

CITY OF LAVON, TEXAS

ORDINANCE NO. 2023-11-05

Amend Villas at Elevon PD Regulations relating to Fences

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE VILLAS AT ELEVON PLANNED DEVELOPMENT REGULATIONS ESTABLISHED BY ORDINANCE NO. 2021-10-06, EXHIBIT H. DEVELOPMENT STANDARDS, USES AND DIMENSIONAL STANDARDS, F. FENCING TO PERMIT A MAXIMUM SIX FEET (6') TALL TUBULAR FENCING WITH MASONRY COLUMNS ALONG THE WEST AND EAST SIDE OF THE RESIDENTIAL AREA AS DEPICTED IN AN AMENDMENT TO EXHIBIT E – FENCING PLAN; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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, Chapter 211 “Municipal Zoning Authority” of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the City; and

WHEREAS, the City Council of the City (the “**City Council**”) adopted Ordinance No. 2021-10-06, which set forth various regulations for the Villas at Elevon Planned Development District (the “Villas at Elevon PD Ordinance”); and

WHEREAS, the City Council desires to amend the Villas at Elevon PD Ordinance, Exhibit H. Development Standards, Uses and Dimensional Standards, F. Fencing to permit a maximum six feet (6') tall tubular fencing with masonry columns along the west and east side of the residential area as depicted in an amendment to Exhibit E – Fencing Plan on the property described in Exhibit “A” attached hereto and incorporated herein.; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Villas at Elevon PD Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to the Villas at Elevon PD Ordinance and the appropriateness of the amendment, the City Council does hereby find that the amendment to the Villas at Elevon PD Ordinance approved hereby accomplishes such objectives.

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

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. FINDINGS. After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare of its citizens.

SECTION 3. AMENDMENT.

The following sections of the Villas at Elevon PD District regulations established by Ordinance No. 2021-10-06, are hereby amended to read as provided herein:

EXHIBIT H Villas at Elevon, Development Standards

F. Fencing:

- I) Fencing shall be installed in accordance with Exhibit E – Fencing Plan and as amended to allow a maximum six feet (6') tall tubular fencing with masonry columns along the west and east side of the residential area.

SECTION 4: 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. This Ordinance shall not repeal, alter, or amend, or be interpreted as conflicting with any ordinance having created a planned development district prior to this Ordinance.


SECTION 5: SEVERABILITY. 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, 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. PENALTY. Any person, firm, corporation, or entity violating this Ordinance or any provision of the City's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.


SECTION 8. OPEN MEETING. That it is hereby 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 Chapter 551, Texas Government Code.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 7th day of November 2023.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



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EXHIBIT A

LEGAL DESCRIPTION ZONING
(29.076 ACRES)

Being a parcel of land located in the City of Lavon, Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being part of that called Tract One-87.2935 acre tract of land described in deed to 78 Straddle, LP, as recorded in Volume 5571, Page 3351, Official Public Records of Collin County, Texas and being further described as follows:

COMMENCING at a TXDOT Brass Right-of-Way Monument found at the northeast corner of said 87.2935 acre tract, said point being the southeast corner of Lot 1, Block A, Bently Farms, an addition to the City of Lavon as recorded in Cabinet M, Slide 189, Official Public Records of Collin County, Texas, said point also being in the west right-of-way line of State Highway 78 (a variable width right-of-way);

THENCE along the east line of said 87.2935 and along the west right-of-way line of State Highway 78 as follows:

South 33 degrees 29 minutes 39 seconds West, 31.95 feet to a TXDOT Brass Right-of-Way Monument found for corner;

South 28 degrees 16 minutes 31 seconds East, 28.62 feet to a TXDOT Brass Right-of-Way Monument found for corner;

South 33 degrees 45 minutes 11 seconds West, 1,299.68 feet to an "X" set in concrete for corner;

South 40 degrees 52 minutes 06 seconds West, 201.55 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, said point being the POINT OF BEGINNING;

South 33 degrees 44 minutes 03 seconds West, 300.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

South 37 degrees 13 minutes 15 seconds West, 500.83 feet to a TXDOT Brass Right-of-Way Monument found for corner;

South 34 degrees 33 minutes 29 seconds West, 348.89 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, said point being the southeast corner of said 87.2935 acre tract, said point being the northeast corner of that 40 foot wide permanent waterline easement to North Texas Municipal Water District as recorded Document Number 20130125000110870, Official Public Records of Collin County, Texas, said point also being in the north right-of-way line of that tract of land described in deed to Northeast Texas Rural Rail Transportation District as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE South 72 degrees 01 minutes 22 seconds West, 921.94 feet along the north line of said 40 foot wide permanent waterline easement and along the north line of said Northeast Texas

Rural Rail Transportation District to a one-half inch iron rod found at the southwest corner of said 87.2935 acre tract, said point also being the southeast corner of that called 32.40 acre tract of land described in deed to Marvalene Smith, Trustee of Smith Living Trust as recorded in Document Number 20141103001196390, Official Public Records of Collin County, Texas;

THENCE North 00 degrees 45 minutes 21 seconds East, 594.16 feet along the west line of said 87.2935 acre tract to a one-half inch iron rod found for corner, said point being in the east line of said 32.40 acre tract, said point also being the southeast corner of that called Tract 1-27.32 acre tract of land described in deed to Yueying Wang and Daisy Lee Lu as recorded in Document Number 20191118001462670, Official Public Records of Collin County, Texas;

THENCE North 00 degrees 43 minutes 34 seconds East, 649.03 feet along the west line of said 87.2935 acre tract and along the east line of said 27.32 acre tract to a point for corner;

THENCE South 89 degrees 08 minutes 28 seconds East, 1,528.49 feet to the POINT OF BEGINNING and containing 1,266,547 square feet or 29.076 acres of land.

BASIS OF BEARING:

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

