

CITY OF LAVON, TEXAS

ORDINANCE NO. 2023-01-02

Amending Chapter 4, Article 4.05, Signs

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE PROVISIONS FOR SIGN VARIANCES BY AMENDING THE CITY’S CODE OF ORDINANCES CHAPTER 4, “BUILDING REGULATIONS,” ARTICLE 4.05, “SIGNS,” SECTION 4.05.006 “VARIANCES”; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Lavon, Texas (the “City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Lavon, Texas (“Lavon”) to amend the provisions pertaining to sign variances; and

WHEREAS, the City Council has authority under state law to adopt the regulations herein; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interest of the City and that the regulations provided herein will promote and provide for the health, safety, and welfare of the City.

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

SECTION 1. RECITALS

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. AMENDMENT

Chapter 4, “Building Regulations,” Article 4.05, “Signs,” of the City’s Code of Ordinances is hereby amended by amending Section 4.05.006 to read entirely as follows:

“Sec. 4.05.006 Variances

- (1) The City Council may authorize variances to any restriction set forth in this article, including but not limited to the number, type, area, height or setback of signs, or any other aspect involved in the sign permitting process.
- (2) In granting any variance, the City Council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible

with the use and permitted development of adjacent properties, and that the granting of the variance will not be contrary to the public interest and will be in harmony with the spirit and purpose of this article of the Code of Ordinances.

- (3) A person may request a variance from the sign regulations by filing the request with the City Secretary.
- (4) Any request for variance shall be accompanied by a completed application and a non-refundable filing fee in the amount specified in the current fee schedule adopted by the City Council."

SECTION 3. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication if required by governing law.

SECTION 4. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 5. Repealer and Savings

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncoded, and all other provisions of the ordinances of the City, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Any repeal occurring due to this provision shall not abate any pending prosecution or lawsuit and/or prevent any prosecution or lawsuit from being commenced for any violation occurring before the effective date of this Ordinance.

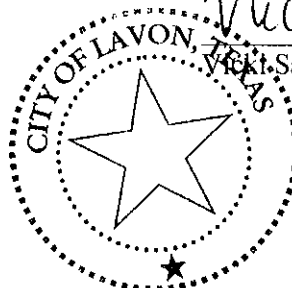
SECTION 6. Open Meeting

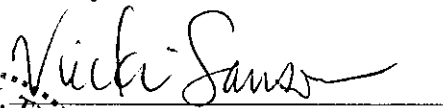
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas this 17th day of January 2023.

ATTEST:


Rae Norton, City Secretary




Vicki Sanson, Mayor