

CITY OF LAVON, TEXAS

ORDINANCE NO. 2023-10-02

Amend Elevon PD Regulations relating to Commercial Uses on 29.863 acres

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE ELEVON COMMERCIAL, BUSINESS PARK, AND MIXED USES PLANNED DEVELOPMENT REGULATIONS ESTABLISHED BY ORDINANCE NO. 2022-10-03, EXHIBIT D. DEVELOPMENT STANDARDS, LAND USE PARCEL 1., SECTION 1.3.17.1.9 FENCING TO PERMIT A MAXIMUM SIX FEET (6') TALL TUBULAR FENCING WITH MASONRY COLUMNS ALONG THE WEST, SOUTH, AND A PORTION OF THE EAST SIDES OF THE RESIDENTIAL AREA AND SECTION 1.1.2.1 TO REDUCE THE REQUIRED POCKET PARK STREET FRONTAGE FROM TWO TO ONE STREET; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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 Council of the City (the "**City Council**") adopted Ordinance No. 2022-10-03, which set forth various regulations for the Elevon Commercial, Business Park, and Mixed Uses Planned Development District (the "Elevon Commercial, Business Park and Mixed Use PD Ordinance"); and

WHEREAS, the City Council desires to amend the Elevon Commercial, Business Park and Mixed Use PD Ordinance to permit a maximum six feet (6') tall tubular fencing with masonry columns along the west, south, and a portion of the east sides of the residential area and Section 1.1.2.1 to reduce the required pocket park street frontage from two to one street on the property described in Exhibit "A" attached hereto and incorporated herein, being a portion of the entire property covered by the Elevon Commercial, Business Park and Mixed Use PD Ordinance; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Elevon Commercial, Business Park and Mixed Use PD Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to

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the Elevon Commercial, Business Park and Mixed Use PD Ordinance and the appropriateness of the amendment, the City Council does hereby find that the amendment to the Elevon Commercial, Business Park and Mixed Use PD Ordinance approved hereby accomplishes such objectives.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. FINDINGS. After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare of its citizens.

SECTION 3. AMENDMENT.

The following sections of the Elevon Commercial, Business Park and Mixed Use PD District regulations established by Ordinance No. 2022-10-03, are hereby amended, to be applicable to approximately 29.863 acres of land, and to read as provided herein:

1) **Section 1.1.2 Pocket Parks.**

Section 1.1.2.1 The Pocket Park located in Land Use Parcel 1 shall have street frontage on at least one side.

2) **Section 1.3.17.1.9 Fencing.**

- Artificial turf may be considered to be permitted in the rear yard if material specifications and maintenance program is provided for review, consideration, and approval by the City Administrator or their designee prior to installation. Maximum height of private home fencing shall be six feet (6').
- A maximum six feet (6') tall, masonry screening wall shall generally be provided along the north side, and a portion of the east side of the residential area. A maximum six feet (6') tall tubular metal fence with masonry columns shall generally be provided along the west, south, and a portion of the east side of the residential area where not adjacent to commercial areas. Two (2) pedestrian access gates shall be integrated into the west fence to allow for access to the Elevon community's open space amenity immediately west of the residential area.

SECTION 4: 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. This Ordinance shall not repeal, alter, or amend, or be interpreted as conflicting with any ordinance having created a planned development district prior to this Ordinance.

SECTION 5: SEVERABILITY. 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

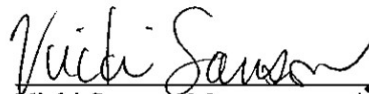
provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. PENALTY. Any person, firm, corporation, or entity violating this Ordinance or any provision of the City's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

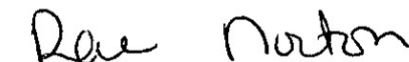
SECTION 8. OPEN MEETING. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 17th day of October 2023.


Vicki Sanson, Mayor



ATTEST:


Rae Norton, City Secretary

Property Description

Drawing: H:\Projects\H1A122-Motion-HDR-Planning-Civil-Committee\fig\hwy\boundary survey west corner\hwy\hwy122.dwg
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