

CITY OF LAVON, TEXAS
ORDINANCE NO. 2023-05-03

Conditional Use Permit – 955 N. SH 78, Lavon Food & Fuel Drive-Thru & Service Canopy

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT AS SPECIFIED IN ORDINANCE NO. 2020-04-04 THAT ESTABLISHED THE LAKE BREEZE PD, EXHIBIT C ZONING USES AND DESIGN GUIDELINES, RETAIL DISTRICT STANDARDS – BUILDING PLACEMENT, ORIENTATION AND SITE DESIGN (1) FOR (A) DRIVE-THRU LANES AND (B) A SERVICE CANOPY FOR A GASOLINE FUELING STATION AT 955 N. SH 78, LAKE BREEZE ESTATES, ON 2 ACRES, BLK E, LOT 25C, 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 City of Lavon, Texas (the “City”) is a Home Rule municipality; 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 Chapter 109; and

WHEREAS, the Lake Breeze Planned Development District provides that service canopies and drive-thru lanes may face the public street with an approved Conditional Use Permit; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City (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 are compatible with surrounding properties and are appropriate for the location of the property and that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

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 Chapter 9, Zoning Ordinance, of the City of Lavon Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in the Lake Breeze Planned Development District to permit construction of a service canopy and drive-thru lanes that face the public street at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), and that the herein-described property shall only be used in the manner and for the purpose provided for in the Zoning Ordinance of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.

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.

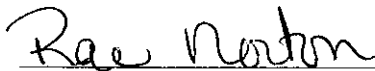
SECTION 8. The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

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 2nd day of May 2023.


Vicki Sanson
Mayor

ATTEST:


Rae Norton
City Secretary

