

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2021-04-01**

Amend LakePointe PD – Building Standards

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING THE ZONING ORDINANCE OF THE CODE OF ORDINANCES TO AMEND ORDINANCE NO. 2019-07-04, AS AMENDED, THAT ESTABLISHED THE PLANNED DEVELOPMENT FOR THE LAKEPOINTE ADDITION TO REGULATE RESIDENTIAL AREA BUILDING STANDARDS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planned Development (PD) District established by Ordinance No. 2019-07-04 and the Development Agreement for the LakePointe Addition provide for residential area building standards; and

**WHEREAS**, a request to amend the standards in Exhibit 6 Residential Planning Area Building Standards, Sections 1(a) and 1(d) to add an option for 5.25” (4” reveal) smooth cementitious horizontal siding and related illustrations to Exhibit #6A has been approved by the Addition’s party responsible for architectural review; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, 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 of the City of Lavon is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended.

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

**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. AMENDMENT**

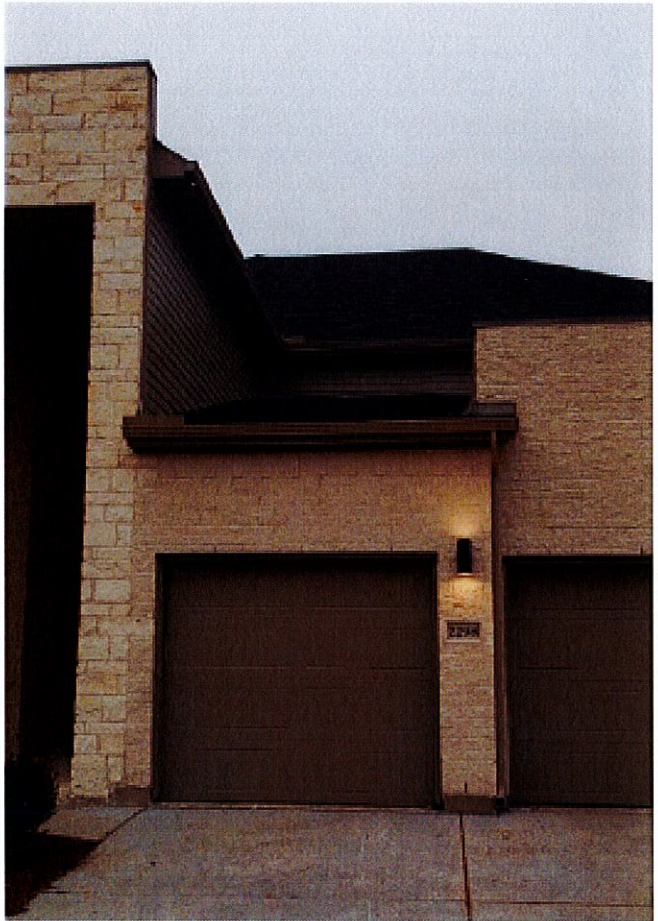
The Planned Development - Single Family (PD-SF) District residential building area standards established by Development Agreement and Ordinance No. 2019-07-04 for the LakePointe Addition are hereby amended to add in EXHIBIT 6 - Residential Planning Area Building Standards an option for 5.25” (4” reveal) smooth cementitious horizontal siding and related illustrations to Exhibit #6A, as follows shown in red:

A. EXHIBIT 6 - Residential Planning Area Building Standards

1. Exterior Materials. Exterior construction materials for residential structures (excluding accessory structures) shall consist of brick, stone, synthetic stone, stucco, decorative pattern cementitious fiberboard, and cementitious fiberboard siding, excluding windows, doors, and other normal openings, fascia, and architectural details (corbels, exposed beams, guardrails, handrails, dormers, etc.). Brick, stone, synthetic stone, and stucco shall be defined herein as "Masonry Materials".
  - (a) The front elevation shall consist of 100% Masonry Materials, with the exception that up to 25% of the front elevation may include decorative pattern cementitious fiberboard or 5.25" (4" reveal) smooth cementitious horizontal siding. Where a wall over roof condition exists on the front elevation, this may include 100% decorative pattern cementitious fiberboard or 5.25" (4" reveal) smooth cementitious horizontal siding.
  - (b) The side elevations shall consist of no less than 75% Masonry Materials.
  - (c) The rear elevation shall consist of no less than 50% Masonry Materials.
  - (d) See **Exhibit 6A** for examples of decorative pattern cementitious fiberboard or 5.25" (4" reveal) smooth cementitious horizontal siding.
  - (e) Cementitious fiberboard siding is classified as siding that overlaps horizontally, with no vertical overlapping of the material.

B. EXHIBIT #6A SIDING EXAMPLES shall be amended by the addition of

*Illustration on the following page*



**SECTION 3. SAVINGS**

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 4. CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5. SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6. 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. Further, if the governing body of the City of Lavon determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

**SECTION 7. PUBLICATION**

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

**SECTION 8. EFFECTIVE DATE**

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 6<sup>th</sup> day of April 2021.

  
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Vicki Sanson, Mayor

**ATTEST:**

  
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Rae Norton, City Secretary

