

CITY OF LAVON, TEXAS

ORDINANCE NO. 2026-07-04

Amending Chapter 4, Article 4.05, Signs – Variances Revised

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 4, "BUILDING REGULATIONS," ARTICLE 4.05, "SIGNS," SECTION 4.05.006 "VARIANCES" TO REFINE DEFINITIONS AND PROCESS REQUIREMENTS FOR FLEXIBILITY AND RELIEF PROCEDURES; 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 approved permanent signs; 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, "Variances" to rename the Section "Flexibility and Relief Procedures" and replace the Section in its entirety as follows:

"§ 4.05.001 Flexibility and Relief Procedures.

(a) Meritorious Exceptions.

(1) Generally. primary objectives of this section include ensuring the prohibition of signage that has low visual quality, while guarding against the over-regulation of signage.

(2) Submittal Requirements. A submittal for approval of a meritorious exception shall include:

(i) a narrative describing the proposed sign(s) and the reason for the meritorious exception request;

- (ii) a plan drawn to scale showing the location of the building, structure or tract to which or upon which the sign(s) is to be attached or erected;
- (iii) position of the sign(s) in relation to nearby buildings or structures or other related signs; and
- (iv) plans and specifications showing materials, colors, lighting, fonts of letters, and dimensions of the sign(s).

(3) Approval Criteria. It is not the intent of these regulations to discourage innovation. It is possible that signage proposals could be made that, while clearly nonconforming to the requirements of this article, and thus not allowable under these regulations, have merit in not only being appropriate to the particular site or location, but also in making positive contribution to the visual environment. In such cases, the City Manager and/or their designee may approve a meritorious exception, if the proposal meets any of the following:

- a. The signage is creative, innovative, or otherwise visually appealing so as to result in a positive contribution to the built environment;
- b. The signage contains an architectural element that positively supplements the visual environment;
- c. The regulations of this section do not adequately describe or regulate the proposed signage;
- d. The signage will promote a strong public interest, including but not limited to wayfinding and the positive identification of essential services; **or**
- e. The relocation of allowed signage is necessary based on difficulties resulting from building design, orientation, or location.

(3) City Council Consideration.

- a. The City Manager and/or their designee, at their sole discretion, may refer the meritorious exception application to the City Council for consideration and action.
- b. The City Manager and/or their designee may deny a meritorious exception if the proposed sign does not meet the criteria included in subsection 2 above. The applicant whose request was denied may appeal the decision of the City Manager and/or their designee to the City Council, in accordance with the procedures in Section 4.05.006(b).Appeals.

(b) Appeals.

(1) Generally. The rules and regulations found in this article are the standard requirements of the city. Suspension of any of these rules and regulations may be granted by the City Council, upon a good and sufficient showing by the sign owner or his or her agent that there are special circumstances or conditions affecting the property in question, or that the enforcement of the provisions of this section will deprive the owner of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or to other property or property rights in the vicinity.

(2) Application and Standing. All appeals applications related to the denial of a permit shall be deemed complete by the City Manager and/or their designee before being accepted for filing.

(3) Appeals of Administrative Determinations. The City Council is responsible for hearing appeals of administrative determinations. Appeals may be filed by the owner of the property, or his or her agent, or by a person aggrieved by the denial of a permit under this

section.

SECTION 3. 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 4. 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 5. PENALTY

Any person, firm, corporation, or entity violating this Ordinance, as it exists or may be amended, shall be subject to the general penalty provision of Section 1.01.009. Nothing in this Ordinance shall limit the remedies available to the City in seeking to enforce the provisions of the amended article or other law, and all remedies shall be cumulative and not exclusive.

SECTION 6. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 7. 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.

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

ATTEST:

Rae Norton
Rae Norton, City Secretary

Vicki Sanson
Vicki Sanson, Mayor

