

CITY OF LAVON
ORDINANCE NO. 2023-12-02

Zoning Change – 5.14 acres DPB Inv.

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF LAVON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING DISTRICT FROM AGRICULTURAL TO RETAIL DISTRICT ON THE HEREIN DESCRIBED PROPERTY IN THE CITY OF LAVON, COLLIN COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

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 would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lavon, Texas, as follows:

SECTION 1. 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. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Lavon, Texas, heretofore duly passed by the governing body of the City of Lavon, as heretofore amended, be hereby amended by changing the Zoning District designation on the 5.14-acre tract of land more particularly described in Exhibit “A”, attached hereto and incorporated herein, and herein referred to as the “Property” from temporary Agricultural (A) to Retail (R) Zoning District and amending the Official Zoning Map to reflect the approved change in zoning district.

SECTION 3. That the Zoning Ordinance of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. 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 5. 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.

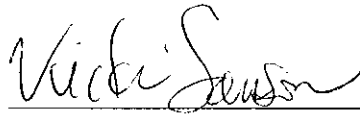
SECTION 6. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this 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 7. 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.

SECTION 8. 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.

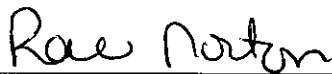
SECTION 9. That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 5th day of December 2023.

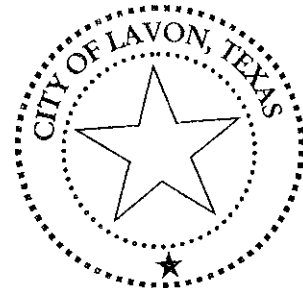


Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary



ORDINANCE NO. 2023-12-02

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

STATE OF TEXAS

TRACT THREE FIELD NOTES

COUNTY OF COLLIN

BEING a tract of land situated in the S.M. RAINER SURVEY, ABSTRACT No. 740, Collin County, Texas and being part of a tract of land described in a Warranty Deed from R. L. Brown to D.P. Brown recorded in Volume 253, Page 105 of the Deed Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at a 3/4" iron rod found in the Centerline of Bois-de-Arc Road, said point being on the East line of said Brown Tract and the Northwest corner of a tract of land described in Warranty Deed to Connie S. Miller recorded in Volume 4001, Page 947 of the Deed Records of Collin County, Texas, North 07°51'44" West, along said Bois-de-Arc Lane, a distance of 306.49' to a 1/2" iron rod set for a corner and being the POINT OF BEGINNING;

THENCE North 89°40'27" West, departing the centerline of said Bois-de-Arc Lane, a distance of 685.91' to a 1/2" iron rod set for a corner on the Easterly right-of-way line of State Highway No. 78 (a 125' wide right-of-way at this point);

THENCE North 32°43'33" East, along the Easterly right-of-way line of said State Highway 78, a distance of 478.47' to a 1/2" iron rod set for a corner;

THENCE North 60°58'33" East, departing said Right-of-Way line, a distance of 61.53' to a 1/2" iron rod set for a corner in the centerline of said Bois-de-Arc Lane;

THENCE South 89°40'27" East, along the centerline of said Bois-de-Arc Lane, a distance of 313.43' to 1/2" iron rod set for a corner;

THENCE South 07°51'44" East, along said centerline, a distance of 438.62' to the POINT OF BEGINNING and containing 5.1400 acres of land.

