

**CITY OF LAVON, TEXAS**

**ORDINANCE NO. 2023-11-06**

Conditional Use Permit – Temporary Concrete Batch Plant

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE CODE OF ORDINANCES TO GRANT A CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A TEMPORARY CONCRETE BATCH PLANT; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**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 of Lavon has received an application from Chris Harp Construction for a conditional use permit (CUP) to construct a Temporary Concrete Batch Plant in Trails of Lavon Phase 3 on approximately 1 acre out of the D. Anglin Survey, Abstract No. 2, Tract 58, located adjacent to Lavon Trail Parkway, northwest of the intersection of Sierra Ridge and Ivy Trail, Lavon, Collin County, Texas; and

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Lavon, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lavon, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the City of Lavon Code of Ordinances be amended as follows.:

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

**SECTION 1. Findings.**

It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

**SECTION 2. Authorization.**

- A. The City of Lavon Code of Ordinances, Zoning Code, as heretofore amended, and the same is hereby amended so as grant a Conditional Use Permit on the property as described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein to permit construction of a temporary concrete batch plant for the purpose of constructing infrastructure within the development and constructing, repairing, or reconstructing public infrastructure within the vicinity of the development as approved by the Director of Public Works.
- B. That the time period for the Conditional Use Permit shall be the earlier of twelve (12) months, or as may be extended, from the effective date or the City’s final acceptance of the improvements.

C. That the applicant shall proactively maintain dust control related to batch plant operations at all times.

D. That the plant hours of operations shall be limited to 7:00 a.m. to 8:00 p.m. seven days per week.

**SECTION 3. Severability Clause.**

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

**SECTION 4. Cumulative Clause.**

This ordinance shall be cumulative of all provisions of ordinances of the City 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.

**SECTION 5. Public Meeting.**

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

**SECTION 6. Effective Date.**

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

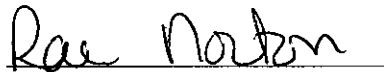
**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 7<sup>th</sup> day of November 2023.



Vicki Sanson  
Mayor



**ATTEST:**



Rae Norton  
City Secretary

**ORDINANCE NO. 2023-11-06**

**EXHIBIT A**

Property Description

Approximately 1 acre out of the D. Anglin Survey, Abstract No. 2, Tract 58, located adjacent to Lavon Trail Parkway, northwest of the intersection of Sierra Ridge and Ivy Trail, Lavon, Collin County, Texas.

**EXHIBIT B**

Depiction of Site

