

**CITY OF LAVON**  
**ORDINANCE NO. 2019-06-02**

Zoning Change – Retail (R) - Independent Bank

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO CHANGE THE ZONING CLASSIFICATION FROM TEMPORARY AGRICULTURAL TO RETAIL (R) DISTRICT ON THE BALANCE OF A 1.684 ACRE TRACT OF LAND DESCRIBED HEREIN AND LOCATED SOUTH OF THE INTERSECTION OF SH 205 AND SH 78, 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 May 28, 2019, the Planning & Zoning Commission considered and made recommendations on a certain request for a zoning change to Retail (R) district for newly annexed property; 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. Amendment.

A. That the Zoning Classification for and the Comprehensive Zoning Map depicting the Property described in Exhibit A and depicted in Exhibit B attached hereto is hereby rezoned from Temporary Agricultural to Retail (R) District.

B. That the Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 3. 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 4. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Lavon, Texas, whether codified or uncoded, 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 5. 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 6. 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 7. 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.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas, this 4<sup>th</sup> day of June 2019.



Vicki Sanson  
Mayor

**ATTEST:**



Kim Dobbs  
City Administrator | City Secretary



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**EXHIBIT A - DESCRIPTION OF AREA**

BEING all that certain lot, tract or parcel of land situated in Collin County, Texas, being part of the W. H. Moore Survey, Abstract No. 638, being part of the 135 acres described in the deed from W. C. Daugherty, Jr., John Kingsley Daugherty and Ann Daugherty Ticknor et vs. Hal T. Ticknor, Jr. to Farmersville Bancshares, Inc., recorded in the Land Records of Collin County in Clerk's File 98-0141306 and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found in the north right-of-way line of State Highway No. 78 at the southeast corner of parent 14.127 acre tract, said corner being N 02°07'41" E 60 feet from State Highway No. 78 Engineer's Center Line Station No. 770+07.1;  
THENCE N 89°49'29" W with said north right-of-way line 63.00 feet to a 1/2 inch iron rod found at the Point of Beginning of the herein described tract of land;  
THENCE N 89°49'29" W with said north right-of-way line 5.09 feet to a 1/2 inch iron rod set at the beginning of a curve to the left in said right-of-way line;  
THENCE 218.52 feet in a westerly direction with said curve having a radius of 2924.79 feet, a central angle of 04°16'50" and a chord bearing S 88°52'25" W 218.47 feet to a 1/2 inch iron rod set at the end of said curve;  
THENCE N 00°10'31" E a distance of 248.96 feet to a 1/2 inch iron rod set, for a corner;  
THENCE S 89°49'29" E a distance of 248.50 feet to a 1/2 inch iron rod set, for a corner;  
THENCE S 00°10'31" W a distance of 214.00 feet to a 1/2 inch iron rod set, for a corner;  
THENCE N 89°49'29" W a distance of 25.00 feet to a 1/2 inch iron rod set, for a corner;  
THENCE S 00°10'31" W a distance of 30.00 feet to return to the Place of Beginning and containing 1.380 acres of land.

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**EXHIBIT B – DEPICTION**

