

Zoning Ordinance of the City of Lorena, TX

Amended February 2013

Amended October 21, 2013

Amended November 17, 2014

Table of Contents

Article 1 - Authority 4

- A. Title 4
- B. Purpose and intent 4
- C. Severability..... 5
- D. Conflicting ordinances 5
- E. Penalty for violation 5
- F. Effective Date..... 6

Article 2 – General Regulations 7

- A. Purpose and Intent 7
- B. Prior Approvals 7
- C. Administration and Enforcement 7
- D. Certificates of Occupancy 7
- E. Zoning Districts..... 7
- F. Interpretation of Zoning District Boundaries 8
- G. Interpretation of District Regulations 8
- H. Accessory Uses and Structures..... 9
- I. Accessory Apartments..... 10
- J. Fences and Screening..... 11
- K. Outside Storage and Display 16
- L. Telecommunication Towers 17
- M. Home Occupations 19
- N. Group Homes 20

Article 3 – Zoning Districts..... 22

- A. Agricultural-Rural Residential (ARR) 22
- B. Single Family Residential (SF) 23
- C. Duplex Residential (D)..... 23
- D. Multi-Family Residential (MF) 24
- E. Manufactured Home Subdivision District (MH)..... 26
- F. Neighborhood Center District (NC) 27
- G. Interstate 35 Planned Corridor District (IC) 28
- H. Public and Institutional District (P)..... 29
- I. Old Town District (OT)..... 30
- J. Business Park District (BP)..... 33
- K. Planned Development District (PD)..... 36

Article 4 – Zoning Applications and Amendments..... 41

- A. Initiation of Zoning Amendments and Changes..... 41
- B. Requirements for Zoning Amendment Application 41
- C. Conditional Use Permits..... 43
- D. Nonconforming Uses..... 47

Article 5 – Board of Adjustment 49

- A. Composition 49
- B. Jurisdiction 49
- C. Procedure..... 51

Article 6 - Reserved..... 53

Article 7 – Parking Requirements..... 54

- A. Purpose and Intent 54
- B. Applicability 54

- C. Location..... 54
- D. Design Standards..... 55
- E. Location of Parking Spaces 57
- F. Parking Requirements 58
- G. Shared Parking 59
- H. Parking Facility Lighting..... 59
- I. Parking Lot Islands..... 60
- J. Parking Lot Development and Maintenance 60
- K. Loading and Unloading Areas Required 61
- Article 8 – Landscaping Requirements..... 62
 - A. Purpose 62
 - B. Administration and Enforcement 62
 - C. Certificate of Occupancy..... 62
 - D. Landscape Plan Requirement 63
 - E. Maintenance 64
 - F. Tree Preservation..... 64
 - G. General Standards..... 64
 - H. Landscape Requirements..... 66
 - I. Streetscape Requirement 69
- Article 9 – Sign Requirements..... 72
 - A. Purpose 72
 - B. Administration and Enforcement 72
 - C. Application and Permits 72
 - D. Definitions and Regulations 73
 - E. Manner of Measurement 88
 - F. Nonconforming Signs..... 89
- Article 10 –Site Plan Requirements and Design Standards..... 90
 - A. Purpose and Intent 90
 - B. Site Plan Application..... 90
 - C. Procedure..... 90
 - D. Plans Required..... 90
 - E. Criteria for Approval 93
 - F. Power to Amend Plans 93
 - G. Development Standards..... 94
- Article 11 – Schedule of Uses and Development Standards 120
- Article 12 – Definitions..... 126

ARTICLE 1 - AUTHORITY

A. TITLE

The regulations in this and the following articles constitute Chapter 1 of the Zoning Code of the City of Lorena, which shall be designated "The Zoning Ordinance of the City of Lorena, Texas," and may be so cited.

This ordinance replaces and supersedes entirely Ordinance Number 02-0415 and subsequent amendments, providing that same shall continue to apply as to the enforcement of violations which occurred thereunder and violations otherwise not subject to the enforcement of the provisions of this ordinance. All violations of the provisions of this ordinance occurring after its effective date shall be prosecuted or subject to enforcement hereunder, irrespective of whether or not such conduct would have been in violation of any prior ordinances.

Under the laws of the State of Texas (H.B. No. 87 passed by the Fortieth Legislature), authority is conferred upon the City of Lorena to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code.

B. PURPOSE AND INTENT

The Zoning Ordinance of the City of Lorena, Texas is intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the City.

To accomplish these ends, the ordinance is designed to achieve the following goals and objectives:

1. To promote the health, safety, morals and general welfare of the citizens of the City of Lorena and to create and maintain conditions under which the citizens and their environment can exist in productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations.
2. Ensure that all new developments are in general agreement and conformance with the Comprehensive Plan to ensure a harmonious pattern of development.
3. Ensure that new development will be adequately served by streets, utilities, schools, parks and other community facilities and that older developed areas can be maintained as healthy neighborhoods.
4. Ensure that appropriate allocations of various land uses will be provided to meet future population levels and types.

5. To create quality zoning controls that allow some flexibility for superb creative development.
6. Promote infill development of various types in appropriate areas to reduce urban sprawl and duplication of public services thereby saving tax dollars and preserving agricultural land.
7. Protect residential areas from conflicting land uses by providing adequately landscaped buffer zones between conflicting areas.
8. Encourage higher types of commercial, industrial and high-density development to locate at the most economic and environmentally desirable locations.
9. Ensure that industrial activity does not deplete the resources and quality of the land intended for current and future generations.
10. Discourage strip commercial development.
11. Reduce excessive use of signs, which cause sight restrictions and urban clutter.
12. Promote a quality of development both within the City and within the City's extraterritorial jurisdiction to direct orderly and systematic growth.

C. SEVERABILITY

Should any article, section or any provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

D. CONFLICTING ORDINANCES

Whenever any provision of this ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or any other City ordinance or regulation, the provision of this ordinance shall govern. Whenever any provision of any State or Federal statute or other City ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such State or Federal statute or other City ordinance or regulation shall govern.

E. PENALTY FOR VIOLATION

1. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be liable for a fine of two thousand dollars (\$2,000.00) per offense. Each day of violation constitutes a separate offense.
2. In addition to pursuing the penalties and fines provided above, the Zoning Administrator may bring additional legal action to insure compliance with this ordinance, including injunction, abatement or other appropriate action or proceeding.

F. EFFECTIVE DATE

The "Zoning Ordinance of the City of Lorena, Texas" as herein presented, was adopted on April 21, 2003 and became effective on April 21, 2003, at which time the "City of Lorena Zoning Ordinance," adopted April 15, 2002, as amended was repealed. Upon its effective date, this ordinance became Ordinance number 03-0421 of the Zoning Ordinance of the City of Lorena, Texas. This ordinance shall be in full force and effect upon adoption and publication as required by law.

ARTICLE 2 – GENERAL REGULATIONS

A. PURPOSE AND INTENT

No building or structure hereafter shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted within the assigned zoning districts and specific provisions of this ordinance.

B. PRIOR APPROVALS

Nothing in this ordinance shall be deemed to require any change to the plans, plats, lots or buildings previously approved prior to the effective date of this ordinance.

C. ADMINISTRATION AND ENFORCEMENT

The provisions of this ordinance shall be administered and enforced by the Zoning Administrator. The Zoning Administrator and such staff members or committees as may be assigned to or appointed shall have all necessary authority on behalf of the City to administer and enforce the provisions of this ordinance, including the remedying of any condition found in violation of this ordinance, the bringing of legal action to ensure compliance with this ordinance or other appropriate action or proceeding.

D. CERTIFICATES OF OCCUPANCY

1. No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy has been issued by the City of Lorena, stating that the building or proposed use of a building or premises complies with the building code and the provisions of these regulations. A change in use shall be construed to mean any change in the occupancy of a business.
2. If the provisions of this ordinance are violated, the certificate of occupancy shall become null and void, and a new certificate shall be required for any further use of such building, structure or land.

E. ZONING DISTRICTS

The City of Lorena, Texas shall be divided into classes of residential, office, commercial, industrial and special zoning districts as presented in Article 3. The location and boundaries of the zoning districts established by this ordinance are as indicated on the map entitled "Official Zoning Map of the City of Lorena, Texas," as approved by the City Council as part of this ordinance and filed in the office of the Zoning Administrator.

F. INTERPRETATION OF ZONING DISTRICT BOUNDARIES

In the event that uncertainties exist with respect to the intended boundaries of the various zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where zoning district boundaries of the City of Lorena appear to follow streets, alleys, railroads or highways, such boundaries shall be construed as the centerlines of those streets, alleys, railroads or highways.
2. Where zoning district boundaries appear to follow lines of lots or parcels of record, such lot or acre lines shall be construed to be such boundary.
3. Where a zoning district divides a parcel of land, the location of such boundary shall be determined by the use of the Zoning Map scale as measured to the nearest foot unless such line can be more accurately determined by geometric or land surveying computations.
4. Where indicated district boundaries are approximately following city boundaries, such boundaries shall be construed to be the district boundaries.
5. Where district boundaries are indicated as approximately following a creek, stream, or marsh, the centerline of the creek, stream or marsh shall be construed to be the district boundary.
6. All areas of the City which are under water are considered to be within a zoning district and controlled by applicable district regulations.

G. INTERPRETATION OF DISTRICT REGULATIONS

1. Permitted uses and conditionally permitted uses are listed for the various zoning districts governed by this ordinance. Any use not specifically permitted in a specified district or districts as a use by right or a conditional permit use shall be prohibited.
2. No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a use by right or a conditional use permit as regulated by the provisions for such use and the applicable district requirements of this ordinance.
3. No use of a structure or land that is designated as a conditionally permitted use in any district shall be established or hereafter changed to another use designated as a conditional use, unless a conditional use permit has been secured from the City Council.
4. No sign, fence, wall, accessory use or structure or home occupation shall be hereafter established, altered or enlarged unless in accordance with the provisions of this ordinance.

5. Within each zoning district there are additional regulations referenced that are directly applicable to uses permitted in the district.

H. ACCESSORY USES AND STRUCTURES

1. Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district. Walls and fences are regulated separately.
2. Except as necessary for ongoing construction activity, the storage or overnight parking of buses and commercial vehicles rated over one ton is prohibited in any residential zoning district.
3. In residential districts, no motor homes, recreational vehicles, trailers or boats shall be parked on the street right of way. No more than two of any combination of the above cited vehicles shall be parked on a residential lot. No parking of any of the above cited vehicles shall be permitted in a front yard of a residential lot. No such vehicle shall be used for any form of habitation on a residential lot and no such vehicle may be connected to a private or public utility.
4. No accessory structure shall be located in a front or side yard, except fences and walls.
5. No accessory building may be placed within the limits of a recorded easement, alley or required fire lane.
6. All accessory structures shall require a building permit regardless of the square footage of the structure.
7. No accessory structure other than garages shall exceed sixteen (16) feet in height. Garages may be as tall as thirty (30) feet in height provided that the garage shall meet the primary structure's side yard setback on all lot lines and that the height of the garage shall not exceed the height of the primary residential structure. Barns and other agricultural structures must not exceed the district height requirements.
8. Accessory buildings which are not a part of the principal structure (including those structures that are connected to the principal building by an open breezeway), may be constructed in a rear yard, provided such accessory building does not occupy more than twenty (20) percent of the area of the required rear yard and provided it is not located closer than five (5) feet to any lot line.
9. Satellite dish antennas, satellite receiving dishes and similar antenna structures are considered accessory structures. These structures shall be permitted in any zoning district under the following conditions:
 - a. No satellite dish antennas, satellite receiving dishes or similar structures may be located within a front yard;

- b. No satellite dish antennas, satellite receiving dishes or similar structure may be located closer than ten (10) feet from any property line;
 - c. In residential districts, no satellite dish antennas, satellite receiving dishes or similar structures may be more than ten (10) feet in height measured at ground grade if they are attached to the ground, nor may they exceed district height requirements if attached to a residence, nor may they extend more than three (3) feet in diameter when attached to the residence;
 - d. The design and placement of the antenna, satellite dish or similar structure incorporates appropriate landscaping and screening measures as outlines in the landscaping regulations in Article 8.
10. Swimming pools may occupy a required rear or side yard, provided that such pools are not located closer than ten (10) feet to a rear lot line or ten (10) feet to an interior or side lot line. Swimming pools are not permitted in the front yard. A pedestrian space of at least three (3) feet in width shall be provided between pool walls and the protective fences or barrier walls of the pool. Swimming pools shall be fenced.
11. Detached carports shall adhere to the following standards: Carports constructed entirely out of metal are not permitted. Columns and roof structure must be compatible with materials on the primary structure. Detached carports shall be located at the rear of the property and observe setback requirements.

I. ACCESSORY APARTMENTS

Accessory Apartments may be maintained within single family residential zoning districts including the Agricultural-Rural district and single family uses within the Old Town district under the following conditions:

1. Accessory apartments shall be in accordance with the Adopted International Building Codes.
2. Live/work units associated with commercial uses are only allowed within the Old Town District.
3. The principal dwelling shall be owner/occupied during the occupancy of the accessory apartment.
4. An accessory apartment shall have a floor area of not less than four hundred (400) square feet and not more than eight hundred (800) square feet. The floor area of an accessory apartment shall not exceed twenty five (25%) percent of the floor area of the principal structure.
5. The accessory apartment shall contain a bathroom and may contain only one (1) bedroom.
6. The accessory apartment shall be exclusively occupied by not more than two (2) persons.

7. Off street parking shall be as required for a one (1) bedroom apartment as stated in Article 7.
8. Accessory apartments shall not be on separate meters from the primary structure unless they are located within in the Old Town district.
9. No accessory apartment is allowed on lots less than 12,000 square feet, except in the Old Town District.

J. FENCES AND SCREENING

Applicability Where a fence, wall, screen, or enclosure is erected, the following standards apply.

Site Plan and Landscape Plan Required A site plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

1. Fence and Wall Regulations for Single- and Two-Family Dwellings
 - a. Front Yard. A fence, wall, screen, enclosure or similar barrier erected in the front yard setback of a single- or two-family dwelling as set forth in Article 3 must not exceed thirty-six (36") inches in height above the adjacent grade.



Thirty-six (36") inch Tubular Steel Fence

- b. Chain linked fencing is prohibited within the front yard area.
 - c. Behind Front Yard Setback. A fence, wall, screen enclosure or similar barrier behind the front yard setback of a single- or two-family dwelling must not exceed eight (8') feet in height above the adjacent grade. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards.

2. Screening

a. Location. Continuous screening is required along the common boundary between nonresidential or multiple-family use/district and an agricultural or residential zoning district or use, except where a public street provides buffering. Screening is also required along the perimeter of a nonresidential or multiple-family use/district located across an alley from a residential zoning district or use. Screening must be a minimum of eight feet (8') in height and must be maintained by the property owner of the nonresidential or multi-family use.

b. Design. Screening must meet one or a combination of the following design standards:

- 1) Screening may consist of walls constructed of masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Screening must be eight feet (8') in height above the adjacent grade and must be designed and sealed by a professional engineer for structural integrity. Gates must be equal in height and screening characteristics to the wall in order to create a visual barrier.



Eight (8') Screening Masonry Wall

- 2) Screening may consist of an eight foot (8') high wooden fence only in conjunction with a ten (10) foot buffer yard containing evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six (6') feet, placed on 36-inch centers. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards and must contain masonry columns no greater than twelve (12) feet on center. Gates must be equal in height and screening characteristics to the fence in order to create a visual barrier.

- 3) Alternative screening plans may be considered by the City Council upon recommendation of the Planning & Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and design above and beyond the existing regulations.
3. Materials for Fences, Walls, Screens and Enclosures
- a. Allowed Materials for Fences:
- 1) Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);
 - 2) Fiberglass composite (manufactured for fencing);
 - 3) Latticework that does not exceed two (2') feet in height and is anchored as a design element at the top of a six (6') foot tall fence;
 - 4) Tubular aluminum;
 - 5) Tubular steel;
 - 6) Wrought iron or similar decorative metal;
 - 7) Wood planks;
 - 8) Support poles made of metal or wood;
- b. Allowed Materials for Screening Walls:
- 1) Wood planks in accordance with screening as listed above;
 - 2) Fired brick;
 - 3) Natural stone;
 - 4) Pre-cast concrete;
 - 5) Split faced block;
 - 6) Smooth faced block; or,
 - 7) Stucco.
- c. Prohibited Materials. Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets or fiberglass panels.
- d. Electric Fences
- 1) An electric fence is allowed in the Agricultural- Rural Residential (ARR) zoning district, or on property greater than twenty (20) acres in size and being used for agricultural purposes, with proof submitted to the electrical inspector that the fence will be designed to retain animals, be inaccessible to the general public and not pose a hazard to life.
 - 2) An electric fence is allowed in association with a permitted nonresidential outdoor storage area in the Business Park (BP) zoning district subject to the following standards.
 - aa. Unless otherwise specified in this Section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electrotechnical Commission Standard No. 60335-2-76. In addition, the electric fence controller

must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.

- bb. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.
 - cc. The electric fence must be surrounded by a non-electrical fence or wall six to eight feet in height.
 - dd. The electric fence must be installed a minimum of one foot from the surrounding non-electric fence or wall, except along the gate. Along the gate, the electric fence must be installed a minimum of three inches from the surrounding non-electric fence or wall.
 - ee. The electric fence must be clearly identified with warning signs at intervals of not less than sixty (60) feet.
 - ff. The electric fence must only be energized during hours when the public does not have legal access to the protected property.
- e. Barbed Wire Fences. Barbed wire fences and other structures composed or partially composed of barbed wire are allowed only in the Agricultural- Rural Residential (ARR) zoning district or on property that is being used for agricultural purposes, with proof submitted to the building inspector that the fence will be designed to retain animals. A fence permit is required. Security fencing for utility facilities such as electrical substations and water and sewer pumping stations may be topped with barbed wire that is not closer than six feet to the ground.
- f. Razor Wire Fences. Razor wire fences are allowed only in the Business Park (BP) zoning district. A fence permit is required. The razor wire must not be closer than eight (8') feet to the ground.
- g. Construction. Fence framing and posts on fences visible from a public street must be placed to the interior of the lot so that they are not visible from the street. Unless a continuous masonry beam extends beneath a wooden privacy fence, rot board must be used and attached to the base of wooden privacy fence pickets and a top cap constructed to prevent warping of materials.
4. Refuse Containers
- a. Refuse container storage areas must be located in a rear or side service area, or alley where available, for all uses other than single-family and two-family dwellings.
 - b. A solid wood or masonry fence must screen from public view refuse container storage areas located within fifty (50') feet of the curb line of a public street or visible from the public street. Such fence must be at least one foot higher than the refuse container on all sides except the side used for servicing the container.



Masonry Refuse Container Enclosure (With Gates)

- b. Placement of refuse container storage areas must allow the collection vehicle maneuvering room to avoid backing into a street or other traffic area.
- c. Maintenance Easements Wall/screening maintenance easement at least five feet (5') in width shall be dedicated to the home owners association on the private lot side and adjacent to the entire length of the screening wall or device for maintenance and repair of the screening wall. If there is no active home owners association, the maintenance of the wall shall be the responsibility of the property owner on which the wall is located.
- d. Installation. The screening/ wall shall be installed prior to final acceptance of the subdivision public improvements. Failure to properly install all components of a required screening wall within the prescribed time frame shall constitute a violation of this ordinance, and shall authorize the city to refuse acceptance of the subdivision public improvements.
- e. Design of Walls. All wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the city. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited for meeting the requirements of this section.
- f. Height of Screening. The height of required screening devices, including spans between columns, shall be a minimum of eight feet (8'), decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum height by up to two feet (2') for a total maximum height of ten feet (10') for these features.

- g. Other Easements. Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the city and by any other applicable utility provider(s).

J. OUTSIDE STORAGE AND DISPLAY

1. The outside storage, display or sale of goods, products or equipment is not permitted in any zoning district with the following exceptions:
 - a. Outside storage, display or sale of new goods, products or merchandise shall be permitted in any non-residential zoning district on the sidewalk adjacent to the building, provided such goods, products or merchandise shall not extend more than five (5) feet from the wall of the building and shall not be more than five (5) feet in height and provided further, that there shall be at least five (5) feet in width of unobstructed sidewalk remaining.
 - b. Within the Interstate 35 Planned Corridor District (IC) outside storage may be utilized with the approval of a home improvement center use. Outdoor storage shall conform to all screening and landscaping standards as stated within Article 10 of this Ordinance.
2. Storage and display of rental trailers and trucks is not allowed except in districts where such uses are indicated as permitted on the Schedule of Uses.
3. Outside storage limitations shall not apply to the following:
 - a. Storage and display of Christmas trees and holiday accessories for a period not to exceed forty (40) days prior to Christmas Day each year.
 - b. Merchandise dispensing units placed adjacent to a building limited to not more than three (3) for any one business establishment when such merchandise dispensing units are operated in connection with the operation of a convenience food store, service station, grocery/supermarket or combination thereof.
 - c. Storage, display and sale of newspapers in newspaper racks.
 - d. The outside display of merchandise by a retail landscape nursery.
 - e. Temporary outdoor services such as mobile blood banks, health screening and veterinary care.
4. The prohibition provided above shall not prohibit temporary outdoor sales of merchandise for periods not exceeding five (5) consecutive days once a month operated by a building tenant holding the current certificate of occupancy. Temporary outdoor sales are limited to merchandise which is ordinarily sold on the premises by the building tenant. Temporary sales activities shall be set back a minimum of twenty (20) feet from all property lines and shall be no more than eight (8) feet in height. A permit from the Building Official shall be obtained for

each temporary outdoor sales event not more than ninety (90) days prior to each event.

5. Temporary Storage Containers. Temporary Storage Containers may be located outside a building on properties located within any zoning district provided that all of the following criteria are met:
 - a. Prior to placing a container on any site or location a permit must be secured from the City. It shall be unlawful for any person to place, or permit the placement of a container without first securing approval from the City. A separate permit shall be required for each occurrence in which a container is placed at the same site. A maximum of two (2) permits a year is allowed per site.
 - b. No container shall remain on any site in excess of three (3) consecutive days for each permit issued per site. In the cases of hardship or emergency, appeal may be made to the City for an extension of length of time for the placement of the container.
 - c. Maximum size of a temporary storage container shall be no greater than twenty (20) feet long by eight (8) feet wide and eight (8) feet tall.
 - d. Containers shall be placed a minimum of ten (10) feet from the front property line and shall not be placed within any designated fire lane. Containers may not be placed in such a way which would impede pedestrian or vehicular traffic on the site.
 - e. Containers shall be maintained in a workmanlike manner. Deteriorated or dilapidated containers shall not be permitted.
 - f. Hazardous materials including flammable or biohazard substances shall not be stored within containers.

K. TELECOMMUNICATION TOWERS

1. For the purpose of this ordinance, telecommunication towers shall include radio, wireless telephone, television, microwave, short wave radio and/or any other tower used exclusively for communication purposes as interpreted by the Zoning Administrator.
2. No telecommunication tower shall be located within five hundred (500) feet of a residential district unless the applicant can otherwise demonstrate by providing coverage, interference and capacity analysis that the proposed location of the antenna is necessary to meet the frequency reuse and spacing needs of the wireless telecommunications facility and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the tower in a less sensitive area.

3. Towers or structures supporting telecommunication antenna or otherwise conforming to all the applicable provisions of this ordinance are hereby permitted subject to approval of a conditional use permit in the Business Park district when the tower is considered an accessory use. Towers and supporting telecommunication antennae are also permitted subject to approval of a conditional use permit in the following locations regardless of the underlying zoning district:
 - a. Church sites when camouflaged as steeples or bell towers;
 - b. Park sites when compatible with the existing environment and nature of the park; and
 - c. Government, school, utility and institutional sites.
4. The minimum setback from the base of the tower to any property line or to any adjacent non-residential structure shall be equal to one-half (1/2) the height of the tower, unless the Zoning Board of Adjustment grants a waiver due to special or unusual characteristics.
5. The following general criteria shall be considered in determining the appropriateness of sites for a communication tower when considering a conditional use permit:
 - a. Whether the proposed tower is to be located in an area where it would be unobtrusive to surrounding uses and would not substantially detract from the local aesthetic or neighborhood character;
 - b. Where the application represents a request for multiple use of a proposed tower;
 - c. Whether the application exhibits how the site and the tower and/or antenna will be designed and arranged to accommodate future multiple users.
6. In the event the tower and antenna array shall serve as the primary use of the property, any accessory facility or building greater than one hundred (100) square feet will be designed so as to be architecturally compatible with principal structures on the site and shall be compatible with the surrounding natural or built environment.
7. Advertising or signage provided for any use other than to provide warning or equipment instruction and/or other information pertinent to the safe operation of the facility on any portion of the tower and/or antenna or any other accessory facility shall be prohibited.
8. Each tower shall maintain a gray or other neutral colored finish.
9. If at any time the use of the tower and/or antenna ceases, the owner or leasee of the tower and/or antenna shall dismantle and remove it within six (6) months

after ceasing to use it, unless a binding lease agreement with another wireless communications provider on the same tower has been executed in which case an additional six (6) months shall be granted.

L. HOME OCCUPATIONS

1. A home occupation shall be conducted only by direct family members residing on premises.
2. The home occupation shall not result in the alteration of the appearance of the residential dwelling unit or the lot on which it is located. There shall be no storage or display of goods outside of a completely enclosed structure.
3. The home occupation shall be conducted within the dwelling or fully enclosed accessory building and shall not involve equipment which is deemed to be in conflict with the intent of the residential nature of the community.
4. The home occupation shall not involve the use or storage of explosives, flammable or hazardous materials and may not involve any process that produces smoke, dust, odor, noise or vibration, which is harmful to surrounding properties, as found by the Zoning Administrator.
5. The home occupation shall not involve the delivery and storage of materials at a frequency beyond that which is reasonable to the residential use of the property.
6. Any use which generates traffic to and from the home in excess of what is normally associated with a single-family dwelling shall not be permitted as a home occupation.
7. There shall be no group instruction, assembly or activity, nor any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a residential dwelling. There shall be no advertising on the premises.
8. Within the context of the above requirements, home occupation uses include, but are not limited to the following:
 - a. Artist, sculptor or photographer.
 - b. Author or composer.
 - c. Computer programmer or Internet service provider.
 - d. Gift Shops. (Only in Old Town District)
 - e. Child care provider (babysitting for not more than 8 children).
 - f. Tailor or seamstress.

- g. Professional office. (Only in Old Town District)
 - h. Tutoring.
 - i. Salesperson.
 - j. Telephone answering service.
 - k. Music teacher, limited to two students at any one time.
 - l. Caterer.
 - m. Other uses as approved and allowed by a CUP.
9. Specifically prohibited home occupation uses include, but are not limited to, the following:
- a. Auto repair or auto paint shop.
 - b. Adult entertainment businesses
 - c. Massage Therapy.
 - d. Medical and dental clinics.
 - e. Beauty parlors and barber shops.
 - f. Nursing homes, convalescent homes and adult care facilities.
 - g. Restaurants. (Only in Old Town District)
 - h. Fortune tellers.
 - i. Wrecking and towing service.
 - j. Welding and machine shops.
 - k. Lawn equipment repair.
 - l. Other similar use.

M. GROUP HOMES

- 1. A group home shall be located not less than one thousand (1,000) linear feet from any other group home or child care facility as measured from the nearest boundary of the sites on which they are located.
- 2. No structural alterations shall be permitted that will cause the group home to be substantially distinguishable from other surrounding residential properties.

3. All group homes shall meet every State statutory licensing requirement.
4. Parking shall be in accordance with Article 7 of this ordinance.
5. No signs shall be permitted.
6. All exterior lighting designed for security, illumination, parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.
7. Group homes shall comply with Chapter 123, Texas Human Resources Code, as applicable.

ARTICLE 3 – ZONING DISTRICTS

A. AGRICULTURAL-RURAL RESIDENTIAL (ARR)

1. Purpose: The purpose of the ARR district is to maintain an area of rural use within the City of Lorena, to stabilize and protect single family characteristics of the district, and to promote and encourage a suitable environment for living. Application of the zoning requirements will ensure that the farm and scenic values, as well as the single-family residential character, of these areas are protected from incompatible development that could result in a degradation of their values.
2. See Schedule of Uses in Article 11 for permitted and conditional uses.
3. General Regulations of the ARR zone are contained in the table below:

ARR District	
Minimum Lot Area	One (1) dwelling unit per three (3) acres
Minimum lot width at the building line, unless otherwise shown on a plat of record filed at the County Clerk's office prior to the effective date of this ordinance.	200 feet
Minimum lot depth	200 feet
Minimum front yard unless otherwise shown on a plat of record filed at the County Clerk's office prior to the effective date of this ordinance.	25 feet
Minimum side yard, interior	15 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	25 feet
Minimum Dwelling Unit Size	1500 sq. ft.
Maximum lot coverage, except agricultural structures	25 percent
Maximum structure height	3 stories
Maximum structure height, agricultural structures	65 feet

4. Additional Regulations of the ARR zone:
 - a. See Article 8 for Landscaping Requirements.
 - b. See Article 10, Paragraph G for additional development standards.

B. SINGLE FAMILY RESIDENTIAL (SF)

1. Purpose: The purpose of the SF district is to stabilize and protect the owner occupied housing characteristics of the district and to promote and encourage a suitable environment for living.
2. See Schedule of Uses in Article 11 for permitted and conditional uses.
3. General Regulations of the SF zone are contained in the table below:

SF District	
Maximum Lot Area	Five (5) dwelling units per acre
Minimum lot width at the building line, unless otherwise shown on a plat of record filed at the County Clerk’s office prior to the effective date of this ordinance.	85 feet
Minimum lot depth	110 feet
Minimum front yard unless otherwise shown on a plat of record filed at the County Clerk’s office prior to the effective date of this ordinance.	25 feet
Minimum side yard, interior	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	25 feet
Minimum Dwelling Unit Size	1500 sq. ft.
Maximum lot coverage, excluding agricultural structures	50 percent
Maximum structure height	3 stories
Maximum structure height, agricultural structures	35 feet

4. Additional Regulations of the SF zone:
 - a. See Article 8 for Landscaping Requirements.
 - b. See Article 10, Paragraph G for additional development standards.

C. DUPLEX RESIDENTIAL (D)

1. Purpose: The Duplex Residential (D) district is the most restrictive of the multiple family districts and is intended for two (2) family duplex uses. This district is intended for zones of transition from the single family residential zoning district to higher density multiple family or nonresidential zoning districts.
2. See Schedule of Uses in Article 11 for permitted and conditional uses.

3. See Article 2, Paragraph H for permitted accessory uses and structures.
4. See Article 10, Paragraph G for additional development standards.
5. General Regulations of the D zone are contained in the table below:
- 6.

D District	
Minimum Lot Area:	8,500 sq. ft.
Minimum lot width at the building line, unless otherwise shown on a plat of record filed at the County Clerk's office prior to the effective date of this ordinance.	70 feet
Minimum lot depth	100 feet
Minimum front yard unless otherwise shown on a plat of record filed at the County Clerk's office prior to the effective date of this ordinance.	25 feet
Minimum side yard, interior	10 feet
Minimum side yard, adjacent to street No accessory structure located in side yard adjacent to a street.	15 feet
Minimum rear yard	20 feet 10 feet for accessory structures
Minimum Dwelling Unit Size livable floor space, exclusive of garages, porches, breezeways, and incidental storage, for each family to be housed in said unit	900 sq. ft.
Maximum lot coverage	50 percent
Maximum structure height	2 stories or 35 feet

7. **Landscaping.** Landscaping shall be provided in compliance with Article 8, Landscaping Regulations.
8. **Off-street parking.** Parking shall be in compliance with Article 7, Parking Requirements.

D. MULTI-FAMILY RESIDENTIAL (MF)

1. Purpose: The MF Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than twelve (12) units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between single family residential development and non-residential development or high-traffic roadways.
2. See Schedule of Uses in Article 11 for permitted and conditional uses.
3. See Article 2, Paragraph H for permitted accessory uses and structures.

4. See Article 10, Paragraph G for additional development standards.
5. General Regulations of the MF zone are contained in the table below:
- 6.

MF District	
Minimum Lot Area:	10 Acres - Maximum Density Twelve (12) units to the acre.
Minimum Lot Frontage on Public Road:	40 feet
Minimum lot width at the building line, unless otherwise shown on a plat of record filed at the County Clerk's office prior to the effective date of this ordinance.	50 feet
Minimum lot depth	100 feet
Minimum front yard unless otherwise shown on a plat of record filed at the County Clerk's office prior to the effective date of this ordinance.	25 feet
Minimum side yard, interior	10 feet
Minimum side yard, adjacent to street. No balcony or porch or any portion of the building may extend into such required side yard, except that a roof may overhang the side yard not more than four (4) feet.	15 feet
Minimum rear yard	25 feet
Minimum Dwelling Unit Size	Efficiency Unit - 700 sq. ft. One Bedroom Unit - 800 sq. ft. Two Bedroom Unit - 900 sq. ft. Three Bedroom Unit - 1,000 sq. ft.
Maximum lot coverage	75 percent
Maximum structure height	3 stories or 65 feet
Parking Requirements:	1.5 spaces per 1 bedroom or efficiency unit 2.0 spaces for all other units.

7. Multi-family dwellings shall provide a minimum side yard of fifteen (15) feet between any building wall containing windows, and any side lot line, except that any such building wall not exceeding thirty five (35) feet in width may provide a minimum side yard of ten (10) feet. Where a building wall contains no windows, a minimum side yard of ten (10) feet shall be provided between the wall and the side lot line.
8. **Landscaping.** Landscaping shall be provided in compliance with Article 8, Landscaping Regulations.
9. **Off-street parking.** Parking shall be in compliance with Article 7, Parking Requirements.

10. **Outdoor lighting.** Outdoor lighting shall be provided in the parking lots and common areas. Lighting shall be shown with the submittal of the site plan. All exterior lighting designed for security, illumination, or parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.

E. MANUFACTURED HOME SUBDIVISION DISTRICT (MH)

1. Purpose: The purpose of the MH district is to encourage the most appropriate use of land for manufactured housing development purposes, to encourage design standards which will create pleasing appearances, and to provide sufficient open space for light, air and recreation.
2. After the effective date of this ordinance, manufactured homes and manufactured home subdivisions shall be zoned as a Planned Development (PD-MH) zoning district pursuant to Article 3, Section K.
3. See Schedule of Uses in Article 11 for permitted and conditional uses.
4. Regulations for each manufactured home subdivision shall be established by a Planned Development (PD-MH) ordinance adopted pursuant to Article 3, Section K, and Planned Development (PD).
5. Additional Regulations of the MH zone:
 - a. A manufactured housing development shall occupy a site of not less than ten (10) acres in size.
 - b. Manufactured housing units shall meet all standards set by the U.S. Department of Housing and Urban Development.
 - c. All manufactured homes shall provide skirting around the base of the home.
 - d. All subdivision standards must be met as specified by the City of Lorena Subdivision Regulations.
 - e. See Article 7 for Parking Requirements, unless addressed in Planned Development ordinance pursuant to Article 3, Section K.
 - f. See Article 8 for Landscaping Requirements, unless addressed in Planned Development ordinance pursuant to Article 3, Section K.
 - g. See Article 9 for Sign Requirements, unless addressed in Planned Development ordinance pursuant to Article 3, Section K.

F. NEIGHBORHOOD CENTER DISTRICT (NC)

1. Purpose: The purpose of the NC district is to focus on the heart of the neighborhood and to encourage a mix of uses that support the surrounding residential neighborhood.
2. See Schedule of Uses in Article 11 for permitted and conditional uses.
3. General Regulations of the NC zone are contained in the table below:
- 4.

NC District	
Minimum Lot Area	1 acre
Minimum lot width	80 feet
Minimum lot depth	80 feet
Minimum front yard	10 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	10 feet plus 1 foot for each foot of building height above 20 feet
Maximum lot coverage	60 percent
Maximum structure height	2 stories

5. Additional Requirements
 - a. All uses within this District shall be of a retail, service or office character.
 - b. All businesses shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this ordinance.
 - c. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting or other suitable visual barrier.
 - d. All exterior lighting designed for security, illumination, parking lot illumination or advertising shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.
 - e. See Article 7 for Parking Requirements
 - f. See Article 8 for Landscaping Requirements
 - g. See Article 9 for Sign Requirements
 - h. See Article 10, Paragraph G for additional development standards.

G. INTERSTATE 35 PLANNED CORRIDOR DISTRICT (IC)

1. Purpose: The purpose of the IC District is to create centers of activity including shopping, services, recreation, employment, housing and institutional facilities supported by and serving an entire region. It is intended for use on tracts directly adjacent to Interstate 35. It is specifically envisioned to handle a mixture of commercial, residential and office uses preferably within a planned, unified development concept. The service area of this type of development exceeds the boundaries of the City and is essentially regional or sub-regional in nature. The unique characteristics of this development are its high concentration of activity requiring extensive planning and engineering for ingress and egress to the development site coupled with the need for extensive off-street parking, loading and maneuvering areas.
2. See Schedule of Uses in Article 11 for permitted and conditional uses.
3. General Regulations of the IC District are contained in the table below:

IC District	
Minimum Lot Area*	22,500 square feet
Minimum lot width	None
Minimum lot depth	200 feet
Minimum front yard	35 feet
Minimum side yard, interior	None
Minimum side yard, adjacent to street	15 feet
Minimum side yard, adjacent to SF District	15 feet plus one (1) additional foot for each additional one (1) foot in height above 15 feet.
Minimum rear yard	10 feet
Minimum rear yard, adjacent to SF District	25 feet
Maximum lot coverage	75 percent
Maximum structure height	6 stories

4. Additional Requirements
 - a. All uses within this District shall be of a retail, service, multifamily or office character. A mixture of uses within a structure may be undertaken provided they occur within a Planned Development District.
 - b. All businesses shall be conducted entirely within a building, with the exception of outdoor seating for a restaurant. Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this ordinance.
 - c. All exterior lighting designed for security, illumination, parking lot illumination or advertising shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties. Lighting shall conform to the standards within Article 10, Paragraph G.9.h.

- d. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting or other suitable visual barrier.
- e. If development within this district is configured as a pedestrian mall, either indoor or outdoor, sales from small stand-alone booths, kiosks, stands, carts or other display devices shall be permitted within the pedestrian walking areas of the mall. This zoning district is intended to permit the aggregation of a wide array of retail marketing activities to include arts and crafts. Sidewalk or interior mall displays and sales of these types of products and activities are permitted and encouraged.
- f. If development within this district is configured as a pedestrian mall, the location of sidewalk-type cafes shall be permitted in pedestrian walkways.
- g. See Article 7 for Parking Requirements.
- h. See Article 10, Paragraph G.9.f for Landscaping Requirements specifically for the IC district.
- i. See Article 9 for Sign Requirements.
- j. A site plan meeting the requirements of Article 10 shall be required for any construction in the IC district.
- k. See Article 10, Paragraph G for additional development standards.

H. PUBLIC AND INSTITUTIONAL DISTRICT (P)

- 1. Purpose: The Public and Institutional District (P) is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities, state colleges and universities. The review of the location for public facilities is intended to facilitate the coordination of community services while minimizing the potential disruption of the uses of nearby properties. This district is intended for properties used, reserved, or intended to be used for a civic or public institutional purpose or for major public facilities.
- 2. See Schedule of Uses in Article 11 for permitted and conditional uses.
- 3. See Article 2, Paragraph H for permitted accessory uses and structures.
- 4. See Article 10, Paragraph F for additional development standards.
- 5. General Regulations of the P zone are contained in the table below:

P District	
Minimum Lot Area:	7,000 sq. ft.

Minimum lot width at the building line, unless otherwise shown on a plat of record filed at the County Clerk’s office prior to the effective date of this ordinance.	50 feet (internal lot) 60 feet (corner lot)
Minimum lot depth	100 feet
Minimum front yard unless otherwise shown on a plat of record filed at the County Clerk’s office prior to the effective date of this ordinance.	10 feet
Minimum side yard, interior	10 feet
Minimum side yard, adjacent to street	15 feet
Minimum side yard, adjacent to SF District	25 feet
Minimum rear yard	10 feet
Minimum rear yard, adjacent to SF District	25 feet
Maximum lot coverage	75 percent
Maximum structure height	3 stories or 65 feet

6. **Landscaping and Screening.** Landscaping shall be provided in compliance with Article 8, Landscaping Regulations.
7. **Off-street parking.** Parking shall be in compliance with Article 7, Parking Requirements.

I. OLD TOWN DISTRICT (OT)



1. **Purpose:** The Old Town District (OT) is established to encourage the preservation of uses and structures that have been determined as being historically and culturally significant to the City. This district shall provide flexibility in land uses and regulations that will encourage the continuance of the historic character of this area.
2. **District Limits.** The Old Town District (OT) is comprised of a defined area, as shown on the zoning district map for the City, as amended. The physical limits of the Old Town District (OT) shall be defined as that area bounded by Oak

Street, East Castro Street, North McBrayer Street and East Dawson Street and shall include the parcels contained within the boundary as well as all parcels which front onto the boundary streets. The focus of the non-residential area of Old Town is the area along East and West Center Street from Oak Street to North McBrayer Street.

3. See Schedule of Uses in Article 11 for permitted and conditional uses.
4. See Article 2, Paragraph H for permitted accessory uses and structures.
5. See Article 10, Paragraph G for additional development standards.
6. General Regulations of the OT zone are contained within the table below:

OT District	
Minimum lot area:	None
Minimum lot width at the building line, unless otherwise shown on a plat of record filed at the County Clerk’s office prior to the effective date of this ordinance.	None
Minimum lot depth	None
Minimum front yard unless otherwise shown on a plat of record filed at the County Clerk’s office prior to the effective date of this ordinance.	10 feet which may be used for landscaping, pedestrian circulation, entry court, outdoor dining, and similar uses related to a pedestrian environment
Minimum side yard, interior	None
Minimum side yard, adjacent to street	15 feet
Minimum side yard, adjacent to SF District	15 feet
Minimum rear yard	None
Minimum rear yard, adjacent to SF District	10 feet
Maximum lot coverage	None
Maximum structure height	3 stories or 65 feet

- a. Lots platted prior to 1900 shall be exempt from the building and height regulations and parking requirements.
- b. In order that residential structures may be utilized for commercial/office uses the following conditions are applied to all residential conversions:
 - 1) The residential structure shall not be altered such that the bathrooms, kitchen, and garage facilities are removed or rendered unusable for a residential structure. The building must be able to be re-converted to residential if future demand warrants.
 - 2) Parking shall be located to the side or rear of the structure in order to preserve the residential style front yard of the original structure.

- 3) All residentially used lots shall have a front, side, and rear yard not less than five (5) feet.
 - 4) Any and all signage shall be monument or nameplate type signs. In the event that the uses of the structure shall change from commercial to residential, all non-residential signage shall be removed and the original ground cover shall be returned to the original condition existing prior to placement of the sign.
- c. A commercial structure may contain a live/work unit concurrent with the commercial use, in accordance with the following restrictions:
- 1) One (1) live/work unit shall be permitted per commercial structure so long as it does not exceed sixty (60%) percent of the total square footage of the structure.
 - 2) More than one (1) live/work unit may be permitted for loft or studio apartments if the total number of square footage allocated to live/work units does not exceed sixty (60%) percent of the total square footage of the structure.
7. Additional Regulations
- a. Fences, walls, and screening. With the exception of the following requirements, fences, walls, and screening shall comply with Article 2, Paragraph J, Wall and Fence regulations:
 - 1) Unpaved parking areas shall provide screening of opaque material providing an aesthetic visual barrier consisting of fencing, decorative walls, live plant material, or a combination thereof such that they prevent the public from directly viewing, from the public right-of-way, the area being screened.
 - 2) No screening will be allowed to extend into any sight visibility triangle.
 - b. Signs. Signs shall comply with Article 9, Sign Regulations. In addition easels, A-frame or placard signs not to exceed eight (8) square feet per side with a maximum height of four feet are permitted in the OT District as sidewalk signs, but shall not restrict the free movement of pedestrian traffic.
 - c. Outdoor seating. Amenities, such as permanent outdoor seating in public rights-of-way, which enhance the pedestrian nature of the area are encouraged. Uses such as restaurants located in the OT District, in public rights-of-way, may provide permanent outdoor seating on the sidewalks adjacent to their property under the following conditions:
 - 1) The applicant must indicate on the site plan the location of all proposed outdoor seating areas.

- 2) The requirements for the Americans with Disabilities Act must be met.
- 3) The applicant must provide proof of general liability insurance coverage, not less than \$500,000.00 per occurrence with an aggregate limit of \$1,000,000.00, to cover the liability concerns regarding this use.
- d. OT District joint-use parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination in Old Town Lorena and that one parking space will be open and available for short-term parking to serve many different uses which may have different peak hours.
- e. The following categories of development shall be eligible to use joint-use parking standards to meet parking requirements:
 - 1) Non-residential new construction on parcels of less than 20,000 square feet in size.
 - 2) Existing non-residential buildings with uses or occupancies with a valid Certificate of Occupancy at the time of ordinance adoption, including additions to and rehabilitation of such buildings.
- f. Ineligible Development. Residential uses are not eligible to use joint-use parking standards.

J. BUSINESS PARK DISTRICT (BP)

- 1. Purpose: The purpose of the BP District is to provide for a wide range of industrial uses which generate few objectionable conditions. Such uses include assembling, research and development, warehousing and distribution. The BP District also accommodates support services for industrial development such as office, commercial and professional services. Regulations are designed to ensure compatibility among the various uses allowed in the BP District and to protect adjacent non-industrial development from potentially incompatible uses and conditions.
- 2. See Schedule of Uses in Article 11 for permitted and conditional uses.
- 3. General Regulations of the BP District are contained in the table below:

BP District	
Minimum Lot Area	None
Minimum lot width at the building line	None
Minimum lot depth	None
Minimum front yard unless otherwise shown on a plat of record filed at the County Clerk's office prior to the effective date of this ordinance.	30 feet
Minimum side yard	20 feet
Minimum rear yard	10 feet

Minimum rear yard, adjacent to SF District	50 feet
Maximum lot coverage	60 percent
Maximum structure height	65 feet

4. Additional Requirements

- a. All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.
- b. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting or other suitable visual barrier.
- c. No industrial operation or use shall cause, create or allow the emission of air contaminants which at the emission point or within the bounds of the property are:
 - 1) In violation of the standards specified by the Texas Commission on Environmental Quality (TCEQ) including but not limited to those in Title 30 of the Texas Administrative Code or standards specified by the Texas Department of Health including but not limited to those in Title 25 of the Texas Administrative Code; or
 - 2) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in 1) above, except that when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered in compliance with this section of the Ordinance.
- d. The emission of particulate matter from all sources shall not exceed the level specified by TCEQ regulations including by not limited to those in Title 30 of the Texas Administrative Code or the regulation specified by the Texas Department of Health including but not limited to those in Title 25 of the Texas Administrative Code.
- e. Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line of the tract on which the use is located.

- f. Odorous Matter - No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be determined by observation. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials ASTM D 1391-57 entitled "Standard Method for Measuring Odor in Atmospheres" shall be used and is incorporated by reference.
- g. Combustible or Explosive and Hazardous Material - No commercial or industrial use involving the manufacture or storage of petrochemical compounds or products which decompose by detonation shall be permitted in the City of Lorena, except that chlorates, perchlorates, phosphorous, and similar substances and compounds in quantities of one (1) gallon or less for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Zoning Official and the Lorena Fire Department. The storage of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film solvents and petrochemical products for industrial purposes shall be allowed only after a conditional use permits for such use has been granted in conformance with the terms of Article 4 of this Ordinance.
- h. Toxic and Noxious Matter - No commercial or industrial operation or use permitted under the terms of this Ordinance shall emit toxic or noxious matter in concentrations across the boundary property line of the tract on which such operation or use is located.
- i. Vibration - No use permitted under the terms of this Ordinance shall at any time create earth borne vibration which when measured at the boundary property line of the source operation exceeds the limits of the displacement set forth in the table below:

Table 1. Displacement Limits for Vibration

Frequency Cycles Per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0007
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

- j. Glare - No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination nor shall any such light be of such intensity as

to create a nuisance or detract from the use and enjoyment of the adjacent property.

- k. See Article 7 for Parking Requirements.
- l. See Article 8 for Landscaping Requirements.
- m. See Article 9 for Sign Requirements.
- n. See Article 10, Paragraph G for additional development standards.

K. PLANNED DEVELOPMENT DISTRICT (PD)

1. **Purpose:** The Planned Development District (PD) is intended to provide for flexibility and encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, and circulation patterns and to best utilize special site features such as topography, size and shape. It is intended that the flexibility permitted by this zoning category extends to discretionary approval, through site plan review of items such as parking space requirements, building line setbacks, square footages of buildings and structures, protective screening, or sign placement and specifications in order to achieve the purposes and objectives stated in conformance with good planning practices and land utilization.
2. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility.
3. **Permitted Uses:** Any use shall be permitted if such use is specified in the ordinance granting the planned development district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this ordinance. Manufactured homes and manufactured home subdivisions shall be permitted only in the PD District.
4. Development Requirements:
 - a. Development requirements for each separate PD district shall be set forth in the ordinance granting the PD district and shall include but not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning Commission may deem appropriate.
 - b. The PD district shall conform to all other sections of the ordinance unless specifically excluded in the granting ordinance.
 - c. The minimum acreage for a PD district request shall be five (5) acres for non-residential development and ten (10) acres for residential development.

- d. For multi-family and manufactured housing park uses a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of 10% of the total land area devoted to the multi-family or manufactured housing park use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.
5. **Approval Process:** In establishing a PD district in accordance with this section, the City Council shall approve as part of the amending ordinance, appropriate plans and standards for each PD district. During the review and public hearing process, the Planning Commission and City Council shall require a conceptual plan and/or a detailed plan.
- a. **Conceptual Plan:** This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed PD district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - 1) A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. In addition, for residential development which does not propose more than one (1) platted lot, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
 - 2) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which shall be submitted by the applicant, or required by the Planning Commission or City Council, shall include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building height and location, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final detailed plan.
 - b. **Detailed Plan:** This plan shall set forth the final plans for development of the PD District and shall conform to the data presented and approved on the conceptual plan. A detailed plan may be submitted in lieu of a conceptual plan only if it includes the entire area being proposed as a PD District. Approval of the detailed plan shall be the basis for issuance of a building permit. The detailed plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The

detailed plan must be approved by the City Council upon recommendation of the Planning Commission.

- c. The detailed plan shall include:
- 1) A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development; a vicinity map with a north arrow and scale graphic. This site inventory analysis shall include a delineation of any flood-prone areas.
 - 2) The plan shall also contain the name of the development, legal description, name and address of property owner, name and address of developer, and name and address of the preparer of the document.
 - 3) A land use plan delineating the specific areas to be devoted to various uses shall be required where multiple types of land uses are proposed.
 - 4) A scale drawing showing any proposed public or private streets and alleys, building sites or lots, and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes, the points of ingress and egress from existing streets, general location and description of existing and proposed utility services including size of water and sewer mains, the location and width for all curb cuts, and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract.
 - 5) A site plan for proposed building complexes showing the location of buildings and the minimum distance between buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
 - 6) A table shall be shown on the plan indicating the total amount of acreage; square footage for each building; maximum height of each building or structure; required and provided parking; maximum impervious surface coverage; maximum building coverage; and total open space required and provided.
 - 7) A landscape plan showing screening walls, open space, buffer yards and all proposed landscaping. Said plan shall contain a table indicating required and proposed landscaping requirements such as number of trees, shrubs, open space, required and proposed buffer yard, and percentage of landscaping required and provided.
 - 8) An architectural plan showing elevations and signage style to be used throughout the development for all uses except single-family and two-

family may be required by the Planning Commission or City Council, if deemed appropriate.

- 9) All pedestrian walks, malls, and open areas for use by tenants or the public; types of surfacing such as paving, or turf to be used at all locations on the site.
 - 10) The location of all outside facilities for waste disposal; location and orientation for all external illumination facilities; and location, size, height and orientation of all signs.
 - 11) Any or all of the required information may be incorporated on a single drawing if one (1) drawing is clear and can be evaluated by the City Manager or a designated representative; however, topographical information shall be shown on a separate drawing.
- d. **Supplemental data.** All concept or detailed plans may have supplemental data describing standards, schedules, or other data pertinent to the development of the PD District which is to be included in the text of the amending ordinance. Additional information needed to adequately analyze the development may be required by planning staff, the Planning Commission or the City Council.
6. **Establishment of District:** Procedure for establishing a PD District shall follow the procedure for zoning amendments as set forth in the code of ordinances. This procedure is further expanded as follows for approval of conceptual and detailed plans.
- a. Separate public hearings shall be held by the Planning Commission and City Council for the approval of the conceptual plan and the detailed plan or any section of the detailed plan unless such requirement is waived by the City Council when it is determined a single public hearing is adequate. A single public hearing is adequate when:
 - 1) The applicant submits adequate data with the request for the PD district to fulfill the requirements for both plans.
 - 2) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from this plan.
 - b. The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
 - c. The ordinance establishing the PD District shall not be approved until the conceptual plan is approved unless the conceptual plan step is bypassed.

- d. If the detailed plan is approved in phases a conceptual plan for the entire site shall be approved by the City Council upon recommendation of the Planning Commission. When a detailed plan is approved in phases, then separate approvals by the Planning Commission and City Council for the initial and subsequent phases will be required.
7. **Staff Report:** When a PD District is being considered, a written staff report shall be submitted to the Planning Commission and City Council discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, drainage, and transportation.
8. **Zoning Map:** All PD districts, approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map and a list of said PD districts shall be maintained in the appendix of this Ordinance.
9. **Minor Amendments to a Detailed Plan:** Upon request of the applicant, the City Manager or his/her designee may authorize minor amendments to a detailed plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved detailed plan. For purposes of this provision, a "substantial change" shall mean a change which will increase the number of proposed dwelling units, increase the floor to area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, or yard size, decrease the amount of required off-street parking spaces, change types of buildings, setbacks, street access points, or lots, increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The City Manager or his/her designee shall make such authorization only in writing and such document shall be placed in the ordinance file governing the specific plan.
10. **Planned Development Ordinances Continued:** Prior to adoption of this ordinance, the City Council had established various PD districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations, and requirements which apply to the respective PD districts shown on the zoning map at the date of adoption of this ordinance.

ARTICLE 4 – ZONING APPLICATIONS AND AMENDMENTS

A. INITIATION OF ZONING AMENDMENTS AND CHANGES

The City Council may, from time to time, amend, supplement, or change by Ordinance, the text of the Zoning Ordinance, the zoning district boundaries of the Official Zoning Map or the zoning district classification of property whenever the public necessity, convenience, general welfare or good zoning practice requires.

Any such amendment may be initiated by:

1. City Council on its own motion;
2. Recommendation by the Planning Commission to the City Council;
3. Petition of the owner(s), contract purchaser with the owner's written consent or the owner's agent with owner's written consent, of the property which is the subject of the proposed amendment.
4. Any person may petition the City Council for a change or amendment to the provisions of the Ordinance.

B. REQUIREMENTS FOR ZONING AMENDMENT APPLICATION

1. Each application for zoning or for an amendment or change to the existing provisions of this zoning ordinance shall be made in writing on a form suitable to the Zoning Administrator and shall be filed with the Zoning Administrator of the City of Lorena, Texas and shall be accompanied by payment of the appropriate fee to be charged by the City of Lorena, Texas, for administering the zoning application.

The zoning application shall contain sufficient information relative to the amendment requested. To ensure the submission of adequate information, the Zoning Administrator is empowered to maintain and distribute a list of specific requirements for zoning applications. Upon periodic review, the Zoning Administrator shall have the authority to update such requirements for zoning application details.

2. Upon receipt of a complete written application for zoning or for a change or an amendment to an existing provision of this Ordinance, the Zoning Administrator will set a date for a public hearing before the Planning Commission.
3. Written notice of each public hearing before the Planning Commission on a proposed change in a zoning classification shall be sent to each owner, as

- indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.
4. The Planning Commission shall hold a public hearing on any application for any amendments or change prior to making its recommendation and report to the City Council. The Planning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.
 5. Following the public hearing, the Planning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. When an application is denied by the Planning Commission, the Commission should offer reasons to the applicant for such denial.
 6. After a public hearing before the Planning Commission, the City Secretary and the City Council shall be notified of any action taken by the Planning Commission on the application, and if the application is approved, including denials in part, by the Planning Commission, the City Secretary shall automatically schedule a public hearing regarding the application to be held before the City Council.
 7. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Lorena stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. The Planning Commission and City Council may hold a joint meeting.
 8. After a public hearing is held before the City Council regarding the zoning application, the City Council may approve a change in zoning as appropriate within the context of the public notice provided. If the proposed amendment, supplement or change fails to receive a favorable report and recommendation by the Planning Commission or if there is a protest filed with the City Secretary against such proposed amendment, supplement or change, duly signed by the owners of twenty (20) percent or more, either of the area of the lots included in such change, or of those within two hundred (200) feet from the street frontage of such opposite lots, such proposed amendment, supplement or change shall not become effective except by a three-fourths ($\frac{3}{4}$) vote of all the members of the City Council.
 9. If the City Council fails to pass an ordinance approving such proposed amendment, supplement or change, then in that event, a new application for such proposed amendment, supplement or change to the zoning ordinance shall not again be considered until after the expiration of six (6) months from the date such proposed amendment, supplement or change was rejected; provided, however, that such application may be reconsidered within the above mentioned

- six (6) month period, if it be shown to the City that a substantial change in conditions has taken place in the vicinity of the property sought to be rezoned.
10. Any property owner that has been changed by this ordinance to a more restricted zone, may, within thirty (30), days from the final passage of this ordinance, apply for and receive a building permit for the construction of any use that was permitted in said zone prior to the adoption of this ordinance.

C. CONDITIONAL USE PERMITS

Conditional use permits are authorized under the terms of this article to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by only the application of the underlying zoning district regulations. Further, conditional permit uses are those uses which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a conditional use permit by City Council, these uses may be allowed to be located or expanded within given designated zoning districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this article.

1. All provisions of Article 10 Site Plan Requirements shall apply to applications for Conditional Use Permits.
2. All applications for Conditional Use Permits shall be reviewed using the following criteria:
 - a. The proposed use shall be:
 - 1) In harmony with the adopted Comprehensive Plan;
 - 2) In harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and
 - 3) In harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.
 - b. The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.
 - c. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.
 - d. The proposed use shall be designated, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.
3. Special Conditions - In granting any conditional use permit, the City Council may impose any conditions necessary to assure that the proposed use will

- conform to the requirements of this section and will continue to do so. The City Council may take all necessary actions to ensure compliance with the conditions imposed.
- a. The City Council may impose reasonable standards as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:
 - 1) More restrictive sign standards.
 - 2) Additional open space, landscaping or screening requirements.
 - 3) Additional yard requirements.
 - 4) Special lighting requirements.
 - 5) Time limitations on hours of operation.
 - 6) Additional off-street parking and loading requirements.
 - 7) Additional utility, drainage and public facility requirements.
 - 8) Additional right of way and public access requirements.
 - 9) Additional requirements to ensure compatibility with the Comprehensive Plan.
 - 10) Conditions for renewal, extension, expiration and/or revocation of the conditional use permit.
 - b. The City Council may specify time limits or expiration dates for a conditional use permit, including provisions for periodic review and renewal.
4. Application Requirements for a Conditional Use Permit:
- a. An application for a conditional use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Zoning Administrator, and shall be accompanied by the filing fee.
 - b. If the request for a conditional use permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
 - c. The application shall include the following information:
 - 1) A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.

- 2) A written statement of the proposed project compatibility with the following:
 - aa. The Comprehensive Plan.
 - bb. The applicable zoning district.
 - cc. The surrounding properties.
 - dd. Current and future neighborhood conditions.
 - ee. Pedestrian and vehicular traffic patterns, on-site and off-site.
 - ff. Adequate public facilities.
 - gg. When requested by the Zoning Administrator, the Planning Commission or the City Council, the following information shall be provided by the applicant:
 1. Parking and site circulation analysis.
 2. Photographs of property and surrounding area.
 - hh. The architectural elevations and floor plans of proposed building(s).
 1. Parking and site circulation analysis.
 2. Photographs of property and surrounding area.
5. Action by Planning Commission and City Council
 - a. No conditional use permit shall be approved unless the proposal has been reviewed by the Planning Commission. The Planning Commission shall conduct at least one (1) public hearing in accordance with this ordinance. Following the public hearing, the Planning Commission shall prepare and by motion adopt its recommendations, which may include changes in the applicant's original proposal resulting from the hearing, and shall report such recommendations, together with any explanatory material, to the City Council.
 - b. Before approving a conditional use permit, the City Council shall hold at least one (1) public hearing in accordance with this ordinance after which the City Council may make appropriate changes to or impose appropriate conditions upon the proposed conditional use. Nothing herein shall preclude the City Council from holding a joint public hearing with the Planning Commission.
 - c. A concurring vote of a majority of the members of City Council shall be required to approve a conditional use permit.
6. Extension, Renewal, Expiration, Revocation
 - a. Extension

- 1) An extension shall be for the purpose of administratively extending timeframes established by the City Council for the implementation and/or completion of certain improvement which were stipulated as a condition of original conditional use permit approval. A request for extension may be initiated by the property owner.
- 2) Upon initiation of property owner's request for extension, or upon any other initiative, the Zoning Administrator shall inspect the conditional use permit, review the record of compliance with those conditions and restrictions previously imposed by the City Council; and make a determination on whether the conditional use permit satisfies other conditions of approval and the provisions of the article.
- 3) Upon a favorable finding, the Zoning Administrator shall approve an extension of the original conditional use permit for a period of time not to exceed one (1) year or for such timeframe as may have been otherwise specified for future extension by the City Council at the time of approval of the original conditional use permit.
- 4) If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the City Council, the Zoning Administrator shall, depending on the nature of the noncompliance, either deny the extension or require the remedy of any violation within a specified time. If the extension is denied or the property owner fails to correct the violation within the time specified, the conditional use permit shall expire. The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.

b. Renewal

- 1) A renewal shall be for the purpose of allowing a new period of time for the operation of a currently valid conditional use permit; provided, however, that the City Council shall not approve a renewal application for a use which is no longer allowed as a conditional use permit in the zoning district in which the conditional use permit is located.
- 2) The procedure for the renewal of a conditional use permit shall be the same as specified herein for the approval of the original permit, except that the Zoning Administrator may waive any submission requirement if such requirement is deemed not necessary for an adequate review of the application.
- 3) The City Council shall review the applicant's record of compliance with those conditions and restrictions previously imposed and determine if the use still satisfies the provisions of this Article.
- 4) Any conditional use permit that is not renewed prior to the established time shall expire without notice and become null and void.

c. Expiration

- 1) Whenever a conditional use permit is approved by the City Council, the conditional use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the City Council may have specified, or, if no such time has been specified, then within two (2) years from the approval date of such permit.
- 2) If the conditional use or construction has not commenced in accordance with the above provisions, then the conditional use permit shall automatically expire without notice and become null and void.

d. Revocation

- 1) Unless a time limit is specified for a conditional use permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of two (2) years or more, the conditional use permit shall automatically terminate without notice and become null and void.
- 2) The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.
- 3) A conditional use permit shall be revocable upon written order of the City Council at any time because of the failure of the owner or operator of the use covered by the permit to observe all requirements with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were imposed in issuing the same. A revoked permit shall become null and void.

D. NONCONFORMING USES

The purpose of this section is to regulate and limit the development and continued existence of uses, structures and lots established prior to the effective date of this ordinance which do not conform to the requirements of this ordinance. Certain nonconformities may continue, but the provision of this article are intended to curtail substantial investment in non conformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this article and the desired character of the City.

1. Conditions for continuation - Any nonconforming use, structure or lot which lawfully existed as of the effective date of this ordinance and which remains nonconforming; any use, structure or lot which has become nonconforming due to the acquisition of property for the purposes of right-of-way use by a governmental agency as part of an approved project; and any use, structure or lot which has become nonconforming as a result of the adoption of this ordinance or any subsequent reclassification of zoning districts or other

- amendment to this ordinance, may be continued or maintained only in accordance with the terms of this article.
2. Variances and special exceptions - The limitations of this article shall not apply to structures or lots whose nonconforming features are subject of a variance or a special exception that has been granted by the Board of Adjustment or a modification or condition that was approved by the City Council.
 3. Change, Discontinuation and Expansion of Nonconforming Uses -
 - a. If no structural alterations are made to a nonconforming use of land or building, a nonconforming use of land or of a building may be changed to another nonconforming use of the same classification. Whenever a nonconforming use of land or buildings has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
 - b. Except as provided herein, a nonconforming use shall not be expanded or extended beyond the floor area or lot area it occupied on the effective date of this ordinance.
 - c. If a nonconforming use is discontinued or abandoned for a continuous period of more than two (2) years, including any period of discontinuation before the effective date of this ordinance, then that use shall not be renewed or reestablished and any subsequent use of the lot or structure shall conform to the regulations of this ordinance.
 - d. If a non-conforming use is damaged or destroyed to an extent of more than sixty (60) percent of its fair market value by a fire, explosion, act of God or the public enemy, then any restoration must be for a permitted use.

ARTICLE 5 – BOARD OF ADJUSTMENT

A. COMPOSITION

1. Board of Adjustment shall be established in accordance with applicable statutory law.
2. The board shall consist of five members, each appointed by the City Council for a term of two (2) years and removable for cause by the appointing authority.
3. City Council may appoint up to four (4) alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members when requested by the Mayor or City Administrator, so that all cases to be heard by the Board of Adjustment will always be heard by a minimum number of three (3) members.

B. JURISDICTION

When in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after written notice and public hearing, and subject to appropriate conditions and safeguards, authorize or order the following:

1. Hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance.
2. Permit the reconstruction, extension or enlargement of a building occupied by nonconforming uses, on a lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.
3. Permit the extension of or enlargement of a building occupied by a non-conforming use, under such conditions as the Board of Adjustment may deem necessary in order to protect other property in the neighborhood, provided such extension or enlargements:
 - a. Does not prevent the return of such property to a conforming use;
 - b. Does not exceed twenty-five (25) percent of the ground area of the existing building;
 - c. Will not prevent compliance with applicable side yard requirements; and
 - d. Does not allow such building to be used for any use which would normally be restricted to a more restrictive classification.

4. Require the discontinuance of non-conforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Ordinance. All action to discontinue a non-conforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Board shall, from time to time, on its own motion, or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any non-conforming use within the City.
5. Permit such variance of height, yard, area, exterior structure, lot coverage, off-street parking and loading regulations that will not be contrary to the public interest and where, because of special conditions, the enforcement of this ordinance or its amendments would result in an unnecessary hardship. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the district. No variance may be granted if it results in an unnecessary hardship, as herein defined, on another parcel of land. In order to make a finding of hardship and to grant a variance from this Ordinance the Board of Adjustment must determine that:
 - a. The requested variance does not violate the intent of the ordinance or its amendments;
 - b. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
 - c. The hardship is in no way the result of the applicant's own actions;
 - d. The interpretation of the provisions in this ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, that comply with the same provisions.
6. No variance may authorize a use other than those permitted in the district for which the variance is sought. Also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat or Final Plat, when required by this Ordinance or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning Commission and, where required, by the City Council. The administrative procedures and requirements of this Ordinance and the Subdivision Ordinance, with regard to both Planning Commission and the City Council consideration and action, on Site Plans, Preliminary Plats and Final Plats, must be exhausted prior to requesting a variance from the terms of this Ordinance.

C. PROCEDURE

1. All applications for special exceptions shall be by appeal to the Board of Adjustments. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the City of Lorena, affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rule of the Board, by filing with the officer from whom the appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed unless the applicant can show by reason of the facts that a stay would cause imminent peril of life or property.
3. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At least fifteen (15) days notice of the time and place of such hearing shall be published in the official publication of the City of Lorena.
4. Written notice of each public hearing before the Board of Adjustment on a proposed change shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the change is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.
5. Upon the hearing, any party may appear in person or by agent or attorney.
6. In exercising its power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and make such order, requirement, decisions, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
7. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination or any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or approve any variance in said Ordinance.
8. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, or board of the municipality, may present to a district court, county court, or county court at law, a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented

to the court within ten (10) days after the filing of the decision with the City Secretary and not thereafter.

ARTICLE 6 - RESERVED

ARTICLE 7 – PARKING REQUIREMENTS

A. PURPOSE AND INTENT

The purpose of these off-street parking requirements is to minimize traffic congestion associated with the layout of parking facilities and the access to uses, to minimize any negative effect of off-street parking areas on adjacent properties; and to assure the proper and adequate development of off-street parking areas throughout the City. The standards contained in this section are minimum standards and should not be regarded as optimum standards.

B. APPLICABILITY

1. Off-street parking spaces and loading berths shall be provided at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one type of use or occupancy to another when the proposed use requires a greater number of parking spaces than the previous use. Parking spaces shall be provided such that the required number of spaces may be satisfied for each use on a site.
2. Exceptions
 - a. Whenever there exists a lot with one or more structures on it constructed before the effective date of this ordinance. When the use changes after the effective date of this ordinance then the current parking requirements must be met.
 - b. The Planning Commission may decrease the total parking spaces required for the redevelopment or expansion of any building by ten (10) percent if the parking shortage is caused by the dedication of right of way or easements required by public improvements.

C. LOCATION

1. Off-street parking spaces shall be located on the same lot as the building, structure, or use to which they are accessory. The Planning Commission may, by means of a covenant or other acceptable means, allow part or all of the off-street parking spaces for a particular building, structure, or use to be located on a lot other than the lot occupied by said building, structure, or use.
2. Parking may be located in the front, side or rear yards of any zoning district, provided that a five (5) foot landscaped area be used to separate the parking area from the lot line in all zoning districts except for classifications where single-family detached residences are allowed or as required in Article 10. In zoning

districts where single-family detached residences are allowed, parking may be located in any required side or rear yard.

D. DESIGN STANDARDS

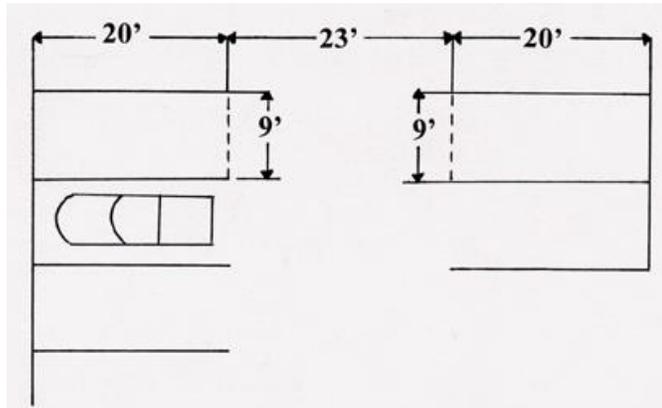
1. Parking Space Dimensions

- a. Head-in and Angled parking spaces - Each off-street parking space shall be no less than nine (9) feet in width by twenty (20) feet in depth exclusive of all access drive, alley or aisle, and shall be of usable shape and condition. An eighteen (18) foot depth may be utilized if two (2) feet of unobstructed area is provided for the vehicle to over hang. This space may be any space other than a sidewalk, public right of way, or adjacent property.
- b. Parallel parking spaces - Each on-street or off-street parallel parking space shall be no less than eight (8) feet in width by twenty-two (22) feet in depth.

2. Aisle Dimension

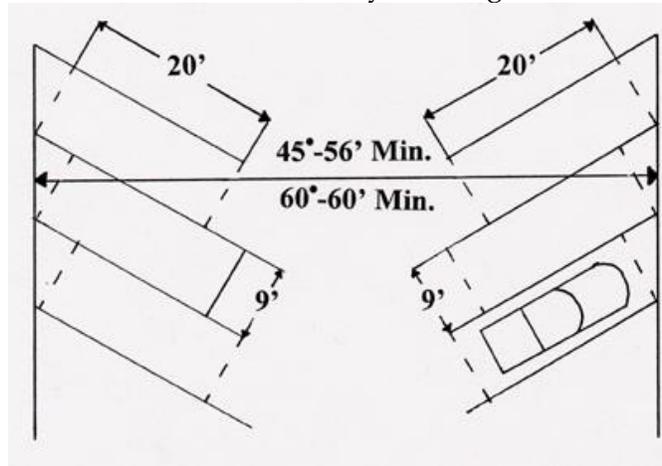
- a. Head-In, Ninety (90) Degree Parking - The circulation aisles within head-in, ninety (90) degree, off-street parking facilities must have a double isle that shall measure no less than twenty-three (23) feet wide.

Figure 1. Aisle Dimensions, Ninety Degree



- b. Angled Parking - The one way circulation aisles within off-street angled parking facilities must be sixty (60) feet wide for parking spaces at a sixty-degree angle, and fifty-six (56) feet wide for parking spaces at a forty-five (45) degree angle (measures from head of parking space to head of parking space).

Figure 2. Aisle Dimensions, Forty-five Degree



3. Handicap Accessible Parking

- a. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty (60) inch wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six (96) inches to accommodate a wheelchair lift and vertical clearance to accommodate van height.

Table 2. ADA Parking Space Requirements

Minimum Number of Handicap Accessible Parking Spaces ADA Design Standards 4.1.2(5)			
Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces (60" and 96" aisles)	Van Accessible parking spaces with min. 96" wide access aisles	Accessible parking spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 for each 100 over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

b. Location

- 1) Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
 - 2) An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three (3) feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
 - 3) Accessible parking spaces may be clustered in one (1) or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight (98) inch minimum vertical height requirement).
- c. Signage - A sign with the international symbol of accessibility must be mounted high enough to see marking each disabled parking space. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

E. LOCATION OF PARKING SPACES

1. Handicap parking spaces must be located in compliance with the Federal Americans with Disabilities Act.
2. For Single Family and Two Family Residential Dwellings required off street parking facilities shall be located on the same lot as the main building.
3. For Commercial and Industrial Uses the distance from the off-street parking facility to the commercial or industrial use that it serves should not exceed three hundred (300) feet.
4. For all other uses not specified, the required off-street parking shall be located on the same lot as the main building or on a lot immediately contiguous to the main building.

F. PARKING REQUIREMENTS

Use	Requirement	Unit
RESIDENTIAL USES		
Single family	2.0	Per unit
Multi family	1.0	1 bedroom
	1.5	2 bedrooms
	2.0	3 bedrooms
	3.0	More than 3 bedrooms
Manufactured Home	2.0	Per unit
PUBLIC AND INSTITUTIONAL USES		
Day care, nursery or kindergarten	1.0	Per employee
	1.0	Per 10 children
Church	1.0	Per 4 seats
School, high school	1.0	Per employee
	1.0	Per 3 students
School, elementary and junior high	1.0	Per employee
	1.0	Per 4 seats of assembly space
Medical clinic, health service facility, nursing home or medical care facility	1.0	Per 200 sq. ft.
Hospital	1.0	Per bed
Libraries	1.0	Per 400 sq. ft.
COMMERCIAL USES		
Bowling Alley	5.0	Per bowling lane
Roller / ice skating rink	1.0	Per 100 sq. ft.
Golf course	5.0	Per hole
Restaurant	1.0	Per 100 sq. ft.
Restaurant, fast-food	1.0	Per 75 sq. ft.
Restaurant, delivery or take-out	1.0	Per 250 sq. ft.
Bar, Tavern	1.0	Per 125 sq. ft.
Retail establishment	1.0	Per 250 sq. ft.
Shopping center	1.0	Per 200 sq. ft.
Grocery / Supermarket	1.0	Per 200 sq. ft.
Theaters, auditoriums	1.0	Per 4 seats
Exercise facility, Gym	1.0	Per 100 sq. ft.
Hotel / Motel	1.0	Per room
	5.0	Per 1,000 sq. ft. of meeting space

Use	Requirement	Unit
Bed and Breakfast	1.0	Per guest room
	1.0	For operator
Funeral home	1.0	Per 4 seats
Bank	1.0	Per 200 sq. ft.
Day Spa or Salon	1.0	Per 300 sq. ft.
Medical clinic	1.0	Per 200 sq. ft.
	1.0	Per employee
Automobile repair	3.0	Per service bay
Gas station	2.0	Per pump
		Min. 6 spaces
Car wash	4.0	Per stall
Barber or beauty shop	2.0	Per 100 sq. ft.
Laundry	1.0	Per 2 machines
Office	1.0	Per 300 sq. ft.
BUSINESS PARK USES		
Fabrication	1.0	Per 1,000 sq. ft.
Manufacturing	1.0	Per 1,000 sq. ft.
Office-Warehouse or Flex space	1.0	Per 200 sq. ft.
Warehousing	1.0	Per 1,000 sq. ft.

G. SHARED PARKING

1. Off-street parking facilities for different buildings, structures, uses or mixed uses, may be provided and used collectively or jointly in any zoning district upon approval of site plan.
2. Provisions required for shared parking
 - a. A legal agreement assuring the perpetual joint use of the said common parking for the combination of uses or buildings.
 - b. Up to sixty (60) percent of the parking spaces provided by for a theater or other place of evening entertainment, or for a church, may be provided and used jointly with banks, offices, retailers and similar uses, that are not normally open or used during evening hours.
 - c. In cases where residential use is mixed with other uses such as office or retail, a minimum of two (2) spaces per residential unit should be reserved for residential use.

H. PARKING FACILITY LIGHTING

1. Off-street parking facilities shall be required to be lighted. The lighting shall be no more than thirty-five (35) feet in height and shall be required to be placed at

equal intervals no less than one hundred (100) feet between with the exception of the Interstate 35 Planned Corridor (IC) district. Uses within the IC district shall conform to Article 10, Paragraph G.9.h.

2. Any lighting used to illuminate any parking lot or area shall be so arranged as to reflect away from the adjoining or near by premises and shall be focused in a manner so as to not cause hazard to traveling vehicles.

I. PARKING LOT ISLANDS

1. All parking lot islands shall be raised at least six (6) inches and curbed according to City engineering standards. Uses located in the Business Park District are exempt from this provision. Uses within the Interstate 35 Planned Corridor (IC) district shall conform to the standards of Article 10, Paragraph G.9.f.
 - a. End Islands - Each interior-parking row and periphery-parking row, independent of its length, shall have an end island placed at each end that shall not be less than two hundred (200) square feet in total area.
 - b. Interior Islands - The parking lot may be configured in any way so as to provide for orderly and safe parking of vehicles. The islands may be grouped to form larger spaces and sidewalks may run through interior islands.
 - c. See Article 10 of this ordinance for landscaping requirements.

J. PARKING LOT DEVELOPMENT AND MAINTENANCE

1. Every parcel of land used as a parking area, loading or unloading area, driveway or maneuvering aisle must be developed and maintained to the requirements of this section. All areas must remain in good repair, free of potholes and other deterioration.
2. All parking spaces provided, with the exception of single-family residential dwellings, shall be permanently and clearly marked by stripes. All nonpermanent striping, such as paint, shall be maintained as to guarantee continuous identification of the space.
3. Surface materials
 - a. Asphalt Surfacing - All off-street parking facilities shall be constructed with a minimum of one and one half (1 ½) inches of asphalt pavement on top of six (6) inches of limestone or suitable base material as approved by the City Engineer.
 - b. Concrete Surfacing - All concrete areas shall be five (5) inches thick except for fire lanes, which must be six (6) inches thick. Reinforcement shall be with number four (4) bars, eighteen (18) inches on center.

4. All off-street parking areas shall be required to have a six (6) inch raised concrete curb around the entire perimeter and shall be graded to drain adequately, per an approved drainage plan, as determined by the City's Engineer.
5. The parking facility shall be maintained so as to dispose of any surface water accumulated in the facility.
6. Non-Public Drive Standards - All single-family residential and multifamily residential driveways shall be paved with concrete except in the ARR, Agricultural-Rural Residential district. All concrete areas shall be five (5) inches thick. Reinforcement shall be with number four (4) bars, eighteen (18) inches on center.

K. LOADING AND UNLOADING AREAS REQUIRED

1. For all retail, commercial, industrial, hotel and office structures, off-street loading and unloading facilities shall be developed and maintained to the same standard as the off-street parking facilities. Loading and unloading facilities shall be located within the building or on the lot adjacent to the private service drive.
2. Berth size - At least half of the required berths or loading spaces shall be a minimum of ten (10) feet in width by forty (40) feet in depth. The remaining required spaces shall be a minimum of ten (10) feet in width by twenty (20) feet in depth.
3. Number of spaces required - Structures that are less than fifteen thousand (15,000) square feet in area do not require a berth or loading / unloading space. Every additional sixty thousand (60,000) square feet of area requires one berth.

ARTICLE 8 – LANDSCAPING REQUIREMENTS

A. PURPOSE

The purpose of this Landscape Article is to improve and protect the public health, safety and welfare by improving the design, quality and character of new development, ensuring that development proposals are sensitive to natural areas and features, ensure significant canopy shading to reduce glare and heat build-up, and enhance outdoor spaces, reduce erosion and storm water runoff, and mitigate air pollution.

B. ADMINISTRATION AND ENFORCEMENT

1. The Zoning Administrator is hereby empowered to inspect and examine any tract of land and to order in writing the remedying of any condition found to exist in violation of any provision of this Landscape Article. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order.
2. The standards and criteria contained within this Article are deemed to be minimum standards and shall apply to all new, altered, or repaired construction occurring within municipal boundaries of Lorena, Texas. Additionally, any use requiring a Conditional Use Permit, must comply with these landscape standards. The provisions of this Article for altered or repaired construction shall be administered and enforced by the Zoning Administrator or designee.
3. If, due to site constraints or other similar development limitations, specific requirements of this Article can not be met by the property developer, the City may consider an alternative landscape design and plan which would meet the spirit and intent of the Article. A financial hardship may not be considered as a developmental limitation to meeting the requirements of this Article.
4. If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in non-conformance to the standards and criteria of this Article, the Zoning Administrator shall issue notice to the owner, citing the violation and describing what action is required to comply with this Article. The owner, tenant or agent shall have thirty (30) days from the date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this ordinance.

C. CERTIFICATE OF OCCUPANCY

1. No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved. These provisions shall not apply to the regular maintenance and repaving of an existing parking area. Prior to the

- issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan. All permits shall be issued in conformance with the provisions of this Landscape Article and shall be valid for a period of time not exceeding one (1) year from the date of issuance. A change of ownership requiring the issuance of a new certificate of occupancy shall not require any property to be brought into compliance with current landscape standards.
2. In any case in which a certificate of occupancy is sought at a season of the year in which the Zoning Administrator determines that it would be impractical to plant trees, shrubs, grass, or to lay turf, a temporary certificate of occupancy may be issued provided the applicant has proof that a landscape installation company has been retained to install the required landscaping when the planting season is appropriate. Such temporary permit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six (6) months of the date of the approval of the landscape plan.

D. LANDSCAPE PLAN REQUIREMENT

1. Prior to the issuance of a building, paving, grading or construction permit for any use other than single family detached dwellings, a landscape plan shall be submitted for approval.
2. Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g. landscape architect, landscape contractor or landscape designer) and shall contain the minimum following information:
 - a. Minimum scale of one (1) inch equals fifty (50) feet.
 - b. Location, size and species of all trees to be preserved indicating size measured at twenty-four (24) inches above ground level.
 - c. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
 - d. Species of all plant material to be used, including common names.
 - e. Size of all plant material to be used at time of planting.
 - f. Spacing of plant material where appropriate.
 - g. Layout and description of irrigation, sprinkler, or water systems including placement of water sources.
 - h. Description of maintenance provision.

- i. Person(s) responsible for the preparation of the landscape plan and contact information.
- j. North arrow.
- k. Date of the landscape plan.

E. MAINTENANCE

The property owner, tenant or agent, if any, shall be jointly and severally responsible for the maintenance of all required landscaping in a healthy, neat, orderly and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such materials not a part of the landscaping. Plant materials, which die, shall be replaced with plant materials of similar variety and size according to these regulations.

F. TREE PRESERVATION

In ARR, SF, D, MF, MH, NC, P, BP, and PD districts, ten (10) percent of existing trees shall be preserved, where they are six (6) or more inches in diameter as measured twenty-four (24) inches above ground. Hackberry trees are exempt from this requirement. Lots within the IC District shall conform to the development standards of Article 10.

ZONING DISTRICT	PERCENT TREE PRESERVATION REQUIRED
(ARR) Agricultural-Rural Residential	10%
(SF) Single-Family Residential	10%
(D) Duplex Residential	10%
(MF) Multi-Family Residential	10%
(MH) Manufactured Home Subdivision	10%
(NC) Neighborhood Center	10%
(P) Public and Institutional	10%
(IC) Interstate 35 Planned Corridor	See Article 10
(BP) Business Park	10%
(PD) Planned Development	10%

G. GENERAL STANDARDS

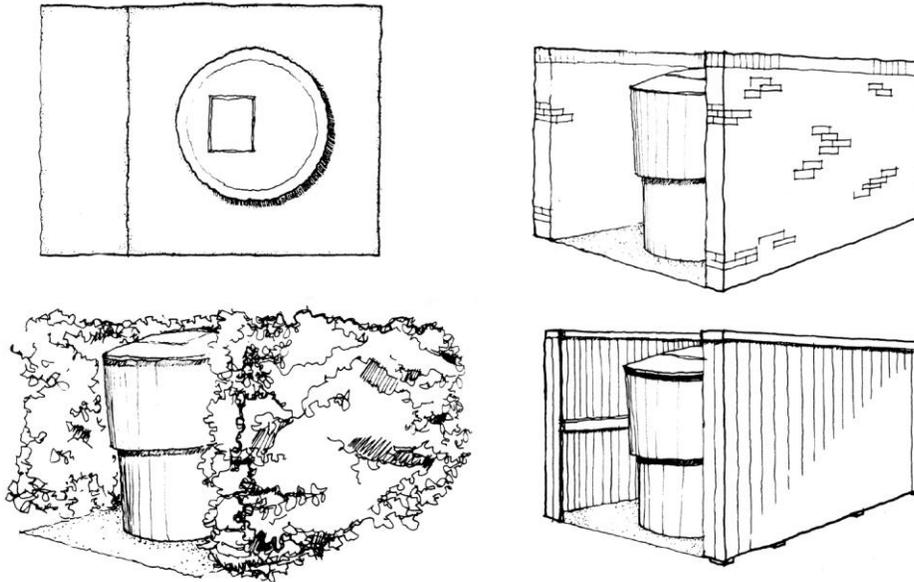
1. Landscape and Screening Buffer:
 - a. Non-residential Uses - When a non-residential use is located adjacent to any residential zoning district, a ten (10) foot wide landscape buffer strip shall be provided by the owner, developer or operator of the non-residential use property between such nonresidential use and the adjacent residentially zoned property. In addition, a screening fence or wall shall be erected along the property line to provide visual screening. The screening fence or wall

required herein shall be a minimum of six (6) feet in height and must be constructed of a continuously solid material. No less than one (1) tree shall be planted and maintained for each twenty-five (25) linear feet or portion of said landscape buffer strip.

- b. Multi-family Residential Use - When any townhouses, condominiums, apartments or other multiple family dwellings are established on a lot adjacent to any property located in an ARR or SF District, a ten (10) foot wide landscape buffer strip shall be provided by the owner, developer or operator of the multi-family residential use property between such use and the adjacent ARR or SF zoned property. Not less than one (1) tree shall be planted and maintained for every forty (40) linear feet of said landscape buffer strip.
2. Street Landscape Setback -
 - a. When any land use is established on a lot in the NC district, a ten (10) foot landscape setback shall be provided along the entire boundary of the lot that abuts a public street, exclusive of driveways and access ways at points of ingress and egress to and from the lot. Lots within the IC District shall conform to the development standards of Article 10.
 - b. No portion of the required landscape setback shall be located within the street right of way.
 3. Equipment Screening -
 - a. Roof-mounted equipment or other permanent fixtures that rise above the roof line or are visible from the adjacent property or public right of way shall either be housed in an enclosed building of the same character as the primary structure or they must be completely screened from a horizontal plane of view. Developments in the ARR and SF Districts are exempt from this restriction.
 - b. In all multi-family developments, mechanical equipment, air conditioning equipment, utility boxes and banks of meters shall either be located so as not to be seen from a public right of way or any abutting Single Family District, or be they must be screened to a maximum height of six (6) feet. Such screening shall include a solid fence, wall or plant material that creates a maximum six (6) foot high visual barrier.
 4. No equipment, fencing or walls are permitted within any landscape buffer yard, street landscape setback or any designated landscape islands or areas.
 5. Refuse Storage Screening - Trash containers and storage areas for refuse or materials awaiting disposal or recycling shall be visually screened by an opaque screening fence or wall not less than six (6) feet in height on all sides, except when one (1) side is adjacent to an alley or easement used for garbage pickup services, no screening fence shall be required on that side. Standards for refuse container

screening for the IC district are found within Article 10, Paragraph G. See Figure 3 for examples of appropriate screening.

Figure 3. Refuse Storage Screening



H. LANDSCAPE REQUIREMENTS

1. District Planting Requirements - Trees required as part of the tree preservation section of this ordinance may be counted as part of the district planting requirements. Additionally, the requirements listed below may be used to meet any landscape requirements as listed under I in this section of the ordinance.
 - a. Agricultural-Rural Residential - The ARR district requires that a minimum of one (1) tree be planted and maintained for each forty (40) linear feet of street frontage, and a minimum of four (4) trees to be located on a single site.
 - b. Single-Family Residential, Duplex Residential and Manufactured Home - The SF, D, and MH districts require a minimum of two (2) trees to be located in the front yard, and two (2) trees to be located in the back yard.
 - c. Multi-Family Residential - The MF district requires a minimum of one (1) tree be planted and maintained for each twenty-five (25) linear feet of street frontage, and a minimum of one (1) tree be planted per dwelling unit. Ten (10) shrubs or understory trees are required per one (1) dwelling unit.
 - d. Neighborhood Center and Public and Institutional - The NC and P districts require a minimum of one (1) tree be planted and maintained for each twenty-five (25) linear feet of street frontage, and a minimum of one (1) tree be planted and maintained for each one thousand (1,000) square feet of floor area. Ten (10) shrubs or under story trees are required per one thousand (1,000) square feet of floor area.

- e. Interstate 35 Planned Corridor - Landscaping within the IC district shall conform to development standards established within Article 10, Paragraph G of this Ordinance.
- f. Business Park - The BP district require a minimum of one (1) tree be planted and maintained for each twenty-five (25) linear feet of street frontage, and a minimum of one (1) tree be planted and maintained for each one thousand five hundred (1,500) square feet of floor area. Five (5) shrubs or under story trees are required per one thousand five hundred (1,500) square feet of floor area.
- g. Planned Development - PD districts landscaping will be determined by the City Manager or a designee through the concept and detailed plan process and configured based on the types of uses contained within the Planned Development District.

Table 3. Landscape Requirements

District	TREES (Minimum Requirement)	Shrub/Understory (Minimum Requirement)	Street Front Minimum
ARR	4 Trees	N/A	1 per 40 feet
SF, D	4 Trees	N/A	2 trees
MH	4 Trees	N/A	2 trees
MF	1 per dwelling unit	10 per dwelling unit	1 per 25 feet
NC, P	1 per 1,000 sq.ft	1 10 per 1,000 sq.ft of Floor Area	1 per 25 feet
OT	N/A	N/A	1 per 25 feet
IC	1 per 750 sq.ft	1 or 2 5 per 750 sq.ft of Floor Area	1 per 25 feet
BP	1 per 1,500 sq.ft	1 or 2 5 per 1,500 sq.ft of Floor Area	1 per 25 feet
PD	Determined on uses	Determined on uses	Determined on uses

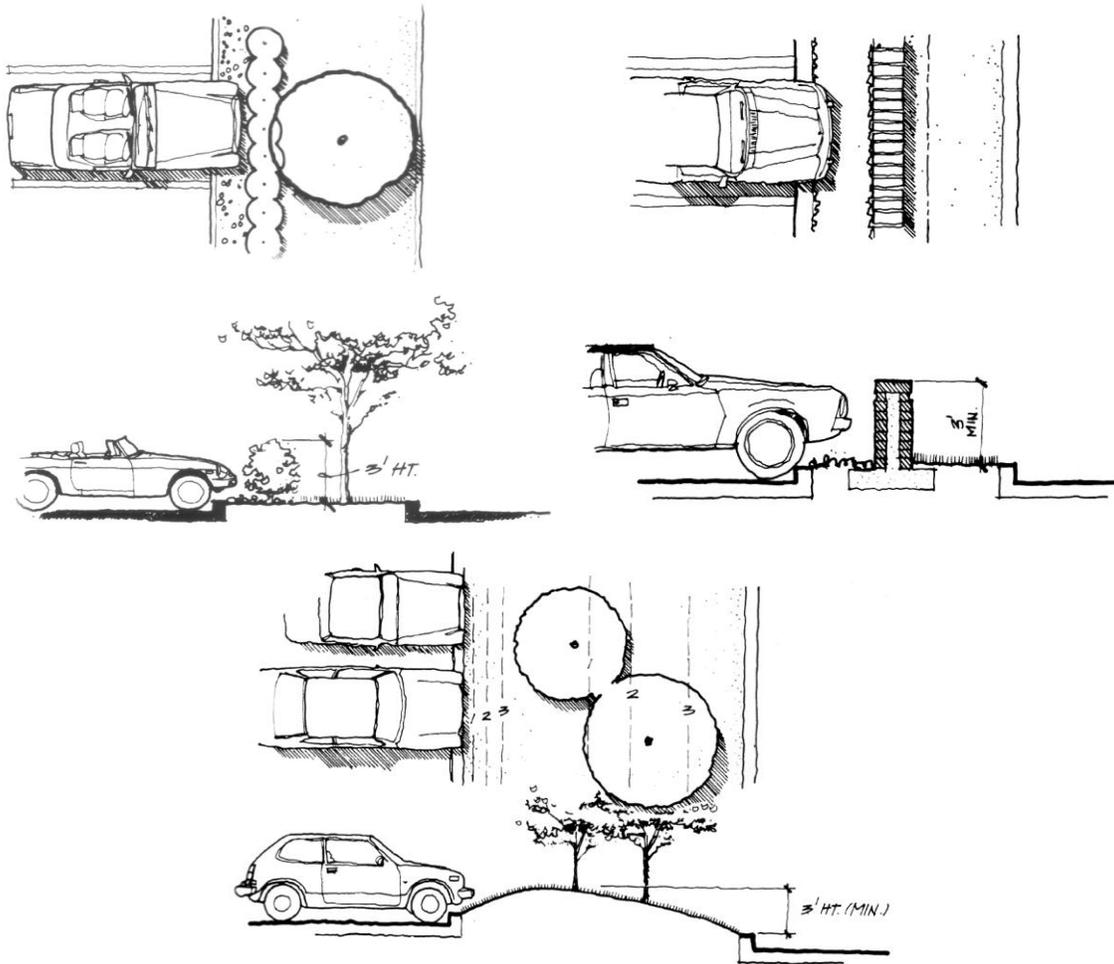
2. Plant List - The following plants are recommended for use in the City of Lorena. Other plant materials may be substituted if approved by the Zoning Administrator.

Grasses		
Bermuda Grass	St. Augustine Grass	Buffalo Grass
Vines and Groundcover		
Caolina Jessamine	Lady Banksias	Asiatic Jasmine
Coralvine	Mermid Rose	Confederate Jasmine
Fig Ivy	Rosa X Fomuniana	Santolina
Silverlace Vine	Trailing Juniper	
Perennials		
Autumn Sage	Lantana	Perinnial Verbena
Blue Plumbago	Mealy Cup Sage	Rosemary
Cigar Plant	Mexican Oregano	White Rain Lily
Firebush	Mexican Sage	Muhly Grass
Hinckley’s Columbine	Pavonia	
Shrubs/Understory Trees 1		
Dwarf Pittosporum	Barbary	Swarf Paimetto
China Rose	Glossy Abelia	Green Pittosporum
Grayleaf Cotoneaster	Tea Rose	Pomegranate
Juniper	Agrita	Variegated Pittosporum
Central Texas Sage	Forsythia	
Shrubs/Understory Trees 2		
Arizona Cypress	California Fan Palm	Cherry Laurel
Chinese Photinia	Oleander	Possumhaw
Texas Palmetto	Persimmon	Windmill Palm
Small Trees		
Aristocrat Pear	Bradford Pear	Crabapple
Desert Willow	Eldarica Pine	Honey Mesquite
Panicled Golden Raintree		
Large Trees		
Bald Cypress	Honey Locust	Shumard Oak
Chinquapin Oak	Live Oak	

I. STREETScape REQUIREMENT

1. Parking Lot Landscaping - These standards shall apply to all districts as referenced below, with the exception of the IC zoning district. Streetscape standards for the IC zoning district are contained within Article 10, Paragraph G.
 - a. Trees shall be provided at a ratio of one (1) tree per forty (40) linear feet along a side lot line, parking setback area. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right of way. All property within thirty (30) feet from public right way should be landscaped except in ARR and SF districts.
 - b. Screening - Parking lots with six (6) or more spaces shall be screened from adjacent uses and from the street public right of way. Screening from residential uses shall consist of a solid fence or wall six (6) feet in height, in combination with plant material, and of sufficient opacity to block at least seventy-five (75) percent of light from vehicle headlights. Screening from the street and all nonresidential uses shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of three (3) feet. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts a nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened. See Figure 4 for examples of appropriate screening.

Figure 4. Parking Lot Buffering



2. Parking Lot Interior Landscaping

- a. Six (6) percent of the interior space of all parking lots with less than one hundred (100) spaces, and ten (10) percent of the interior space of all parking lots with one hundred (100) spaces or more shall be landscape areas. Uses located in the Business Park district are exempt from this provision.
- b. All parking lot islands, connecting walkways through parking lots and driveways through or to parking lots shall be landscaped according to the following standards:
 - 1) Visibility - To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within ten (10) feet of a curbcut.
 - 2) Maximized Area of Shading - Landscaped islands shall be evenly distributed to the maximum extent feasible. At a minimum, trees shall be planted at a ratio of at least one (1) understory tree per one hundred fifty

(150) square feet of internal landscaped area with a landscaped surface of turf, ground cover perennials or mulched shrub plantings.

- 3) Landscaped islands. In addition to any pedestrian refuge areas, each landscaped island shall include one (1) or more understory trees, be of length greater than eight (8) feet in its smallest dimension, include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs.
- c. Walkways and Driveways. Connecting walkways through parking lots, shall have one (1) understory tree per forty (40) linear feet of such walkway planted in landscape areas within five (5) feet of such walkway. Driveways through or to parking lots shall have one (1) understory tree per forty (40) foot linear feet and along each side of such driveway, in landscape areas within ten (10) feet of such driveway.
 - d. Parking bays shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula.
 - e. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City.

ARTICLE 9 – SIGN REQUIREMENTS

A. PURPOSE

The purpose of this article is to protect and enhance the City's character and its economic base through the provision of appropriate sign standards and the avoidance of excessive or obtrusive signs on privately owned property. This article also seeks to limit the size, type and location of signs in order to protect the public safety, health, and welfare; to maintain the quality of community life; to maintain the beauty of the City's natural and architectural features; to ensure that signs do not visually dominate the zone in which they are located; and to provide appropriate standards for achieving the primary intended purpose of identifying the business.

B. ADMINISTRATION AND ENFORCEMENT

1. The Zoning Administrator is hereby empowered to inspect and examine any tract of land and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Sign Article. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order.
2. For new signs associated with new construction of a structure. The sign shall be approved by the Planning Commission, in accordance with the regulations of this Article and the Site Plan requirements.
3. No sign shall be constructed, established, placed, or painted on a building, structure, or site, and no existing sign shall be modified except for change of copy or repair, unless such sign has been approved by the Zoning Administrator and issued a sign permit, unless exempt from these regulations, or is a temporary sign.

C. APPLICATION AND PERMITS

The application for a sign permit and the applicable fee must be submitted on such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the administering employee to ensure proper regulation of the sign and to ensure compliance with this Article.

1. *Issuance of Permits* - If the plans and specifications for a sign set forth in any application for a permit conform to all of the requirements of this Article and other City regulations, the administering employee will issue the appropriate permit.
2. *Permit Not Required* - A sign permit is not required:

- a. To repaint a sign or to restore a conforming sign to its original condition if the sign otherwise complies with this Article;
 - b. To periodically change only the letters, numbers or message portion of a lawful sign specifically designed for that purpose;
 - c. For the placement or use of a stake sign; or
 - d. For the placement of a temporary freestanding sign as provided for in this article.
3. *Duration* - Unless earlier revoked, a sign permit to construct, erect or place a freestanding or wall sign is valid for one hundred and eighty (180) days from the date of issuance. The durations of temporary signs are placed with each sign definition.
 4. *Revocation* - A sign permit may be revoked for a violation of this Article. The Zoning Administrator shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation prior to making a decision thereon.
 5. *Appeals* - Any person aggrieved by a decision of an administering employee in the application of this Article may appeal the decision to the Zoning Board of Adjustment in accordance with the procedures applicable to appeals of decisions under the City's zoning regulations. The Zoning Board of Adjustment will hear and decide appeals in accordance with the provisions applicable to appeals under the City's zoning regulations. The Board is not authorized to hear or grant variances to the provisions of this Article.

D. DEFINITIONS AND REGULATIONS

1. **Abandoned Sign** - A sign that had a permit, but the permit has expired and/or does not identify or advertise a bona fide business, lessor, service, owner, product, event, or activity, or pertains to a time, event or purpose which no longer applies. Abandoned Signs are prohibited in the City.
2. **Athletic fields** - Signs located on the field side of scoreboards and fences of athletic fields. No sign permit required.
3. **Audible Sign** - Any sign that emits music, talking, words, or other sound amplification. Audible Signs are prohibited in the City with the exception of signs in connection with drive-up windows menu boards.
4. **Awning Sign (Internally Illuminated)** - Any sign which is located on or is part of an awning if the awning contains any form of interior illumination that is intended to or has the effect of making the sign more readily visible from a public street. Internally illuminated awning signs are prohibited in the City.
5. **Balloon Sign** - A temporary inflatable device sign.

- a. *Time* – Sign permit required. For commercial establishments the sign may not be installed for a time period greater than fourteen (14) days. For authorized community events, which shall include, but not be limited to, athletic events, parades, street fairs, and other civic, cultural, or recreational events; such signs shall be displayed for a period not to exceed the authorized duration of the event.
 - b. *Place* - no balloon sign, or portion thereof, shall extend to, or interfere with, any utility line or wire, or interfere with any pedestrian or vehicular traffic, or extend into or over any roadway or highway.
 - c. *Manner* - No balloon shall exceed eighteen (18) inches in diameter and shall not be displayed above a height of sixteen (16) feet or the height of the nearest adjacent wall, whichever is lower
6. **Bandit Signs** - Any sign which is not exempt or allowed by permit. These signs include signs located on or attached to a street light, utility pole, hydrant, bridge, traffic-control device, street sign, or other city-owned building, facility, structure, or equipment, without the consent of the City and signs attached to trees and shrubs. Bandit signs are prohibited within the City.
7. **Banners** - A temporary sign having characters, letters, or illustrations applied to plastic, cloth canvas, or other light fabric or similar material, with the only purpose of such non-rigid material being for background. A Banner advertises the business' name, opening dates, telephone number, hours of operation, and/or types of products offered or sold.
- a. *Time* – A sign permit is required to be issued by the Zoning Administrator. No more than two (2) permits per calendar year may be issued by the City for any owner, tenant or occupant of a lot or leased space within a non-residential zone. Each permit may be issued for a time period of up to thirty (30) days.
 - b. *Place* – Banners may only be issued permits to owner, occupant or tenant of any lot in any non-residential zoning district. The banner shall be securely affixed to the wall of the structure or building, where feasible.
 - c. *Manner* – Banners shall not exceed sixty (60) square feet in area. The banner shall have affixed to is a label or mark identifying the expiration date of the permit.
 - d. *Maintenance* – All banners must be maintained in good condition and repair. Any banner which is torn, faded, sagging or in disrepair shall be replaced at the request of the Zoning Administrator.
 - e. *Authorization for Removal* - The applicant for a temporary banner permit shall consent to the Zoning Administrator entering upon the lot or parcel solely for the removal of the temporary banner if it is not promptly removed at the expiration of the permitted period. Such entry and removal shall occur only

after not less than forty eight (48) hours written notice posted upon the property and left with a manager or other responsible person at the location of the temporary banner.

- f. *Deposit* - The applicant for any temporary banner permit shall deposit a cash deposit in an amount to be set by the City which shall be forfeit in the event it is necessary for the City to remove the temporary banner under the provisions of this ordinance.
- g. *Revocation of Permit* - The Zoning Administrator may revoke a permit granted under this section under the following conditions:
 - 1) The permit was obtained by fraud or misrepresentation, or
 - 2) The banner(s) is not maintained pursuant to this ordinance.
- h. *Appeal* - The applicant may appeal the decision by requesting a hearing in writing before the Zoning Administrator within ten (10) days of receiving written Notice of Revocation. The Planning Commission shall hold a hearing as soon as practical. Within forty-eight (48) hours after such Planning Commission hearing the Zoning Administrator shall mail a written Statement of Decision indicating therein the factual basis for the decision of the Planning Commission.
 - 1) The Zoning Administrator may remove any banner by written notice pursuant to this ordinance if the Notice of Revocation is not appealed or if, after hearing, the Statement of Decision affirms the Notice of Revocation.
- 8. **Billboard** - A sign which is a primary use and advertises businesses, commodities, activities, services or persons which are not usually available or present upon the premises upon which such sign is located, or which directs persons to any location not on the premises. Billboards are prohibited within the City.
- 9. **Blocking of Public Access Sign** - A sign located in city right of way or public easement unless the City gives its written consent to the encroachment. These signs are otherwise prohibited in the City.
- 10. **Business Door Nameplates.** Any sign which identifies the name of a business and may contain the name and address of the business.
 - a. *Time* - No sign permit required. Business Door Nameplates may be installed permanently on the building.
 - b. *Place* - Business Door Nameplates may only be affixed to the door of each individual business or immediately adjacent thereto.

- c. *Manner* – A Business Door Nameplate may not exceed two (2) square feet in area.
11. **Canopy and Awning Signs** - Signs printed on, painted on, or attached onto a canopy or awning
- a. *Time* - A sign permit is required. Canopy and awning signs may not be issued for any structure until they have been approved by the Zoning Administrator.
 - b. *Place* – Canopy and awning signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district. Canopy and awning signs are limited to the ground floor.
 - c. *Manner* – Canopy and awning signs shall not exceed two-thirds (2/3) of the length of the canopy or awning and shall consist of no more than one line of lettering not exceeding twelve (12) inches in height, and shall be located on the valance of such canopy or awning. In addition to lettering, an identification emblem, insignia, or other similar feature not exceeding an area of four (4) square feet may be printed on, painted on, or attached onto any other portion of the canopy or awning.
12. **Construction Sign** - A temporary sign used to advertise or display contact information of property owners, opening dates, architects, contractors, engineers, landscape architects, and/or financiers, who are engaged with the design, construction, improvement or financing of a residential subdivision with homes under construction within the subdivision to which it pertains or within a commercial project to which it pertains.
- a. *Time* – No sign permit required. May only be installed during the period of construction.
 - b. *Place* – Construction signs shall be installed no closer than fifteen (15') feet to any property line. The minimum distance between a construction sign and another construction sign is two hundred (200') feet..
 - c. *Manner* – Construction signs are not to exceed a total of thirty-two (32) square feet. A larger total area may be permitted subject to the approval of the Zoning Administrator for projects on larger sites with a substantial length of street frontage.
13. **Custom Decorative Flags, Banners and Pennants** - Custom decorative flags, banners, or pennants utilized as an integrated and permanent part of the architectural design of a building or site may be permitted pursuant to the approval of the Planning Commission and subject to the following criteria:
- a. That the flags, banners or pennants do not contain written material or text, and are not solely for the purpose of calling attention to the premises.

- b. That the flags, banners or pennants contribute to a theme or architectural harmony or architectural integrity of the project, building, structure, or site.
 - c. That the flags, banners or pennants do not adversely affect other properties in the neighborhood.
 - d. That the applicant has provided, or will provide, adequate written assurance that the flags, banners and pennants will be maintained in good repair and condition.
14. **Dilapidated Sign** - Any surface element, background, or support of any Sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly. Signs that are deteriorated, dilapidated, or unsafe are prohibited within the City.
15. **Exempt Signs** - The following signs do not require a sign permit. Refer to each sign's definition for specific qualifications. Athletic Fields; Business Door Nameplates; Construction Sign; Governmental Sign; Holiday Signs and Lights; Mailboxes and addresses; National or State Flags; Plaques; Private Traffic Control Sign; Railroad Sign; Real Estate Sign; Signs on outdoor machines, devices or equipment; Signs on persons; Unused Signs; Utility or Hazard Signs; Vehicle Sign; Window and Door Sign.
16. **Governmental Sign** - A Governmental Sign is any sign which is erected or maintained pursuant to and in discharge of any governmental function or is required by law, ordinance or governmental regulation; or used to convey health, safety and welfare information to the public regarding City, County, State, or Federal government requirements and regulations such as water restrictions, burn bans, or other similar information. Governmental signs may also be defined as those located on property owned, leased or under the control of a governmental entity. No sign permit required.
17. **Grand Opening Banner**- In addition to the limitations of this ordinance, the owner, and any tenant or occupant of a lot shall be permitted a banner, for a period not to exceed sixty (60) days, whose sole purpose is to announce or advertise the initial opening of an establishment, project, business or other enterprise.
18. **Hanging Signs** - A sign that is suspended from the underside of a horizontal plane surface such as a canopy or marquee and is supported by such surface.
- a. *Time* - A sign permit is required.
 - b. *Place* - Hanging signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district. Hanging signs shall be a minimum of eight (8) feet vertical distance from the sidewalk grade and at approximately a ninety (90) degree angle to the face of the building.

- c. *Manner* - The maximum area of such signs shall be determined by the following:
 - 1) The length of such signs shall not exceed two-thirds (2/3) of the projecting dimension of the awning, canopy, or parapet overhang.
 - 2) Such signs shall not exceed two (2) feet in height.
19. **Holiday Signs and Lights** - Temporary signs, including Christmas lights, containing only holiday messages and no commercial advertising.
20. **Illegally Placed Sign** - Sign erected without the permission of the owner, or his agent, of the property on which or over which such sign is located.
21. **Illuminated Sign (High Intensity)** - Signs which are illuminated from within or without that:
 - a. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
 - b. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.
 - c. Are located or illuminated so that they obscure or interfere with the entirety of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any Street from obtaining a clear view of approaching vehicles.
 - d. Illuminated Sign (High Intensity) are prohibited in the City.
22. **Imitation Governmental Sign** - Any sign, which, by color, shape, location or other means endangers public safety by resembling or conflicting with any traffic control sign or device or which due to its dangerous construction, manner of display, or location is determined by the City to be hazardous. Imitation Governmental Signs are prohibited in the City.
23. **Mailboxes and Addresses** - Addresses and names located on mailboxes. No sign permit is required.
24. **Mobile Advertisement Sign** - An operable or inoperable vehicle with illuminated or non-illuminated panels, other devices, or appendages used to advertise, promote or draw attention to products, services, events, or other similar purpose. No person shall park any vehicle or trailer on public property, or on private property so as to be visible from a public right of way, which vehicle has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisements of products located on the same or

nearby property or directing people to a business or activity located on the same or nearby property. This definition is not intended to apply to standard advertising or identification practices as defined as a Vehicle Sign. Mobile Advertisement Signs are prohibited in the City.

25. Monument Signs A sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to identify tenants or name of a business located within a development or on a separately platted lot.

- a. *Time* - A sign permit is required. Monument signs may not be issued for any parcel until they have been approved by the Zoning Administrator.
- b. *Place* - Monument signs shall only be permitted in conjunction with a nonresidential use.
 - 1) Monument signs shall be setback from property lines by fifteen (15) feet.
 - 2) One (1) monument sign per street frontage may be permitted.
 - 3) A monument sign must not be located within one hundred twenty-five (125) linear feet of another freestanding sign.
- c. *Manner* -
 - 1) The maximum sign area permitted shall not be more than one hundred (100) square feet per face for any monument sign. Not more than two (2) sign faces shall be permitted, and such sign faces shall be parallel.
 - 2) Monument signs shall not exceed six (6) feet in height above existing grade, except where otherwise allowed by this article. Berming incorporated with the placement of the sign shall be included in any height measurement.
 - 3) Monument signs shall be placed in a landscaped area of not less than the area of one face of such sign.

26. Moving Sign - Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves, are prohibited in the City.

27. Multi-tenant Development Sign - A MTDS is a sign that is supported from the grade to the bottom of the sign having, or appearing to have, a solid base or a sign that is supported by poles or supports in or upon the ground independent of any building and is used to identify multiple tenants within a development. A MTDS is permissible on a nonresidential zoned property subject to the following conditions.

- a. *Time* - A sign permit is required. A sign permit shall not be issued to erect, install or place a MTDS on a development containing multiple parcels until a Unified Sign Development Plan has been approved or is approved as part of a Planned Development zoning district. A Unified Sign Development Plan is not required for a MTDS on a single parcel development. A sign permit for a MTDS shall not be issued to erect, install or place a MTDS until a subdivision plat, preliminary site plan, and/or site plan for the property has been approved and after issuance of a building permit for a building within the development.
- b. *Place* -
 - 1) MTDS shall be located within a development that may contain multiple tenants and/or multiple lots under a single development.
 - 2) A MTDS is permitted on the same lot as a Monument Sign, but the total number of MTDS and Monument Signs located within a development shall generally not exceed the number of lots located within the development. The total number of signs shall not be permitted to exceed to the total number of lots in the development when additional MTDS are permitted on a property.
 - 3) The minimum front yard setback for a MTDS is fifteen (15') feet from the property line.
 - 4) No minimum side yard and rear yard setbacks are required for a MTDS, but a MTDS shall not be located closer than seventy-five (75') feet to another MTDS or a Monument Sign.
- c. *Manner* -
 - 1) A MTDS shall be constructed of masonry materials and a design consistent with the buildings located on the property.
 - 2) The maximum area and height of a MTDS shall be based on the classification of the streets adjacent to the development.

Street Classification	Maximum Area	Maximum Height
Local and Collector Streets	Fifteen (15) square feet per tenant up to one hundred twenty (120) square feet inclusive of development identification	Twelve (12') Feet
Arterials	Twenty five (25) square feet per tenant up to three hundred (300) square feet inclusive of development identification	Twenty (20') Feet
Limited Access Highways	Forty (40) square feet per tenant up to six hundred (600) square feet inclusive of development identification	Forty (40') Feet

- 3) Architectural embellishments for MTDS are encouraged. Exceptions in maximum height and area may be considered through the review of the Unified Sign Development Plan.
- 4) One MTDS is permitted per street frontage of the development. One additional MTDS is permitted along a street for each additional seven hundred and fifty (750') linear feet, or portion thereof, of street frontage that exceeds seven hundred and fifty (750') linear feet of street frontage.
- 5) Electronic variable messages are generally not permitted within MTDS but may be considered through the review of the Unified Sign Development Plan.

28. **National or State Flags** - A national or state flag, or both, on any one premises if they do not exceed the total area regulations applicable to freestanding signs for that premises. No sign permit required.

29. **Non-Compliant Sign** - Any sign that does not comply with the standards of this article or other City ordinances. Non-compliant signs are prohibited in the City.

30. **Non-Railroad Related Sign** - A freestanding sign located on any railroad right of way that is not used for or related to railroad operations. Non-Railroad Related Signs are prohibited in the City.

31. **Plaques** - Historical and commemorative plaques of recognized historical societies and organizations. No sign permit is required if the signs are less than fifteen (15) square feet in total area.

-
32. **Portable Sign** - Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure, or is located on the ground. Portable Signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising. Portable Signs are prohibited in the City except as specifically allowed by this Ordinance.
33. **Private Traffic Control Sign** - Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs. No sign permit required.
34. **Prohibited Signs** - It is unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following signs for advertising purposes. These signs are specifically defined within this Article. Abandoned Sign; Audible Sign; Awning Sign (Internally Illuminated); Bandit Signs; Billboards; Blocking of Public Access Signs; Dilapidated Sign; Illegally Placed Sign; Illuminated Sign (High Intensity); Imitation Governmental Sign; Mobile Advertisement Sign; Non-Compliant Sign; Non-Railroad Related Sign; Portable Sign; Roof Sign; and signs which interfere with Sight Visibility.
35. **Projecting Signs** - A sign projecting out from and attached to the exterior wall of any building and forming an angle of thirty (30) degrees or more to said wall.
- Time* - A sign permit is required.
 - Place* - Projecting signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district. Projecting signs shall be a minimum of eight (8) feet vertical distance from the sidewalk grade. No projecting sign shall extend above the adjacent eave or parapet line of the roof.
 - Manner* - The maximum sign area per face shall not exceed one (1) square foot for each linear foot of building frontage.
36. **Pylon Sign** - A sign erected on a vertical framework consisting of two or more uprights supported by the ground independent of support from any building.
- Time* - A Sign permit is required. A Sign permit shall not be issued to erect, install or place a Pylon Sign on a property until a site plan and a sign visibility study has been approved for development of the property and after the issuance of a building permit for a building on the property.
 - Place* - Pylon Signs are permitted in the IC zoning district. The minimum front yard setback for a Pylon Sign is fifteen (15') feet from the property line. The minimum side and rear setback from the property line shall be equal to ten (10) percent of the lot width. Pylon Signs shall not be placed within any

designated or dedicated public utility easements without the approval of an Easement Use Agreement from the appropriate utility. Pylon Signs shall not be placed within two hundred fifty feet of another Pylon Sign.

- c. *Manner* - The maximum area and height of a Pylon Sign shall not exceed three hundred (300) square feet in area or exceed twenty-five (25') feet in height. The supporting structures of any Pylon Sign shall be constructed of approved masonry materials.
37. **Railroad Sign** - Any sign on railroad property placed or maintained in reference to the operation of the railroad. No sign permit required.
 38. **Residential Nameplate** - An un-illuminated nameplate bearing the family name of the occupants residing in the residence.
 - a. *Time* - No sign permit is required.
 - b. *Place* - Allowed in the ARR, SF and MH zoning districts.
 - c. *Manner* - Residential nameplates shall be un-illuminated and shall not exceed one (1) square foot in area.
 39. **Real Estate Sign** - An on-site, temporary stake sign used to advertise a home or residential property for sale or lease. A real estate sign is used to advertise the name of the owner or realtor, telephone number, property information, and/or website address
 - a. *Time* - No sign permit required. A real estate sign may be erected 24 hours each and every day.
 - b. *Place* - A real estate sign shall be erected only on the lot on which the home or property is for sale or lease. A real estate shall be erected no closer than ten (10') feet from the street pavement.
 - c. *Manner* - A real estate sign shall not exceed six (6) square feet in area, except where more than one unit of a condominium is offered for sale, rent or lease, the signs may be combine din a single supporting structure, and the sign area shall not exceed three (3) square feet per unit offered. A maximum of one real estate sign shall be erected on a lot.
 40. **Roof Sign** - Signs located on a roof or attached to a building if it projects above the highest point of the facade or parapet. Roof Signs are prohibited in the City.
 41. **Sight Visibility** - Any sign that violates any sight visibility regulations of the City. These signs are prohibited in the City.
 42. **Signs for Permitted Uses within Residential Zones (Un-illuminated)** - A sign for permitted non-residential uses within certain residential zones including ARR, SF, D, MF, and MH.

- a. *Time* – A sign permit is required.
 - b. *Place* – Allowed in the ARR, SF, D, MF, an MH zoning districts. Nameplate signs shall be setback ten (10) feet from the property line. Such signs shall not be placed within twenty (20) feet of drives providing ingress and egress to the property. These signs shall not be placed higher than twenty-five (25) feet above grade.
 - c. *Manner* – These signs shall not exceed thirty (30) square feet in area.
43. **Signs on outdoor machines, devices, and equipment** - Signs located on outdoor machines, devices or equipment which display the trademark, trade name, manufacturer, cost, or operating or service instructions or similar information but do not advertise the business where located. This exemption includes signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automotive vacuum cleaners, amusement rides, and similar machines, devices, or equipment. No sign permit required.
44. **Signs on persons** - Hand-held signs on persons. No sign permit required.
45. **Stake Sign** - A temporary sign with a base/stake commonly made of metal, wood or other similar material approved by the Zoning Administrator with an end for driving into the ground.
- a. *Time* – A stake sign may only be displayed between the weekend hours of 8:00 a.m. on Friday to 10:00 a.m. on the following Monday. A stake sign that advertises a particular event or happening must be removed within three (3) days after the conclusion of the event by the owner of the premises on which it is located.
 - b. *Place* – A stake sign may not be located within the right-of-way of a public street or within a railroad right-of-way. On any City property that is used as an election polling place, a person may place a stake sign on the City property in an area designated by the City Manager, beginning on the eighteenth (18th) day prior to the election date and continuing to the end of the day following the election, if the stake sign meets all the regulations of this section and contains only noncommercial messages. The City may remove and dispose of any sign that does not comply with these regulations.
 - c. *Manner* – A stake sign may not have a total area in excess of nine (9) square feet or a height in excess of four (4) feet.
46. **Temporary Freestanding Sign (Type 1)** – A temporary on-premise sign erected for the purposes of advertising a business or property on that site.
- a. *Time* - No permit is required to erect and maintain one freestanding sign on any one premises for a maximum of seventy-five (75) days in any one (1) calendar year.

- b. *Place* – Setback fifteen (15) feet from the property line and is not located within a sight visibility area.
 - c. *Manner* – Temporary freestanding signs (Type 1) shall have a height of ten (10) feet or less; have a total area of thirty-two (32) square feet or less and is unlighted. Temporary freestanding signs (Type 1) shall not contain off-premise advertising.
- 47. Temporary Freestanding Sign (Type 2)** – A temporary on-premise sign.
- a. *Time* – A sign permit is required. The permit shall be valid for one (1) year and renewable for one (1) additional year, one (1) temporary freestanding sign on any one premises. The sign must be in compliance with the place and manner sections of this definition.
 - b. *Place* – Setback fifteen (15) feet from the property line and is not located within a sight visibility area.
 - c. *Manner* – Temporary freestanding signs (Type 2) shall be constructed as follows:
 - 1) Is unlighted;
 - 2) The face is fabricated of one-half (1/2) inch thick medium density overlay plywood of yellow treated pine mounted on both sides of a frame with dimensions of four (4) feet by four (4) feet where no part of the frame or posts extend beyond the sign faces at the sides or top of the sign;
 - 3) The plywood face of the sign is four (4) feet in width and eight (8) feet in height and extends down to within six (6) inches of the ground;
 - 4) The sign is anchored by two (2) four (4) inch by four (4) inch yellow pine treated posts anchored in sand filled holes extending down at least two feet in the ground; and
 - 5) The plywood face is securely held to the frame by galvanized nails or screws installed with the heads flush to the surface; all seams are tight; all holes are filled and sanded smooth; and all surfaces are coated with primer and painted with good quality exterior grade semi gloss paint.
- 48. Temporary Identification Banner** - In addition to the limitations of this ordinance any owner, tenant or occupant of a lot not otherwise having a permitted permanent sign shall be entitled to a banner for a period not to exceed sixty (60) days to direct attention to the name of the owner or occupant of the premise upon which the banner is placed, or identifying the premises; or advertising goods manufactured or produced or services rendered on the premises upon which the banner is placed pending the installation of a permanent sign.

49. **Temporary Sign** - Any sign used to display information that relates to a land use, or a sign with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this Article as Balloon Sign; Banners; Grand Opening Banner; Temporary Freestanding Sign (Types 1 and 2); Temporary Identification Banner; Stake Sign; and Wind Device Sign.
50. **Unified Sign Development Plan** - A Unified Sign Development Plan is required to be prepared for requests for innovative or unusual signs which may require a variance to this Article. A Unified Sign Development Plan shall contain the following information:
- a. Elevations of the signs illustrating the materials of construction, colors, lighting, fonts of letters, and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building;
 - b. Elevations depicting the size of the signs in relation to the size of the buildings within the development;
 - c. A plan drawn to the site plan as it currently exists or may be amended, of the site illustrating the location of existing and proposed signs on the property and, if required by City staff, on adjacent properties;
 - d. Other information to illustrate the consistency and uniformity of the signs; and
 - e. For nonresidential developments, the Unified Development Sign Plan shall be submitted to the City for review with a site plan of the property.
 - f. The Unified Development Sign Plan will be reviewed by the Zoning Administrator and considered for approval by the City Council, after recommendation by the Planning Commission. The City Council may approve or deny the Unified Development Sign Plan. The decision the City Council is discretionary. The City Council's decision is final.
51. **Unused Signs** - Signs being manufactured or transported and not used for advertising. No sign permit required.
52. **Utility and Hazard Signs** - Signs marking utility or underground communication or transmission lines and hazards. No sign permit is required.
53. **Vehicle Sign** - A sign attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; however, any vehicle, whether operable or not, shall not be parked and/or decorated where the intent is to use the vehicle as advertising. vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

- a. *Time* - No sign permit required. Vehicle signs are allowed 24 hours each and every continuing day.
 - b. *Place* - Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right-of-way or placed in a manner that the vehicle sign is readily visible from an adjacent right-of-way. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the vehicle sign is readily visible from an adjacent public right-of-way are prohibited, with the exception that one vehicle may contain a "for sale" sign parked or placed at an occupied single-family, two-family, townhome, or multifamily dwelling unit is permitted.
 - c. *Manner*. Vehicle signs are permitted provided that:
 - 1) The primary purpose of the sign is not for display of the sign;
 - 2) The signs are painted upon or applied directly to an integral part of the vehicle;
 - 3) The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the business to which such signs relates;
 - 4) The vehicle is not used as a static display, advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the public.
54. **Wall Signs** - Any sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall. A Wall Sign is a sign erected parallel to and extending not more than sixteen (16") inches from the facade of any building to which it is attached, supported throughout its entire length by the building face. Wall Signs are permissible subject to the following conditions and upon issuance of a sign permit.
- a. *Time* - A sign permit is required. Wall signs may not be issued for any structure until they have been approved by the Zoning Administrator.
 - b. *Place* - Wall signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district.
 - c. *Manner* - Wall signs shall conform to the following standards:
 - 1) Front wall signs shall be flush against the face of the building and not projecting more than sixteen (16) inches therefrom. Sign area shall not exceed fifteen (15) percent of the area of the front wall of the building.
 - 2) Rear wall signs flush against the rear wall of a building and not projecting more than sixteen (16) inches therefrom shall only be permitted if the rear wall of the building faces a street, parking area, or pedestrian

area and shall not exceed ten (10) percent of said rear wall in total sign area or three hundred (300) square feet, whichever is less.

- 3) Side wall signs flush against the side wall of the building and not projecting more than sixteen (16) inches therefrom may be permitted a total sign area not to exceed seven and one half (7.5%) percent of said side wall, except a total sign area up to fifteen (15) percent of the area of the wall may be permitted where the side wall faces a street.
- 4) For multi tenant buildings the total area regulations apply to that portion of the building facade leased to each tenant.
- 5) A wall sign may not extend above the highest point of the building to which it is attached.

55. **Wind Device Sign** - Any devices made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or moves freely in the wind, with or without a frame or other structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product. Wind device signs may not extend beyond the property lines of the premises where located, over any public highway, street or sidewalk, or to a greater height than the maximum height allowed for a structure on the premises.

56. **Windows and Door Sign** - Signs painted on or placed on and supported by the glass surfaces of windows or doors, if not illuminated with the intent of being viewed from the public street. No sign permit required.

E. MANNER OF MEASUREMENT

1. The size of a sign is determined by its total area. For freestanding signs, the total area includes the entire structure on which all signs are placed or mounted.
2. The setback is measured perpendicularly from the curb line to the closest point of the sign.
3. The height of a sign is measured from the natural ground level at the base of the sign to the highest point of the sign.
4. The width of a sign is measured along a line drawn from the outermost edges of the sign, parallel to the ground.
5. Directional signs or incidental signs are signs such as "entrance" or "exit" that give information but do not contain advertisements. They require a sign permit but do not count toward the size requirements of this section.
6. Informational signs are signs that give information of a non-commercial or advertising nature such as historic markers, highway identification markers, or traffic signs within the parking area of a building. They require a sign permit but do not count toward the size requirements of this document.

F. NONCONFORMING SIGNS

Nonconforming signs are allowed if the sign was erected in compliance with the regulations in effect prior to the effective date of this ordinance or was lawfully in place at the time the sign was annexed into the City.

1. The owner of a nonconforming sign must register the sign with the City by completing a form provided for that purpose by the City.
2. A freestanding sign becomes nonconforming if not removed within thirty (30) days of the date the sign becomes an abandoned sign. Within sixty (60) days of the date a freestanding sign becomes an abandoned sign, the message portion of the sign must be painted over, covered, removed, or modified so that the remaining sign structure is left visually unobtrusive, presents a solid facade, and does not appear to be in disrepair or dismantled, as approved or required by the City's employee administering the regulations of this Article.
3. Any nonconforming sign, including its supporting structure, which is destroyed, damaged, dilapidated or deteriorated must not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of sixty (60) percent of the reproduction cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated or deteriorated, unless such alteration or repair makes the sign conforming. A person may not repair, renovate or alter a nonconforming sign without first receiving a sign permit. A permit is not required to repaint a sign.
 - a. The Zoning Administrator may, whenever deemed necessary to reasonably determine the applicability of this Article, require the owner of the nonconforming sign to submit two or more independent estimates from established sign companies of the cost of replacing, repairing or renovating, in whole or in part, the existing nonconforming sign and two or more independent estimates from established sign companies of the reproduction cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated or deteriorated.
 - b. Any part of a sign or the supporting structure of a sign that is a nonconforming use may be repaired or renovated only by the use of the types of materials and dimensions of materials that are the same as the parts of the sign or supporting structure being repaired or renovated.

ARTICLE 10 –SITE PLAN REQUIREMENTS AND DESIGN STANDARDS

A. PURPOSE AND INTENT

The purpose and intent of this Article is to regulate the manner in which land in the City of Lorena is used and developed, to minimize adverse effects on surrounding property owners or the general public and ensure that high quality development is maintained throughout the community.

B. SITE PLAN APPLICATION

The standards of this Article shall apply to those developments that are in zoning districts that require compliance with design standards and meet the following thresholds:

1. Any building containing multifamily dwelling units
2. All new non-residential structures
3. Any increase in an existing non-residential structure that is greater than 25% of the gross floor area of the existing structure
4. The conversion of a residential structure to a non-residential structure
5. The creation or expansion of a parking lot for non-residential uses

C. PROCEDURE

1. A site review is required for any development that is required to meet the requirements of this Article.
2. The staff permit procedure will be used to process a request for a site review permit.

D. PLANS REQUIRED

The following information shall be required for all developments requiring a site review. It may be submitted in one or several maps and written material, as deemed appropriate by the Zoning Administrator.

1. A site plan containing the following:
 - a. Project name
 - b. Vicinity map
 - c. Scale, no less than one (1) inch equals fifty (50) feet

- d. North arrow
- e. Date
- f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks and bikeways.
- g. Lot layout with dimensions for all lot lines.
- h. Zoning designations of the proposed development
- i. Zoning designations adjacent to the proposed development
- j. Location and use of all proposed and existing buildings, fences and structures within the proposed development and within two hundred (200) feet of the proposed development, including any right of way or public utility easements. Indicate which buildings are to remain and which are to be removed.
- k. Location and size of all existing and proposed public utilities in and adjacent to the proposed development with the locations shown of:
 - 1) Water lines and diameters
 - 2) Sewers, manholes and cleanouts
 - 3) Storm drains and inlets
 - 4) Electric and gas
 - 5) Telecommunication
- l. The proposed location of :
 - 1) Connection the City water system
 - 2) Connection to the City sewer system
 - 3) The proposed method of drainage of the site
 - 4) The proposed method of erosion and sedimentation control
 - 5) The extent of clearing and grading
- m. Location, size and use of contemplated and existing public areas within the proposed development.
- n. Fire hydrants proposed to be located within the site.

- o. A topographic map of the site and the area adjacent within two hundred (200) feet at a contour interval of no more than two (2) feet.
- p. Location of all parking areas and all parking spaces, ingress and egress on the site, fire lanes and on-site circulation.
- q. Use designations for all areas not covered by buildings, parking or landscaping.
- r. Locations of all significant landscape features including, but not limited to, any existing healthy trees greater than six inches and larger, and generally forested areas, and creeks, wetlands, one hundred (100) year floodplains, or ponds existing on the site and fifty (50) feet outside the site boundary. Indicate any planned modifications to a natural feature.
- s. A landscape plan showing in detail the location, type and size of the proposed landscaping and plantings as required by Article 8.
- t. The elevations, surface area in square feet, illumination type, height and construction (material and style) and locations of all proposed signs for the development.
- u. Architectural elevations for all buildings proposed on the property. Such plans shall indicate the material, color, texture, windows, doors and other design features of the building, including all visible mechanical equipment, such as for heating and cooling. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet or greater or a comparable scale.
- v. A written summary showing the following:
 - 1) For commercial developments:
 - aa. The total area contained in the area proposed to be developed.
 - bb. The area and percentage of the lot covered by structures.
 - cc. The area and percentage of the lot covered by other impervious surfaces.
 - dd. The total number of parking spaces.
 - ee. The total area of all landscaped open space areas.
 - ff. The total area covered by tree canopy at maturity of the trees.
 - 2) For residential developments:
 - aa. The total gross area in the development.
 - bb. The number of dwelling units in the development.

cc. Area and percentage of lot covered by:

1. Structures
2. Streets, roads and alleys
3. Sidewalks
4. Recreation areas
5. Landscaping
6. The total area covered by tree canopy at maturity of the trees
7. Parking areas
8. Impervious surfaces

E. CRITERIA FOR APPROVAL

The following criteria shall be used to approve or deny a site plan:

1. All applicable City of Lorena ordinances have been met and will be met by the proposed development.
2. All requirements of the Site Plan Article have been met.
3. That adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity and adequate public facilities for transportation can and will be provided to and through the subject property.

F. POWER TO AMEND PLANS

When approving an application for a site design and use, the Planning Commission may include any or all of the following conditions if they find it necessary to meet the intent and purpose and the criteria for approval of this Article:

1. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.
2. Require the modification or revision of the placement, design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the standards.
3. Require the type and placement of shielding of lights for outdoor circulation and parking.
4. Require new developments which produce more than 1,000 vehicle trips per day to provide traffic mitigation by means of traffic signals, traffic controls and turning islands, landscaping or any other means necessary to insure the viability, safety and integrity of the major street as a through corridor.

5. Require pedestrian access, separate pedestrian access ways and sidewalks in new developments.

G. DEVELOPMENT STANDARDS

The following design standards shall apply generally and by use type within the zoning district in which the development is proposed.

1. Exterior Construction Standards, Generally
 - a. *Masonry Construction.* This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting minimum requirements for the exterior construction of building within each zoning district, this term shall include the following materials:
 - 1) *Hard Fired Brick.* Kiln fired clay or slate material. Brick may include concrete brick if it is to the same ASTM standard for construction as typical hard fired clay brick. Brick shall be severe weather grades; minimum thickness of three (3") inches when applied as a veneer; and shall not include unfired or under fired clay, sand, or shale brick.
 - 2) *Stone.* Stone shall include naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction. Stone may also include cast-or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance; its coloration is integral to the masonry materials and shall not be painted or sprayed on; and it is demonstrated to be highly durable and maintenance-free. Natural or man-made stone shall have a minimum thickness that meets industry standards.
 - 3) *Decorative Concrete Block.* Decorative Concrete Block shall include highly textured finish, such as split-face, indented, hammered, fluted, ribbed or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted or sprayed on. Decorative Concrete Block shall have a minimum thickness that meets industry standards when applied as a veneer and shall not include lightweight or featherweight concrete block or cinder block units. Decorative Concrete Block shall not be used as a material in single-family, duplex, multi-family, or single-family attached structures.
 - 4) *Concrete Pre-Cast or Tilt-Wall Panels.* This material shall only be allowed if a highly textured architectural finish which appears texturally as face brick or stone. Concrete pre-cast or tilt-wall panels may be brick-like or stone-like in appearance. Coloration of the material shall be integral to the masonry material and shall not be painted on or sprayed on. This

material shall not include smooth, un-textured or inadequately textured finishes. Concrete pre-cast or tilt-wall panels shall not be used as a material in single-family, duplex, multi-family, or single-family attached structures.

5) *Glass Blocks or Tiles.* This material shall be of the type customarily used in exterior building construction. It shall not comprise more than thirty (30%) percent of any exterior wall surface, nor more than twenty (20%) of the building's total exterior on all wall surfaces combined. It shall not be highly reflective or contain a mirror-like finish.

b. *Prohibited Materials.* Unless specifically approved by the City Council on an approved site plan for single-family, single family attached, attached multi-family, institutional, office, retail, commercial, industrial, or other non-residential structures, the following materials shall not qualify or be defined as "masonry construction" in meeting the minimum requirements for the exterior construction of buildings:

- 1) Stucco, exterior plaster, adobe or mortar wash, surface materials;
- 2) Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
- 3) Cementitious fiber board siding (such as "Hardy Plank, Hardy Board, etc.);
- 4) PVC or other plastic-based siding materials;
- 5) Lightweight or featherweight concrete blocks, cinder blocks or other lightweight based masonry unit;
- 6) Any other cementitious product not listed above.

2. Minimum Design Standards.

The standards and criteria contained within this subsection are deemed to be the minimum standards and shall apply to all new building construction or redevelopment occurring within the City unless otherwise stated in this Ordinance.

3. Single Family and Duplex Residential Zoning Districts

The design standards for all single family and duplex residential structures within the Agricultural Rural Residential District (ARR); Single Family District (SF) and Duplex District (D) shall be as follows:

- a. All single-family and duplex structures shall be of exterior fire-resistant construction, and shall have a minimum of seventy-five (75%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%)

percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor.

- b. Areas of a single-family or duplex structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of four feet (4') deep and eight (8') feet wide (thirty two [32] square feet), chimneys, breezeways, or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
- c. *Prohibited materials.* Concrete, concrete block, vinyl, plastic, or metal exterior construction is not permitted on any single-family or duplex residential structure.
- d. *Roof materials.* Roof materials for a single-family or duplex structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth Tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.
- e. *Chimney Stacks.* All chimney stacks for single family or duplex structures shall be of one hundred (100%) percent masonry construction.
- f. *Elevation articulation.* The elevation of a single family or duplex structure, including garages facing the street shall contain at least one section of at least twenty (20%) percent of the total street elevation that is offset at least two (2') feet from the remainder of the street elevation.
- g. Accessory structures. Within the (ARR), (SF), or (D) zoning districts any accessory structure associated with single family and duplex structures shall conform with the following:
 - 1) Accessory structures one hundred twenty (120) square feet or less are excluded from the construction standards for residential construction.
 - 2) Accessory structures, larger than one hundred twenty (120) square feet up to two hundred (200) square feet may be constructed using lightweight masonry siding and/or lightweight masonry soffit boards as defined in Section G.1.a above and/or manufactured pre-finished wood siding, in lieu of other masonry construction materials. The pitch of the roof of said accessory structure shall be no less than a 3 to 12 ratio and no greater than 6 to 12 ratio.

- 3) All accessory structures, larger than two hundred (200) square feet, shall be constructed of the same material as the primary structure. The pitch of the roof of said accessory structure shall be no less than a 3 to 12 ratio and no greater than 6 to 12 ratio.
 - 4) The use of exposed metal exterior walls and finishes shall be allowed only for barns and agricultural structures in the ARR District.
- h. *Non-residential buildings.* Any non-residential building constructed within the (ARR), (SF), or (D) zoning districts shall conform to the design standards of subsection (6) below.
- i. *Newly Constructed Single-Family Dwelling Required Architectural Features.* All newly constructed single-family dwellings are required to comply with the following architectural features:
- 1) Garage spaces for a minimum of two (2) vehicles shall be attached to the primary structure and shall be located behind the required building setback lines;
 - 2) Wood or stained fiberglass or metal simulated wood grain front door;
 - 3) No Façade may be repeated within any adjacent lots or across the street from those lots within groupings of five (5) homes;
 - 4) Concealed HVAC units, trash storage and utility meters;
 - 5) If brick is used, brick shall be properly detailed. Brick shall be coursed exactly to the top and bottom of all wall openings;
 - 6) Windows shall be single hung, double hung, triple hung, or casement;
 - 7) Flush mounted windows are prohibited;
 - 8) Windows are to be placed on each wall elevation with a wall to window ratio that meets the light and air requirements of the building code;
 - 9) If shutters are used, shutters shall be one-half the width of, and the same height of the associated opening. All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building. Shutters do not need to be operable;
 - 10) Gutters shall be copper, galvanized steel, aluminum or painted if exposed;
 - 11) Dormers shall not use siding as window jamb material;

- 12) The body of a single-window dormer shall be vertically proportioned or square;
 - 13) If chimneys are visible, they shall have a projecting cap;
 - 14) If chimneys are located on a street facing wall, they shall extend to the ground;
 - 15) If a porch is used, the porch column base shall not protrude beyond the bottom edge of the porch flooring.
- j. *Additional Newly Constructed Single Family Dwelling Architectural Features.* All newly constructed single family dwellings shall contain at least four (4) of the following architectural features:
- 1) Stoop and portico at the front door
 - 2) Front porch
 - 3) Front porch or front stoop steps and railing
 - 4) Front porch roof
 - 5) Decorative or architectural porch railing
 - 6) Second story porch
 - 7) If brick or stucco is used, a stone base below first floor window shall be installed
 - 8) Trim at gable rake
 - 9) Decorative roof finials or ornamentation
 - 10) Decorative attic or gable feature greater than 3 SF in size
 - 11) Trim at windows and doors of the street façade
 - 12) Arched window head or heads (depending on architectural style) on street façade
 - 13) Dormer with window
 - 14) Window shutters on street façade
 - 15) Divided light windows
 - 16) Decorative concrete driveway

4. Old Town District (OT)

Within the Old Town District (OT), design standards specifically cited within this Ordinance and within other applicable City Codes, may differ from those required in newly developed or developing area of the City due to the original town site's unique character and history.

- a. Within the Old Town District area all new single-family and duplex homes shall have a minimum of fifty (50%) masonry construction and at least an additional thirty (30%) of other cementitious siding materials which may include: simulated wood siding, stucco, or EIFS. Therefore at least eighty (80%) of the total exterior surface of the single-family or duplex structure constructed with durable, low maintenance, masonry-like materials.
- b. Accessory Structures: Accessory structures, regardless of size, within the Old Town (OT) zoning district shall conform to the minimum exterior construction standards for the main building on the lot, tract, or site, and shall be architecturally compatible with the main building. No metal siding shall be used for exterior finishes.

Accessory structures may be granted by the City Council by CUP on adjacent lots if the lots are under the same ownership.

5. Multi-Family and Single-Family Attached Residential Zoning District

The design standards for all multi-family and single-family attached structures within the Multi-Family (MF) zoning district shall be as follows:

- a. All multi-family and single-family attached residential structures shall be of exterior fire-resistant construction and shall have a minimum of seventy five (75%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%) percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor.
- b. Areas of a multi-family or single-family detached structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of (4') feet deep and eight (8') feet wide (thirty [32] square feet), chimneys, breezeways, or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
- c. *Prohibited materials.* Concrete, concrete block, vinyl, plastic or metal exterior construction is not permitted on any multi-family or single-family attached structure.
- d. *Roof materials.* Roof materials for a single-family or duplex structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth Tones are

defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.

- e. *Accessory structures.* Accessory structures, regardless of size, within the multi-family (MF) zoning district shall conform to the minimum exterior construction standards for the main building on the lot, tract, site, and shall be architecturally compatible with the main building

6. Non-Residential and Institutional Zoning Districts

The design standards for all non-residential and institutional structures within the Neighborhood Center (NC), Public Institutional (P) and Business Park (BP) zoning districts, shall be as follows:

- a. All non-residential and institutional structures in any zoning district, except (IC), shall have a minimum of seventy-five (75%) percent masonry construction, more -or-less equally distributed around all sides of the building, for the first story defined as below the first floor ceiling plate, and a minimum of fifty (50%) for any story above. Any façade that faces, or is visible from a public street, shall have a minimum of seventy-five (75%) percent masonry construction, and all other façades shall be comprised of not less than fifty (50%) percent masonry construction.
- b. Areas of a non-residential or institutional structure's façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
- c. *Metal exterior material use.* Metal exterior construction is prohibited on any non-residential or institutional structure which is located within any zoning district, save and except the following:
 - 1) Structures located on a through lot that both fronts and backs onto a public street. The rear façade, which must be located equal to or more than one thousand (1,000') feet from the public street, may use metal exterior construction upon approval of the Site Plan by the City Council, and;
 - 2) Upon approval of the Site Plan by the City Council, non-residential and institutional structures within any the (NC), (P) or (BP) zoning districts may use metal as an exterior material on up to twenty (20%) percent of the façade as an architectural accent.
 - aa. The use of any type of metal for exterior building construction shall be clearly shown on the Site Plan and shall only be allowed with the Site Plan approval. The exterior finish of meal used in exterior construction shall be permanent, maintenance free nature such as a

baked-on finish unless approved otherwise on the Site Plan. The use of corrugated, galvanized, aluminum-coated, zinc-coated unfinished, or similar metal surfaces shall be prohibited unless approved otherwise on the Site Plan.

- d. *Roof materials.* Any roof materials for a non-residential or institutional structure that are visible from a public street shall be comprised of laminated, dimensional composition shingle (twenty-five [25] year minimum); Roof materials for a single-family or duplex structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth Tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. For non-residential or institutional structures where the roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required. Non-residential or institutional structures with a flat-roof shall have highly articulated parapet that conceals the roof and any roof mounted mechanical equipment.
7. *Structural exceptions to masonry standards.* The following structures are exempt from the masonry construction requirements.
 - a. Barns located on the lots/tracts of three (3) acres or more provided that such barns are used solely for agricultural purposes (as distinguished from commercial purposes).
 - b. Mobile homes and HUD-Code manufactured homes otherwise lawfully existing as of (the date of this ordinance).
 - c. Historic homes and structures as recognized by an established Historical Preservation Association or Authority.
 - d. Temporary construction buildings, field offices, sales offices and temporary classrooms or storage buildings for the public school. The exception shall be only provided that such facilities are legally permitted by the City for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first.
 - e. Residential and non-residential structures legally in existence as of (date of this ordinance), and any additions to such structures that do not cumulatively exceed twenty (20%) percent of the original building size (as it existed on date of this ordinance). Such additions shall be allowed to be constructed of the same exterior materials as the original building.

8. Use of Alternative Exterior Materials.
- a. All written requests for the use of alternative exterior building materials to include alternative roof material and/or roofing color and alternative roof pitch shall be clearly noted and described in detail on a color rendering of the structure's elevation that is submitted along with the site plan for approval. The use of alternative exterior building materials, roof pitch and roof materials and/or color may only be requested for multi-family, single-family attached and non-residential structures. The City may require submissions of an actual sample(s) of the proposed exterior finish material(s) along with the elevation(s) and the site plan.
 - b. The Planning and Zoning Commission may recommend, and the City Council may approve, all alternative exterior construction material(s), roof pitch and roof materials and/or color if it is determined to be equivalent or better than the exterior materials, roof pitch, or roof materials and/or colors otherwise required by this Subsection and the City's Building Code as part of the site plan approval process.
 - c. Consideration for exceptions to the above exterior construction requirements shall be based only upon the following:
 - 1) Architectural design, creativity and innovation;
 - 2) Compatibility with surrounding structures;
 - 3) Relative ease of maintenance of the material(s);
 - 4) Long term durability and weather-resistance of the materials(s); and
 - 5) Long-term stability in property value due to the high quality of the material(s).
9. Interstate 35 Planned Corridor District (IC)
- a. *Boundary.* The Interstate 35 Planned Corridor District zoning district applies to the entire length of the Interstate within the City limits. The Interstate 35 Planned Corridor District zoning district is defined as the land including:
 - 1) Tracts of land that abut or adjoin a public street or an intersection with I-35;
 - 2) Tracts of land that are developed used, managed, or marketed as a group that includes a tract of land that abuts or adjoins a public or private access street or an intersection with I-35; or
 - 3) Tracts of land that shares parking space with a tract of land that abuts or adjoins a public or private access street or an intersection with I-35.
 - b. *Site Plan Review.*

- 1) A Site Plan must be submitted, reviewed and approved prior to construction for all developments proposed on a tract of land within the Interstate 35 Planned Corridor District zoning district.
- 2) The Site Plan must contain sufficient information demonstrating compliance with all of the applicable requirements of this overlay zoning district and any additional information required by the Zoning Administrator.
- 3) In reviewing the Site Plan, the City may consider other factors that may be relevant to a particular application, which may include the following:
 - aa. The relationship to neighboring properties;
 - bb. The zoning and the uses of nearby properties;
 - cc. The extent to which the proposed use would substantially harm the value of nearby properties;
 - dd. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property;
 - ee. The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection are available and adequate to serve the proposed use;
 - ff. The conformance of the proposed use to the Interstate 35 Planned Corridor District, the Comprehensive Plan and other adopted planning policies; and
 - gg. The recommendation of the professional staff.
- c. *Tree Preservation.* The purpose for these tree preservation standards is to protect the natural beauty of the city, decrease soil erosion, prevent clear cutting and preserve many existing hardwood and canopy trees. Efforts should be made to protect trees on site. All trees over six inches in diameter at breast height (DBH) located within the floodplain plus the area within 300 feet of the floodplain must be protected. A \$100 per caliper-inch fee payable to the Parks Department may be made for trees that cannot be accommodated after the required landscape elements are added. Tree mitigation requirements and fees do not apply to Bois D' Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees on the site. The tree mitigation requirements do not count toward required landscape in paragraph (f) below. Tree mitigation requirements are as follows:
 - 1) A tree survey and preservation plan is required with the site plan submittal. The tree survey must be signed and sealed by a licensed landscape architect, arborist, engineer or land surveyor.

- 2) The location, diameter, height and common name of all trees with more than a six-inch DBH must be shown on the plan.
 - 3) The removal of protected trees must be replaced on the property by planting new trees, found in the Plant List in paragraph (g) below, that are equal to the total caliper-inches of the removed trees.
- d. *Parking.* Parking presents one of the greatest challenges in creating an appealing image for public and private property. Parking may be provided in surface lots, parking structures, beneath buildings or below grade, in whatever combination that meets the needs for spaces required in by this Ordinance.
- 1) Curb and gutter six (6) inches in height is required around the perimeter of the parking area and all landscaped parking islands.
 - 2) Parking aisles must be designed to be perpendicular to the front of the principal building.
 - 3) Parking to the side and rear of buildings is encouraged and preferred.
 - 4) Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
 - 5) Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
 - 6) Parking spaces that face and are adjacent to a building must utilize wheel stops.
 - 7) Wheel stops are required adjacent to all landscaped areas.
 - 8) Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least six (6) feet in width (eight (8) feet if parking spaces front both sides).
 - 9) All parking must be landscaped and screened per the standards set forth in paragraph f below.
 - 10) No parking is allowed in the landscape buffer.
 - 11) *Lot Connectivity*
 - aa. The following access and circulation standards serve as an guide to access management. Individual design will vary based on lot size and location.
 - bb. Notwithstanding the provisions of this section, the Texas Department of Transportation requires access points on state-maintained roads to conform with its access management policies.

- cc. Parking lots shall be connected with parking lots on adjacent properties where possible. These shall take the form of backage roads or cross access easements connecting the properties.
 - dd. Backage roads are intended to serve primarily non-residential land uses that front onto a state highway. They differ from frontage roads in that buildings, landscaping or other uses are to be constructed between the highway and the road.
 - ee. Residential uses should not have direct vehicular access to backage roads so as to prevent cut through traffic or other potentially unsafe traffic conditions.
 - ff. Backage roads are strongly encouraged to be public but may be private where it is clearly demonstrated that trip generations and travel patterns will not benefit from a public facility. Where a backage road is private, cross-access agreements with adjacent properties will be required to accomplish the desired circulation goals.
 - gg. Common, shared parking facilities are encouraged.
- e. Screening and Wall Standards
- 1) All garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of I-35. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Zoning Administrator, but must be screened by a masonry wing wall matching the architectural style and color of the building or an opaque landscape screen containing three-inch caliper hardwood canopy trees, and five-gallon shrubs, as described in the Plant List in subsection (g) below.
 - 2) Any public utility stations, such as lift stations and electric sub-stations, must be screened from public view with a masonry wall matching the architectural style and color of the building.
 - 3) A masonry wall matching the architectural style and color of the building must be located between properties when a multiple-family or nonresidential use abuts a residential use or zoning district. Such wall must not be less than six (6) feet or more than eight (8) feet in height, and constructed at grade along the abutting property line. The screening wall is not required if a comparable screening wall in satisfactory condition already exists on the abutting property.
 - 4) Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within one hundred (100) feet of any public

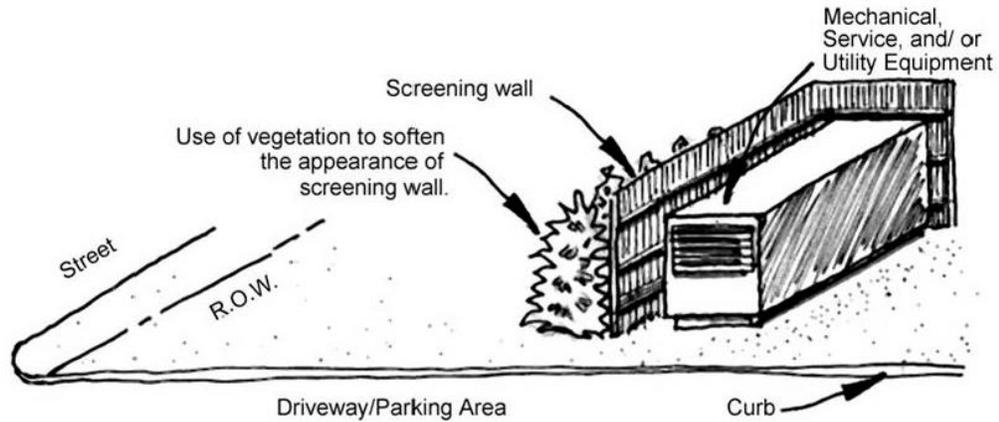
street right-of-way, unless a masonry screening wall matching the architectural style and color of the building is used.

aa. *Vehicle Loading and Unloading Zones and Service Areas.* Screening for vehicle loading and unloading zones must consist of a continuous solid masonry wall to match the color and style of the building, earthen berms or evergreen opaque landscaping a minimum of six feet (6) in height. Landscape screening must be solid and reach a minimum height of six (6) feet within two (2) years of the issue date of the Certificate of Occupancy for the building or change of use.

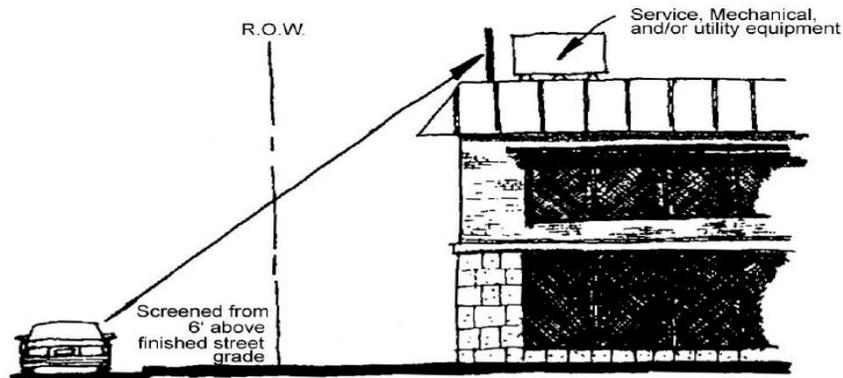
bb. *Refuse Storage and Compactors.* Refuse storage and compactors must be enclosed on three (3) sides by a solid wall of wood or masonry to match the color and style of the building and be a minimum of one (1) foot taller than the equipment being screened. The enclosure must have a minimum eight (8) foot self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste collections. The refuse storage and compactors must not be located in required setbacks.

cc. *Mechanical and Utility Equipment.*

1. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces I-35, in which case such equipment must be located on the side least visible from a public street right-of-way. Reduce pressure zones are allowed in front of the building if properly landscaped.
2. If such equipment is visible from a public street right-of-way, the screening materials must be one hundred (100) percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one (1) foot taller than the equipment being screened.



3. All roof-mounted equipment must be screened from a vantage point that is six (6) feet above finished street grade with materials that are one hundred (100) percent opaque. In all cases, screening must be compatible with building color and materials.

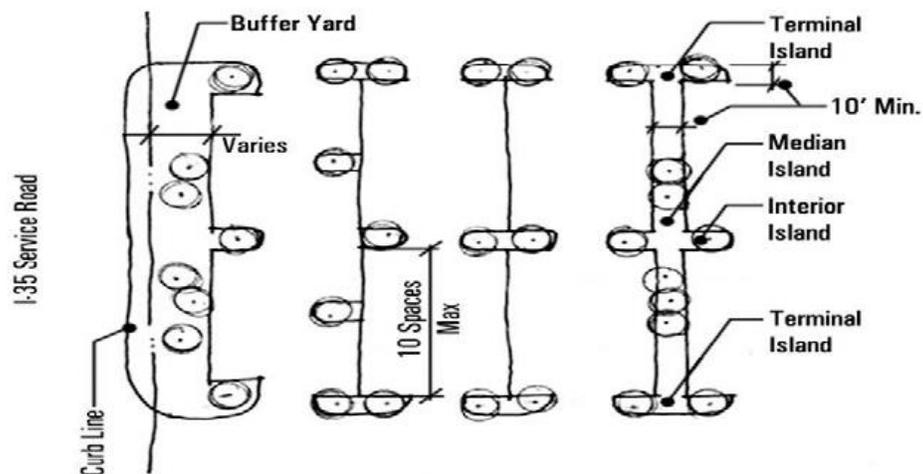


- f. *Landscape.* Each site must provide a minimum of the following landscape elements. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List in paragraph (g) below. Xeriscape landscape plants and materials may be considered as an alternative with drought-tolerant and native species. If decomposed/crushed granite, river rock or other similar material is used as ground cover, the number of plant materials shall be increased by fifteen (15) percent.

- 1) A total of fifteen (15) percent of the total site area must be landscaped with living approved trees, shrubs and groundcovers. Such landscape areas must consist of approved plants and irrigation covering one hundred (100) percent of the required landscaped area.
- 2) All required landscaping must be maintained in good condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies within thirty (30) days.
- 3) Areas not covered by building or pavement must be landscaped.

- 4) Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.
- 5) Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five (5) gallon shrubs planted a minimum of thirty (30) inches on center.
- 6) Foundation plantings are required within a planting area a minimum of six (6) feet in width along seventy (70) percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.
- 7) All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.
- 8) A landscape buffer is required adjacent to any public street right-of-way as follows.
 - aa. Required landscape buffer shall be minimum thirty (30) feet in depth from the right-of-way. The landscape buffer may include sidewalks.
 - bb. One (1) minimum three (3) inch caliper canopy tree, as set forth in the Plant List (paragraph (g)), must be planted for each thirty (30) feet of frontage along public street rights-of-way as measured along the lot lines.
 - cc. Required trees must not be planted in a regular interval, but in clusters.
 - dd. A minimum sixty (60) percent of required trees must be evergreen with year around foliage.
 - ee. A minimum twenty (20) percent of the required landscape buffer must have native grass beds or wildflowers.
 - ff. Berms not less than twenty-four (24) inches nor more than forty-eight (48) inches in height at no more than a four to one (4:1) slope are required in the landscape buffer, covering a minimum of fifty (50) percent of the buffer area.
- 9) Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are thirty (30) inches to four forty-eight (48) inches in height:

- aa. Parking lot or vehicle use area;
 - bb. Fuel pumps visible from the direction of traffic flow; or
 - cc. Vehicle drive-through window facing the street or traffic flow.
- 10) Meandering sidewalks a minimum of five (5) feet in width are required within the landscape buffer the entire length of the street frontage of any street that intersects or runs immediately parallel with I-35.
- 11) Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area.
- aa. *Interior Islands.* A curbed landscape island must be provided for every ten (10) parking spaces. Each island must be a minimum of one hundred seventy (170) square feet in area and ten (10) feet in width back-of-curb to back-of-curb. A minimum three (3) inch caliper tree is required in each island.
 - bb. *Terminal Islands.* All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of three hundred sixty (360) square feet in area and contain two (2) minimum three (3) inch caliper trees.
 - cc. *Median Islands.* A curbed median island a minimum of ten (10) feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island contain one (1) minimum three (3) inch caliper tree a minimum of every thirty (30) feet on center.



- dd. All landscape areas must accent building features, entryways and driveways.

- ee. Native plants and drought tolerant species are preferred to reduce water requirements.
- g. *Preferred Plant List.* The following plants may be used to fulfill the landscaping requirements of this section. Plants listed within Article 8 of this Ordinance may also be used if not listed below. Alternative plants may be used through the approval of the Zoning Administrator.

Common Name	Scientific Name
Canopy Trees	
Ash, Green	Fraxinus pennsylvanica
Ash, Texas	Fraxinus texensis
Cypress, Arizona	Cupressus arizonica
Cypress, Bald	Taxodium distichum
Elm, American	Ulmus americana
Elm, Cedar	Ulmus crassifolia
Eve's Necklace	Sophora affinis
Holly, American	Ilex opaca
Laurelcherry, Carolina	Prunus caroliniana
Maple, Bigtooth	Acer grandidentatum
Oak Shumard	Quercus shumardii
Oak, Blackjack	Quercus marilandica
Oak, Bur	Quercus macrocarpa
Oak, Chinquapin	Quercus muhlenbergii
Oak, Durand	Quercus sinuate
Oak, Live	Quercus virginiana
Oak, Post	Quercus stellata
Oak, Red	Quercus texana
Oak, Shumard	Quercus shumardii
Pecan	Carya drummondii
Sycamore	Platanus occidentalis
Walnut, Arizona	Juglans major
Walnut, Eastern	Juglans negra
Ornamental Trees	
Blackhaw, Rusty	Viburnum rufidulum
Buckeye, Mexican	Ungnadia speciosa

Common Name	Scientific Name
Crepe Myrtle Cultivars: Basham's Party Pink Biloxi Choctaw Dynamite Miami Muscogee Natchez Pink Velour Potomac Red Rocket Siren Red Townhouse Tuscarora Wichita	Lagerstroemia indica
Chaste Tree	Vitex agnus-castus
Dogwood, Roughleaf	Cornus drummondii
Hawthorn	Crataegus spp.
Holly, Yaupon	Ilex vomitoria
Laurel, Texas Mountain	Sophora secundiflora
Leadtree, Goldenball	Leucaena retusa
Oak, Lacey	Quercus laceyi
Persimmon, Texas	Diospyros texana
Pine, Eldarica	Pinus eldarica
Pistache, Texas	Pistacia texana
Plum, Mexican	Prunus mexicana
Possumhaw Holly	Ilex deciduas
Redbud, Mexican	Cercis canadensis var. mexicana
Redbud, Texas	Cercis canadensis var. texensis
Smoketree, American	Cotinus obovatus
Sumac, Prairie Flameleaf	Rhus lanceolata
Wax Myrtle	Myrica cerifera
Walnut, Texas	Juglans microcarpa
Willow, Desert	Chilopsis linearis
Shrubs	
Abelia Glossy	Abelia grandiflora
Agarita	Berberis trifoliata
Agave, Century Plant	Agave sp.
Althea	Hibiscus syriacus
American Beautyberry	Callicarpa americana
Artemisia	Artemisia 'Powis Castle'
Barbados Cherry	Malpighia glabra
Barberry, Japanese	Berberis thunbergii

Common Name	Scientific Name
Basket Grass (Sacahuista)	Nolina texana
Black Dalea	Dalea frutescens
Bush Germander	Teucrium fruticans
Butterfly Bush	Buddleja davidii
Butterfly Bush, Woolly	Buddleja marrubiifolia
Coralberry	Symphoricarpos orbiculatus
Cotoneaster	Cotoneaster sp.
Crape Myrtle Cultivars Not Listed in Ornamental Trees Above	Lagerstroemia indica
Esperanza/ Yellow Bells	Tecoma stans
Flame Acanthus	Anisacanthus quadrifidus var.
Holly, Burford	Ilex cornuta 'Burfordii'
Holly, Dwarf Burford	Ilex cornuta 'Burfordii Nana'
Holly, Dwarf Chinese	Ilex cornuta 'Rotunda nana'
Holly, Dwarf Yaupon	Ilex vomitoria 'Nana'
Lantana, Pink	Lantana camara
Lantana, Texas	Lantana horrida
Mistflower, White	Ageratina havanense
Mistflower, BlueBlue Boneset	Eupatorium coelestinum
Mountain Sage	Salvia regla
Nandina (dwarf-types)	Nandina sp
Oleander	Nerium oleander
Palmetto, Dwarf Texas	Sabal minor
Primrose Jasmine	Jasminum mesnyi
Rock Rose	Pavonia lasiopetala
Rose, Belinda's Dream	Rosa ' Belinda's Dream'
Rose, Knock Out	Rosa 'Knock Out'
Rose, Livin' Easy	Rosa 'Livin' Easy'
Rose, Marie Pavie	Rosa ' Marie Pavie'
Rose, Mutabilis	Rosa 'Mutablis'
Rose, Nearly Wild	Rosa ' Nearly Wild'
Rose, Old Blush	Rosa 'Old Blush'
Rosemary	Rosmarinus officinalis
Sage, Texas	Leucophyllum frutescens
Sotol, Texas	Dasylyrion texanum
Sumac, Evergreen	Rhus virens
Sumac, Fragrant (Aromatic)	Rhus aromatica
Turk's Cap	Malvaviscus arboreus
Wax Myrtle, Dwarf	Myrica pusilla
Wax Myrtle, Southern	Myrica cerifera

Common Name	Scientific Name
Yucca, Paleleaf	<i>Yucca pallida</i>
Yucca, Red	<i>Hesperaloe parviflora</i>
Yucca, Softleaf	<i>Yucca recurvifolia</i>
Yucca, Twistleaf	<i>Yucca rupicola</i>
Groundcover	
Asian Jasmine	<i>Trachelospermum asiaticum</i>
Aztec Grass	<i>Ophiopogon japonicus</i>
Bamboo	<i>Muhlenbergia dumosa</i> Muhly
Big Bluestem	<i>Andropogon gerardii</i>
Bushy Bluestem	<i>Andropogon glomeratus</i>
Carolina Jessamine	<i>Gelsemium sempervirens</i>
Coral Honeysuckle	<i>Lonicera sempervirens</i>
Coral Vine	<i>Antigonon leptopus</i>
Crossvine	<i>Bignonia capreolata</i>
Dwarf Fountain Grass	<i>Pennisetum alopecuroides</i>
English Ivy	<i>Hedera helix</i>
Fig Vine	<i>Ficus pumila</i>
Frogfruit	<i>Phyla incisa</i>
Horseherb	<i>Calyptocarpus vialis</i>
Indian Grass	<i>Sorghastrum nutans</i>
Inland Sea oats	<i>Chasmanthium latifolium</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Lady Banksia Rose	<i>Rosa banksiae</i>
Leadwort Plumbago	<i>Ceratostigma plumbaginoides</i>
Liriope	<i>Liriope muscari</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Mexican Feathergrass (Wiregrass)	<i>Stipa tenuissima</i>
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>
Muhly, Big	<i>Muhlenbergia lindheimeri</i>
Muhly, Deer	<i>Muhlenbergia rigens</i>
Muhly, Gulf	<i>Muhlenbergia capillaris</i>
Muhly, Seep	<i>Muhlenbergia reverchonii</i>
Oregano	<i>Origanum vulgare</i>
Passion Vine	<i>Passiflora incarnata</i>
Periwinkle, Littleleaf	<i>Vinca minor</i>
Pigeonberry	<i>Rivina humilis</i>
Purple Heart	<i>Secreasea pallida</i>
Santolina (Lavender Cotton)	<i>Santolina chamaecyparissus</i>
Sedge, Berkeley	<i>Carex tumulicola</i>
Sedge, Meadow	<i>Carex perdentata</i>

Common Name	Scientific Name
Sedge, Texas	Carex texensis
Sedum (Stonecrop)	Sedum nuttallianum
Sideoats Grama	Bouteloua curtipendula
Silver Pony-foot	Dichondra argentea
Sweet Autumn Clematis	Clematis paniculata
Switch Grass	Punica virgatum
Trumpet Vine	Campsis radicans
Virginia Creeper	Parthenocissus quinquefolia
Wild Rye	Elymus canadensis
Wooly Stemodia	Stemodia lanata or tomentosa

h. *On Premises Lighting.* The purpose of these lighting regulations is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while preserving the ambiance of the night. By minimizing glare and obtrusive light that is misdirected, excessive or unnecessary, energy and resources are conserved and the natural environment is protected from the damaging effects of night lighting.

1) *Directional Control.*

aa. All luminaires of 1,800 or more lumens must be full-cutoff as installed. For luminaires under 1,800 the bulb must be frosted glass or installed behind a translucent cover. Floodlights must be aimed no higher than forty-five (45) degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers or other devices.

bb. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare. Lighting must be focused and provide the minimum amount of illumination required for safety.

cc. On-site lighting design must be used to identify and illuminate entries, walks and parking areas. Site lighting used for building illumination must be down wall washing only. No flood lighting or up lighting is permitted.

dd. Security lighting must be designed to avoid glare, and must direct light toward the building or storage area instead of away.

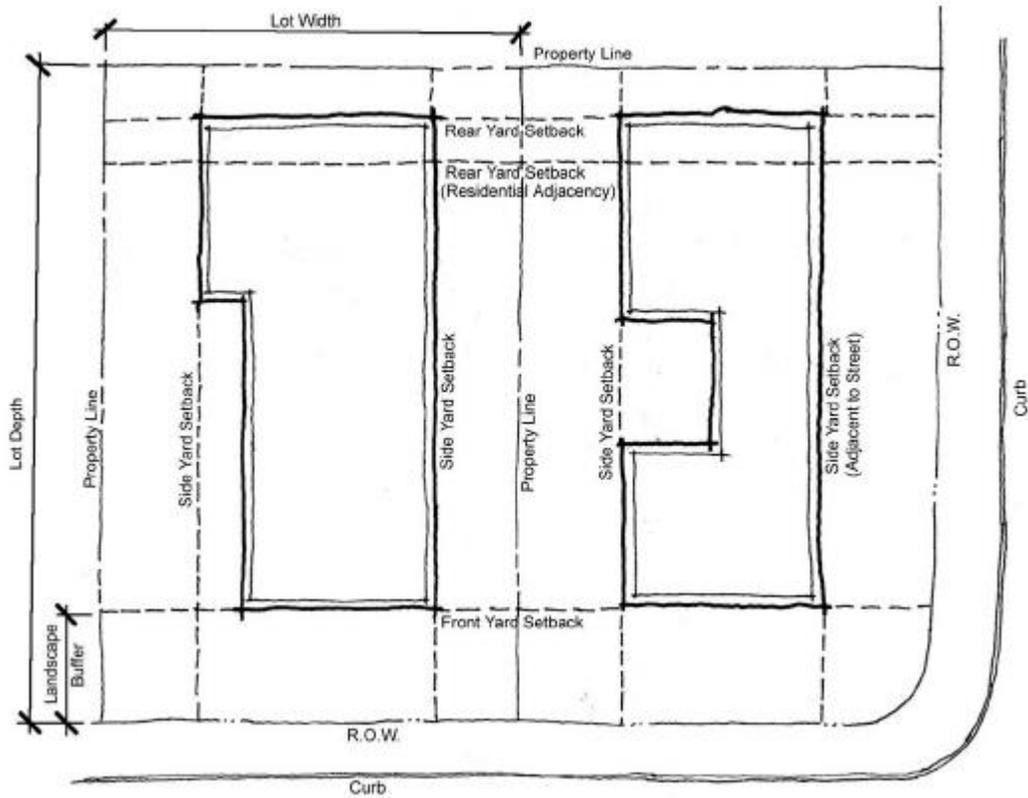
2) *Reasonableness of Intensity.*

aa. The maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full-cutoff lighting. Parcels less than one net acre are allowed full-cutoff lumens in a portion equal to the parcel's portion of a net acre.

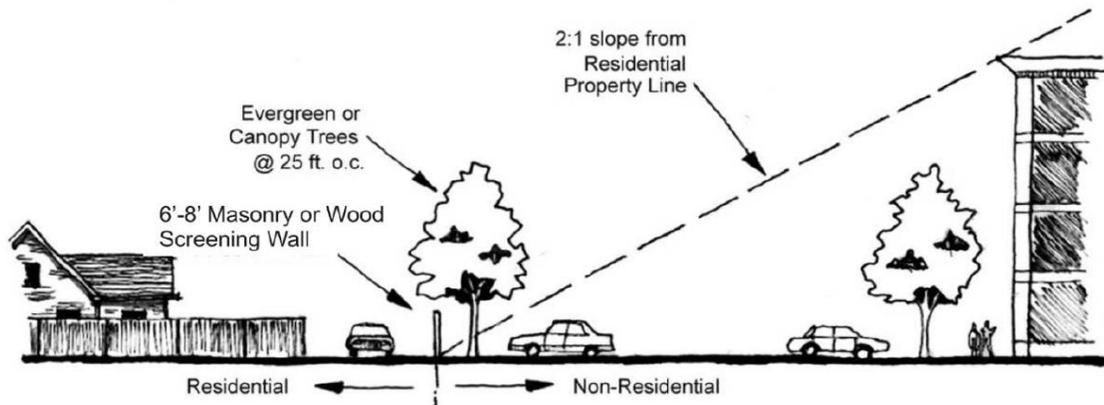
- bb. Lights mounted on the underside of a roof fifteen (15) or more feet from any edge of the roof count one-quarter toward the limit. Lights on the underside of a roof less than fifteen (15) feet from the edge of the roof count one-half toward total lumens.
 - cc. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare.
 - dd. Lighting must be focused and provide the minimum amount of illumination required for safety.
 - ee. Outdoor lighting fixtures must be a maximum of thirty (30) feet in height. All light fixtures located within fifty (50) feet of any residential use must not exceed fifteen (15) feet in height.
 - ff. Lighting that flashes, blinks or moves in any way is not allowed.
 - gg. Mercury vapor lighting is not allowed.
- 3) *Light Trespass.*
- aa. The maximum illumination at five (5) feet inside an adjacent residential parcel or public street right-of-way, or beyond, from light emitted from an artificial light source is 0.1 horizontal foot-candles and 0.1 vertical foot-candles. Such illumination at ten (10) feet inside an adjacent nonresidential parcel or on a public roadway, or beyond, must not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles.
 - bb. No line of sight to a bulb is permitted five (5) feet or more beyond a residential property line or public street right-of-way by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim or a combination of these factors.
- 4) *Sign Lighting.* All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. A sign may not be illuminated with fixtures that are unshielded from upward transmission of light. On-site signs must be turned off upon closing if closing occurs after 10:30p.m. Lights that flash, pulse, rotate, move or simulate motion are not permitted.
- 5) *Temporary Lighting.* The temporary use of low wattage or low voltage lighting for public festivals, celebrations and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. Light trespass requirements remain in effect. Permits are required for commercial activities such as carnivals and are valid for

up to seven (7) consecutive days. Where possible lighting should be full-cutoff.

- 6) *All-Night Lighting.* Lighting at places of business or public venues, except for security, must be turned off no later than one hour after closing. The lights of vacant parking lots must not remain lighted except for illuminating entryways by the fixtures closest to building entrances.
- 7) *Lighting Exemptions.* The following uses or features are exempt from the standards of this Section unless otherwise noted:
 - aa. Swimming pools and other water features, monuments, historic structures, or flags;
 - bb. Stairs and ramps, as required by the Building Code;
 - cc. Signs must meet the requirements in Article 9 of this Ordinance, but all signs are recommended to be fully shielded;
 - dd. Holiday and temporary lighting must meet the requirements in Article 9 of this Ordinance;
 - ee. Sports lighting is exempt from the lumens per net acre limitations as to the playing field only, but full-cutoff fixture design is required and light trespass requirements apply; and
 - ff. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.
- i. *Utilities.* All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.
- j. *Dimensional Illustration.* The following illustration depicts the typical setbacks, landscape buffer, lot depth and lot width that the development standards within the IC zoning district requires.



- k. *Separation of Residential to Non-Residential.* Non-residential buildings located adjacent to residential buildings must maintain a separation distance equal to a 2:1 slope measured from the residential property line to the top plate height of the non-residential building.



- l. *Exterior Appearance of Buildings and Structures.*
 - 1) All buildings, including accessory buildings, must be architecturally finished on all sides with the same materials, detailing and features, with a higher level of finish on the primary facades.
 - 2) All non-residential and institutional structures in the IC zoning district shall have a minimum of seventy-five (75%) percent masonry

construction, more -or-less equally distributed around all sides of the building, for the first story defined as below the first floor ceiling plate, and a minimum of fifty (50%) for any story above. Any façade that faces, or is visible from a public street, shall have a minimum of seventy-five (75%) percent masonry construction, and all other façades shall be comprised of not less than fifty (50%) percent masonry construction.

- 3) Building entrances must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least six (6) feet. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five (5) of the following elements. Buildings over 100,000 square feet must include a minimum of seven (7) of the following elements:
 - aa. Canopies, awnings, or porticos;
 - bb. Overhangs;
 - cc. Recesses or projections;
 - dd. Arcades;
 - ee. Peaked roof forms;
 - ff. Arches;
 - gg. Outdoor patios;
 - hh. Display windows;
 - ii. Architectural details (such as tile work or moldings) integrated into building facade;
 - jj. Articulated ground floor levels or base;
 - kk. Articulated cornice line;
 - ll. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - mm. Offsets, reveals or projecting rib used to express architectural or structural bay; or
 - nn. Accent materials (minimum ten (10) percent of exterior façade).
- 4) All buildings must be designed to be consistent with the purpose of the I-35 Planned Corridor zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than two hundred (200) feet in length, visible from a

public street right-of-way, must incorporate wall plane projections or recesses that are at least six (6) feet deep. Projections and recesses must be at least twenty-five (25) percent of the length of the facade. No uninterrupted length of facade may exceed one hundred (100) feet in length.

- 5) Windows must be a minimum of twenty-five (25) percent up to a maximum of eighty (80) percent of each building elevation from public view.

ARTICLE 11 – SCHEDULE OF USES AND DEVELOPMENT STANDARDS

Legend:	ARR	SF	D	MF	MH	NC	OT	P	IC	BP
X - Use Permitted by Right CUP - Use Permitted by Conditional Use Permit Blank - Use Prohibited	Agriculture-Rural Residential District	Single Family District	Duplex Residential District	Multi-family Residential District	Manufactured Housing Subdivision District	Neighborhood Center District	Old Town Overlay District	Public and Institutional District	I 35 Planned Corridor District	Business Park District
Accessory Apartment	X	X					X			
Administrative or Research Facilities								X		X
Adult Entertainment										CUP
Agriculture	X	X								
Airport or Landing Field								X		CUP
Animal Clinic/Hospital						CUP	X		X	
Animal Kennel	CUP								CUP	
Antique Shop							X			
Apartments				X					CUP	
Arts and Crafts Store							X			
Art Gallery or Museum							X		X	
Auto Parts and Accessory Sales									X	
Automobile and Motorcycle Sales (New)										X
Automobile and Motorcycle Sales (Used)										X
Automobile Repair									X	X
Automobile Wrecking Yard										CUP
Bakery						CUP	X		X	
Bakery, Wholesale										X
Bank						X	X		X	X
Bar or Tavern							CUP		CUP	
Barber or Beauty Shop						X			X	
Bed and Breakfast	CUP						X			
Bingo Hall									CUP	
Book or Video Store (Not Adult)						X	X		X	
Bowling Alley									X	
Building Materials Sales									CUP	X
Bus Station or Terminal								X	CUP	CUP

Legend: X - Use Permitted by Right CUP - Use Permitted by Conditional Use Permit Blank - Use Prohibited	ARR Agriculture-Rural Residential District	SF Single Family District	D Duplex Residential District	MF Multi-family Residential District	MH Manufactured Housing Subdivision District	NC Neighborhood Center District	OT Old Town Overlay District	P Public and Institutional District	IC I 35 Planned Corridor District	BP Business Park District
Cabaret									CUP	
Cabinet, Furniture, Upholstery Shop										X
Camera Shop							X		X	
Car Wash						CUP			CUP	X
Catering Service						CUP	X		X	X
Cemetery										CUP
Child Care Center, Nursery or Kindergarten		CUP		X	CUP	CUP	X		X	
Church	CUP	CUP	CUP	X		X	X	X	CUP	CUP
Civic Clubs/Fraternal Lodges								X	X	
Commercial Amusements, Indoor									X	
Commercial Amusements, Outdoor									CUP	
Community Building	X	X			X	X	X	X	X	X
Condominium				X					X	
Convenience Store with Fuel Sales						X				X
Convenience Store with Fuel Sales with nine(9) pumps or More									CUP	
Dance Hall or Night Club									CUP	
Day Spa or Salon						X	X		X	
Department Store									X	
Detention Center										CUP
Discount Store						X			X	
Drug Store						X	X		X	
Electrical Energy Generating Plant	CUP							CUP	CUP	X
Electrical Substation	X	CUP			CUP	CUP		CUP	CUP	X
Electrical Transmission Line	X	X			X	X		CUP	X	X
Equestrian Facility	X									
Exercise Facility				X					X	
Fabrication										X
Farm Accessory Building	X	X								
Farmers Market							X			
Fire Station	X	X			X	X		X	X	X
Flea Market										

Legend:	ARR	SF	D	MF	MH	NC	OT	P	IC	BP
X - Use Permitted by Right CUP - Use Permitted by Conditional Use Permit Blank - Use Prohibited	Agriculture-Rural Residential District	Single Family District	Duplex Residential District	Multi-family Residential District	Manufactured Housing Subdivision District	Neighborhood Center District	Old Town Overlay District	Public and Institutional District	I 35 Planned Corridor District	Business Park District
Florist Shop						X	X		X	
Furniture, Carpet or Appliance Store									X	
Gas Line and Regulation Station	X	X			X	X		CUP	CUP	X
Go-Cart Track (when combined with outdoor amusement)									CUP	
Golf Course	X	X			X			X	X	
Grain Elevator	X									X
Grocery/Supermarket						X			X	
Group Homes	CUP	CUP	X							
Heavy Machinery Sales										X
Helipad										CUP
Home Improvement Center									CUP	X
Home Occupation	X	X	X	X	X	X			X	X
Hospital									X	X
Hotel or Motel									X	
Janitorial Service									X	X
Key Shop						X			X	X
Laboratory										X
Laundry or Cleaners						X			X	X
Library	CUP	CUP			CUP	X		X	X	X
Library (Private)						X	X			
Light Fabrication and Assembly Processes										X
Light Industrial Uses										X
Liquor Store									CUP	X
Livestock	X	X								
Live/Work Unit							X		CUP	
Utility Line	X	X	X	X	X	X	X	X	X	X
Manufacturing of pottery/ceramic products										X
Manufactured Home Sales										X
Manufactured Home (permitted in PD only)										
Medical Appliance Sales									X	
Medical Laboratory						CUP			X	X

Legend:	ARR	SF	D	MF	MH	NC	OT	P	IC	BP
X - Use Permitted by Right CUP - Use Permitted by Conditional Use Permit Blank - Use Prohibited	Agriculture-Rural Residential District	Single Family District	Duplex Residential District	Multi-family Residential District	Manufactured Housing Subdivision District	Neighborhood Center District	Old Town Overlay District	Public and Institutional District	I 35 Planned Corridor District	Business Park District
Medical Office/Clinic						X			X	X
Motor Freight Terminal										X
Movie Theater/Theater									X	X
Multiple-Family Housing				X					CUP	
Nail Salon							X		CUP	
Nursing Home/ Assisted Living						CUP			CUP	
Office Equipment Sales and Repair									X	X
Offices, General						X	X		X	X
One-Family Dwelling Unit (Attached)			X						X	
One-Family Dwelling Unit (Detached)	X	X	X							
Optical Dispensary									X	
Pawn Shop									CUP	CUP
Pest Control										X
Photocopies									X	X
Photographer						X	X		X	
Playground	X	X	X	X	X	X	X	X	X	X
Piercing Studio									CUP	
Printer (Large)										X
Printer (Small)							CUP			
Produce Stand, Outdoor	CUP								CUP	
Public Building	X	X			X	X		X	X	X
Public Park	X	X	X	X	X	X	X	X	X	X
Radio or Television Transmitting Station								CUP		CUP
Radio, Television, Wireless Phone or Microwave Tower								CUP		CUP
Railroad Freight Terminal								X		X
Railroad Yard								X		CUP
Recreational Vehicle Sales										X
Recycling Collection Facility										X
Retail Pet Store									X	
Repair and Service Shop										X
Repair of Appliances									X	X

Legend:	ARR	SF	D	MF	MH	NC	OT	P	IC	BP
X - Use Permitted by Right CUP - Use Permitted by Conditional Use Permit Blank - Use Prohibited	Agriculture-Rural Residential District	Single Family District	Duplex Residential District	Multi-family Residential District	Manufactured Housing Subdivision District	Neighborhood Center District	Old Town Overlay District	Public and Institutional District	I 35 Planned Corridor District	Business Park District
Restaurant						X	X		X	X
Restaurant, Fast Food with Drive-Thru						CUP			X	X
Retail Sales						X			X	
Retail Shop, Apparel, Gift, Accessory						X	X		X	
Riding Academy/Stables	X									
Roller or Ice Skating Rink									X	
Sale of products grown on site	X									
Self Storage										X
Septic Tank Service										X
Sewage Pumping Station	X	X			X	X			X	X
Sewage Treatment Plant	CUP									CUP
Shooting Range (Indoor)	CUP								CUP	CUP
Single Family Dwelling	X	X	X		X					
Swimming Pool (Commercial)									X	
Tattoo Parlor									CUP	
Taxidermist										X
Telecommunications Tower			CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Telemarketing Office									CUP	
Telephone Exchange, Switching Relay or Transmitting Station	X	X	CUP	CUP	X	X	CUP	CUP	X	X
Tire Dealer									CUP	X
Tool and Light Vehicle Rental and Sales									X	X
Townhome				X					X	
Travel Agency						X	X		X	
Travel Trailer Park										CUP
Truck or Bus Washing										X
Truck Refueling Facility									CUP	CUP
Truck Stop										CUP
Two-Family Housing Unit			X							
Utility Shops or Storage Yards or Buildings	CUP									X
Warehousing										X
Water Reservoir, Well or Pumping Station	X	X			X	X		X	X	X

Legend:	ARR	SF	D	MF	MH	NC	OT	P	IC	BP
X - Use Permitted by Right CUP - Use Permitted by Conditional Use Permit Blank - Use Prohibited	Agriculture-Rural Residential District	Single Family District	Duplex Residential District	Multi-family Residential District	Manufactured Housing Subdivision District	Neighborhood Center District	Old Town Overlay District	Public and Institutional District	I 35 Planned Corridor District	Business Park District
Water Standpipe or Elevated Water Storage	X	X			X	X		X	X	X
Water Treatment Plant	CUP							X		X
Wedding Chapel									CUP	
Welding or Machine Shop										X
Wholesaling									CUP	X
Wrecker Service										X

ARTICLE 12 – DEFINITIONS

For the purpose of this Article, those certain words and terms defined shall be defined and interpreted as follows. All other words and terms not expressly defined shall have their general meaning, as interpreted by the Zoning Administrator.

Accessory Apartment: A self contained housing unit incorporated within or accessory to a single family dwelling complete with its own sleeping, cooking, sanitary facilities, and a separate means of egress.

Accessory Building or Structure: A structure on the same lot with, or on an adjacent lot if permitted by this ordinance, and of a size and nature customarily incidental and subordinate to, the principal structure. Examples of Accessory Buildings or Structures include, but are not limited to, swimming pools, detached garages, detached carports, storage sheds and workshops.

Accessory Use: A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use.

Administrative or Research Facilities: A facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

Adjacent: Touching, adjoining, contiguous or abutting.

Adult Entertainment: A commercial establishment, which may be described by the following: Adult bookstore or adult video store; Adult cabaret, Adult lingerie/modeling studio, Adult lounge, Adult motel, Adult movie theater or adult video theater, Adult theater, Adult video arcade, Modeling studio, Nude modeling studio, Sexual encounter center, or Sexually oriented business as defined by Section 14-147 of the City of Lorena Code of Ordinances.

Agriculture: The production, raising, breeding or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horse or goats, game animals, exotics, fish and any mutations or hybrids, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; nurseries; florals; ornamental and greenhouse products; or lands devoted to a conservation easement, soil conservation or forestry management program. This does not include hunting and the commercial slaughter of poultry, livestock or other animals.

Alley: Land dedicated to public use and devoted to secondary access to lots.

Alterations: Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns or beams or girders.

Assisted Living Facility: An establishment that furnishes food and shelter to four or more persons who are unrelated to the proprietor and provides personal care services.

Attached Carports: Carports constructed as part of the primary structure, tied into the primary roofline. Attached carports shall not mean carports tied into the eave of the primary structure.

Bakery: A place for baking and/or selling baked goods.

Bar: An establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant as defined in this section.

Bed and Breakfast: A detached dwelling in which rooms are rented to transient guest on an overnight basis. No more than five (5) bedrooms may be rented on an overnight basis and no more than ten (10) guests are allowed at one time.

Board: The Board of Adjustment of Lorena.

Buffer yard: A buffer yard is a area of land, together with a specified amount of planting thereon, and any structures that may be required between land uses to eliminate or minimize conflicts between adjacent uses.

Building: Any permanent structure designed, used or intended to be used for human occupancy.

Building Footprint: The area of the building in contact with the ground.

Caliper: A horticultural method of measuring the diameter of nursery stock grown for the purpose of planting in another location. For trees less than four (4) inches in diameter, the measurement is taken at six (6) inches above ground level. For trees four (4) inches in diameter and up to and including twelve inches in diameter, the caliper measurement is taken twelve inches above ground level. For trees greater than twelve inches in diameter, the trunk is measured four and a half (4 ½) feet from the ground at breast height (DBH).

Canopy Trees: A perennial woody plant, single or multiple trunks, contributing to the uppermost spreading branchy layer of a forest and may be commonly referred to as shade trees.

Church: A structure owned and/or used by a religious organization or congregation and providing regular organized religious worship, religious training, or education of its members; rectory or convent; meeting hall, offices for administration of the institution. A house of worship may include the following accessory use in addition to the principal structure; dwelling units for religious organization personnel located within an accessory structure(s).

Commercial outdoor Recreation: Outdoor commercial uses which by their nature are recreational such as golf courses, driving ranges, miniature golf courses, outdoor swimming pools, tennis courts, basketball courts and recreational camps.

Commission: Planning Commission of Lorena.

Community Building: A building dedicated to social or recreational activities, serving the city or neighborhood and owned and operated by the City of Lorena, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the city.

Comprehensive Plan: A periodically updated document that unifies all elements and aspects of City planning. This Plan serves as a policy guide to Zoning and Subdivision decisions reflecting the best judgment of the staff, Planning Commission and the City Council.

Conditional Use Permit: A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Ordinance.

Condominium: The use of a site for attached or detached condominiums, as defined in the Texas Property Code.

Conservation Easement: A non-possessory interest held by a governmental body empowered to hold an interest in real property under the laws of this state of the United States; other qualified entity, pursuant to Section 170(h) of the Internal Revenue Code, as amended; or a charitable corporation, charitable association, or charitable trust in real property that imposes limitations or affirmative obligations designed to retail or protect property or assure its availability for agricultural, forest, recreational or open space use.

Council: City Council of Lorena.

Coverage, Lot: Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot coverage.

Day Care, Nursery or Kindergarten: A facility that provides, for less than twenty-four (24) hours a day, whether for profit or not, care training, education, custody, treatment or supervision for more than six (6) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility.

Day Spa: A commercial establishment, which offers customers multiple services such as personal hygiene, personal grooming including nails, hair, and facials, relaxation therapy, hydrotherapy, and licensed massage therapy.

Density: The quantity of an item per unit area; for example, the number of dwelling units per acre.

Distribution Center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

District: A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

Dwelling: A structure or portion which is designed or used exclusively for residential purposes, including single-family, two-family, attached dwellings, multifamily dwellings and manufactured homes.

Dwelling, Accessory: A detached or attached residential unit, other than a manufactured home, designed for an occupied by one family only. The structure shall be accessory to a single-family dwelling.

Dwelling Unit: A building or portion of a building that is arranged, occupied or intended to be occupied as living quarters and that includes facilities for food preparation and sleeping.

Equestrian Facilities: A structure or area for horseback riding activities including boarding, training, lessons and shows.

Extraterritorial Jurisdiction: The unincorporated area outside of and contiguous to the corporate boundaries of the city as defined and established in accordance with Chapter 42 of the Texas Local Government Code.

Fabricating: The process of assembling using standardized parts.

Family: One or more persons related by blood, marriage or adoption occupying an individual dwelling unit. No single dwelling unit shall have more than four unrelated individuals residing therein.

Flea Market: A location at which booths or similar spaces are rented or otherwise made available temporarily to two or more persons and at which the persons offer tangible personal property for sale.

Floor Area Ratio: The ratio which is the result of dividing the total floor area of a structure by the area of the lot on which it is located. For example, a structure with a floor area of 20,000 square feet, located on a lot of 40,000 square feet has a floor area ratio (FAR) of 0.5.

Garage: An accessory building or a portion of a main building for storage of motor vehicles or parking as may be required in connection with the permitted use of the main building.

Group Home: A building that provides food and shelter, personal guidance, care, habitation services and supervision to persons with disabilities. It must be a community based residential home operated by the Texas Department of Mental Health and Mental Retardation or a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, or an entity subject to the Texas Non-Profit Corporation Act, or an entity certified by the Texas Department of Human Services as a provider under the medical assistance program servicing persons in intermediate care facilities for persons with mental retardation.

Home Occupation: An occupation commonly carried on within a home by a member of the occupant's family occupying the dwelling. The use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling.

Hospital: An institution licensed by the state as a hospital where patients are given medical treatment.

Hotel/Motel: a building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged with or without meals for compensation.

Hotel/Motel, Extended Stay: A building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged with or without meals for compensation for periods of one week or more.

Garage, private: An accessory building or an accessory portion of a main building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.

Garage, public: A building or portion thereof, except a private garage, used or designed to be used for the storage of motor vehicles.

Grain Elevator: A facility for the temporary storage of large quantities of agricultural grain.

Greenhouse, Commercial: A facility for the growing and distribution of plant materials.

Grocery/Supermarket: An establishment for the display, preparation and retail sale of foods and associated items.

Ground Cover: Low growing, dense spreading plants.

Indoor Recreation: Indoor commercial uses which by their nature are recreational. Examples include bowling alleys, skating rinks, health clubs, racquetball or squash courts, indoor swimming pools, video arcades, pool halls, etc.

Interior Landscape Area: The area of the lot remaining after subtracting out the area included in the required buffer yard.

Landscape Architect: A person registered as a Landscape Architect in the State of Texas pursuant to state law.

Landscape Area: An area, which is covered by living grass, ground cover, or other plant materials.

Landscaping: A planted area containing trees, shrubs, and groundcovers providing a transition between structures on a site and the property line, adjacent structures and/or street rights-of-way.

Laundry Facilities: a commercial laundering establishment which leans clothing, carpeting, drapes and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

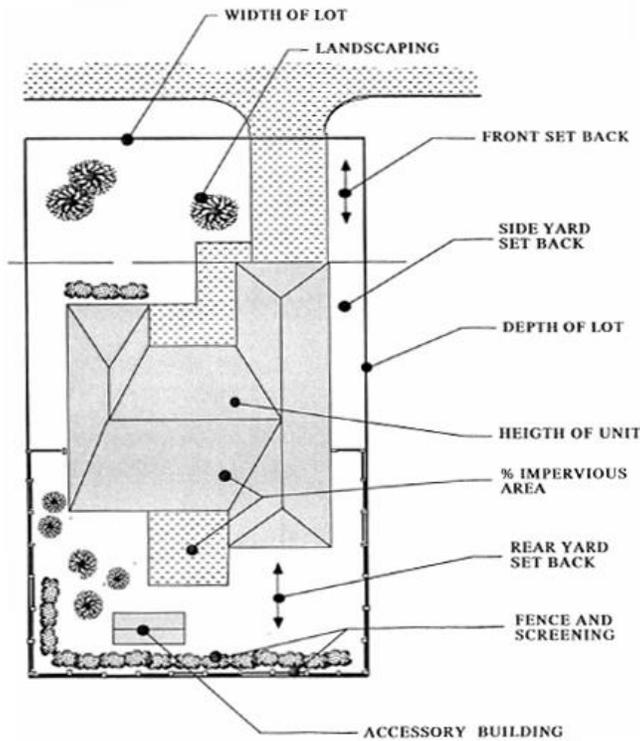
Lawn Grasses: Thin bladed surface growing plants typically planted from seed, sprigs or plugs.

Licensed Irrigator: A person duly licensed by the State of Texas to design and install irrigation systems.

Live/Work Units: A live/work unit is an accessory residential unit associated with a primary commercial use. Live/work units are only allowed associated with commercial uses within the Old Town Zoning District.

Loading and unloading space, off-street: An open, hard-surfaced area of land other than street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

Lot: A designated parcel, tract or area of land established by a plat or otherwise permitted by law to be used, developed or built upon as a unit.

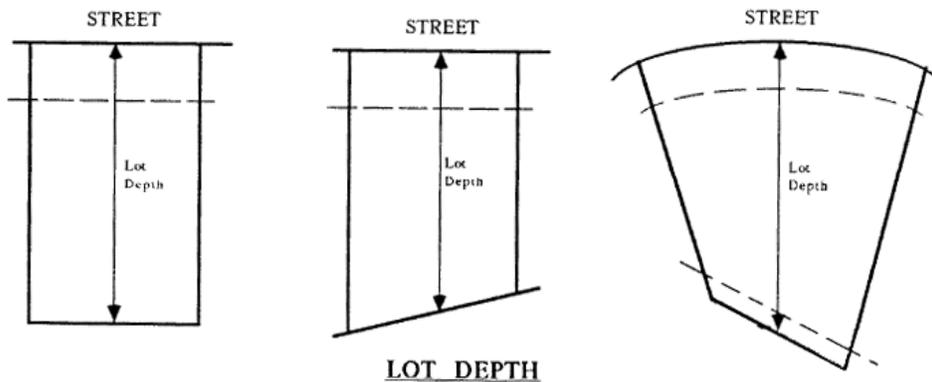


Lot Area: The net area of a lot exclusive of any portion of streets, alleys or right of way.

Lot, Corner: a lot abutting upon two or more streets at their intersection.

Lot Coverage: Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot coverage.

Lot Depth: The average horizontal distance between the front and rear lot lines.



Lot, Interior: Any lot other than a corner lot.

Lot Line: A boundary of a lot.

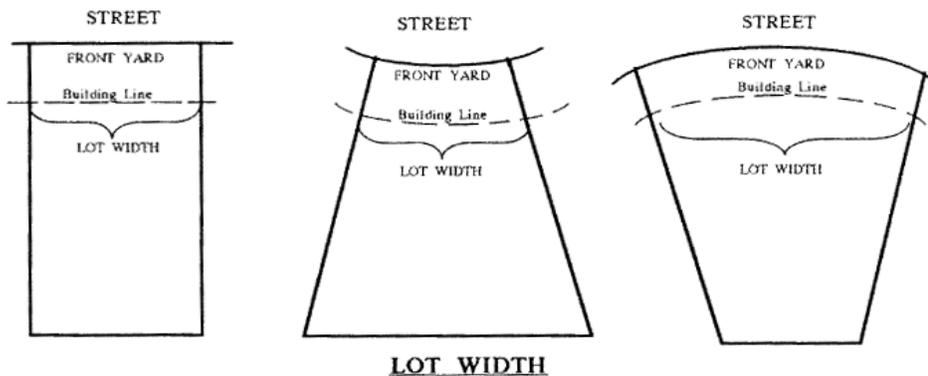
Lot Line, Front: That lot line adjacent to street right of way. In the case of a corner lot, only one lot line shall be designated as the front lot line.

Lot Line, Rear: That lot line opposite the front lot line of said lot not intersecting with the front lot line.

Lot Line, Side: Any lot line which intersects a front lot line of said lot.

Lot of Record: A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Clerk.

Lot Width: The straight-line distance between the side lot lines, measured at the two points where the front building line intersects the side lot lines.



Manufactured Home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. This term does not include a recreational vehicle.

Manufactured Home Subdivision: A tract of land that is subdivided and platted for individual ownership of HUD-Code manufactured homes.

Medical Office/Center: A walk-in facility for medical, obstetrical or surgical care limited to day use only.

Motor Freight Terminal: Any premises where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. This definition shall also include facilities for the temporary storage of loads and cargo prior to shipment.

Multifamily Dwelling: A building that contains more than two living units.

Nursing Home: A home for the aged, chronically ill or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Off-Street Parking: An enclosed or unenclosed area, not on a public Street or Alley, established for or used for the parking of a motor vehicle.

Outdoor Storage: The storage of large quantities of materials or products associated with an industry or business. Such storage requires a structure designed for and/or devoted to the containment of the item, such as oil storage tank or grain elevator.

Parking lot: An area not within a building designed and used for the storage of motor vehicles.

Parking space: Usable space within a public or private parking area, or a building of sufficient size and area, exclusive of access drives, aisles or ramps, for the storage of one properly spaced passenger automobile or commercial vehicle.

Permeable Pavement: A paving material that permits water penetration.

Permitted Use: That use of a lot which is among the uses allowed as a matter of right, and subject to the restrictions of the zoning district.

Printer (Large): A commercial establishment engaged in printing on apparel and textile products, paper, metal, glass, plastics and other materials. The printing processes employed include, but are not limited to lithographic, gravure, screen, flexographic, digital, and letterpress. Establishments do not manufacture the stock that they print, but may perform post printing activities such as folding, cutting or laminating the materials they print and shipping such goods.

Printer (Small): A commercial establishment which offers customers office services including but not limited to photocopying, printing such as digital or letterpress printing, graphic design and post printing services such as folding, cutting or laminating the materials they print and mailing. These establishments will typically be less than 5,000 square feet in size.

Public Building: A building owned and operated by a federal, state or municipal agency. Public buildings include, but are not limited to, fire and police facilities, public works facilities, city or county buildings, structures or facilities.

Railroad Freight Terminal: An establishment or facility which is designed for the storage and handling of goods and cargo which are transported by railroad. The outside storage of railroad cars, engines or other railroad equipment shall be prohibited.

Recreation Vehicle: A motorized vehicle designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Restaurant: A structure that prepares and serves food to customers, including sit down, fast food, drive-through and drive-in facilities. At least 51 percent of the gross income shall be derived from the sale of prepared food.

Retail Sales and Service: a business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale).

Right of way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another conditional use.

R.O.W. Parkway: That area within the public right of way (R.O.W.) between the back of curb or edge of pavement and the right of way line.

Sale of Produce Grown On-site: Roadside stands or other temporary structures constructed for the sale of agricultural or horticultural products raised substantially on the premises.

Screening: The establishment of an opaque fence or barrier for the purpose of obscuring from sight a use.

Self-Service Storage: A structure or portion used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

Schools, Public and Private: A facility that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

Seasonal Color: Landscaping plants bearing annual and/or perennial flowers, intended to maintain year-round color accents.

Setback: The minimum distance between by which any building or structure must be separated from a street right of way or lot line.

Single Family Dwelling: A building that contains only one living unit.

Site Plan Review: The comprehensive evaluation and compliance of a development and its impact on neighboring properties and the community as a whole, from the standpoint of: land use, site design, landscape design, architecture, lighting, signs, health and safety, other adopted standards and criteria of this Ordinance, all other adopted codes and ordinances of the City of Lorena.

Shopping Center: A group of commercial establishments planned, developed and managed as a unit, related in location, size and type of shops to the trade area that the unit serves and providing on-site parking.

Shrubs: Plants, which grow vertically in a multi-branched growth pattern.

Story: That portion of a structure included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it; provided, that a room, suite or story with more than one-half of its height below grade shall not be considered a story for the purposes of height regulations.

Street: A public or private thoroughfare right of way which affords the principle means of access to abutting property. The term “street” shall include avenue, drive, circle, road, boulevard, highway or any other similar term.

Subdivision: The division or re-division of land into two (2) or more lots, tracts, sites or parcels.

Telecommunication Tower: Radio, wireless telephone, television, microwave, short wave radio and/or any other tower used exclusively for communication purposes.

Temporary Storage Containers: A container designed and rented or leased for the temporary storage of commercial, industrial, or residential goods. The container does not contain wheels for movement or a foundation. This definition does not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

Theaters: A structure or area for the presentation of plays, motion pictures, concerts, etc.
Truck or Bus Washing: A Facility for the washing of vehicles having a Manufacturer’s Recommended Gross Vehicle Weight of greater than 11,000 pounds.

Truck Refueling Facility: A facility for the refueling of heavy load tractor-trailer trucks.

Truck Stop: A facility for the overnight parking, refueling and minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/shower facilities, and/or temporary sleeping quarters, and/or certified scales.

Under story/Accent Trees: Small evergreen or deciduous perennial woody plants which would grow below the top canopy layer of the forest and typically has unique branching, textural or seasonal color characteristics.

Used asphalt: Used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous material.

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Board of Adjustment when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

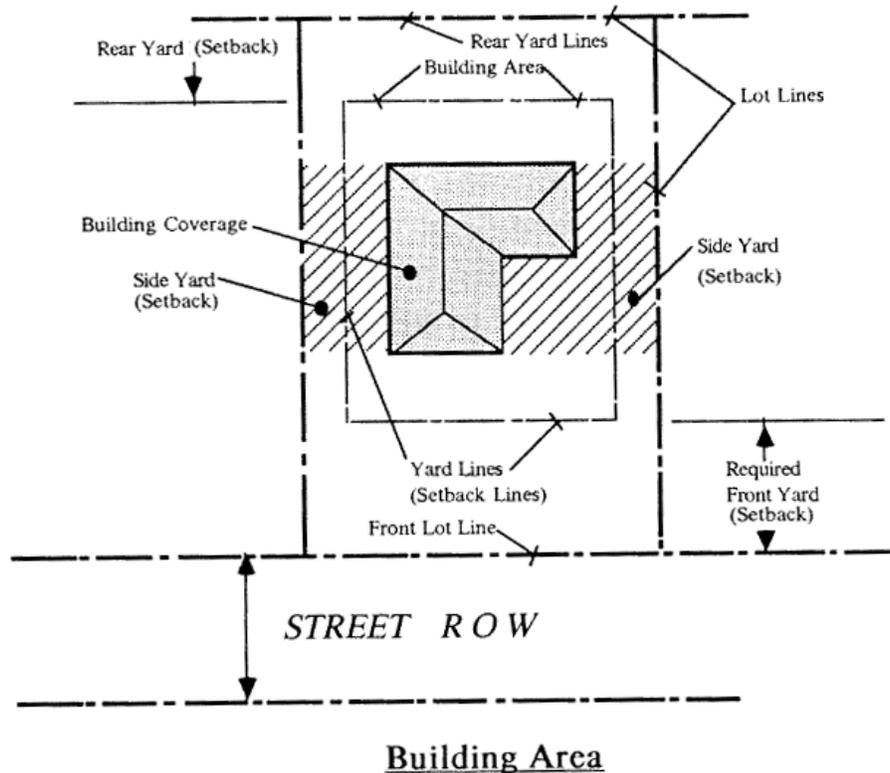
Warehousing: The storage in an enclosed building of materials and goods including all office, distribution and sales space. This definition does not include motor freight terminals or railroad freight terminals.

Wholesaling: The sale of commodities for the purpose of resale, as to retailers rather than directly to consumers.

Yard Setback, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

Yard Setback, Rear: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building line.

Yard Setback, Side: An open space extending from the required front yard to the required rear yard, the width of which is the minimum horizontal distance between the side lot line and the side building line.



Zoning: The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

Zoning Administrator: The person designed to receive and process plats, site plans, amendments to this Ordinance, the zoning map or the Comprehensive Plan.

Zoning Map: The Official Zoning Map of the City of Lorena together with all amendments thereto.