

Section 3.12 Downtown Neighborhood

The Downtown Neighborhood (DN) District is intended to serve as a transition district between the Central Area (CA) and single-family residential zoning districts. The City’s goal is to reduce the separation between residential areas and services. The principal permitted land uses include multiple-family and single-family attached dwellings, and central area, general retail, neighborhood services, and office uses. This District surrounds the Central Area district. Electronic Message Signs are prohibited in this zoning district without the approval of a Planned Development. *To review a list of comprehensive zoning uses, refer to City of Waxahachie Zoning Ordinance use chart.*

Table 1: City of Waxahachie Downtown Neighborhood District Standards

Height Regulations	
	3 stories for the main building.
Area Regulations	
Minimum Lot Area	N/A
Minimum Lot Width	Within 10% of all lots within 50’
Minimum Lot Depth	Within 10% of all lots within 50’
Minimum Front Yard	N/A
Minimum Side Yard	Within 10% of all lots within 50’, no less than 5’
Minimum Rear Yard	10’
Minimum Lot Coverage	N/A
Parking Regulations	.75 of parking requirement listed in City of Waxahachie Use Chart; 1 on-street parking space for every 20 feet of uninterrupted right of way frontage, for a maximum of 2 spaces
Minimum DUA	1,200 SF (Residential) 2,000 SF (Non Residential)

5.12 DN Development Standards

Any conflict between the Downtown Neighborhood (DN) Standards and the remainder of the City of Waxahachie Zoning Ordinance, the DN standards shall apply. The Infill Development Ordinance shall not supersede the setbacks of the DN zoning district.

Masonry Content

- A) Development shall consist of minimum seventy-five (75%) percent masonry construction within the Downtown Neighborhood district.
- B) Any building façade directly facing a public right-of-way shall be constructed of 100% masonry.
 - The calculation for masonry % shall exclude doors and windows

- C) Masonry materials include brick, stone, granite, marble, decorative concrete block or tile, stucco, and other built up or tilt panels
- D) Administrative approval for developments determined to match the character of the surrounding area.

Non-Residential Landscaping

- A) The City of Waxahachie Planning Department has the authority to approve any minor changes of the section due to visibility restrictions, preservation of existing trees, topographic restraints, and landscape materials. The Planning Department may not approve any changes that reduces the landscape requirement for the Downtown Neighborhood zoning district.
- B) Any landscape materials for a development shall be installed before a Certificate of Occupancy (CO) is issued. Once landscaping is installed, the property owner shall notify the Planning Department to request an inspection. Verification by the Building Inspection Division of the installation being in compliance with this article and/or the approved landscape plan shall be required prior to obtaining a certificate of occupancy unless otherwise authorized.
- C) Any parking lot construction that expands more than 30% of the parking area will be required to meet the same landscaping standards as described in the Downtown Neighborhood district.
- D) Any expansions that exceed either 30% or the 3,000 square foot criteria are subject to the landscape requirements stipulated in this article.
- E) A minimum of 75% of all required landscape areas shall be located in the front yard between the building line and the front property line. For lots with multiple street frontages, a minimum of 75% of all required landscape areas shall be located in the yards abutting the street with the greatest pavement width, unless the Planning and Zoning department approves a modification to this requirement. When an artificial lot or a building expansion is separated from a property abutting a street frontage, the required landscape areas may be located anywhere on the site subject to this section.
- F) Front yard landscape areas shall provide a minimum of 10% bed area to include seasonal color.
- G) Street trees shall be placed within tree grates 18-24 inches from the rear of the curb.
- H) Street trees shall be spaced a maximum 30 ft. on center, and a maximum of 20 ft. from an intersection.

I) Landscape Buffer:

- a) Adjacent to right-of-way of any street is required. For all nonresidential and multifamily parcels with less than 250 feet of frontage adjacent to a dedicated public right-of-way, at least fifteen (15) percent of the street yard shall be permanent landscape area. Nonresidential and multifamily parcels having 250 feet or more of frontage shall have at least twenty (20) percent of the street yard in permanent landscape area
- b) Recommended plants shall be consistent with Section 5.04 (a) of the City of Waxahachie Zoning Ordinance. *The City reserves the right to approve or disapprove required plants and planting through the Landscape Administrator or City appointed Landscape Architect, horticulturist, or other person so qualified.*
- c) All landscaping shall be located so that pedestrians can walk parallel to the street within the parkway whether a paved sidewalk is or is not provided.
- d) If the lot is a corner lot, two frontages shall be required to observe a ten (10) foot buffer.
- e) If more than two frontages exist, then the other right-of-way frontages shall be required to have no more than seven and one-half (7½) feet of landscaped area.
- f) Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of street frontage.
- g) Trees may be grouped or clustered to facilitate site design.

Right-of-Way

- A) Landscaping, berms, fencing (*masonry, wrought iron/wood with masonry columns, wrought iron*), and open space will be the primary method for screening public spaces from private land uses.
- B) There shall be no trees planted within the visibility triangle areas of any street, valley and/or driveway intersections. All trees and landscaping must also comply with any sight easement restrictions established on the property.
- C) Changes of use from residential to commercial and new residential or commercial construction in the DN Zoning District require the placement of a six-foot sidewalk.
- D) Changes of use from residential to commercial and commercial new construction require the placement of antique light fixtures for pedestrian mobility.

Signage

Section 1: Purpose

The purpose of this article is to create and maintain a standard of sign guidelines to promote a positive downtown image with effective and visually pleasing signage. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public.

Section 2: Applicability

- A) This article shall not have any relation to building design, nor shall the article regulate official traffic signs, gravestones, lighting, or displays of a seasonal or traditional nature which are not commercially-oriented, scoreboards on athletic fields, or any display or construction not defined herein as a sign.
- B) Any change in use or external addition to an existing structure shall comply with this article.

Section 3: Permits

- A) No person or business shall alter, erect, renovate, or demolish any sign structure or permanent sign until a permit for such work has been granted by the City of Waxahachie.
- B) Signs erected or required by a governmental entity (*see below*) shall not require a permit.
 - Historical markers/commemorative plaques or cornerstones.
 - Traffic control signs authorized by any governmental agency.
 - Signs, notices, placards, certificates and official papers, authorized or required by any statue, government agency, public school or court.
 - Public utility warning and underground line identification signs.
 - Signs or markers used by a Public Utility holding a franchise from the City of Waxahachie.

Section 4: Temporary Signs

- A) Temporary signs shall not be used as a substitute for permanent signage
- B) All temporary signs within the Downtown Neighborhood district shall have a solid, durable backing, and shall be secured into the ground such that the sign remains upright
- C) Temporary signs shall not be illuminated within the Downtown Neighborhood district
- D) Temporary signs shall be placed on private property only with the consent of the property owner. Any signs placed within easements, public right-of-way, or private property without permission of the owner, are subject to removal without compensation
- E) No temporary sign within the Downtown Neighborhood district shall remain on a property longer than six (6) months
- F) Only one temporary sign is allowed for every 300 feet of street frontage.
- G) On properties of less than one (1) acre, the maximum size of a single temporary sign shall not exceed eight (8) square feet

- H) On properties one (1) acre in size or greater, the maximum size of a single temporary sign shall not exceed 32 square feet
- I) Prior to placing a temporary sign on a property, any existing temporary sign along the same street frontage shall first be removed if the placement of the new sign will cause the number of temporary signs to exceed the number allowed on the property

Section 5: Prohibited Signs

The following signs, as described below, shall not be allowed within the Downtown Neighborhood district.

- A) Abandoned/Vacant permanent signs
- B) Inflatable devices or characters (balloons)
- C) Wind-driven, moving, whirling signs
- D) Pole signs
- E) Commercial Signs
- F) Attention attracting devices
- G) Signs within the public ROW
- H) No cloth, paper, banner, flag, device or other similar advertising matter
- I) Electronic Messaging Sign (EMS)
- J) No plastic or fiber glass monument signs shall be permitted.

Section 6: Types of Signs

Awning Sign:

The sign copy on an awning sign shall not exceed the area and size dimensions permissible for a wall sign on the wall upon which it is attached, and the sign copy shall not be illuminated. The total area of wall signs and awning signs on any wall surface shall not exceed the area and size allowed for a single wall sign. Any awning sign shall not exceed seventy-five (75) percent of the awning's surface area. An awning sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Canopy Sign:

The sign may consist of only the name, logo, or both of the business at the location of the canopy. An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third (1/3) of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face upon which a sign or illuminated stripe is permitted. A canopy sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Commercial Sign:

A commercial sign is a sign that (1) is intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company; or (2) is located on property owned or leased for the primary economic purpose of displaying a sign.

The term “commercial sign” does not include a sign that is leased to a business entity and located on the same property on which the business is located.

Construction Sign:

Construction signs may be erected in non-residential and residential zoning districts, and shall not exceed thirty-two (32) square feet in size and a maximum height of fifteen (15) feet. The required setback for a construction sign shall be twenty (20) feet from the front property line, and construction signs are limited to one (1) per street front. A construction sign shall be removed prior to the issuance of a Certificate of Occupancy or, in the case of a residential dwelling, prior to the final building inspection.

Development Signs:

Development signs may be erected in non-residential and residential zoning districts, and shall not exceed 100 square feet in size and a maximum height of twenty (20) feet. Such signs must relate only to the property on which they are located. The required setback for a development sign shall be thirty (30) feet or the required building setback line if less than thirty (30) feet. Each development may have one (1) such sign for each portion of fifty (50) acres of total project size. A development sign shall be removed when the project is ninety (90) percent complete. In the case of a commercial project, the ninety (90) percent complete threshold is reached when a Certificate of Compliance is issued for a shell building. For a residential project, the ninety (90) percent complete threshold is reached when ninety (90) percent of the subdivision is permitted.

Directional Sign (On-Site):

Directional signs shall not show advertising, such as company names or logos or advertised specials of any type. Examples include, but are not limited to, signs with or without a directional arrow and wording such as Entrance, Exit, Visitor Parking, Customer Service Department, One Way, and Leasing Office This Way.

Directory/Informational Sign (On-Site):

Directory or Informational signs shall not show any advertising (such as corporate logos, advertised specials, etc.) other than the names of occupants/businesses and arrows directing traffic to those locations.

Kiosk Sign:

The City Council, by duly executed license agreement, shall grant the exclusive right to design, erect, and maintain kiosk signs within the City of Waxahachie.

- a) Kiosk signs must be designed and constructed according to the specifications contained in the license agreement approved by the City Council.
- b) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the City for approval.
- c) Kiosk signs shall include breakaway design features as required for traffic signs in the street rights-of-way.
- d) Price information is prohibited on kiosk signs.
- e) No signs, pennants, flags, or other devices for visual attention of other appurtenances shall be attached to kiosk signs.
- f) Kiosk signs shall not be illuminated.
- g) Individual sign panels on kiosk signs shall have a uniform design and color.
- h) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike trails, or hiking trails; shall not obstruct the visibility of motorist, pedestrians, or traffic control signs; shall not be installed in the immediate vicinity of street intersections and shall comply with the any visibility triangle as dictated by the City of Waxahachie.
 - i) No kiosk sign plaza or sign panel shall be installed within the right-of-way of a state highway without written authorization from the Texas Department of Public Transportation.
 - j) All kiosk signs shall be maintained in like-new condition and shall be free of grass and weeds in surrounding vicinity.
 - k) The agreed upon license shall be consistent and comply with this ordinance.

Monument Sign:

Monument signs shall have a low profile and must be made of stone, concrete, brick, or other similar materials. A monument sign shall be solid from the ground up and all pole(s) or supports shall be concealed. No plastic or fiber glass monument signs shall be permitted.

Multiple Tenants

Shopping centers and office buildings with multiple tenants or businesses are permitted to erect Monument Signs that comply with the following regulations:

Maximum Size: 125 square feet

Maximum Height: Ten (10) feet measured from grade

Setbacks:

Fifteen (15) feet from street right-of-way

Fifteen (15) feet from property lines other than those property lines fronting the street right-of-way

250 feet from any other Monument Sign on the same property, measured along the right-of-way

Single Tenants

Businesses located on individually platted land including individual pad sites. Within a shopping center, apartments, schools, model homes and other nonresidential uses located on residential zoned property are permitted to erect Monument Signs that comply with the following regulations:

Maximum Size: Eighty (80) square feet

Maximum Height: Eight (8) feet

Setbacks:

Fifteen (15) feet from street right-of-way

Fifteen (15) feet from property lines other than those property lines fronting the street right-of-way

250 feet from any other monument sign on the same property, measured along the right-of-way

Pole or Pylon Sign:

A freestanding sign, i.e., independent of any structure or building, supported by a pole(s) having no guys or braces to the ground or to any other structure.

Projecting Sign:

Projecting signs shall have a minimum clearance of eight (8) feet above any sidewalk or other pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Real Estate Sign:

Real estate signs may be erected in nonresidential and residential Zoning Districts, and shall not exceed thirty-two (32) square feet with a maximum height of fifteen (15) feet. The required setback shall be eight (8) feet from any front, side, or rear property line, and signs are limited to one (1) per street front. A real estate sign shall be removed upon the sale or rental of the property.

Unified-Lot Sign:

Unified lot signs must meet all requirements of a monument sign, and may be placed on a premises consisting of two (2) or more contiguous lots where each lot owner has entered into a binding agreement through an easement to treat their separate lots as one (1) lot for the limited purpose of signage. The agreement shall contain a legal description of the properties subject to the agreement; the agreement is a covenant running with the land to be filed and made a part of the Deed Records of Ellis County, Texas; and that the agreement cannot be amended or terminated without the consent of City of Waxahachie. Unified-lot sign may be allowed by Specific Use Permit (SUP). Additional requirements may be set forth by the Planning and Zoning Commission and/or City Council.

Wall Sign:

Neon (or other gaseous) tubing attached directly to a wall surface shall be considered a Wall Sign when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols, or pictorial designs.

- a) Installation Requirements. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve (12) inches from that surface, except for Projecting Signs. Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs.

Section 7: Variances

Any requested variance from this article shall be reviewed by the City of Waxahachie Planning and Zoning Commission and City Council. Only City Council has the authority to approve any requested variances.

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