

CITY OF LAVON

ORDINANCE NO. 2025-02-03

Amendment to Zoning – Misc. Parking, Light, Driveways, Uses

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING ARTICLE 9.03 “ZONING ORDINANCE,” DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP,” SECTION 9.03.032 “PERMITTED USE TABLE” GENERALLY TO AMEND PERMITTED USES AND FOOTNOTES; DIVISION 6 “REGULATIONS APPLICABLE TO MIXED USE AND NONRESIDENTIAL DISTRICTS,” SECTION 9.03.133 “BUSINESS PARK DISTRICT” GENERALLY TO AMEND LIGHT TRESPASS REQUIREMENTS; AND DIVISION 8 “OFF-STREET PARKING AND LOADING REGULATIONS,” SECTION 9.03.172 “OFF-STREET PARKING SITE DESIGN REQUIREMENTS” TO GENERALLY AMEND 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 miscellaneous housekeeping and clarification updates are in order; and

WHEREAS, this proposed zoning code amendment is in accordance with the adopted comprehensive plan of the City; 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 as established in Exhibit A, 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 4th day of February 2025.

Vicki Sanson

Vicki Sanson, Mayor

ATTEST:

Rae Norton

Rae Norton, City Secretary

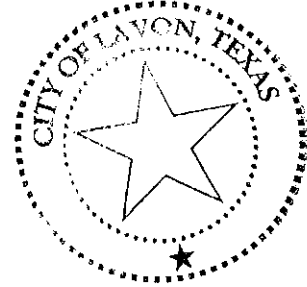


EXHIBIT A.

**Outdoor Lighting, Permitted Use Table, Off-Street Parking and Loading
Regulations, and Residential Driveways
(Code Amendments and Zoning Amendment)**

Purpose:

- To modify the standards for residential driveways and driveway approaches in Chapter 4, Chapter 9, and Chapter 10 of the Code of Ordinances.
- To modify the footcandle requirement for light trespass on adjacent residential properties in Chapter 4 and Chapter 9 of the Code of Ordinances.
- To modify the permissions of various uses in the Permitted Use Table within Chapter 9 Division 2 of the Code of Ordinances.
- To remove the Permitted Use Table footnote #1 (which restricts outdoor activities) from uses, where appropriate.
- To modify off-street parking requirements for commercial uses in Chapter 9 Division 8 of the Code of Ordinances.

Proposed standards:

Chapter 4 Building Regulations

ARTICLE 4.01 GENERAL PROVISIONS

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§ 4.01.002 Minimum construction standards for commercial parking lots, driveways and exterior walls.

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(b) Minimum construction standards.

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(2) Residential driveways.

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(D) Residential driveways within the city shall provide a minimum of 20 feet of concrete-paved space between the garage door and the right-of-way, and concrete-paved space equaling the width of the garage door and adjacent to the garage door to accommodate off-street vehicle parking.

ARTICLE 4.07 OUTDOOR LIGHTING

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§ 4.07.003 General requirements.

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(f) Light trespass on adjacent property. Light trespass on adjacent residential or unlighted properties shall be minimized by complying with the following:

- (1) Provide material, methods, and designs so that no more than 0.25 footcandle is measured at the property line of ~~the~~ adjacent **unlighted** property and at six feet, six inches above the ground.
- (2) **Provide material, methods, and designs so that no more than 0.1 footcandle is measured on adjacent residential property, at the property line, at six feet, six inches above the ground.**
- (~~2~~ 3) Wall packs shall not be mounted higher above the ground than their distance to the lot (property) line unless they are mounted so as to direct the light away from the adjacent property, i.e., on a wall on the property line, but directed inward.
- (~~3~~ 4) Where the adjacent property is residential, all lighting shall be arranged so as to direct the light away from the adjacent property.

Chapter 9 Planning and Development Regulations

ARTICLE 9.02 SUBDIVISION ORDINANCE

DIVISION 1 GENERALLY

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§ 9.02.003 Purposes, authority and jurisdiction.

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(h) Design and Improvement Requirements.

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(10) Residential driveways.

(A) Residential driveways shall provide a minimum 20 feet of space between the garage door of the principal structure and the street or alley right-of-way.

(B) The distance between residential driveway approaches in front of houses shall be a minimum of 20 feet as measured along the back of curb or edge of pavement.

ARTICLE 9.03 ZONING ORDINANCE

DIVISION 2 DISTRICTS AND ZONING DISTRICT MAP

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§ 9.03.032 Permitted use table.

Figure 9.1.2.2		
PERMITTED USE TABLE		
P = Permitted Use	C = Conditional Use	-- = Not Permitted

RESIDENTIAL USES	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS		
	A	SF-1	SF-2	SF-4	R	M	B
Single family (SF) detached dwelling	P	P	P	P	--	P ⁺	--
Home based business within a SF dwelling (i.e. home occupation)	P	P	P	P	--	P ¹	--
Single family - zero lot line	--	--	--	--	--	--	--
Single family attached - townhomes	--	--	--	--	--	P ⁺	--
Duplex	--	--	--	--	--	--	--
Multi-family dwelling	--	--	--	--	--	C	--
Real estate model home	--	C	C	C	--	--	--
Vertically mixed use multifamily residential and retail	--	--	--	--	--	P ⁺	--
Bed and Breakfast	--	--	--	--	--	C	--
Manufactured home detached dwelling park of two or more dwellings	C	--	--	--	--	--	--
Guest house, caretaker or security quarters for SF dwelling	P	P	--	--	--	--	--
Accessory structure with restrictions	P	P	P	P	--	--	--
Accessory uses within residential districts (parking garage, swimming pool, hobby shed, tennis court, unlit sports court)	p ²	p ²	p ²	p ³	--	--	--

RETAIL, COMMERCIAL, PERSONAL SERVICE USES	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS		
	A	SF-1	SF-2	SF-4	R	M	B
Alcohol: mixed beverage sales (on-premises consumption) ⁺	--	--	--	--	P ⁺ ,4	P ⁺ ,4	P ⁴
Alcohol: wine and malt beverage sales (on-premises consumption) ⁺	--	--	--	--	P ⁺ ,4	P ⁺ ,4	P ⁴
Alcohol: mixed beverage package store (on- and/or off-premises consumption)	--	--	--	--	C ⁴	--	--
Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)	--	--	--	--	C ⁴	--	--
Amusement establishment	--	--	--	--	C	C	--
Animal boarding, kennel or shelter	C	--	--	--	--	--	--
Automobile fueling and gasoline filling station	--	--	--	--	C	--	--
Automobile service establishment	--	--	--	--	C	--	P
Bakery/confectionery retail establishment	--	--	--	--	C	C	--
Building material sales	--	--	--	--	C	--	--
Business service and sales	--	--	--	--	P ¹	P ¹	--
Carwash	--	--	--	--	C	--	--
Cash and retail lending service establishment	--	--	--	--	C ⁵	--	--
Commercial greenhouse or nursery (wholesale and retail)	C	--	--	--	--	--	--
Commercial stable	C	C	--	--	--	--	--
Dry-cleaning retail establishment with no processing on site	--	--	--	--	C	C	--
Exercise and sports establishment	--	--	--	--	C	C	--
Financial institution	--	--	--	--	P ¹	P ¹	--
Home and residence services	--	--	--	--	P ⁺	P ⁺	--
Hotel	--	--	--	--	C	--	--
Insurance	--	--	--	--	P ¹	P ¹	--

RETAIL, COMMERCIAL, PERSONAL SERVICE USES	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS		
	A	SF-1	SF-2	SF-4	R	M	B
Medical and state licensed health services	--	--	--	--	P ¹	P ¹	--
Merchandise rental	--	--	--	--	C	--	--
Nursery, garden, landscape material sales	--	--	--	--	C	--	--
Outdoor, drive-in or drive-thru sales or service activity, including rear yard patios	--	--	--	--	C	C ⁶	--
Personal services	--	--	--	--	P ¹	P ¹	C
Pet grooming and care services	--	--	--	--	C	C	--
Pharmacy	--	--	--	--	P ¹	P ¹	--
Private clubs and organizations (indoor)	--	--	--	--	C	--	--
Professional service and sales	--	--	--	--	P ¹	P ¹	--
Recreational vehicle park of two or more vehicles	C	--	--	--	--	--	--
Real estate	--	--	--	--	P ¹	P ¹	--
Restaurant	--	--	--	--	P ⁺	P ⁺	--
Retail sales	--	--	--	--	P ¹	P ¹	--
Second-hand/used goods/pawn shop	--	--	--	--	C ⁵	--	--
Smoke/tobacco/CBD store	--	--	--	--	C	C	--
Storage, self-service	--	--	--	--	C	--	P ¹
Tattoo service and similar body artwork	--	--	--	--	C ⁵	--	--
Technical service and sales	--	--	--	--	P ¹	P ¹	--
Theater	--	--	--	--	C	C	--
Vapor smoking services	--	--	--	--	C	C	--
Vehicle display and sales	--	--	--	--	--	--	--
Vehicle parking garage	--	--	--	--	--	--	--
Vertically mixed use retail commercial and multifamily residential	--	--	--	--	P	P ⁺	--
Veterinarian service, animal clinic	C	--	--	--	C	C	--

INSTITUTIONAL & CIVIC USES	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS		
	A	SF-1	SF-2	SF-4	R	M	B
Cemetery or mausoleum	P	P	P	--	--	--	--
Church or place of worship	P	P	P	P	P	P	P
Community recreational use	--	C	C	C	--	--	--
Community swimming pool	--	C	C	C	--	--	--
Country club	--	C	C	C	--	--	--
Day care and educational facility - privately-owned	C	C	C	C	P ⁺	P ⁺	--
Educational facility - public	P	P	P	P	--	--	--
Federal, state or city owned or controlled facilities or utilities	P	P	P	P	P ⁺	P ⁺	P ⁺
Franchise-holding facilities and utilities holding a franchise under the authorization of the city	C	C	C	C	C	C	P
Golf course	--	C	C	C	--	--	--
Municipal uses	P	P	P	P	P	P	P ⁺
Nursing home or assisted living facility	--	--	--	--	C	C	C
Open space Preserves	P	P	P	P	P	P	P ⁺
Public parks and playgrounds	P	P	P	P	P	P	P ⁺
Public recreational facilities	P	P	P	P	P	P	P ⁺
Wind energy, utility or telecommunication tower	C	C	C	C	--	--	P

	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS		
	A	SF-1	SF-2	SF-4	R	M	B
AGRICULTURAL USES							
Animal husbandry, livestock	P	P	--	--	--	--	--
Crop cultivation, forestry, farming	P	P	--	--	--	--	--
Uses related to animal husbandry and raising of crops on unplotted land	P	P	--	--	--	--	--
Dairy farm	P	--	--	--	--	--	--
Wholesale plant nursery	P	--	--	--	--	--	--
Horse stables, riding academies and equestrian boarding	P	C	--	--	--	--	--

	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS		
	A	SF-1	SF-2	SF-4	R	M	B
INDUSTRIAL USES							
Alcohol: brewpub (on- and/or off-premises consumption) [†]	--	--	--	--	C ⁴	--	C ⁴
Alcohol: manufacturing and distribution (on- and/or off-premises consumption) [†]	--	--	--	--	--	--	C ^{1,4}
Auto, tool or equipment rental	--	--	--	--	--	--	--
Automobile and truck repairs and service	--	--	--	--	--	--	P ¹
Commercial cleaning or laundry plant	--	--	--	--	--	--	--
Data center and software design	--	--	--	--	--	--	--
Information assembly, broadcasting, carriers	--	--	--	--	--	--	P ¹
Information data processing	--	--	--	--	--	--	P ¹
Information distribution, publication, production	--	--	--	--	--	--	P ¹
Information telecommunication, sellers	--	--	--	--	--	--	P ¹
Machinery, heavy equipment, truck sales and service	--	--	--	--	--	--	--
Manufacturing - appliance, instrument, controller	--	--	--	--	--	--	P ¹

INDUSTRIAL USES	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS		
	A	SF-1	SF-2	SF-4	R	M	B
Manufacturing - device, parts, vehicle	--	--	--	--	--	--	P ¹
Manufacturing - die, tooling, equipment, machinery	--	--	--	--	--	--	P ¹
Manufacturing - other	--	--	--	--	--	--	C ¹
Materials bending, cutting, machining, molding, welding	--	--	--	--	--	--	P ¹
Medical or scientific laboratory	--	--	--	--	--	--	--
Open storage and open processing operations	--	--	--	--	--	--	C ^{1,7}
Outside sales and storage	--	--	--	--	--	--	--
Packaging of parts and materials prev manufactured	--	--	--	--	--	--	P ¹
Parts assembly, materials sorting prev manufactured	--	--	--	--	--	--	P ¹
Professional, scientific and technical services	--	--	--	--	--	--	P ¹
Storage of flammable liquids and materials	--	--	--	--	--	--	C ¹
Temporary concrete batch plant	--	C ⁸	C ⁸	C ⁸	--	--	--
Trade contractor office and dispatch	--	--	--	--	--	--	--
Warehousing and distribution facilities	--	--	--	--	--	--	P ¹
Wholesale enterprises w/o materials storage and distrib	--	--	--	--	--	--	P ¹

¹ Conducted entirely within the interior of a building.

² Two (2) accessory uses customarily associated with a single family detached dwelling and limited to parking garage, swimming pool, unlit tennis court, unlit sports court, and hobby shed.

³ One (1) accessory use customarily associated with a single family detached and limited to parking garage, swimming pool, unlit tennis court, unlit sports court, and hobby shed.

⁴ 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).

⁵ Provided the lot on which a similar establishment is located is more than one thousand (1,000) feet from the location of the proposed use; the one thousand (1,000) foot distance shall be measured between the lots and along the public street.

⁶ Any outdoor, drive-in or drive-through sales or service activity including rear yard patios requires limited service hours and limited noise/entertainment levels and limited hours.

⁷ Open storage and open processing operations, including on-site sand and gravel processing and storage, sand blasting or similar uses provided said particulate matter shall not leave the property nor be transported across the boundary property line of the tract on which the use is located.

⁸ Temporary concrete batch plants shall be limited to no more than six (6) months, however the limit on the temporary permit may be extended for one (1) additional six (6) month period, by the building official as necessary to complete construction for the project under which the temporary permit was granted; the location of the batch plant is subject to the approval of the building official.

The table does not supersede the zoning ordinance. There may be restrictions for permitted and conditional uses.

Uses not identified as permitted or conditional are prohibited.

DIVISION 6 REGULATIONS APPLICABLE TO MIXED USE AND NONRESIDENTIAL DISTRICTS

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§ 9.03.133 Business park district (B).

...

(e) Site design, building placement, orientation and process controls.

...

(13) All exterior lighting, designed for security, illumination, parking lot illumination or advertising shall be designed in such a manner as to ensure that it does not extend into adjacent residential zoned property. Information shall be provided on a lighting plan, for approval, which indicate the intensity of all exterior lighting fixtures and the footcandle level beyond the property. Lighting fixtures shall be designed to direct light down onto the site and away from neighboring property. ~~Lighting shall be designed to include cut-off shielding to minimize light pollution onto adjoining property and not exceed 0.25 footcandle beyond the property line.~~

DIVISION 8 OFF-STREET PARKING AND LOADING REGULATIONS

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§ 9.03.172 Off-street parking site design requirements.

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(b) Parking shall be primarily to the side and rear of the principal use ~~and shall not be within the front yard or the side yard~~, unless the front yard or side yard is adjacent to State Highway 78 and/or State Highway 205 and enhanced landscaping and screening is provided along the frontage.

Chapter 10 Streets, Parks and Other Public Ways and Places

ARTICLE 10.03 DESIGN AND CONSTRUCTION OF SIDEWALKS AND DRIVEWAY APPROACHES

§ 10.03.001 Driveway approaches.

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(b) Driveway approach connecting to street. A driveway approach connecting to a street shall conform to the following standards:

...

(6) Residential Driveway Approaches. The distance between residential driveway approaches shall be a minimum of 20 feet.

(c) Driveway approach connecting to alley. A driveway approach connecting to an alley shall conform to the following standards:

...

(4) Residential Driveway Approaches. The distance between residential driveway approaches, where located along the primary vehicular access of the structure, shall be a minimum of 20 feet.