

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2016-07-01**

**Specific Use Permit – Concrete Batch Plant**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE CODE OF ORDINANCES TO GRANT A SPECIFIC USE PERMIT FOR CONSTRUCTION OF A TEMPORAY CONCRETE BATCH PLANT; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lavon recognizes the need for ongoing development of the City, and that because of such development, an amendment of the zoning ordinance may occasionally be required; and

**WHEREAS**, the City of Lavon has received an application for a specific use permit to construct a temporary concrete batch plant on a tract of land situated in Tract 119, ABS A0002, Drury Anglin Survey and located approximately 475 feet south of Windmill Drive and 1500 feet east of County Road 484 for Traditions at Grand Heritage; and

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Lavon, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lavon, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the City of Lavon Code of Ordinances be amended as follows:

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

**SECTION 1. Findings.**

It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

**SECTION 2. Authorization.**

- A. That the City of Lavon Code of Ordinances, Zoning Code, Ord. No. 2004-09-05, as heretofore amended, and the same is hereby amended so as grant a Specific Use Permit on the property described herein to permit construction of a temporary concrete batch plant for the purpose of constructing infrastructure within the development and constructing, repairing, or reconstructing public infrastructure within the vicinity of the development as approved by the Director of Public Works.
- B. That the time period for the Specific Use Permit shall be the earlier of eighteen (18) months from the effective date or the City's final acceptance of the improvements.

- C. That the applicant shall proactively maintain dust control related to batch plant operations at all times.
- D. That an advance traffic control plan and warning signs shall be in place at all times.
- E. That the plant hour of operations shall be limited to 6:00 a.m. to 7:00 p.m. seven days per week.

**SECTION 3. Severability Clause.**

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

**SECTION 4. Cumulative Clause.**

This ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5. Public 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.

**SECTION 6. Effective Date.**

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

**PASSED AND APPROVED** by the City Council of the City of Lavon, Texas, this 5<sup>th</sup> day of July, 2016.



Charles Teske, Mayor

**ATTEST:**



Kim Dobbs, Interim City Secretary

