

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2021-10-05**

Amend LakePointe PD Zoning – Addition of 4 Lots

**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 LAKEPOINTE PLANNED DEVELOPMENT (PD), SECTION 3.1 OF THE ZONING DEVELOPMENT DESIGN GUIDELINES AND CONCEPT, TO ADD 4 SINGLE-FAMILY RESIDENTIAL LOTS FOR A TOTAL OF 221 LOTS ON A 44.633-ACRE PARCEL OF LAND IDENTIFIED AS THE LAKEPOINTE ADDITION PHASE 3 (CCAD PROP ID 2663916), LAVON, TEXAS, SOUTHEAST OF THE INTERSECTION OF SH 78 AND FM 6; 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 a maximum number of single-family residential lots of 700 lots; and

**WHEREAS**, a request has been submitted by the owner to amend the maximum number of lots to 704 by increasing the number of lots in Phase 3 of the development; 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**

EXHIBIT C, ARTICLE III. RESIDENTIAL PLANNING AREA AND DEVELOPMENT STANDARDS, 3.1 Density in Residential Planning Area shall be replaced and amended to read as follows:

3.1 Density in Residential Planning Area. The maximum number of residential dwellings within the Residential Planning Area shall not exceed 700. All lots shall conform to the standards as reflected in Exhibit 5 attached hereto.

### **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 19<sup>th</sup> day of October 2021.

  
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Vicki Sanson, Mayor

**ATTEST:**

  
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Rae Norton, City Secretary

