

CITY OF LAVON

ORDINANCE NO. 2025-01-02

Amendment to PD Zoning – Grand Heritage Commercial Planning Area Parking

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING ARTICLE 9.03 ZONING ORDINANCE OF THE CITY OF LAVON CODE OF ORDINANCES TO AMEND ORDINANCE NO. 2004-09-05 THAT ESTABLISHED THE PLANNED DEVELOPMENT DISTRICT REGULATIONS FOR THE COMMERCIAL PLANNING AREA IN THE GRAND HERITAGE DEVELOPMENT PROJECT GENERALLY SITUATED NORTHEAST OF THE INTERSECTION OF SH 205 AND SH 78 TO RECONCILE AND CLARIFY PARKING REQUIREMENTS IN SECTION 3.9 “OFF-STREET PARKING REQUIREMENTS”; 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. 2004-09-05 setting out Planned Development District regulations for the Commercial Planning Areas within the Grand Heritage development project; and

WHEREAS, reconciliation and clarification of provisions restricting parking in the front, side, and rear yard setbacks established in Ordinance No. 2004-09-05 , in Section 3.9 OFF-STREET PARKING is in order as applicable to property generally depicted in **Exhibit “A”** (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 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 B, 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 7 day of January, 2024



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

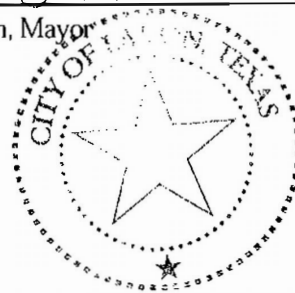


EXHIBIT A. MAP

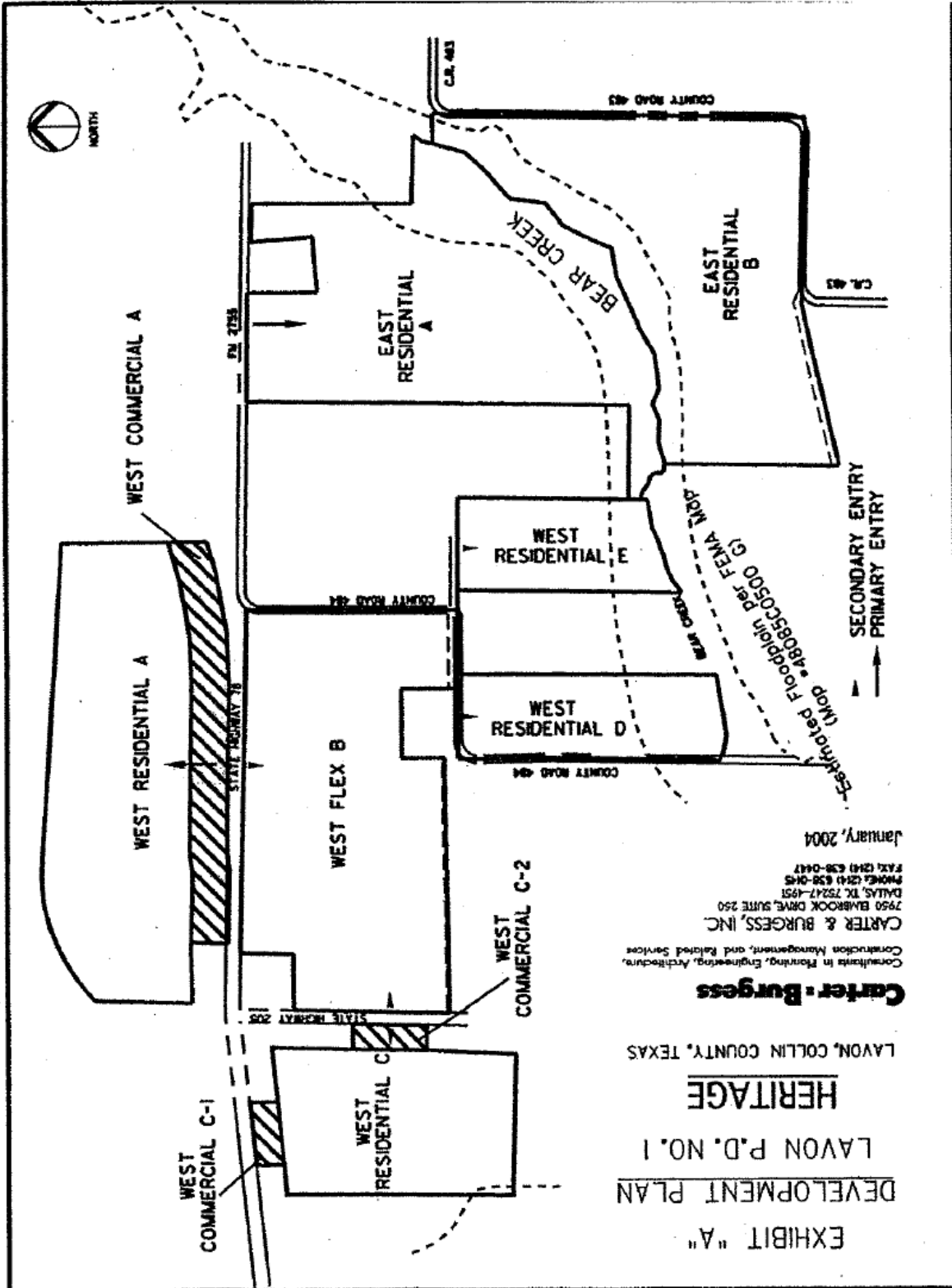


EXHIBIT B. AMENDMENT

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

ORDINANCE NO. 2004-09-05

Section 3.9 OFF-STREET PARKING REQUIREMENTS Parking spaces must be a minimum of nine (9) feet in width and 18 feet in length. Handicap parking space and route design standards shall comply with ADA standards. No off-street parking spaces shall be located within a front, side, or rear yard setback when the yard in question is located adjacent to State Highway 78 or State Highway 205 **in the Flex Planning Area**. The minimum number of off-street parking spaces required for a use is as follows...