

**CITY OF LAVON**

**ORDINANCE NO. 2024-12-01**

Planned Development Zoning – Elevon Business Park - Amendment

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING THE ZONING REGULATIONS ON APPROXIMATELY 79.3 ACRES OF LAND, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “B” AND DEPICTED IN EXHIBIT “A”; PROVIDING A PENALTY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City of Lavon, Texas (hereinafter referred to as “City”) is a Home Rule Municipality operating under the laws of the State of Texas; and

**WHEREAS**, the City Council of the City (the “City Council”), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

**WHEREAS**, the City Council adopted Chapter 9, Article 9.03 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

**WHEREAS**, the City Council approved Ordinance No. 2022-10-03 setting out Planned Development District regulations for Elevon Commercial, Business Park, and Mixed Use areas; and

**WHEREAS**, owners of the Property hereinafter defined have submitted an application to amend the regulations adopted by Ordinance No. 2022-10-03 on approximately 79.3 acres of land, generally located as depicted on **Exhibit “A”** and as legally described in **Exhibit “B”** (the “Property”); and

**WHEREAS**, this proposed zoning code amendment is in accordance with the adopted comprehensive plan of the City; and

**WHEREAS**, the Zoning Ordinance may incorporate design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings, and such standards substantially further the preservation of property values and the promotion of economic development within the City, and establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

**WHEREAS**, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

**WHEREAS**, the City’s policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City’s zoning regulations in all planned development districts; and

**WHEREAS**, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

**WHEREAS**, the owner and/or developer of the Property has consented in writing to the enforcement of the City’s design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code; and

**WHEREAS**, the Planning and Zoning Commission of the City and the City Council, 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 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 Zoning Ordinance should be amended.

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

**SECTION 1. Incorporation of Premises.** 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. Definitions.** Definitions shall be those contained in the Zoning Ordinance, Division 3. “Definitions”, as amended, unless specifically defined herein.

**SECTION 3. Zoning Amendment.** The Zoning Ordinance is hereby amended to amend the zoning of the Property as established in Exhibit C, which exhibit is incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by the Ordinance.

**SECTION 4. Compliance Required.** The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

**SECTION 5. Severability Clause.** 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, sentence, 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. 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.

**SECTION 7. 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.


**SECTION 8. Open 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, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

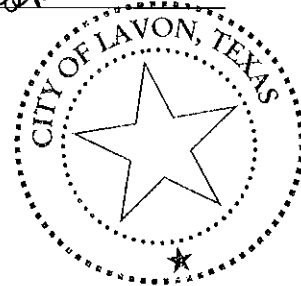
**SECTION 9. Publication and Effective Date.** That this Ordinance shall be in full force and effect immediately upon its adoption and its publication as required by law.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on this 3<sup>rd</sup> day of 2024.

  
Vicki Sanson, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Rae Norton, City Secretary

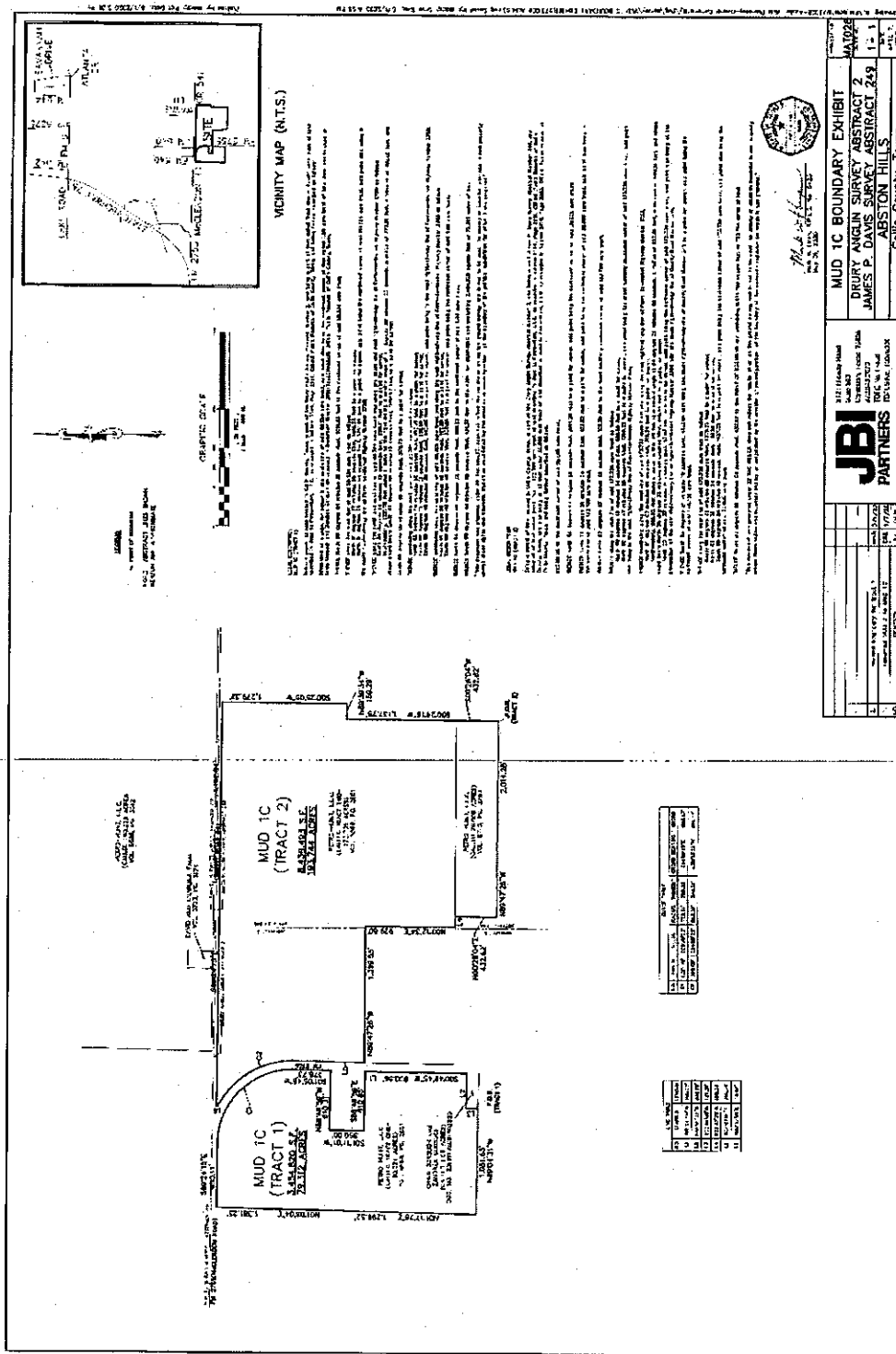


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to be updated accordingly

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# EXHIBIT A. LOCATION MAP



## EXHIBIT B. LEGAL DESCRIPTION

### LEGAL DESCRIPTION

(79.312 ACRES)

Being a parcel of land located in Collin County, Texas, a part of the Drury Anglin Survey, Abstract Number 2, and being a part of that called Tract One – 80.324 acre tract of land described in deed to Petro-Hunt, L.L.C. as recorded in Volume 5569, Page 2651, Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at a point for corner in the south line of said 80.324 acre tract, said point also being the southwest corner of that called 1.00 acre tract of land described in deed to Craig Gorsuch and Zandra Gorsuch as recorded in Document Number 20191125001502520, Official Public Records of Collin County, Texas;

THENCE North 89 degrees 04 minutes 31 seconds West, 1081.65 feet to the southwest corner of said 80.324 acre tract;

THENCE along the west line of said 80.324 acre tract as follows:

North 01 degrees 17 minutes 28 seconds East, 1296.52 feet to a point for corner;

North 01 degrees 08 minutes 04 seconds East, 1381.25 feet to a point for corner, said point being the northwest corner of said 80.324 acre tract, said point also being in the south right-of-way line of Farm-to-Market Highway Number 2755;

THENCE along the north and east line of said 80.324 acre tract and along the south and west right-of-way line of Farm-to-Market Highway Number 2755 as follows:

South 89 degrees 24 minutes 15 seconds East, 650.11 feet to a point for corner;

Southeasterly, 1221.78 feet along a curve to the right having a central angle of 90 degrees 30 minutes 00 seconds, a radius of 773.51 feet, a tangent of 780.29 feet, and whose chord bears South 44 degrees 09 minutes 15 seconds East, 1098.67 feet to a point for corner;

South 01 degrees 05 minutes 45 seconds West, 378.73 feet to a point for corner;

THENCE continuing along the east line of said 80.324 acre tract as follows:

North 88 degrees 48 minutes 59 seconds West, 610.31 feet to a point for corner;

South 01 degrees 11 minutes 01 seconds West, 350.00 feet to a point for corner;

South 88 degrees 48 minutes 59 seconds East, 610.85 feet to a point for corner, said point being in the west right-of-way line of Farm-to-Market Highway Number 2755;

THENCE continuing along the east line of said 80.324 acre tract and along the west right-of-way line of Farm-to-Market Highway Number 2755 as follows:

South 01 degrees 05 minutes 45 seconds West, 155.00 feet to a point for corner;

South 00 degrees 49 minutes 45 seconds West, 900.56 feet to a point for corner, said point being the northeast corner of said 1.00 acre tract;

THENCE North 89 degrees 04 minutes 32 seconds West, 358.98 feet to the northwest corner of said 1.00 acre tract;

THENCE South 00 degrees 44 minutes 56 seconds West, 121.37 feet to the POINT OF BEGINNING and containing 3,454,820 square feet or 79.312 acres of land.

# EXHIBIT C. DEVELOPMENT STANDARDS

*Red connotes the addition of text and strikethrough connotes the deletion of text.*

## LAND USE PARCEL 8

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The following regulations shall apply to the tract designated as **LAND USE PARCEL 8** on **Exhibit C – Concept Plan**.

### 1.3.52 Uses

Permitted uses shall be in accordance with the development standards below.

1.3.53 Development Standards: Development shall be in accordance with the standards established in the **Business Park District (B)** or the Retail District (R) in the City’s Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

#### 1.3.53.1 Maximum Building Size: 30,000 square feet.

- Should a larger building be proposed, a Conditional Use Permit shall be required. All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission’s recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.
- **The maximum building size restriction does not apply to a data center.**

#### 1.3.53.2 Building Placement, Orientation and Site Design:

- ~~Minimum Front Yard setback is 25 feet~~
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan. There is no Minimum Building Size.
- ~~Maximum Height is 45 feet (45’) with the exception of hotel uses, which shall be 65 feet (65’) and 85 feet (85’) for data center uses. Proximity slope shall be provided: for the first 50 feet (50’) adjacent to single family residential, the maximum height shall be 30 feet (30’).~~
- **Data Center Standards: The following standards shall apply to Data Center uses.**
  - o **Landscape Buffers: A minimum 15-foot-wide landscape buffer shall be provided adjacent to FM 2755 and McClendon Road. All street rights-**



of way and shall be maintained as permanent green space. Said landscape buffer shall be comprised of, at a minimum, the following materials:

- Shade Trees: Shade trees shall be 3 caliper inches in size, measured 12” above the planting surface, at the time of planting
- Ornamental Trees: Ornamental trees shall be 2 caliper inches in size at the time of planting.
- o Screening
  - A minimum six foot (6’) tall screening wall shall be provided along the side and rear property lines. In addition to the building materials prescribed herein, the screening wall may be constructed of tilt wall concrete.
  - Evergreen shrubs that are at least three feet in height at time of planting and spaced no further apart than 3 feet on center shall be placed along any property boundary that is adjacent to properties zoned or used for residential uses. The screening shall form a continuous, unbroken, solid visual screen 6 feet in height within 2 years after time of planting.
  - Existing trees and vegetation, located along any property boundary that is adjacent to properties zoned or used for residential uses, shall be preserved.
- o The structures may be built using tilt wall construction. If the structures are built using this method, a diversity of patterns and/or designs shall be placed on the surface of the walls.
- o Open spaces that are visible from the public street shall qualify as open spaces required in Section 1.3.5 Plazas and Open Spaces.
- o For secured data center uses, the Non-Residential requirements of Section 1.3.4 Plazas and Open Spaces and Section 1.3.4.31 Open Space Connectivity will only be implemented where reasonably feasible or possible.
- o Utility lines internal to the site and not visible from the public street may be above ground.

#### 1.3.54 Location and Types

The location of **LAND USE PARCEL 8** shall be as generally depicted on **Exhibit C – Concept Plan**.

#### 1.3.55 Permitted Uses

1.3.55.1 The following uses are permitted:

- Amenity Center
- Amusement Establishment
- Automobile Fueling Station\*
- Automobile Service Establishment\*
- Bakery/Confectionary Retail Establishment
- Bed and Breakfast\*
- Building Material Sales
- Business Service and Sales

- Car Wash\*
- Church or Place of Worship
- Commercial Greenhouse or Nursery
- Commercial Recreational Use
- Community Swimming Pool
- Country Club
- **Data Center\*\*** Data Center is defined as data processing center (hyperscale) facilities used to house, and in which are operated, maintained and replaced from time to time, computer systems and associated components, such as telecommunications and storage systems, cooling systems, power supplies and systems for managing property performance (including generators and mechanical and electrical yards), and equipment used for the transformation, transmission, distribution and management of electricity (including private substations), internet-related equipment, data communications connections, private communication towers, environmental controls and security devices, structures and site features, as well as certain accessory uses or buildings located on the land and other related or associated uses, buildings or structures such as utility buildings; private utility facilities; office; buildings for support staff; warehousing for logistics, storage and/or other similar uses; cafeteria; guardhouse; diesel storage tanks; fuel storage for emergency generators; water storage tanks; security fencing; and other structures, improvements and appurtenances. Crypto currency mining or related uses are not included in the definition of Data Center. Any accessory uses to a Data Center use shall be in direct relation to or support of the primary Data Center use.
- Day Care and Education Facility (Privately-owned)
- Dog Park\*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)
- Alcohol: mixed beverage sales (on-premises consumption)
- Alcohol: wine and malt beverage sales (on-premises consumption)
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)\*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)\*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)\*
- Alcohol: brewpub (on- and/or off-premises consumption)\*
  1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).
- Exercise and Sports Establishment
- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Golf Course
- Home and Residence Services
- Hotel

- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Nursery, Garden, Landscape Materials Sales
- Nursing Home or Assisted Living Facility
- Outdoor or Drive-Thru Sales or Service
- Open Space Preserves
- Personal Services
- Pet Grooming and Care Services\*
- Pharmacy
- Private Clubs and Organizations (indoor)\*
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales
- Technical Service and Sales
- Vehicle Parking Garage
- Veterinarian Service, Animal Clinic\*

*\*Conditional Use*

### 1.3.56 Dimensional Standards

The tract designated as **LAND USE PARCEL 8** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

<b>Dimensional Standard</b>	
Minimum Front Yard Setback	25'/100' for data center
Minimum Side Yard Setback	25'/100' for data center
Minimum Side Yard corner	25'/100' for data center
Minimum Rear Yard Setback	25'/100' for data center
Maximum Lot Coverage	75%
Maximum <del>Main</del> Structure Height	<del>45'/65'/85'</del> 65' for hotel use 85' for data center use
<del>Maximum Accessory Structure Height</del>	<del>40'</del>
<i>* Proximity slope shall be provided for the first 50 feet (50') adjacent to single-family residential, the maximum height shall be 30 feet (30').</i>	

## LAND USE PARCEL 9

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The following regulations shall apply to the tract designated as **LAND USE PARCEL 9** on **Exhibit C – Concept Plan**.

### 1.3.57 Uses

Permitted uses shall be in accordance with the development standards below.

1.3.58 Business Park Development Standards: Development shall be in accordance with the standards established in the Business Park District (B) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.59 Site Design, Building Placement, Orientation and Process Controls:

- Service doors for loading or for auto or similar service shall not face a public street unless screened.
- Landscape Buffers: A minimum 15-foot-wide landscape buffer shall be provided adjacent to FM 2755. All street rights-of way and shall be maintained as permanent green space. Said landscape buffer shall be comprised of, at a minimum, the following materials:
  - ~~Buffer Vegetation:~~
    - Shade Trees: Shade trees shall be 3 caliper inches in size, measured 12" above the planting surface, at the time of planting
    - Ornamental Trees: Ornamental trees shall be 2 caliper inches in size at the time of planting.
  - Data Center Standards: The following standards shall apply to Data Center uses.
    - Screening
      - A minimum six foot (6') tall screening wall shall be provided along the side and rear property lines. In addition to the building materials prescribed herein, the screening wall may be constructed of tilt wall concrete.
      - Evergreen shrubs that are at least three feet in height at time of planting and spaced no further apart than 3 feet on center shall be placed along any property boundary that is adjacent to properties zoned or used for residential uses. The screening shall form a continuous, unbroken, solid visual screen 6 feet in height within 2 years after time of planting.
      - Existing trees and vegetation, located along any property boundary that is adjacent to properties zoned or used for residential uses, shall be preserved.
    - The structures may be built using tilt wall construction. If the structures are built using this method, a diversity of patterns and/or designs shall be placed on the surface of the walls.
    - Open spaces that are visible from the public street shall qualify as open spaces required in Section 1.3.5 Plazas and Open Spaces.
    - For secured data center uses, the Non-Residential requirements of Section 1.3.4 Plazas and Open Spaces and Section 1.3.4.31 Open Space Connectivity will only be implemented where reasonably feasible or possible.
    - Utility lines internal to the site and not visible from the public street may be above ground.

1.3.60 Location and Types

The location of **LAND USE PARCEL 9** shall be as generally depicted on **Exhibit C – Concept Plan**.

### 1.3.61 Permitted Uses

#### 1.3.61.1 The following uses are permitted:

- Alcohol: mixed beverage sales (on-premises consumption)
- Alcohol: wine and malt beverage sales (on-premises consumption)
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)\*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)\*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)\*
- Alcohol: brewpub (on- and/or off-premises consumption)\*
  1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).
- Animal-related Medical, Grooming or Boarding
- Auto, Tool or Equipment Rental\*
- Business Service and Sales
- Commercial Cleaning or Laundry Plant\*
- Data Center\*\* **Data Center is defined as data processing center (hyperscale) facilities used to house, and in which are operated, maintained and replaced from time to time, computer systems and associated components, such as telecommunications and storage systems, cooling systems, power supplies and systems for managing property performance (including generators and mechanical and electrical yards), and equipment used for the transformation, transmission, distribution and management of electricity (including private substations), internet-related equipment, data communications connections, private communication towers, environmental controls and security devices, structures and site features, as well as certain accessory uses or buildings located on the land and other related or associated uses, buildings or structures such as utility buildings; private utility facilities; office; buildings for support staff; warehousing for logistics, storage and/or other similar uses; cafeteria; guardhouse; diesel storage tanks; fuel storage for emergency generators; water storage tanks; security fencing; and other structures, improvements and appurtenances. Crypto currency mining or related uses are not included in the definition of Data Center. Any accessory uses to a Data Center use shall be in direct relation to or support of the primary Data Center use.**
- Federal, State or City Owned or Controlled Facilities
- Hospital
- Information Data Processing
- Information Distribution, Publication, Production

- Information Telecommunication, Sellers
- Insurance
- Light Manufacturing Clean
- Manufacturing – Appliance, Instrument, Controller
- Manufacturing – Device, Parts, Vehicles
- Manufacturing – Die, Tooling, Equipment, Machinery\*
- Materials Bending, Cutting, Machining, Molding, Welding\*
- Medical Office
- Medical or Scientific Laboratory\*
- Municipal Uses
- Open Space
- Packing of Parts and Materials Previously Manufactured
- Parts Assembly, Materials Sorting Previously Manufactured
- Personal Services
- Pharmacy
- Professional, Scientific, and Technical Services
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Restaurant
- Retail Sales
- Storage of Flammable Liquids and Materials\*
- Studios: Photo, Music, Art, Health, Etc.
- Technical Service and Sales
- Trade Contractor Office and Dispatch
- Truck Repairs and Service\*
- Warehousing and Distribution Facilities\*
- Wholesale Enterprises without Materials Storage and Distribution

*\*Conditional Use*

### 1.3.62 Dimensional Standards

The tract designated as **LAND USE PARCEL 9** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

<b>Dimensional Standard</b>	
Minimum Front Yard Setback	25’/100’ for data center
Minimum Side Yard Setback	25’/100’ for data center
Minimum Side Yard corner	25’/100’ for data center
Minimum Rear Yard Setback	25’/100’ for data center
Maximum Lot Coverage	75%
Maximum <del>Main</del> Structure Height	45’/65’/85’ 65’ for hotel use 85’ for data center use
<del>Maximum Accessory Structure Height</del>	40’
<i>* Proximity slope shall be provided for the first 50 feet (50’) adjacent to single-family residential, the maximum height shall be 30 feet (30’).</i>	