

CITY OF LAVON
ORDINANCE NO. 2026-07-02

Zoning Amendment – Farmers Markets and General Updates

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ARTICLE 9.03 ZONING ORDINANCE DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP” SECTION 9.03.032 “PERMITTED USE TABLE” GENERALLY TO AMEND USES AND MINIMUM PARKING REQUIREMENTS; AN AMENDMENT TO DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP” SECTION 9.03.034 “AMENDMENTS TO THE OFFICIAL ZONING ORDINANCE AND ZONING DISTRICT MAP” GENERALLY TO AMEND THE PROPERTY NOTIFICATION SIGN REQUIREMENTS; AN AMENDMENT TO DIVISION 3 “DEFINITIONS” SECTION 9.03.061 “GENERAL” GENERALLY TO AMEND USE DEFINITIONS; AN AMENDMENT TO DIVISION 4 “REGULATIONS APPLICABLE TO ALL DISTRICTS” SECTION 9.03.085 “HOME OCCUPATION/HOME BASED BUSINESS” GENERALLY TO AMEND HOME OCCUPATION/HOME BASED BUSINESS STANDARDS; AN AMENDMENT TO DIVISION 4 “REGULATIONS APPLICABLE TO ALL DISTRICTS” GENERALLY TO ESTABLISH FARMERS MARKET STANDARDS; AN AMENDMENT TO DIVISION 6 “REGULATIONS APPLICABLE TO MIXED USE AND NONRESIDENTIAL DISTRICTS” SECTION 9.03.135 “DUMPSTER REGULATIONS” GENERALLY TO AMEND DUMPSTER STANDARDS; AN AMENDMENT TO DIVISION 7 “SITE PLAN REQUIREMENTS” SECTION 9.03.156 “TERM OF THE APPROVED SITE PLAN” GENERALLY TO AMEND THE EXPIRATION PERIOD OF SITE PLANS; AND AN AMENDMENT TO DIVISION 8 “OFF-STREET PARKING AND LOADING REGULATIONS” SECTION 9.03.175 “OFF-STREET LOADING SPACE REQUIREMENTS”.

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, this proposed zoning 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.

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. Zoning Amendment. The Zoning Ordinance is hereby amended as provided in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. 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 4. 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 5. 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 6. 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 7. 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.

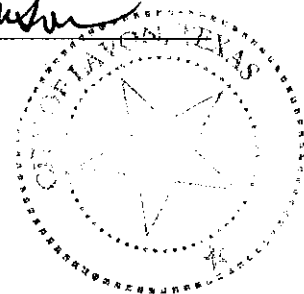
SECTION 8. Publication and Effective Date. That this Ordinance shall be in full force and effect immediately upon its adoption and its publication as required by law.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 7th day of July 2026.


Vicki Sanson, Mayor

ATTEST:


Rae Norton, City Secretary



ORDINANCE NO. 2026-07-02

EXHIBIT "A"

Article 9.03 Zoning Ordinance

§ 9.03.032 Permitted use table.

Figure 9.1.2.2

PERMITTED USE AND PARKING TABLE								
P = Permitted Use	C = Conditional Use				-- = Not Permitted			
	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS			PARKING⁹
RETAIL, COMMERCIAL, PERSONAL SERVICE USES	A	SF-1	SF-2	SF-4	R	M	B	
...								
Farmers market, Long-Term ¹⁰	C	C	C	C	C	C	C	1 space per 500 sq. ft. of sales area
...								

¹ Conducted entirely within the interior of a building.

² Two 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 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 feet from the location of the proposed use; the one thousand 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 months, however the limit on the temporary permit may be extended for one additional six 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.

⁹ Reference additional off-street parking requirements in Section 9.03.173.

¹⁰ Reference additional requirements for farmers markets in section 9.03.092.

§ 9.03.034 Amendments to the official zoning ordinance and zoning district map.

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(e) Notices and notifications. Zoning and rezoning requests shall be scheduled for public hearings before the planning and zoning commission and the city council and noticed in accordance with this section as follows:

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(2) Subject property notification signs. Notification signs shall meet the following requirements:

(A) The city manager or their designee shall have the authority to determine if the notice posting on the subject property met the intent of the requirements contained herein.

(B) The applicant shall post the required number of notification signs, on the subject property, at least ten (10) calendar days prior to the date of the public hearing before the planning and zoning commission as follows:

(i) Sign requirements: A minimum of one (1) sign shall be posted on the subject property, along each of its public road frontages, at a minimum spacing of one (1) sign per five hundred (500) linear feet of frontage or portion thereof.

(ii) The sign shall contain legible information and specifications as detailed in the city's notification sign requirements.

(iii) The applicant shall provide time-stamped photos of the required notification signs, as posted on the subject property, between 8:00 a.m. on Monday and 12:00 p.m. (noon) on Wednesday, the week before the scheduled planning and zoning commission meeting. The applicant shall provide the following photos:

a. One legible photo of a sign showing the required information meeting the standards as provided on the signs;

b. One photo of each public road frontage showing that the signs are facing the right-of-way; and

c. An informal exhibit showing the location of the signs along the rights-of-way.

(C) Notification signs for residential Conditional Use Permits are not required.

§ 9.03.061 General.

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Farmers market, short term. A temporary market held in an open area or in a structure where groups of individual sellers/vendors (minimum three, maximum 50) offer for sale to the public such items as fresh produce, fresh flowers, small goods, arts and crafts items, and food and beverages on-site.

Farmers market, long-term. An ongoing or reoccurring market held in an open area or in a structure where groups of individual sellers/vendors (minimum three, maximum 100) offer for sale to the public such items as fresh produce, fresh flowers, small goods, arts and crafts items, and food and beverages on-site.

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Home based business. Any occupation or activity carried on or occurring in a dwelling unit by an owner or tenant of the property, where the business operates with a total number of employees and clients or patrons of the business that does not exceed the city's occupancy limit for the property, does not generate on-street parking or a substantial increase in traffic through the area, operates in a manner in which none of its activities are visible from a street, and does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.

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§ 9.03.085 Home Based Business

(a) Home based businesses are uses that are incidental to the primary use of the premises as a residence and conducted on the residential premises by an owner or resident of the premises, as defined in §9.03.061 General.

(b) The following regulations shall apply to a home based business.

(1) Pedestrian and vehicular traffic shall be limited to that normally associated with residential districts.

(2) There shall be no outdoor storage of materials or equipment. There shall be no merchandise visible from outside the dwelling.

(3) The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(4) No use or storage of mechanical equipment not recognized as being part of normal household or hobby use shall be visible from the public street or neighboring residential use(s).

(5) All parking shall be on premises with no on-street parking allowed for a home based business.

(6) As defined by the Human Resource Code, chapter 42 an "in-home day care" or a "family home" that is certified, listed or registered with the state is exempt from this division, and governed by the rules and regulations of the state.

(7) The home occupation shall be compatible with the residential use of the property where the business is located.

§ 9.03.092 Farmers markets.

(a) Purpose. The purpose of this section is to provide adequate regulations, including permitting, food safety, and operations, for a short-term or long-term farmers market. Farmers markets are exempt from the requirements of a food service establishment and are generally not required to comply with the Texas Food Establishment Rules. However, a local health authority may require permits and enforce temperature requirements governing potentially hazardous foods.

(b) State Regulations. In addition to the requirements in this section, applicable provisions in Title 25, part 1, chapter 229, subchapter K and subchapter FF of the Texas Administrative Code, as well as Chapters 433, 437, and 438 of the Texas Health and Safety Code, as may be amended from time to time, and any other applicable state codes as may be amended, shall also apply to a short-term or long-term farmers market.

(c) Permit requirements; violations.

(1) (An) individual(s) and/or entity(ies) wishing to operate a short-term or long-term farmers market shall first obtain an annual health services permit issued by the city, and ensure that any property it intends to operate on holds proper zoning permits. The permit fees shall be set annually by the city council in the fee schedule.

- (2) (An) individual(s) and/or entity(ies) wishing to operate a farmers market shall obtain a temporary use permit as a short-term farmers market, per Section 9.03.212. A short-term farmers market is limited to four occurrences within a calendar year, maximum three days per occurrence (this is more restrictive than maximum temporary use standards).
 - (3) (An) individual(s) and/or entity(ies) wishing to operate a farmers market for more than four occurrences within a calendar year, maximum three days per occurrence, shall obtain a conditional use permit as a long-term farmers market, per Section 9.03.211.
 - (4) A certificate of occupancy issued by the city must be obtained prior to operation of a long-term farmers market.
 - (5) Establishments or persons that are not permitted as required under this section may not sell or distribute food at a short-term or long-term farmers market. Any violation of this section or of the regulations set forth in other provisions of this article or adopted hereunder shall subject a violator to penalties as set forth in Section 1.01.009 of this code.
- (d) Coordinator. A coordinator must be designated for every short-term or long-term farmers market event. The coordinator of the short-term or long-term farmers market is responsible for the day-to-day operations (including parking and traffic management) and monitoring of all food vendors, including TCS food vendors and non-TCS food vendors. The coordinator must submit to the city ten (10) business days in advance a list of all vendors participating and identify each vendor, state the extent to which a vendor will sell or distribute potentially hazardous food, provide food samples, or conduct cooking demonstrations.
- (e) General Standards.
- (1) Short-term and long-term farmers markets and their customers shall not sell or consume food within any public street, public alley, driveway, or fire lane unless closed to through traffic pursuant to permit issued by the city.
 - (2) Vendor tents of short-term and long-term farmers markets will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, shrubbery or planting bed. A vendor of a short-term or long-term farmers market shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks, or buildings.
 - (3) Short-term and long-term farmers markets shall not impede access to the entrance or driveway of any adjacent property or building. A short-term or long-term farmers market shall not encumber required parking spaces, drive aisles, or fire lanes of the property it is located on, or adjacent properties.
 - (4) Short-term and long-term farmers market vendors shall not hang or display merchandise on trees, umbrellas, or walls, or sell from any other structures located upon any public street, sidewalk, right-of-way, or other public property.
 - (5) If a vendor of a short-term or long-term farmers market maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the fire marshal.
 - (6) If a vendor of a short-term or long-term farmers market uses a pressurized fuel system or container, the operator shall comply with fire and explosion safety standards established by the city and with all applicable codes.

- (7) Short-term and long-term farmers markets shall provide an adequate amount of seating and shaded seating area for patrons.
- (8) Short-term and long-term farmers markets shall provide adequate lighting.
- (9) Short-term and long-term farmers markets shall, at all times, have a manager and/or an individual with authority to speak and make decisions on behalf of the farmers market and any and all vendors operating within said market.
- (10) City-sponsored events may be exempt from this article.

(f) Health and Safety.

- (1) General. Short-term and long-term farmers markets shall adhere to the following health and safety requirements:

(A) All trash and debris generated by customers and the short-term or long-term farmers market vendors shall be collected and deposited in (a) properly sized and sited trash container(s) provided or coordinated by the short-term or long-term farmers market, and removed from the site at the conclusion of each day of the event.

(B) Unless otherwise provided for in the approved permit, a person who operates a short-term or long-term farmers market may not place food, equipment, or supplies related to its operation outside of the permitted area.

(C) A fire extinguisher shall be located on the short-term or long-term farmers market site, with said extinguisher being approved by the city fire marshal.

(D) Clean public restroom facilities shall be located within 500 feet from the short-term or long-term farmers market. The owner(s) and/or entity(ies) must provide documentation to the city concerning the availability of such restroom facilities as a condition of the issuance of a permit.

(E) If necessary, to protect against public health hazards or nuisances, the city may impose specific requirements in addition to those requirements contained in the City's Code of Ordinances.

(F) Hours of operation for any farmers market shall not be permitted between 11:00 p.m. and 7:00 a.m. daily.

(G) Depositing, dumping or release of any grease into the city's sanitary sewer system by any vendor of a short-term or long-term farmers market shall be prohibited. Any such act shall be a violation of this article and shall be subject to the issuance of a citation, revocation of the permit and/or injunctive relief by a court of competent jurisdiction.

(H) Short-term or long-term farmers markets may be provided electricity or may use a portable generator as long as it does not create noise nuisance.

(I) Individual(s) and/or entity(ies) operating a short-term or long-term farmers market on private property, open space or any city park must have a written agreement authorizing such operation with the owner of the property. Each individual and/or entity operating a short-term or long-term farmers market shall maintain a copy of the written agreement at their location and produce said agreement to any city official upon request.

(J) Short-term or long-term farmers markets shall not provide drive through service of any kind.

(K) The operation of any farmers market shall be subject to inspections by the city health official or their designee at any time.

(L) Any individual(s) and/or entity(ies) obtaining a permit to operate a short-term or long-term farmers market is prohibited from transferring any such permit.

(M) Individual(s) and/or entity(ies) operating a short-term or long-term farmers market must maintain proof of valid liability insurance prior to the issuance of any city permit. Evidence of proof of insurance shall be subject to inspections by the city health official or their designee at any time.

(N) Short-term or long-term farmers market operators shall not engage in the sale and service of products or services including but not limited to, smoking/vaping products, sexually explicit and/or drug related paraphernalia, obscene material, sales real estate and vacation packages, marketing and advertising activities, sales of tickets for events, any nonfood vending, and other services or products, unless otherwise approved by the city with issuance of the permit.

(O) The sale of alcoholic beverages at any farmers market shall be subject to city and state regulations.

(P) Health and safety inspections may be performed, by the city, at anytime during the event.

§ 9.03.135 Dumpster regulations.

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(8) Dumpster enclosures shall comply with the minimum standards below.

Minimum Nonresidential and Multifamily Residential Enclosure Size Requirements

Container Type	Height (inside wall measurement)	Width (inside wall measurement)¹	Depth (inside wall measurement)¹
Single container	7 feet	10 feet	10 feet
Double container	7 feet	22 feet	10 feet
Single compactor, self-contained	7 feet	12 feet, 9 inches	26 feet, 5 inches
Single compactor, stationary	7 feet	12 feet, 9 inches	26 feet, 5 inches
Double compactor	7 feet	28 feet	26 feet, 5 inches

¹ In the case where the dimensional standards in this section conflict with the dimensional requirements from the City's waste service provider, the most restrictive dimensional requirements shall apply.

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§ 9.03.175 Off-street loading space requirements.

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(b) Amusement, health club and similar uses - one (1) loading space plus one (1) additional loading space for each twenty-five thousand (25,000) square feet of building space over twenty-five thousand (25,000) square feet.

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