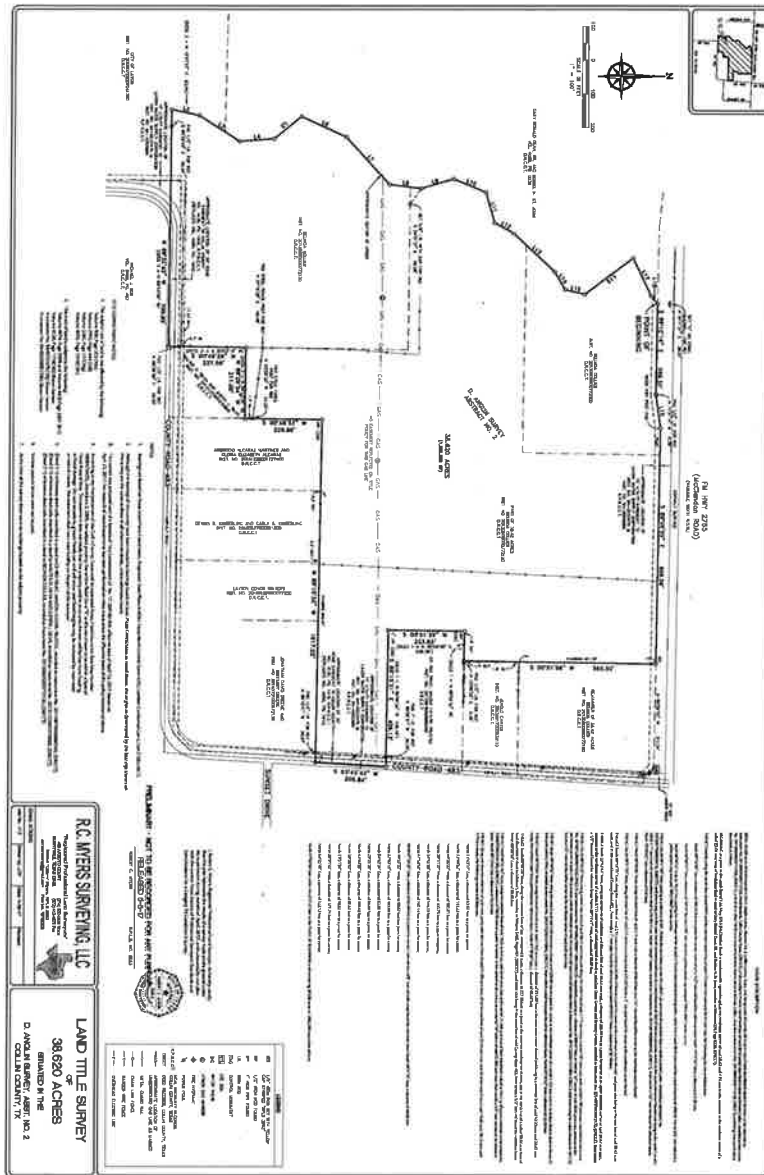
North 59°38'43" East, a distance of 61.65 feet to a point for corner;

North 13°31'58" East, a distance of 58.93 feet to a point for corner;

North 36°51'42" West, a distance of 177.74 feet to a point for corner;

North 64°25'48" East, a distance of 122.13 feet to a point for corner;

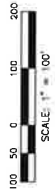
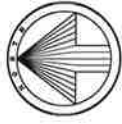
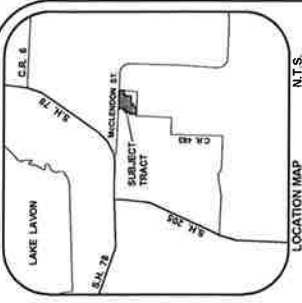
North 51°02'48 East, a distance of 31.21 feet to the PLACE OF BEGINNING and containing 38.620 acres or 1,682,290 square feet of land.



CITY OF LAVON
ORDINANCE NO. 2017-09-01

EXHIBIT B

PD CONCEPT PLAN



CONCEPT PLAN
OF
LAVON FARMS
38.62 ACRES

IN THE
CITY OF LAVON, COLLIN COUNTY, TEXAS
50'x110' TYPICAL LOT
152 RESIDENTIAL LOTS
4 OPEN SPACE LOTS

Engineer:

Developer:



SADDLE STAR
3076 HAYS LANE
ROCKWALL, TEXAS 75087
972-388-6383
Contact: Pat Atkins

AUGUST 30, 2017