

## V. DEVELOPMENT STANDARDS

### Section 34. Exterior construction and design requirements.

34.1 *Definitions.* For the purpose of this Ordinance [section], the following definitions shall apply:

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 in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:

1. Hard fired brick (kiln fired clay or slate material, can include concrete brick if it is to the same ASTM standard for construction as typical hard fired clay brick; severe weather grade; minimum thickness of three inches when applied as a veneer; shall not include unfired or underfired clay, sand or shale brick);
2. Stone (includes 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; 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 material and shall not be painted on, and it is demonstrated to be highly durable and maintenance-free; natural or man-made stone shall have a minimum thickness of three and five-eighths inches when applied as a veneer);
3. Decorative concrete block (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 on; minimum thickness of three and five-eighths inches when applied as a veneer; shall not include lightweight or featherweight concrete block or cinder block units); *does not qualify as "masonry construction" in the CA zoning district;*
4. Concrete pre-cast or tilt-wall panels (only allowed if a highly textured, architectural finish which is at least as textured in appearance and physically as face brick or stone; can be brick-like or stone-like in appearance; coloration shall be integral to the masonry material and shall not be painted on; shall not include smooth, untextured or inadequately textured finishes); *does not qualify as "masonry construction" in the CA zoning district;* and
5. Glass blocks or tiles (of the type customarily used in exterior building construction; shall not comprise more than 30% of any exterior wall surface, nor more than 20% of the building's total exterior on all wall surfaces combined; shall not be highly reflective or mirror-like finish); *does not qualify as "masonry construction" in the CA zoning district;*
6. Stucco, if applied in accordance with industry standards, shall qualify as brick or masonry. The Building official must review the proposed installation method at the time of building permit application. The proposed method of installation shall be stated on the building plans. The approved installation method shall be a condition of building permit issuance.

The following materials shall not qualify not be defined as "masonry construction" in

meeting the minimum requirements for the exterior construction of buildings, unless specifically approved by the City's Building Official for single-family or duplex residential structures, or by the City Council on an approved site plan for single-family attached, multi-family, institutional, office, retail, commercial, industrial, or other non-residential structures:

7. Adobe or mortar wash surface material;
8. Exterior insulation and finish system (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
9. Cementitious fiber board siding (see Section 34.3);
10. Aluminum, PVC or other plastic-based siding material;
11. Lightweight or featherweight concrete blocks or cinder blocks; or
12. Any other cementitious product not listed above.

B. *Standard Masonry Construction* - See "Masonry Construction" above.

C. *Historic Overlay District* - That area generally inclusive of the downtown area that is generally thought of as the City's original development and business area. Certain standards specifically cited within the Zoning Ordinance, and possibly within other applicable City Codes, may differ from those required in newly developing areas of the City due to the original downtown's unique character and history (see the CA zoning district for other development and redevelopment standards).

34.2 *Minimum masonry exterior construction standards.* The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within the City. (See subsection D for exceptions.)

A. *Application Requirements:* Any application for the use of masonry materials that is not otherwise permitted by this Zoning Ordinance shall require the following:

1. *Site Plan.* All requests for the use of masonry materials shall be submitted to the City in writing on an application form available in the Building Department office, and shall be noted and described on a site plan (see site plan detail requirements in Section 39 of this Ordinance). A site plan shall be required for any development wherein the use of masonry materials is proposed and approved in accordance with this section of the Zoning Ordinance.
2. *Building Facade Plan.* The architectural style and scale of the proposed single-family and/or two-family dwelling units shall be submitted in the form of scaled drawings of proposed four facade elevations. This submission shall be submitted with and shall be a component of the site plan.
  - a. If the proposed use of masonry materials is for more than one dwelling unit, the applicant shall provide at least six (6) facade drawings that are representative of the overall style and scale of the dwelling units within the development. If the use of masonry materials is approved, these drawings will serve as examples of what the City anticipates for the overall development, and the applicant shall be expected to meet a similar level of quality in the design of single-family homes and/or townhomes that are not individually represented in the examples.
  - b. The Building Department may require actual samples of any proposed masonry products to be used (and the actual colors to be used), and such samples shall be submitted as part of the Building Facade Plan.
3. *Quality Control.* Any question as to whether the durability or installation of the masonry materials is in accordance with this section of the Zoning Ordinance,

and/or with the City's Building Code, shall be determined by the City's Building Official. The appropriateness of the application in terms of quality shall be determined as part of site plan/Building Facade Plan approval.

a. If the Building Official deems the installation insufficient to meet the manufacturer's written specifications and requirements (including spirit and intent) of these regulations, or with the City's Building Code no Certificate of Occupancy shall be issued unless and until the installation is deemed satisfactory. Any appeal of this decision may be made to the Planning & Zoning Commission. If denied by the Planning & Zoning Commission, may be further appealed to the City Council.

b. The method of painting and/or color application, including the type of paint and/or materials to be used, must be approved as part of the site plan and related Building Facade Plan.

**B. *Single-Family and Duplex Residential:***

1. All residential buildings and structures located in the residential zoning districts "FD" through 2F, with exception of the RR District, shall be of construction having at least seventy-five percent (75%) of the total exterior walls above grade level roof overhang, excluding doors and windows, constructed of masonry as defined by this Ordinance (i.e., brick, stone, etc. - see Section 13A.5 of the Zoning Ordinance for RR district requirements), and shall be in accordance with the City's building code and fire prevention code. Strict adherence to this rule shall not be such as to prevent architectural creativity. Cementitious planks, panels, fiberboards, PVC or plastic siding, exterior insulation and finish systems (EIFS), and similar wood or nonwood materials shall not be allowed to count toward the 75% brick or masonry requirement (see non-masonry exterior materials in Section 34.3). Stucco, if applied in accordance with industry standards as approved by the Building Official, shall qualify as brick or masonry.

2. Concrete, concrete block or metal exterior construction is not permitted on any single-family or duplex residential structure.

3. Roof materials for a single-family or duplex structure shall be comprised of laminated, dimensional composition shingle (25-year minimum), flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch shall be at least 7:12, unless otherwise stated in the applicable zoning district or PD ordinance.

4. Front Entry Walkways: A hard surface walkway with a minimum improved width of three feet (3') must be constructed from the sidewalk to the front door of each primary structure. Walkways may be surfaced with concrete, pavers, laid bricks, or any other such material and in accordance with City standards.

5. Front Covered Porches: Front covered porches shall be required for each dwelling unit. These covered porches must meet the following minimum criteria:

a. Attached with Like Materials: A front covered porch that is permanently attached to and is an integral part of the primary structure shall be constructed of like and similar materials to those of the primary structure (alternative materials (i.e. cedar or other complimentary products) may be approved by the Building Department through this Building Facade Plan review process).

b. Minimum Dimensions: Each front covered porch must include a minimum usable area of forty (40) square feet with a minimum depth of five feet (5') from the primary structure as measured perpendicular to the

front door.

6. Garages:

a. Detached garages shall be constructed of like and similar materials to those used for the primary structure.

b. Garage Location: All structures are to be 25' from property lines and fifty (50%) percent of all dwellings shall have garages with at least one of the following designs:

- (1) rear entry
- (2) "J" Drives (front entry)
- (3) Offset front entry garage greater than or equal to five feet (5') from front building face

7. Architectural Requirements: Each dwelling unit shall be designed with the following minimum criteria.

a. Architectural Relief:

- (1) The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two feet (2').
- (2) There shall be no uninterrupted wall length of twelve feet (12') or more on any facade of the dwelling unit.

b. Minimum Number of Elevations: No single building elevation shall be duplicated within six (6) lots or tracts.

c. Minimum Number of Design Elements: A minimum of four (4) of the following elements must be incorporated into the design of each dwelling unit:

- (1) Multiple pane (divided light or simulated divided light) windows;
- (2) Decorative columns (min. 6" diameter) and 30" minimum height railings enclosing the front porch area;
- (3) Gable with window;
- (4) Dormer;
- (5) Bay windows with a minimum projection of twenty-four inches (24");
- (6) 8:12 roof pitch;
- (7) Two or more exterior masonry materials with each material covering at least 25% of the exterior surface;
- (8) Split garage doors (i.e., a separate door for each vehicle bay).

Illustration 1

**GRAPHIC LINK:** [Click here](#)

d. Walls and Windows: The front building face must contain a minimum of thirty percent (30%) of the wall area in windows or doors.

## e. Roof Design:

- (1) A minimum 7:12 roof pitch is required for all dwelling units.
- (2) Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building facade to the soffit.

## 8. Mail Boxes:

## a. Masonry Content Required:

- (1) Single-Unit Mail Boxes: The exterior veneer of the support structure for mailboxes installed individually on a lot or tract must be constructed of like and similar man-made masonry material to that of the primary structure.
- (2) Multi-Unit Mail Boxes: The exterior veneer of the pedestal and exterior cabinet for each multi-unit mailbox must be 100 percent brick or other such man-made masonry material approved for single family construction by this code.

b. Concrete Foundation Required: Each single-unit or multi-unit mailbox must be constructed with a concrete foundation of not less than three inches (3") in thickness or in conformance with the City's adopted standard construction details.

C. *Multi-Family and Single-Family Attached Residential:*

1. All principal buildings and structures located in the MF Districts shall be of exterior construction having at least seventy-five percent (75%) of the total exterior walls, excluding doors and windows, constructed of masonry as defined by this Ordinance (i.e., brick, stone, etc.), and shall be in accordance with the City's building code and fire prevention code.
2. Concrete, concrete block, or metal exterior construction is not permitted on any multi-family or single-family attached residential structure.
3. Roof materials for a multi-family or single-family attached structure shall be comprised of laminated, dimensional composition shingle (25-year minimum), flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch shall be at least 6:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for "Santa Fe" (with a flat roof and highly articulated parapet that conceals the roof and any roof-mounted equipment), "Texas ranch house" (with low pitched roofs, large eaves/overhangs, rambling design), or other uniquely styled architecture.

D. *Non-Residential and Institutional Buildings:*

1. All non-residential and institutional buildings in any zoning district except the FD, LI-1, LI-2, HI and AP districts shall have a minimum of 90% masonry construction, more-or-less equally distributed around all sides of the building, for the first story (i.e., below the first floor ceiling plate), and a minimum of 80% for any story above one. In the FD, LI-1, LI-2, HI and AP zoning districts only, any exterior facade of a building that faces, or is visible from, a public street shall have the same 90%/80% masonry construction described above, and all other facades (i.e., that are not facing, or visible from, a public street) shall be comprised of not less than 50% masonry construction.
2. Areas of a facade 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.

3. Metal exterior construction is not allowed on any non-residential or institutional structure located within any residential zoning district or within the P, O NS, GRL, GR, CA or C zoning districts. Metal exterior construction is only allowed on such a non-residential or institutional structure within the FD, LI-1, LI-2, HI and AP zoning districts on a building facade that does not face, and that is not visible, from an existing or planned public street. *(Exception: If the structure is located on a through lot that both fronts and backs onto a public street, and if the structure's rear facade is located more than 1,000 feet from the street, then the rear facade can be of metal exterior construction as provided herein. If a structure is on a corner lot, which fronts and sides onto two streets, the front and side facades cannot be metal exterior construction unless approved on the site plan.)* The use of any type of metal for exterior building construction (such as profiled panels, deep ribbed panels, concealed fastener system panels, etc.) shall be clearly shown on the site plan, and shall only be allowed with site plan approval. The exterior finish of metal used in exterior construction shall be of a permanent, maintenance-free nature such as a baked-on finish. The use of corrugated, galvanized, aluminum-coated, zinc-coated, unfinished, or similar metal surfaces shall be prohibited (unless approved on the site plan for a restaurant that uses such materials as part of its "signature design aesthetic", in which case a maximum of 10% of any wall facade may be devoted to such materials).

4. 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 (25-year minimum), flat pan standing seam metal roofing (only with a factory baked-on muted color finish) no bright colors or natural-colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch shall be at least 6:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.

E. *Exemptions:* The following structures are exempt from the masonry construction requirements outlined within this subsection:

1. Barns on property of two acres or more, provided that such barns are used solely for agricultural purposes (as distinguished from commercial purposes);
2. Mobile homes and HUD-Code manufactured homes otherwise lawfully existing as of the effective date of this Ordinance;
3. Historic structures;
4. Accessory building in a single-family, duplex or single-family attached zoning district that has equal to or less than five hundred (500) square feet of floor area;
5. Accessory building (of any size) in the Future Development ("FD") zoning district, or in a single-family, duplex or single-family attached zoning district that is within the City's original downtown area (shall be constructed of the same materials, colors and finishes as the main building on the lot, tract or site);
6. Temporary construction buildings, field offices, sales offices and temporary classroom or storage buildings for a public school 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); and

7. Residential and non-residential structures legally in existence as of \_\_\_\_\_, 2007 (the effective date of this Ordinance), and any additions to such structures that do not cumulatively exceed 20% of the original building size (as it existed on \_\_\_\_\_, 2007). Such additions shall be allowed to be constructed of the same exterior materials as the original building;

8. Any lot of a block with majority of wood-sided homes.

F. *Accessory Buildings:*

1. In the Future Development ("FD") zoning district, or in a single-family, duplex or single-family attached zoning district that is within the City's Historic Overlay District-See Subsection E.5. under "Exceptions" above.

2. In a single-family, duplex or single-family attached zoning district (but not within the City's Historic Overlay District) - Accessory buildings that have over five hundred (500) square feet of floor area shall conform to the minimum exterior construction standards for the main building on the lot, tract or site, and shall be compatible in exterior finishes and colors as the main building.

3. In a multi-family or non-residential zoning district - Accessory buildings (any size) shall conform to the minimum exterior construction standards for the main building on the lot, tract or site, and shall be architecturally compatible in design and constructed of the same exterior finishes and colors as the main building.

G. *Considerations for Approval:* In addition to the minimum standards above, consideration for the use of masonry materials shall also be based on the following:

1. The architectural design and creativity of the dwelling units proposed;

2. The quality and creativity of the overall development proposed;

3. Compatibility of the dwelling units proposed with surrounding developed properties and structures.

H. *Approval Process:*

1. Building Department Action: The City Manager (or his designee) shall approve or deny any site plan (including a related Building Facade Plan) submitted that involves the proposed use of non-masonry materials.

2. Planning & Zoning Commission and City Council Appeal: If the site plan is denied by the City Manager (or his designee), the applicant may appeal the decision to the Planning and Zoning Commission and City Council in accordance with Section 39.2.D.

34.3 *Minimum non-masonry exterior construction standards.*

A. *Purpose and Applicability:*

1. Purpose. Design standards within this section for single-family homes and townhomes are set forth to allow for the use of non-masonry materials (e.g., cementitious fiber board siding, EIFS, wood siding, etc.). These standards are intended to incorporate high quality requirements for residential developments using non-masonry materials to ensure that the resulting dwelling unit's products positively contribute to Waxahachie's community image. These homes may be associated with new development concepts such as New Urbanism and Traditional Neighborhood Development (TND) or historic homes.

2. Applicability. Non-masonry materials may be used on any single-family, duplex or townhome dwelling unit in accordance with the regulations herein, and upon approval in accordance with the approval process outlined below.

B. *Quality of Installation:*

1. Quality. Non-masonry materials shall be similar in terms of durability to that of a traditional masonry product; such as brick. It shall be the applicant's responsibility to demonstrate that the non-masonry materials that are intended to be used exhibits such durability.
2. Installation. Any installation of non-masonry materials that is approved as outlined herein shall be installed properly according to the manufacturer's specifications.

C. *Application Requirements:* Any application for the use of non-masonry materials that is not otherwise permitted by this Zoning Ordinance shall require the following.

1. Site Plan. All requests for the use of non-masonry materials shall be submitted to the City in writing on an application form available in the Building Department office, and shall be noted and described on a site plan. A site plan shall be required for any development wherein the use of non-masonry materials is proposed and approved in accordance with this section of the Zoning Ordinance.
2. Building Facade Plan. The architectural style and scale of the proposed single-family and/or two-family dwelling units shall be submitted in the form of scaled drawings of proposed four facade elevations. This submission shall be submitted with and shall be a component of the site plan.
  - a. If the proposed use of non-masonry materials is for more than one dwelling unit, the applicant shall provide at least six (6) facade drawings that are representative of the overall style and scale of the dwelling units within the development. If the use of non-masonry materials is approved, these drawings will serve as examples of what the City anticipates for the overall development, and the applicant shall be expected to meet a similar level of quality in the design of single-family homes and/or townhomes that are not individually represented in the examples.
  - b. The Building Department may require actual samples of any proposed non-masonry product to be used (and the actual colors to be used), and such samples shall be submitted as part of the Building Facade Plan.
3. Quality Control. Any question as to whether the durability or installation of the non-masonry materials is in accordance with this section of the Zoning Ordinance, and/or with the City's Building Code, shall be determined by the City's Building Official. The appropriateness of the application in terms of quality shall be determined as part of site plan/Building Facade Plan approval.
  - a. If the Building Official deems the installation insufficient to meet the manufacturer's written specifications and requirements (including spirit and intent) of these regulations, or with the City's Building Code no Certificate of Occupancy shall be issued unless and until the installation is deemed satisfactory. Any appeal of this decision may be made to the Planning & Zoning Commission. If denied by the Planning & Zoning Commission, may be further appealed to the City Council.
  - b. The method of painting and/or color application, including the type of paint and/or materials to be used, must be approved as part of the site plan and related Building Facade Plan.

D. *Design Standards:*

1. Required Standards: The use of non-masonry materials shall only be

approved in accordance with the integration of the Design Standards listed within this section.

2. **Front Entry Walkways:** A hard surface walkway with a minimum improved width of three feet (3') must be constructed from the sidewalk to the front door of each primary structure. Walkways may be surfaced with concrete, pavers, laid bricks, or any other such material and in accordance with City standards.

3. **Front Covered Porches:** Front covered porches shall be required for each dwelling unit. These covered porches must meet the following minimum criteria:

a. **Attached with Like Materials:** A front covered porch that is permanently attached to and is an integral part of the primary structure shall be constructed of like and similar materials to those of the primary structure (alternative materials (i.e. cedar or other complimentary products) may be approved by the Building Department through this Building Facade Plan review process).

b. **Minimum Dimensions:** Each front covered porch must include a minimum usable area of forty (40) square feet with a minimum depth of five feet (5') from the primary structure as measured perpendicular to the front door.

4. **Garages:**

a. Detached garages shall be constructed of like and similar materials to those used for the primary structure.

b. **Garage Location:** All structures are to be 25' from property lines and fifty (50%) percent of all dwellings shall have garages with at least one of the following designs:

(1) Rear entry;

(2) "J" Drives (front entry);

(3) Offset front entry garage greater than or equal to five feet (5') from front building face.

5. **Architectural Requirements:** Each dwelling unit shall be designed with the following minimum criteria:

a. **Architectural Relief:**

(1) The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two feet (2').

(2) There shall be no uninterrupted wall length of twelve feet (12') or more on any facade of the dwelling unit. Illustrations 3 and 4 below do not meet this standard and therefore would not be acceptable.

**GRAPHIC LINK:** [Click here](#)

Illustration 3

Illustration 4

b. **Minimum Number of Elevations:** No single building elevation shall be duplicated within six (6) lots or tracts.

c. **Minimum Number of Design Elements:** A minimum of four (4) of the

following elements must be incorporated into the design of each dwelling unit:

- (1) Multiple pane (divided light and simulated divided light) windows;
- (2) Decorative columns (min. 6" diameter) and 30" minimum height railings enclosing the front porch area;
- (3) Gable with window;
- (4) Dormer;
- (5) Bay windows with a minimum projection of twenty-four inches (24");
- (6) Inclusion of 1 or more masonry materials;
- (7) Minimum 8:12 roof pitch;
- (8) Split garage doors (i.e., a separate door for each vehicle bay).

**GRAPHIC LINK:** [Click here](#)

Illustration 5

Illustration 6

d. Walls and Windows: Front building face must contain a minimum of thirty percent (30%) of the wall area in windows or doors.

e. Roof Design:

- (1) A minimum 7:12 roof pitch is required for each dwelling unit.
- (2) Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building facade to the soffit.

6. Examples: The following illustrations of dwelling units shall serve as examples of the type of architectural design that may be acceptable (Illustration 7) and unacceptable (Illustration 8) for Waxahachie City officials in considering whether to approve or deny requests to use non-masonry materials.

**GRAPHIC LINK:** [Click here](#)

Illustration 7: Acceptable Examples of Non-Masonry Exterior Treatments

**GRAPHIC LINK:** [Click here](#)

Illustration 7: Acceptable Examples of Non-Masonry Exterior Treatments, Continued

**GRAPHIC LINK:** [Click here](#)

Illustration 8: Unacceptable Examples of Non-Masonry Exterior Treatments

E. *Considerations for Approval:* In addition to the minimum standards above, consideration for the use of non-masonry materials shall also be based on the following:

1. The architectural design and creativity of the dwelling units proposed;
2. The quality and creativity of the overall development proposed;

3. Compatibility of the dwelling units proposed with surrounding developed properties and structures.

F. *Approval Process:*

1. Building Department Action: The City Manager (or his designee) shall approve or deny any site plan (including a related Building Facade Plan) submitted that involves the proposed use of non-masonry materials.
2. Planning & Zoning Commission and City Council Appeal: If the site plan is denied by the City Manager (or his designee), the applicant may appeal the decision to the Planning and Zoning Commission and City Council in accordance with Section 39.2 D.

34.4 *Exceptions to sections 34.2 and 34.3 minimum exterior construction standards.*

A. All requests for exceptions to any exterior construction requirement as provided herein shall be submitted to the Building Department in writing, and shall be clearly noted and described in detail on a full set of to-scale color facade plans (i.e., that shows all building elevations) that is submitted along with the site plan if one is required by the City for the proposed building/development (for multi-family, single-family attached and non-residential structures only, and for the use of non-masonry materials as provided in Section 34.3 herein). The City may require submission of an actual sample(s) of the proposed exterior finish material(s) along with the facade plan and the site plan. The Building Department will review the request for an exception(s), and shall schedule the request for consideration by the Planning & Zoning Commission within thirty (30) days following receipt of the request.

B. The Planning & Zoning Commission may recommend, and the City Council may approve, a request for an exception(s) to any exterior construction requirement, including the use of an alternative exterior construction material(s) if it is determined to be equivalent or better than the exterior materials otherwise required by this Subsection and by the City's Building Code (this process shall be part of the site plan approval process for multi-family, single-family attached and non-residential structures only - consideration and approval for the use of non-masonry materials shall be as provided in Section 34.3 herein).

C. Consideration for exceptions to any exterior construction requirement shall be based only upon the following:

1. Architectural design, creativity and innovation; and
2. Compatibility of the dwelling units proposed with surrounding developed properties and structures.

(Ord. No. 2411, 6-4-07)

### **Section 35. Off-street parking and loading requirements.**

35.1 *Purpose:* To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

35.2 *Residential districts (except MF) - special off-street parking provisions:*

A. Required off-street parking shall be provided on the same site as the use it is to serve.

B. No required parking shall be allowed except on a paved concrete parking space, except RR and FD - all weather surfaces. All driveways and approaches to required parking spaces shall be similarly paved except in the FD, SF-1 or RR districts on lots three (3) acres or larger.

C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle). In the RR, SF-1, SF-2, SF-3, and 2F Districts, utility and other similar trailers, a boat or recreational vehicle including a motor home or travel trailer may be parked or stored on the residential premises of the owner provided that such trailer, boat, vehicle or motor home may be parked or stored only within that portion of the residential lot which is located to the rear of the required front yard line on an improved surface.

**35.3 *Nonresidential and MF Districts - special off-street parking provisions:***

A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 42.

B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 35.10. All adjacent parking areas shall provide mutual vehicular access from one parking area to the next, which access shall be established by permanent and irrevocable mutual access easement on the plat (or by separate instrument only in instances where the adjacent property has already been previously platted), without requiring an exit onto a public street.

C. All required off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the parking lot paving requirements in the City's Code of Ordinances.

Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustration 10 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:

1. Standard: Nine feet (9') by eighteen feet (18').
2. Compact: Nine feet (9') by sixteen feet (16').
3. Parallel: Eight feet (8') by twenty-two feet (22').

E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, and to prevent any parked vehicle from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three-foot (3') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.

F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.

G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading.

H. Handicap parking space(s) shall be provided according to State and Federal regulations.

I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment; or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).

J. To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Building Official.

K. Off-street stacking requirements for drive-through facilities.

1. A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.

2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.

3. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided from the location of the order window.

4. For kiosks, a minimum of two (2) stacking spaces for each service window in addition to the service window shall be provided.

5. For each full service car wash, vacuum or gas pump lane, a minimum of seven (7) stacking spaces shall be provided.

6. For each self-service (drive-through/automated) wash bay, a minimum of three (3) stacking spaces in addition to the wash bay shall be provided.

7. For each self-service (open bay), a minimum of two (2) stacking spaces in addition to the wash bay shall be provided.

8. For automobile quick lube facilities, a minimum of three (3) stacking spaces in addition to the service bay shall be provided.

#### 35.4 *Off-street loading space - all districts:*

A. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustration 2). Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10' x 45') and such spaces or berths shall be provided in accordance with the following schedule:

TABLE INSET:

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 10,000	None
10,001 to 50,000	1
50,001 to 100,000	2
100,001 to 200,000	3
Each additional 100,000	1 additional

B. Along major thoroughfares, loading docks or overhead rolling steel doors shall not be constructed facing the front of the lot, unless such loading dock or overhead rolling steel doors are set back a minimum of seventy-five feet (75') from the right-of-way line of the street or highway on which said loading dock fronts and is visually screened from "line of sight" measured from a vertical height of six feet (6') from such major thoroughfare. Screening shall be subject to the following standards:

- (1) Screening shall be equivalent to a brick masonry wall six feet (6') in height.
- (2) A living screen or living screen and berm of equal height may be substituted upon approval of the Planning and Zoning Commission. Living screen materials shall be in accordance with the City of Waxahachie's approved plant list.
- (3) Screening shall be provided for a linear distance equal to the length of the area where the loading docks are exposed to the public street.

C. Loading docks on streets other than major thoroughfares shall not be constructed facing the front of the lot, unless a minimum setback of seven-five feet (75') is provided from the right-of-way line of the street or highway on which said loading dock fronts (see Illustration 2).

D. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.

E. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through "circular" drive with a pass-by lane for each ten (10) students cared for, excluding child care in a residence.

35.5 *Parking access from a public street - all districts:*

A. In the approval of a Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.

B. In all Districts (except all Single-Family and Duplex Zoning Districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Director of Public Works or designated representative.

- 1. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.

2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.

C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.

D. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Illustration 10.

35.6 *Parking requirements based on use:* In all Districts, there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

1. Automobile parts sales (indoors): One (1) space per five hundred (500) square feet of indoor floor area plus one (1) space for each 2,000 square feet of outside sales area.
2. Automobile sales or service: See Motor - Vehicle Sales.
3. Bank, Savings and Loan, or similar institution: One (1) space per two hundred (200) square feet of gross floor area.
4. Bed and breakfast facility: One (1) space per guest room in addition to the requirements for a normal residential use.
5. Bowling alley or center: Six (6) parking spaces for each alley or lane.
6. Bus or truck repair, storage area, or garage: One (1) space for each five hundred (500) square feet of floor area and repair garage with a minimum of five (5) spaces.
7. Business or professional office (general): One (1) space per three hundred (300) square feet of gross floor area except as otherwise specified herein.
8. Car wash (self serve): One (1) space per washing bay or stall in addition to the washing area or stall themselves.
9. Car wash (full service): One (1) space per one hundred fifty (150) square feet of floor area.
10. Church, rectory, or other place of worship: One (1) parking space for each three (3) seats in the main auditorium/sanctuary.
11. College or University: One (1) space per three (3) day students.
12. Community Center, Library, Museum, or Art Gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
13. Commercial Amusement (indoor): One (1) space per one-hundred (100) square feet of gross floor area, or as follows:
  - a. Racquetball or handball courts - Three (3) spaces for each court.
  - b. Indoor tennis courts - Six (6) spaces for each court.
  - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity, plus one (1) space for each two hundred (200) square feet.
  - d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area.
  - e. Weight lifting or exercise areas - One (1) space for each one hundred (100)

square feet.

- f. Bingo parlors - One (1) space for three (3) seats (design capacity) or one (1) per one hundred (100) square feet of total floor area, whichever is greater.
  - g. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet.
  - h. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3 1/2) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens.
  - i. Amusement Center - One (1) space for each game table and one (1) space for each amusement device.
  - j. All areas for subsidiary uses not listed above or in other parts of this section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.
14. Commercial amusement (outdoor) - Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5000) square feet of building and recreational area.
15. Commercial Use - One (1) space per two hundred fifty (250) square feet of floor area.
16. Convenience store (with gasoline pumps): One (1) space per two hundred (200) square feet of floor area plus one (1) space for each three (3) gasoline pump units (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces in pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store.
17. County Jail Facility - Parking requirements for any building used as a county jail facility shall be computed as follows:
- (a) One (1) parking space required for every two employees (number of employees to be calculated according to the number of employees on a maximum shift), plus
  - (b) One (1) parking space for each 330 square feet of floor area in intake and booking areas, plus
  - (c) One (1) visitor's parking space for every twenty (20) inmate beds.
18. Dance Hall, Aerobics, Assembly or Exhibition Hall Without Fixed Seats: One (1) parking space for each one hundred (100) square feet of floor area thereof.
19. Day Nursery: One (1) space per ten (10) pupils plus one (1) space per teacher, plus one (1) space for each bus or van.
20. Flea Market: One (1) space for each two hundred (200) square feet of floor or sales area. Dirt or gravel parking lots are not permitted.
21. Fraternity, Sorority, or Dormitory: One (1) parking space for each two (2) beds on campus, and one and one-half (1 1/2) spaces for each two beds in off campus projects.
22. Furniture or Appliance Store, Hardware Store, Wholesale Establishments, Clothing or Shoe Repair or Service: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
23. Gasoline Station: One (1) space per two hundred (200) square feet of floor area. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.

24. Golf Course: Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees.
25. Golf Driving Range: One and one-half (1 1/2) spaces for each driving tee.
26. Health Club, Health Spa or Exercise Club: One (1) space per one hundred fifty (150) square feet of floor area.
27. Hospital: One (1) space for each two (2) beds or examination room whichever is applicable.
28. Hotel: One (1) space per room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats, plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.
  - a. One and one-tenth (1.1) spaces per room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.
  - b. Two (2) spaces per guest room provided with kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.
29. Industrial (Light) Uses: One (1) space for each one thousand (1000) square feet of floor area.
30. Institutions of a Philanthropic Nature: Ten (10) spaces plus one (1) space for each employee.
31. Library or Museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet.
32. Lodge or Fraternal Organization: One (1) space per two hundred (200) square feet.
33. Lumber Yard: One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse.
34. Machinery or Heavy Equipment Sales: One (1) space per five hundred (500) square feet of gross floor area.
35. Manufacturing, Processing or Repairing: One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater.
36. Medical or Dental Office: One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
37. Mini-Warehouse: Four (4) spaces per establishment plus (1) one additional space per ten thousand (10,000) square feet of storage area.
38. Manufactured Home or Manufactured Home Park: Two (2) spaces for each manufactured home plus additional spaces as required herein for accessory uses.
39. Mortuary or Funeral Home: One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
40. Motel: One (1) parking space for each sleeping room or suite plus one (1) additional space for each two hundred (200) square feet of office or retail floor area contained therein.
41. Motor-Vehicle Sales and New or Used Car Lots: One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for

- each one thousand (1,000) square feet of lot area for storage, sales and parking area, whichever is greater.
42. Nursing Home, Convalescent Home, or Home for the Aged: One (1) space per six (6) beds and one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
  43. Office (administrative or professional): One (1) space for each three hundred (300) square feet of floor area.
  44. Outdoor Display: One (1) space for each six hundred (600) square feet of open sales/display area.
  45. Places of Public Assembly Not Listed: One (1) space for each three (3) seats provided.
  46. Race track, horses or dogs: One (1) for each three (3) seats plus one (1) space for each employee. Stable areas shall provide storage areas for horse trailers according to Section 35.4.
  47. Retail or Personal Service Establishment, Except as Otherwise Specified Herein: One (1) space per two hundred (200) square feet of gross floor area.
  48. Retirement Home: One (1) space for each dwelling unit.
  49. Restaurant, Private Club, Night Club, Cafe or Similar Recreation or Amusement Establishment: One (1) parking space for each one hundred (100) square feet of seating or waiting area or one (1) space for every three (3) seats under maximum seating arrangement, whichever is greater.
  50. Rooming or Boarding House: One (1) parking space for each sleeping room.
  51. Sanitarium or Similar Institution: One (1) parking space for each six (6) beds.
  52. School, Elementary (grades K-6): One (1) parking space for each fifteen (15) students (design capacity).
  53. School, Secondary, or Middle (grades 7-8): One (1) parking space for each twelve (12) students (design capacity).
  54. School, High School (grades 9-12): One space for each three (3) students, faculty and staff (design capacity).
  55. Storage or Warehousing: One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater.
  56. Theater, Indoor or Outdoor (live performances), Sports Arena, Stadium, Gymnasium or Auditorium (except school auditorium): One (1) parking space for each four (4) seats or bench seating spaces.
  57. Truck stops: One (1) truck parking space for each ten thousand (10,000) square feet of site area plus one (1) vehicle parking space per two hundred (200) square feet of building area.
  58. Veterinarian Clinic: One (1) space per three hundred (300) square feet of gross floor space.
  59. Warehouse or Wholesale Type Uses: One (1) space for five thousand (5,000) square feet of gross floor area.
- 35.7 *Rules for computing number of parking spaces:* In computing the number of parking spaces required for each of the above uses, the following rules shall govern:
- A. "Floor Area" shall mean the gross floor area of the specific use.

B. Where fractional spaces result, the parking spaces required shall be constructed up to the next whole number.

C. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Building Official in accordance with the requirements for the most closely related use specified in this section.

D. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

E. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 40,000 square feet.

F. Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the Building Official. To assure retention of the shared parking spaces, the parties concerned shall properly draw and execute a document expressing the same and shall file this agreement with the Planning Department of the City of Waxahachie.

Off-street parking for churches existing prior to January 1, 1988 shall be provided on the same lot or tract occupied by the main use or on a non-contiguous lot or tract sufficient to assure the specified ratio of vehicle spaces are available in close proximity to the church facilities. Off-street parking provided on a separate lot or tract shall be:

1. Church related and dedicated to parking use by an instrument filed with the Building Official and consolidated with the main use under one Certificate of Occupancy, and Compliance;
2. Located in the same zoning district as the main use or in a district which allows a commercial parking lot or garage; and
3. Located within two hundred feet (200') (including streets and alleys) of the property upon which the main church building is located. The distance measured is the shortest distance between the two (2) lots/tracts.

G. Compact Car Spaces - In the O, NS, GR, LI-1, LI-2 and HI Districts, compact car parking spaces may be permitted when approved as part of a detailed site plan by the Planning and Zoning Commission, providing the following conditions apply:

1. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent (10%) of required parking may be designed for compact cars.
2. On parking lots larger than fifty (50) spaces involving large industrial buildings or large offices and where there is only one tenant, a maximum of twenty-five percent (25%) of the required parking may be for compact cars.
3. A compact car space is defined as a minimum size of 9' x 16' and must be properly identified by signage.

35.8 *Location of parking spaces:* All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed six hundred (600) feet from any nonresidential building served.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:

1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure providing:

a. That a permanent easement of the parking facilities in favor of the premises to be benefitted shall be dedicated and recorded as a condition of such use, or

b. That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

35.9 *Use of required parking spaces, non-residential districts:* Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

35.10 *Fire lanes:*

A. Fire lanes shall be provided in all multi-family and nonresidential areas as required by the adopted Fire Code of the City.

35.11 *Bicycle parking:*

1. Bicycle parking will be required whenever any new use is established or and existing use is enlarged for which more than ten (10) automobile parking spaces are required.

2. a. Bicycle parking shall be the equivalent of ten (10) percent of required automobile parking by actual numbers of spaces required.

b. A minimum of two (2) and a maximum of twenty (20) stalls shall be provided.

c. All bicycle parking stalls shall be located within one hundred (100) feet of the primary use or as close as the closest auto space.

d. A bicycle stall shall include a delineated and safe parking area, and an appropriate structure to which bicycles can be locked.

e. Appropriate structure means a stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein. Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position. Racks that support a bike primarily by a wheel such as standard "wire racks" are damaging to wheels and thus are not acceptable.

f. Bicycle racks must be securely anchored to the ground or structure.

(Ord. No. 2482, 9-2-08)

## Section 36. Landscape requirements.

**36.1.0 Purpose and intent:** The purpose of this Ordinance is to provide for the orderly and aesthetic development of the City and to promote the health, safety and general welfare of the community. It is the intent of this Ordinance to achieve the following:

**36.2.1 Definitions:** For the purpose of this Ordinance, certain words or terms applicable hereto are defined as hereinafter provided.

**Bufferyard:** A bufferyard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

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

**Caliper:** Diameter of the trunk measured at DBH.

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

**DBH:** Diameter at breast height, 4.5' above ground level.

**Ground cover:** Low growing, dense spreading plants typically planted from containers.

**Interior landscape area:** The area of the lot remaining after subtracting out the area included in the required bufferyards.

**Landscape Administrator:** The City Manager or his designee.

**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.

**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.

**Owner:** Any person who has a legal or equitable interest in real property, including a tenant or person in control of any premises upon which landscaping is required to be placed under this Ordinance.

**Permeable pavement:** A paving material that permits water penetration.

**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.

**Seasonal color:** Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

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

**Understory/accent trees:** Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

### 36.3.0 Landscape/irrigation requirements.

**36.3.1 General:** The requirements herein shall apply to all new non-residential construction and multi-family construction other than duplex uses. The requirements for landscaping shall combine the bufferyard requirements, minimum landscape areas on the interior portion of the lot, and minimum landscape areas for parking areas.

a. *Existing buildings:* Buildings in existence on the effective date of this Ordinance shall be considered legally nonconforming as it pertains to this Ordinance. New construction greater in size than 30% of the existing building or greater than 5,000 square feet shall require compliance with this Ordinance as it applies to the entire square footage of the existing building and proposed addition. New construction intended to increase the square footage by less than 30% of the existing building or less than 5,000 square feet shall be required to meet the requirements herein only as it pertains to the square footage of the new construction.

b. *Pad site developments:* Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the interior landscape requirements of Section 36.5.3 herein.

c. *Expansions or Reconfiguration of Paved Areas:* Any expansion or reconfiguration of paved areas shall comply with Section 36.5.4 herein.

#### 36.4.0 *Landscape/Irrigation Plan Requirements:*

36.4.1 *Qualification to prepare plans:* For all lots greater than 30,000 square feet, Landscape Plans shall be prepared by a Registered Landscape Architect. For lots less than 30,000 square feet, a Landscape Designer or Landscape Contractor, knowledgeable in plant materials and landscape design may also prepare the landscape plan. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect. The Landscape Administrator may reject plans if deemed of insufficient quality or completeness and require that plans be prepared by a Registered Landscape Architect or other qualified professional.

36.4.2 *Landscape plan requirements:* The following items shall be provided on the required landscape plan.

- a. Sheet size 24" x 36", or as approved.
- b. Acceptable scale: 1" = 10', 1" = 20', or as approved.
- c. North arrow, graphic and written scale in close proximity.
- d. Appropriate title (i.e. "Landscape Plan")
- e. Title block includes street address, lot and block, subdivision name, city, state, date of preparation.
- f. Name and address of owner.
- g. Name, address and phone of firm preparing plan.
- h. Boundary shown with dimensions.
- i. Any existing or proposed easements and utilities shown. (i.e. water, sewer, storm drain, gas, electric, cable, etc.)
- j. Width and type of bufferyards labeled on all sides.
- k. Location, caliper size and name of all existing trees 6" caliper or more which are to be preserved.
- l. Location, quantity, size and name of all proposed plant materials.
- m. Maintenance note provided. (Section 10.1)
- n. Provide standard Bufferyard and Interior Landscape Calculation Chart from Approved Site Plan.
- o. Visibility triangles shown.

- p. Landscape Architect seal signed and dated.
- q. Plant list shown with format similar to Appendix 'C'.
- r. Location and footprint of proposed or existing buildings and parking lots.
- s. Any berms delineated with one-foot (1') contour intervals.
- t. Any proposed or existing sidewalks.

36.4.3 *Irrigation plan requirements:* The following items shall be provided on the required irrigation plan:

- a. Sheet size 24" x 36", or as approved.
- b. Acceptable scale: 1" = 10', 1" = 20', or as approved. (Must be same as Landscape Plan)
- c. North arrow, graphic and written scale in close proximity.
- d. Appropriate title (i.e. "Irrigation Plan").
- e. Title block includes street address, lot and block, subdivision name, city, state, date of preparation.
- f. Name and address of owner.
- g. Name, address and phone of firm preparing plan.
- h. Boundary shown with dimensions.
- i. Location of all existing trees 6" caliper or larger which are to be saved.
- j. All pipes labeled as to size.
- k. All heads labeled as to type. (Legend is acceptable).
- l. Backflow prevention labeled with type and size.
- m. Connection to water service shown after meter.
- n. Second meter (with size) shown if intended.
- o. Any existing or proposed easements and utilities shown. (i.e. water, sewer, storm drain, gas, electric, cable, etc.)
- p. Note on plan: "All backflow installations and connections to city water lines must be permitted separately by the City inspection staff."
- q. Maintenance note provided. (Section 10.1).
- r. Plan sealed, signed and dated by qualified professional as authorized by State law.
- s. Location and footprint of proposed or existing buildings and parking lots.
- t. Any proposed or existing sidewalks.

36.4.4 *Interior landscape area requirements:* The amount of landscape area required on the interior of the lot (excludes bufferyards) shall be based on the square footage of the proposed buildings. The square footage of the building for the purposes of this Ordinance will be the square footage of the first floor or the square footage of the largest floor, whichever is greater.

The required landscape area for each zoning shall be based on the percentage (%) of the floor area as determined above in accordance with the following chart.

## ZONING PERCENT OF FLOOR AREA

MF-1, MF-2, MH, O . . . 50%

GR, GRL, NS . . . 50%

C . . . 40%

LI-1, LI-2, AP, HI Building less than 10,000 s.f. . . . 20%

LI-1, LI-2, HI Buildings 10,000 s.f. or greater . . . 15%

All buildings other than Single Family or Duplex uses within PD'S or other districts shall meet the requirements of the closest zoning category noted above.

a. *Planting Requirements:* The following plants shall be required, at a minimum, within the required interior landscape areas at the ratio indicated:

- 1 Canopy Tree per 500 square feet
- 1 Understory Tree per 250 square feet
- 1 Shrub per 40 square feet
- Ground Cover - 15% of required area
- Seasonal Color - 2% of required area

b. *Example:* Three story office building, each floor has 4,000 square feet.

First Floor = 4,000

Second Floor = 0

Third Floor = 0

Effective Floor area 4,000

Times 50% x .50 = Required Landscape area 2,000 sq. ft.

Required Canopy Trees @ 1/500 sq. ft. = 4

Required Understory Trees @ 1/250 sq. ft. = 8

Required Shrubs @ 1/40 sq. ft. = 50

Required Ground Color area @ 15% = 300 sq. ft.

Required Seasonal Color @ 2% = 40 sq. ft.

c. *Location Requirements:* A minimum of 75% of all required interior landscape area and plant material within the interior landscape areas shall be in the front and along either side of the building between the building and the interior edge of the required bufferyards and a portion thereof shall be placed adjacent to the building where practical.

d. *Water Conservation Credits:* Where systems in accordance with Section 3.6a herein are utilized in at least 75% of all shrub beds, the required landscape area may be reduced by 5%.

#### 36.4.5 Parking Lot Landscaping:

a. Surface parking lots serving non-residential, mixed use and multi-family uses must include landscaped areas as detailed in this Section. Landscaping requirements for structured parking will be established during the Detailed Site Plan approval process.

- b. Parking lot landscaping is in addition to the landscaping requirements required in these Development Standards.
- c. Parking lot landscaping must meet the City's traffic safety standards as adopted for maintaining visibility at intersections, driveways and access easements.
- d. All off-street parking areas must supply at least thirteen (13) square feet of parking lot landscaping per parking space. Additional parking lot landscaping is required based on the percentage of required parking located between the building facade and the street right-of-way.

Percent of parking between parking lot landscaping building facade and ROW Required Per Parking Space

TABLE INSET:

Less than 25 Percent	15 sq. ft.
25 to 75 Percent	20 sq. ft.
More than 75 Percent	30 sq. ft.

- e. In addition to the required landscaping per parking space above, one (1) linear landscaping island with a minimum width of ten (10) feet is required for every two (2) parking bays. The intent is to prevent the massing of a large number of parking spaces and to address safety issues concerning the flow of traffic in the parking lot.
- f. Two (2) four (4) inch caliper trees and ten (10) shrubs must be planted for each 500 square feet of required parking lot landscape area, or portion thereof.
- g. All new trees within a parking lot must be planted in a pervious area of at least 100 square feet and have a minimum interior dimension of 8.5 feet wide.
- h. To reduce the thermal impact of unshaded parking lots, the required landscaping must be planted throughout parking lots so that no portion of a parking space is more than sixty-four (64) feet away from the trunk of a tree.

**36.4.6 Buffer yard:** For all nonresidential and multi-family parcels with less than two hundred fifty feet (250') of frontage adjacent to a dedicated public right-of-way, at least fifteen percent (15%) of the street yard shall be permanent landscape area. Nonresidential and multi-family parcels having two hundred fifty feet (250') or more of frontage shall have at least twenty percent (20%) of the street yard in permanent landscape area.

**36.4.7 Landscape buffer:** Adjacent to right-of-way of any street is required. If the lot is a corner lot, two frontages shall be required to observe the ten-foot (10') buffer. 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 feet (7 1/2') of landscaped area. Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of street frontage. Trees may be grouped or clustered to facilitate site design.

**36.4.8 Visibility triangle:** No requirements herein shall be deemed to require plantings which would conflict with the visibility triangle at the intersection of public R.O.W. as defined in the Subdivision Ordinance. Consideration should also be given to visibility at the intersection of major driveways with the public R.O.W.

**36.4.9 Irrigation requirements:** All required landscape areas shall be irrigated by an automatic irrigation system designed by a Licensed Irrigator, Landscape Architect or other professional authorized by the State to design such systems. Natural meadows of wildflowers or

other native habitat shall not be required to be irrigated.

a. **Water Conservation:** The City would like to promote the use of efficient irrigation methods and practices. Where possible in planting beds, flood irrigation, porous pipe or emitter/drip systems should be utilized. Where slopes do not allow flood systems, flat spray heads should be utilized under shrubs rather than upward spray heads on risers above shrubs. Lawn spray heads should have low precipitation rates, run for longer periods of time, and water infrequently to promote deep root growth for grasses. Irrigation systems must be equipped with a rain/freeze sensor.

#### 36.4.10 *Street trees;*

a. All development fronting on public or private streets, except alleys, is required to plant street trees in accordance with the following standards.

b. Street trees must be located in the planting strip within the right-of-way as shown on the typical street cross section diagrams, except that up to twenty (20) percent of street trees on a block may be planted between the sidewalk and the primary building.

c. Trees must be a minimum of four (4) caliper inches measured at DBH above finished grade immediately after planting. Trees must be selected from the City of Waxahachie Preferred Plant List in the City of Waxahachie's Zoning Ordinance, and any future amendments thereof. Preference must be given to tree species native to the region.

d. Street trees must be planted at the average rate of one (1) tree for every thirty (30) feet of street frontage. Where poor soil conditions or other factors require additional flexibility in planting, the Director of Planning or his designee may approve alternative spacing of trees, but not reduction in the number of required trees.

e. Existing trees at the required planting locations detailed above that meet these standards may be credited as street trees.

#### 36.5.0 Reserved.

#### 36.6.0 *Existing tree preservation:*

36.6.1 *General:* One of the City's greatest assets is the existence of many specimen quality native trees. One objective of this Ordinance is the preservation of these trees while allowing quality development to take place.

36.6.2 *Existing tree credits:* Credits shall only be granted if the tree/s are in healthy condition and all requirements of the Tree Preservation Ordinance have been met as determined by the Landscape Administrator at the time of inspection for a Permanent Certificate of Occupancy.

a. *Existing Tree Credit Calculation:* Existing trees which are saved in landscape areas and have at least 75% of the "Critical Root Zone" within that area shall be granted credits toward reducing the required plantings as follows:

Size of Tree Saved Canopy Understory

6"--12" DBH = 1

Greater than 12" DBH = 2

b. *Existing Tree Replacement:* If the existing plants that were given credit toward reducing the required plantings decline within two (2) growing seasons, the owner shall replace that plant with quality plant material equal to the amount

of the declined plant.

#### 36.7.0 *Plant material:*

36.7.1 *Quality standard:* All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current addition of the American Standard for Nursery Stock.

36.7.2 *Recommended plants:* Shown in Appendix "A" is a list of recommended plants within each plant material type. The applicant may propose plants other than those listed if the plant seems appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material. 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.

36.7.3 *Size requirements when planted:* All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used but use of such plants shall not decrease the size requirements of other proposed plants.

a. *Tree measurement:* Canopy and understory trees with single trunks shall be measured at DBH. Multi-Trunk trees shall be measured by the height of the tree.

b. *Minimum Sizes:* Minimum plant size when planted shall be as follows:

Plant Material Type Minimum Size

Canopy Tree Single Trunk 50% 2" caliper, 50% 4" caliper

Multi-Trunk Clump 8 feet (height)

Understory Tree 6' feet (height)

Shrub\* 3 gallon

Groundcover 4" containers

\* The Landscape Administrator may approve smaller sized shrubs based on unusual growing circumstances and/or on a specific design which reflects the overall intent of this Ordinance.

#### 36.8.0 *Improvements in public R.O.W./easements:*

36.8.1 *General:* A developer shall be required to provide grass and irrigation in all unpaved areas of the public R.O.W. A maximum of ten percent (10%) of the required interior plant material may be placed within the R.O.W. parkway. Should the applicant elect to provide plantings in the public R.O.W.

36.8.2 *Replacement responsibilities:* The City shall endeavor to require replacement of all landscape/irrigation improvements as a part of contracts to install public utilities within public R.O.W. and/or public easements. The City and owner shall not be responsible for replacing these improvements. In the event the City anticipates utility improvements conflicting with intended landscape/irrigation improvements, the City may require that the applicant wait to install said improvements until after the public improvements have been installed or under certain circumstances, the City may prohibit landscape improvements within the R.O.W.

36.9.1 *General:* The Owner shall be responsible for the continued maintenance in perpetuity of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, keeping beds mulched in accordance with standard horticultural practices or as recommended by the Landscape Administrator and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter; weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is

appropriate for the season of the year. All irrigation heads or lines which are broken and flow water shall be replaced/repared immediately to prevent the waste of water.

**36.9.2 *Plant material replacement:*** The Owner shall be responsible for replacing all required plant material which shows dead branching over 75% or more of the normal branching pattern during the time of a normal growing season and repair of irrigation system requirements set herein in perpetuity. Plant materials which die shall be replaced with plant material of similar variety and similar initial size. Upon notification by the City of such replacements, the Owner shall have thirty (30) days to comply with these requirements.

a. **Deferral of Landscape Replacement:** The Landscape Administrator may approve a deferral of required plant replacement in accordance with Section 11.3 herein.

**36.9.3 *Plan requirements:*** Paragraph 36.9.1 above shall be shown on the Landscape Plan and the Irrigation Plan.

**36.10.0 *Enforcement:***

**36.10.1 *Building permit:*** No building permits for building, paving, grading or construction shall be issued until a Landscape Plan meeting the requirements of this Ordinance has been approved by the Landscape Administrator. Under certain conditions the developer and the Landscape Administrator may negotiate the submittal of a Landscape Plan at some time after the issuance of the original building permit.

**36.10.2 *Certificate of occupancy:*** All plantings, screening, berms or other requirements of this Ordinance shall be installed prior to the issuance of a Certificate of Occupancy (C.O.). Any sod intended must be installed, hydromulch areas must be sprayed. Turf establishment is not required prior to issuance of a C.O.

a. ***Temporary Certificate of Occupancy:*** In any case in which a Temporary Certificate of Occupancy (T.C.O.) is issued because of a delay of the required landscape installation, it shall be in accordance with Section 11.3 herein.

**36.10.3 *Deferral of required landscape installation:*** In any case in which a C.O. is sought or plant replacement is required at a season of the year in which the Landscape Administrator determines that it would be impractical to install plantings as required herein, a deferral of the required plant replacement may be given for a period not to exceed six (6) months. The applicant shall be required to provide a letter of credit, or escrow deposit in an amount sufficient to cover the installation of the landscape and irrigation requirements herein, plus a 10% contingency. Such amount shall be evidenced by an itemized bid prepared by a qualified contractor. Upon the failure of the applicant to complete the installation requirements, the City shall have the right to draw upon the letter of credit or escrow deposit to complete the installation of the requirements herein. Any funds in excess of those required to complete the installation shall be retained by the City to offset administrative costs.

**36.11.0 *Conflicting ordinances.*** This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the city; and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

**36.12.0 *Effective date:*** This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**36.13.0 *Appendices:*** It is anticipated that the following appendices will be changed periodically by the Landscape Administrator in response to changes in the administration of this Ordinance. [See App. A-4]

(Ord. No. 2451, 2-18-08)

### Section 37. Accessory building and use regulations.

37.1 [*Single-family and multi-family districts:* ] In a single-family or multi-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented.

37.2 [*Nonresidential districts:* ] In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence.

37.3 [*"FD," "SF-1" and "RR" districts:* ] Accessory dwelling units in the "FD," "SF-1" and "RR" Districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:

- A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling. Each lot must have a minimum of one (1) acre upon which a detached accessory dwelling unit may be constructed.
- B. The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
- C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, shall not have a separate electric meter, and shall not be sublet.
- D. Setback requirements shall be the same as for the main structure.
- E. Accessory dwellings are not permitted without the main or primary structure.

37.4 [*Constructed over garages:* ] Accessory dwellings and units constructed over a garage are permitted by S.U.P. in accordance with the Use Charts, Section 33 and shall conform to the height limitations of the main structure.

37.5 *Area regulations for accessory buildings in residential and multi-family districts:*

- A. Size of Yards:
  - 1. Front Yard: Detached front accessory buildings shall be prohibited in front of the main building.
  - 2. Side Yard: There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty feet (20') from the side lot line, alley line, or alley easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
  - 3. Rear Yard: There shall be a rear yard not less than three feet (3') from any lot line or alley line, or alley easement line, except that; a) if no alley exists, the rear yard shall be not less than ten feet (10') as measured from the rear lot line; b) where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the

rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; c) carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; d) accessory buildings constructed ten feet (10') or more from the main building shall have a minimum rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the height of the building is no greater than eight feet (8') and a solid fence or wall of the same height shall be built on the rear lot line to screen the building from property located to the rear; e) garages or carports arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty feet (20').

4. Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See Illustration 4).

5. Accessory buildings are not permitted without a main structure.

6. No accessory building shall exceed five hundred (500) square feet. Accessory buildings over five hundred (500) square feet may be permitted by S.U.P. and shall meet all of the requirements (setbacks, construction, etc.) set forth for the main or primary structure.

7. All accessory buildings shall not exceed one story in height. Garage apartments are allowed up to two (2) stories in the "FD", "SF-1" and "RR" Districts. Garage apartments up to two (2) stories may be permitted in certain Districts (see Section 32) by S.U.P. if there is no adverse impact on adjacent properties.

8. Metal accessory buildings less than five hundred (500) square feet are permitted but shall not be used as an enclosed parking area or garage.

### **Section 38. Fencing, walls, and screening requirements.**

38.1 *Purpose:* To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

38.2 *Screening of nonresidential, multi-family areas and manufactured home parks:*

A. In the event that multi-family, non-residential uses, or manufactured home parks side or back upon an SF, 2F, or Residential PD District, or in the event that any non-residential district sides or backs to a MF District, a solid brick or masonry screening wall of not less than six feet (6') nor more than eight feet (8') in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

1. The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district. This construction requirement applies only when multi-family is adjacent to residential uses.

2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.

3. Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

4. Alternative equivalent screening may be approved through the site plan approval process, Section 39.

B. All required screening walls shall be equally finished on both sides of the wall. All materials shall be new or designed to be used as fence material. The use of used materials or material not designed for use as fence material is prohibited.

C. Open storage of materials, commodities, or equipment (see Section 33 Zoning Districts permitting outside storage) shall be screened with a minimum six-foot (6') fence or wall. See the Appendix for definition of outside storage.

D. In all districts screening shall be required for those areas used for open storage. A six-foot (6') fence or wall shall be provided and maintained at the property line adjacent to the area to be screened.

E. Refuse storage areas, not within a screened rear service area, which are visible from a public right-of-way, for all nonresidential, multi-family and manufactured home park uses shall be visually screened by a six-foot (6') masonry wall on all sides except the side used for garbage pickup service, such side shall provide a gate (see Illustration 11 for gate design). Alternate equivalent screening methods may be approved through the site plan approval process, Section 39.

F. All nonresidential uses shall screen all mechanical, heating and air conditioning equipment from public view and/or adjacent residential property. Public view is considered any area which can be seen from a public street.

### 38.3 *Fences in residential areas:*

A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height above the grade of the adjacent property.

B. Except as provided by Section (C) below, no fence or wall shall be permitted in front of any single-family or duplex structure, except platted lots within the Future Development (FD) and RR District where the fence may be constructed to the front property line. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side or rear building line of the yards on contiguous corner lots adjoin, the fence may be constructed out to the property line of said side yard.

C. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding three feet (3') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.

D. All fences require permits.

E. No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over three (3) acres in size.

F. Gates designed for vehicular access shall be set back from the property line a minimum of twenty feet (20').

G. Fences around swimming pools shall comply with the City of Waxahachie's adopted building code.

H. See Section 36.8 for sight visibility requirements.

- I. Special fencing, such as fencing around tennis courts, is permitted.
- J. All fence materials shall be new or designed to be used as fence material. The use of used materials or material not designed for use as fence material is prohibited.

### **Section 39. Site plan review.**

#### *39.1 Site plan review:*

A. Purpose - This section establishes a site plan review process for proposed developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.

B. Applicability - Site plan review and approval shall be required for the following:

1. Any nonresidential development.
2. Any multi-family development or manufactured home park.
3. Any development with two (2) or more buildings per platted lot.
4. Any Planned Development or Specific Use Permit. (Public hearings may also be required, see Sections 31 and 32).

No building permit shall be issued for any of the above developments unless a site plan is first approved by the City. No certificate of occupancy shall be issued unless all construction and development conform to the site plan as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a Planned Development or S.U.P.

C. Exemptions and exceptions - Site plan review shall be conducted through the Building Inspection Department for any detached one or two dwelling unit buildings or any accessory uses incidental thereto, except as provided in B(4) above.

D. Site plan details - The site plan shall contain sufficient information relative to site design considerations, including but not limited to the following:

1. Location of proposed building(s) and structures.
2. On- and off-site circulation (including truck loading and pickup areas) and fire lanes.
3. Parking.
4. Grading.
5. Landscaping design.
6. Placement of utilities.
7. Screening.
8. Engineering for streets and utilities.
9. Drainage.
10. Building elevations.
11. Freestanding signs (not mounted on buildings).

12. Lighting poles and fixtures (not mounted on buildings).

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate site plan information, the City is hereby empowered to maintain and distribute a list of specific requirements for site plan review applications. Upon periodic review, the Building Official shall have the authority to update such requirements for minor site plan details.

E. Supplemental requirements - The staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based on such information.

F. Principles and standards for site plan review - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development in the City of Waxahachie. The City staff shall review the site plan for compliance with all applicable Ordinances and the Plan; for harmony with surrounding uses and the overall plan for development of the City of Waxahachie; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Based upon its review, the staff may approve, conditionally approve, request modifications, or deny the site plan based on evaluation of the site plan details with respect to:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Waxahachie including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Waxahachie.
8. The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and (2) to complement the design and location of buildings and be integrated into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties.
10. The location, size, and configuration of open space areas to ensure that

such areas are suitable for intended recreation and conservation uses.

11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, garbage disposal, and other utilities necessary for essential services to residents and occupants.

#### 39.2 *Approval process:*

A. The Building Official shall review and approve, approve with conditions, or deny all site plans except for PD, SUP or other districts requiring public hearings. Any decision on a site plan with which the applicant disagrees may be appealed to the Planning and Zoning Commission.

B. If a site plan is denied by the Building Official the city staff shall place the site plan on the regular agenda of the Planning and Zoning Commission within thirty (30) days after the request for appeal. If recommended for approval by the Planning and Zoning Commission, the site plan shall be deemed approved by the City. If the site plan is recommended for denial by the Planning and Zoning Commission, the applicant may appeal the decision and may request the site plan be placed on the City Council's agenda. The City Council shall have final approval or disapproval on all site plans which are appealed.

C. Effect of site plan approval - If development of a lot with an approved site plan has not commenced within one year of the date of final approval of the site plan, the site plan shall be deemed to have expired. Said review and approval shall be evaluated according to the standards set forth in Section 39.1 "F" above, taking into account all changes to applicable ordinances which have occurred subsequent to the prior approval of the site plan.

It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Building Official shall have the authority to approve minor modifications of an approved site plan, provided that such modifications do not materially change the circulation and building location on the site, or any conditions specifically attached as part of a City Council approval.

### **Section 40. Supplemental regulations.**

40.1 [*Setback measurements:* ] All setback measurements shall be made in accordance with Illustrations 6, 7, and 8.

#### 40.2 *Front yard:*

A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 9).

B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3).

C. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard greater than thirty inches (30") above the average grade of the yard (See Illustration 4).

D. Minimum lot widths for lots with predominate frontage on the curved radius of a dedicated cul-de-sac street shall be as follows:

TABLE INSET:

Zoning District	Minimum Lot Width*
FD	270'
RR	160'
SF-1	80'
SF-2	70'
SF-3	55'
Duplex (2F)	85'
PD	As specified in the PD Ordinance

\*Measured at the front building line

E. Gasoline service station pump islands may not be located nearer than eighteen feet (18') to the property line adjacent to a public street. Pump islands for a gasoline filling station may extend beyond the front building line but shall not be closer than fifteen feet (15') to any property line not adjacent to a public street provided that other requirements of this Ordinance are met.

F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

40.3 *Side yards:*

A. On a corner lot used for one- or two-family dwellings, both street exposures shall be treated as front yards, except that where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line shall be designated on an approved plat with a minimum side yard of fifteen feet (15') or more. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.

B. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.

C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

40.4 *Special height regulations:*

A. In the districts where the height of buildings is restricted to two (2) or two and one-

half (2 1/2) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories.

40.5 *Communications antennas and support structures/towers:*

A. In all residential zoning districts (FD, RR, SF-1, SF-2, SF-3, 2-F, MF-1, MF-2 and MH), commercial antennas and antenna support structures are prohibited, except as specified within this section.

1. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding 50 feet in height, provided that the antenna does not extend more than 10 feet above the height of the utility structure (see Section 40.5 (C) below).
2. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Section 40.5 (C) below). A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

B. In nonresidential zoning districts (P, O, NS, GRL, GR, CA, C, LI-1, LI-2, HI and AP), commercial antennas and antenna support structures are allowed as follows:

1. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP). In all nonresidential zoning districts, antenna support structures must meet the setback requirements from residential districts.
2. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding 50 feet in height, provided that the antenna does not extend more than 10 feet above the height of the utility structure (see Section 40.5 (C) below).
3. A commercial antenna may be placed wholly within any building permitted in the zoning district (see Section 40.5 (C) below). A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

C. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennas attached to utility structures exceeding 50 feet in height, or to antennas placed wholly within or mounted upon a building.

D. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards (see Illustration 8).

E. Antennas (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.

F. Satellite dishes and other similar antennas shall be permitted on the roof of a building as long as satellite dishes do not exceed three feet (3') in diameter and antennas do not extend over 12 feet above the roof of the building. Any parabolic or satellite dish antenna over three feet (3') in diameter but not exceeding twelve feet (12') in diameter may be mounted on the roof if a letter stating its structural stability is written by a registered architect or engineer and submitted to the Building Official. Roof-mounted antennas that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.

G. Only one satellite dish shall be permitted per residential lot or primary structure. Satellite dishes in any residential district shall not exceed twelve (12) feet in diameter and must be permitted through the Building Inspection Department.

H. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.

I. All publicly owned antennas or antenna support structures shall be permitted in any district (e.g., public safety communications, etc.).

40.6 *Minimum dwelling unit area:* Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports, and accessory buildings.

40.7 *Open storage areas:* Open storage of materials, commodities or equipment shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display (see definition of outside display).

40.8 *Sight visibility:* Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping three feet (3') or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

A. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions. (See Illustration 12.)

B. At an intersection with an alley, this clearance must be maintained for ten feet (10'). (See Illustration 12.)

C. Shrubs and hedges three feet (3') or less in height, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

40.9 *Bed and breakfast facilities:* Bed and breakfast facilities are defined in Section A-3 of this Ordinance and further are permitted in accordance with the Section 33 Use Chart of this Ordinance. These facilities are subject to the following standards:

A. In all allowable districts:

1. A specific use permit granted by the City Council is required for the establishment of a bed and breakfast facility.

a. An application for an SUP for a Bed and Breakfast facility shall be filed with the City's Building and Development Department in accordance

with Section 32 of Appendix A of the Zoning Ordinance who shall prepare a written report for review and consideration by the Planning and Zoning Commission and by the City Council.

b. Issuance of an SUP by the City Council is conditional on the basis that the following items have been satisfied:

1. The proposed facility will be compatible to adjacent land uses;
  2. The proposed facility will not endanger the public, safety, or welfare; and
  3. The proposed facility complies with all other zoning regulations stated herein.
  4. The Council will consider proximity to other Bed and Breakfast SUP's in granting new SUP's.
2. Parking: One off-street parking space per guest room and one off-street space for the owner/proprietor is required.
  3. Number of Guest rooms: The maximum number of guest rooms shall be determined and regulated through the SUP granted for the facility. The definition of a Bed and Breakfast Inn or Facility specifically limits this to a maximum of five (5) guest rooms.
  4. Length of Stay: The maximum length of stay for each guest shall be limited to fourteen (14) consecutive days within any thirty (30) day period.
  5. Management: The facility shall be owner-occupied in the residential zoning district and may be manager-occupied in other zoning districts.
  6. Signs shall conform to Section 43 of the Zoning Ordinance.
  7. Health considerations:
    - a. Preparation and service of food shall be for breakfast only, for overnight guests only, only after inspection and approval by the City for safe and sanitary condition, which inspection shall be at least annual. Kitchens shall comply with all State and City regulations.
    - b. Each owner of the facility must acquire a permit for the facility from the City Health Department after the approval of the Specific Use Permit.
    - c. Inspections by the City Health Department are required no less than annually and upon demand as required by a properly filed complaint.
    - d. The owner of the facility shall operate and maintain the facility in a clean and sanitary manner, including:
      1. Providing clean linens and towels on a daily basis,
      2. Provide adequate heating, air-conditioning, ventilation, and lighting
      3. Provide adequate hot and cold water,
      4. Provide adequate sewage disposal,
      5. Maintain the outside area in a clean and sanitary manner,
      6. Maintain the structure(s) in a suitable state of repair, and
      7. Properly clean the premises and facilities during the guests stay and after each guest has departed.

## 8. Building considerations:

- a. The owner of the Bed and Breakfast facility must obtain a Certificate of Occupancy from the City Building and Development Department after the issuance of the Specific Use Permit.
- b. The structure(s) must conform to all City and State Building Codes for existing or new construction (as the situation dictates).

## 9. Fire considerations:

- a. The City Fire Marshal or his representative shall inspect all Bed and Breakfast facilities after the issuance of the Specific Use Permit by City Council, and on an annual basis.
- b. Each Bed and Breakfast facility must comply with the appropriate section on "Lodging and Rooming Houses" contained in NFPA 101 Life Safety Code.
- c. Each facility must have at least one battery operated or regular hard-wired smoke detector in all guest rooms, stairwells, and/or corridors on each floor of the structure.
- d. An approved and operational fire extinguisher shall be provided in close proximity to the guest units on each floor.

B. In Residential Districts: The following additional regulations are applicable to all Bed and Breakfast facilities located within residentially-zoned districts (SF-1 thru MF-2):

1. Events for non guests in exchange for compensation of any type, including required rental of all or any rooms, are prohibited.
2. Events by guests may include up to 20 people, including registered guests, not including owners, subject to all cars being parked off-street.

(Ord. No. 2305, 5-16-05)

40.10 *Residential uses in certain districts:* Any residential use permitted in the Office, Neighborhood Service, General Retail or Central Area Zoning shall conform to the standards in the following districts:

Single-Family Detached - SF-1

Two-Family (Duplex) - 2F

Single-Family Attached - Only by PD

Multi-Family - MF-1

40.11 *Industrialized housing:* All new single-family or duplex industrialized housing shall conform to regulations and standards as established in Chapter 1202, Subchapter F of the State Occupation Code (1202.253).

40.12 *Drive-through sales of prepackaged beverages:* An establishment may not offer drive-in, drive-up, drive through or walk up sales or services of prepackaged, sealed beverages.

For purposes of this section the term "drive-in," "drive-up," "drive-through," and "walk-up," does not prohibit the service of food or beverages to customers:

- (a) Who must physically leave their vehicles and enter a building in order to make a purchase; or
- (b) As part of a drive-through restaurant in connection with the sale or service of food to the customer.

(Ord. No. 2499, 1-5-09)

**Section 41. Performance standards.**

41.1 [*Conformance required generally:* ] In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State, or Federal agencies. All uses, including those which may be allowed by PD or SUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

41.2 [*Federal and state requirements:* ] All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

41.3 *Noise:* At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

A. Maximum Permissible Daytime\* Octave Band:

DECIBEL LIMITS AT THE BOUNDING PROPERTY LINE\*

TABLE INSET:

Octave Band	37	75	150	300	600	1200	2400	4800	A
(cps)	75	150	300	600	1200	2400	4800	9600	Scale
Decibel Band Limit (db re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65

Note - A scale levels are provided for monitoring purposes only and are not applicable to detail sound analysis.

\* Daytime shall refer to the hours between sunrise and sunset on any given day.

\*\*Bounding Property Line shall be interpreted as being at the near side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

B. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards.

1. When noise is present at nighttime, subtract (-7db).
2. When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract (-7db).
3. When noise is present for not more than the following, add (+10db):
  - 1/2 minute in any 1/2 hour period
  - 1 minute in any 1 hour period
  - 10 minutes in any 2 hour period

20 minutes in any 4 hour period

C. Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.

D. Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.

1. Noises not directly under control of the property user.
2. Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours).
3. Noises of safety signals, warning devices and emergency pressure relief valves.
4. Transient noise of moving sources such as automobiles, trucks, and airplanes.

41.4 *Smoke and Particulate Matter:* No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

A. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118.

B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in 3-1302-1 above except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and -2 shall not apply.

C. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.

D. Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1000 cubic feet of air.

41.5 *Odorous matter:*

A. 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.

B. The odor threshold as herein set forth shall be determined by observation by a person or persons. 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 American Society for Testing Materials A.S.T.M.D. 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

41.6 *Fire or explosive hazard material:*

A. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates,

perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal of the City of Waxahachie.

B. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Waxahachie Fire Code and are approved by the Fire Marshall.

41.7 *Toxic and noxious matter:* No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed 10 percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

41.8 *Vibration:* No operation or use shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

TABLE INSET:

Frequency Cycles Per Second	Displacement in inches
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

**Section 42. Lighting and glare standards.**

42.1 *Purpose:* Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

42.2 *Nonresidential site lighting and glare standards:*

A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.

B. All off-street parking areas for non-residential uses in non-residential districts which are used after dark shall be illuminated beginning one-half ( 1/2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting shall be directed or shielded in such a manner as to not interfere with traffic

movement or adjacent streets. Lighting within the parking areas shall meet the following minimum requirements:

1. Intensity
  - a. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third ( 1/3) of the average, whichever is greater.
  - b. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.
2. Height
  - a. On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty feet (30').
  - b. On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty feet (20').
  - c. Special lighting or lighting higher than thirty feet (30') may be approved as specifically noted on a site plan.

#### 42.3 Residential lighting and glare standards:

A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over ten feet (10') in height is shielded from adjacent property.
2. No light source shall exceed thirty feet (30') in height. Street lights and other traffic safety lighting are exempt from this standard.
3. Lighting shall not directly shine on adjacent dwellings.

42.4 *Luminaires*: Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires, installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting as provided in 42.5.

42.5 *Special or temporary lighting: low wattage*: Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

## Section 43. Sign regulations.

43.1 *Purpose*: Signs use private land near the public rights-of way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs that are not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- A. Safety: To promote the safety of persons and property by providing that signs:
1. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
  2. Do not obstruct firefighting or police surveillance; and
  3. Do not create traffic hazards by confusing or distracting motorists, or by

impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

B. **Communication Efficiency:** To promote the efficient transfer of information in sign messages by providing that:

1. Those signs which provide messages and information most needed and sought by the public are given priorities;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate a business or service;
4. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
5. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

C. **Landscape Quality and Preservation:** To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
4. Are not detrimental to land or property values.

**43.2 Administration:** The provisions of this Section shall be administered and enforced by the Building Official or designated representative of the City of Waxahachie.

The permittee, owner, agent, person or persons having the beneficial use of the sign, the owner of the land or structure upon which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Section.

**43.3 Permit procedures and fees:**

A. **Requirements:** It shall be unlawful for any person to erect, replace, enlarge or relocate any sign within the City without first obtaining a permit to do so from the Building Official, except as may be hereinafter provided. All sign construction shall conform to the adopted Building Code.

B. **Applications for Permits:** All applications for permits shall include a drawing to scale of the proposed sign (including size, colors and design) and all existing signs maintained on the premises and visible from the right-of-way, a drawing(s) of the lot plan and/or building facade indicating the proposed location(s) of the sign, and sign specifications. Applications shall be made to the Building Official on forms provided by the City. If a site plan is required, the sign location shall also be shown on the site plan drawing.

C. **Fee Required:** Fees for a permit to erect, alter, replace or relocate a sign shall be as provided by separate ordinance.

D. **Repair Permit (Nonconforming Signs):** It shall be unlawful for any person to repair or make alterations to any nonconforming sign without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be as provided by separate ordinance.

E. **Permit Revocable:** The Building Official may suspend or revoke any permit issued under the provisions of this Section whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever

such permit is issued in violation of any of the provisions of this Section or any other ordinance of the City of Waxahachie or the laws of this State or of the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located. Any sign installed under a revoked permit shall be removed by the permit holder, sign owner or property owner within fifteen (15) days of written notice of the revocation.

F. Inspections:

1. All signs for which a permit is required shall be subject to inspection by the Building Official.
2. Footing inspections may be required by the Building Official for all signs having footings.
3. All signs containing electrical wiring shall be subject to the provisions of the governing Electrical Code, and the electrical components used shall bear the label of an approved testing agency.
4. The Building Official may order the revocation of any sign permit and/or the removal of any sign that is not maintained in accordance with the provisions of any City ordinance.
5. The Building Official may inspect annually, or at such other times as he deems necessary, each sign regulated by this Section for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

G. Investigation Fee: When a sign is erected, placed or maintained, or work started thereon before obtaining a sign permit, it shall be subject to an investigation fee as specified by separate ordinance. The investigation fee does not excuse full compliance with the provisions of this Section.

H. Electrical Permit: Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to insure compliance with the Electrical Code of the City. No sign shall be erected in violation of the Electrical Code. However, the sign contractor may tie the sign to an existing power source or power provided by an electrician that has permitted the job. The electrical power supply for a sign must be placed underground within an acceptable type of conduit, and shall be concealed from view (i.e., it cannot be strung as an overhead line). No temporary electrical service for signs shall be allowed.

43.4 *Special definitions - general*: The following definitions are generally specific to the Sign Regulations section of the Zoning Ordinance (Section 43). The definitions of other terms used within this Section may be found in the Appendix (A-3) of the Zoning Ordinance.

*Alter*: To change the size, shape or outline, intent or type of sign.

*Awning*: A structure hung from the surface of a building, designed to provide protection from sun, rain, wind and other climatological conditions or to provide decoration to the building facade. An awning is typically composed of canvas, fabric, or other similar lightweight material supported and shaped by a metal or wood frame. An awning 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.

*Building Line*: See definition in Appendix A-3 of the Zoning Ordinance.

*Building Official*: See definition in Appendix A-3 of the Zoning Ordinance.

*Canopy:* A roof-like structure which is supported by the building to which it is attached, and which is generally open on two or more sides. A canopy 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.

*Commission:* The State Highway and Public Transportation Commission.

*Dilapidated or Deteriorated Condition:* Dilapidated or deteriorated condition shall include instances where:

- a. Elements of the surface or background can be seen, as viewed from a normal viewing distance (i.e., the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface; or
- b. The structural support or frame members are visibly bent, broken, dented or torn; or
- c. The sign panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
- d. The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown by high winds or from the failure of a structural support); or
- e. The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
- f. The sign and/or its elements are not in compliance with the requirements of the National Electrical Code, the City's Electrical Code, and/or the current Building Code of the City of Waxahachie.

*Erect:* To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

*Face Panel or Surface:* A surface(s) of the sign upon, against or through which the message is displayed or illustrated on the sign.

*Framework:* A support structure which meets all existing wind and load requirements as stated in applicable Waxahachie codes and ordinances, and which is designed to secure a banner or an interchangeable sign on any or all sides.

*Illegal Conforming Sign:* A sign erected within the City that meets current sign regulations but does not have a required permit.

*Illegal Nonconforming Sign:* A sign erected within the City that does not meet current sign regulations and does not have a required permit.

*Illegal Sign:* A sign that was erected in violation of any regulation applicable at the time of erection of such sign. Any sign which does not comply with the provisions of the City of Waxahachie's sign regulations.

*Kiosk Sign:* multi-user directional or location sign, on- or off-premises, containing individual panels of a prescribed size for that particular kiosk, with each panel to contain an individual business logo, name or message, and, when appropriate, a directional arrow and/or distance indicator to the advertised business.

*Legal Sign:* A sign that, when erected, has met all Waxahachie codes and ordinances pertaining to signs, including this Section of the Zoning Ordinance.

*Logo:* A formalized design or insignia (i.e., symbol) of a company or product, which is commonly used in advertising to identify that company or product.

*Nonconforming Sign:* A sign that was lawfully installed in compliance with all City codes and

ordinances that were applicable at the time of installation, but that does not comply with the provisions of this Section of the Zoning Ordinance (and/or other codes or ordinances) of the City of Waxahachie.

*Non-Structural Trim:* A retainer, batten, capping, nailing strip, latticing, platform or other similar trim component which is attached to the sign or its structure.

*Noncombustible Material:* Any material which will not ignite at or below a temperature of twelve hundred (1200°) degrees Fahrenheit and will not continue to burn or glow at that temperature, and which would have a flame spread of twenty-five (25) feet or less.

*Obsolete Sign:* A sign which no longer serves a bona fide use or purpose.

*On-Premises Sign:* A sign identifying or advertising a business, person or activity on the premises, and which is installed and maintained on the same premises as the business, person or activity it advertises.

*Off-Premises Sign:* A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located.

*Person:* A person, firm, partnership, association, corporation, company or organization of any kind.

*Primary Systems:* A portion of the system of connected main highways located in this State that is designated officially by the Commission and approved pursuant to Title 23, United States Code.

*Private Premises:* A dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited/vacant. A private premises shall include any yard, ground, lawn, walk, driveway, porch, steps or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

*Projecting Structure:* A covered structure of a permanent nature which is constructed of approved building materials, specifically excluding canvas or fabric material (i.e., an awning), and where such structure is an integral part of the main building or is permanently attached to a main building and does not extend over public property. A projecting structure is defined to include marquee and fixed canopy types of structures. A projecting structure 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.

*Property Line:* The line denoting the limits of legal ownership of property.

*Public Place:* Any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

*Rear Wall:* A wall with no main entrances or store fronts, and which does not face the front of the lot (i.e., the street). A building may have a maximum of one rear wall (either in a single wall segment or in several segments which are more or less parallel to one another or which follow the curvature of the overall building).

*Roof Line:* The height which is defined by the intersection of the roof of the building and the wall of the building with the following exception: for mansard-type roofs having two (2) slopes, the "roof line" shall be defined as the top of the lower slope of the roof. For mansard-type roofs having parapet walls, the "roof line" shall be the top of the parapet.

*Setback:* The horizontal distance between a sign and the front, rear or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front, rear or side property line.

*Sight Visibility Triangle/Area:* The areas of property on both sides of the intersection of an alley access-way and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection (as measured along

the property line, not the curb line), and the third side being a line connecting the ends of the other two (2) sides. The areas of property located at a corner formed by the intersection of two (2) or more public street rights-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length from the point of the intersection (as measured along the property line, not the curb line), and the third side being a line connecting the ends of the other two (2) sides.

*Sign (general):* A name, number, identification, description/announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, door or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization or business. Any interior illuminated or moving sign or light which is visible from the exterior may be determined as being erected on the exterior of the building or structure. (See Section 43.5, "Definitions and Regulations for Specific Types of Signs" for each particular type of sign.)

*Sign Area:* The area (i.e., square footage) of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faceted signs shall be calculated as the maximum area visible from any single direction at any point in time. Signs may be V-shaped, not to exceed a forty-five (45) degree angle, and can have only two sign faces (i.e., one sign face, or panel, in each of two different directions only; the sign cannot have sign panels in three different directions).

*Structure Trim:* The molding, battens, capping, nailing strips, latticing, and platforms which are attached to the sign structure.

*Vehicle:* For the purpose of this Section, "vehicle" shall mean any automobile, truck, camper, tractor, van, trailer or any other device capable of being transported, and shall be considered a "vehicle" in both moving and stationary modes, irrespective of its state or repair or its physical condition.

#### *43.5 Definitions and regulations for specific types of signs:*

The following definitions and regulations generally pertain to specific types of signs. The definitions of other general terms used within this Section may be found in subsection 43.4 or in the Appendix (A-3) of the Zoning Ordinance.

*Attached Sign:* A sign permanently anchored or moored to a structure.

*Awning Sign:* The copy/artwork on an awning sign shall not exceed the area and size that are allowed for a wall sign on the wall upon which it is attached, and the copy/artwork shall not be illuminated. However, 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, and any awning sign shall not exceed seventy-five (75) percent of the awning's surface area. An awning and/or 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.

- a. Maximum Height: Not applicable.
- b. Maximum Size/Area: Not to exceed seventy-five (75) percent of the awning's surface area.
- c. Zoning Permitted: In all nonresidential districts.
- d. Placement: On an architectural projection (i.e., awning) which provides weather protection, identity or decoration, and supported by the building to which the awning is attached.
- e. Maximum Number: Not applicable.

- f. Duration: No limit.

*Banner:* A type of portable sign that is generally constructed of lightweight plastic, fabric or a similar non-rigid material, and that is mounted/tethered to a pole(s), building or other structure at one or more edges. A banner typically, (but not always) exhibits a text message and/or a symbol(s) for the business located on the property, or for a product or service provided by that business. National/State or local government flags are not considered banners (see "Flag"). (Also see "Portable Sign".)

*Billboard Sign:* A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located (i.e., off-premise).

*Canopy Sign:* A canopy sign may be placed upon or be an integral part of the face of a canopy. The sign may consist of only the name and/or logo 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 and/or 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.

- a. Maximum Height: Not to exceed the height of the canopy.
- b. Maximum Size/Area: Not to exceed ten (10) percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of twenty-five (25) square feet, whichever is greater.
- c. Zoning Permitted: In all nonresidential districts.
- d. Placement: On the face of the canopy.
- e. Maximum Number: One (1) per canopy face.
- f. Duration: No limit.

*Construction Sign:* A temporary, accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator and/or mortgagee engaged in the design, construction and/or improvement of the premises upon which the sign is located. 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.

*Decorative Display:* See "Promotional Flags/Pennants" and "Promotional Signage".

*Development Signs:* A temporary, accessory sign identifying the name and general nature of the development project that is being constructed on the premises upon which the sign is located. Development signs may be erected in non-residential and residential zoning districts, and shall not exceed one hundred (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, or one (1) for each 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, "ninety (90) percent complete" means when a Certificate of Compliance is issued for a shall building. For a residential project, "ninety (90) percent complete" means when ninety (90) percent of the subdivision is permitted.

*Directional Sign (On-Site):* A sign designated specifically for the purpose of directing or providing guidance to vehicular and/or pedestrian traffic on private property. Sign shall not show

advertising, such as company names/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", "Leasing Office This Way", etc.

*Directory/Information Sign (On-Site):* A sign used for the purpose of directing vehicular and/or pedestrian traffic to specific occupants/businesses on private property (i.e., within shopping centers, industrial parks, retail districts, office complexes and commercial sites). Sign 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.

*Flag:* A fabric, banner or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or nonprofit entity, provided that such device is displayed for noncommercial (i.e., not-for-profit) purposes.

*Garage Sale Sign:* Any temporary, promotional sign for the occasional (i.e., not on-going) sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization. Off-premises garage sale signs are permitted, provided they have the address of the sale upon them, they are self-supporting, and they are not placed within public rights-of-way or mounted upon public/utility structures (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc. Off-site garage sale signs may not be placed prior to 5:00 p.m. of the day before the sale, and they must be recovered (i.e., removed) by 8:00 a.m. on the day immediately following the last day of the sale. A fine will be assessed for each off-site garage sale sign left after 8:00 a.m. on the required removal date.

- a. Maximum Height: Three (3) feet.
- b. Maximum Size/Area: Four (4) square feet.
- c. Zoning Permitted: In all districts.
- d. Placement: On private property (off-premises signs require the property owner's permission); cannot be mounted on public/utility structures or within public rights-of-way or easements.
- e. Maximum Number: One (1) on the property having the sale; no more than five (5) off-site.
- f. Duration: From 5:00 p.m. the day before the sale, until 8:00 a.m. the day after the sale.

*Identification Sign:* A sign which is used to identify the name of a retail shopping center, of a business park, or an industrial, commercial or office center.

*Illuminated Sign:* A sign which has characters, letters, figures and/or designs that are illuminated by electric lights, luminous tubes or other means, and that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face.

*Incidental Sign:* A small sign, less than two (2) square feet in surface area, of a noncommercial nature which is intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, public telephones, directions to locations, "Help Wanted" signs, and so forth. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of an office building or a business development by means of a directory designating names and addresses only (see "Directional Sign").

*Inflatable Sign:* A portable, hollow sign expanded or enlarged by the use of air or gas.

*Kiosk Sign:* The City Council, by duly executed license agreement, 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 building department 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 and 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.

*Menu Board:* A sign that is used to list items, dishes, meals or specialties to be served.

*Manufactured (or Portable) Sign:* See "Portable Sign".

*Model Home Sign:* Model home signs may be erected in residential zoning districts, and shall not exceed sixteen (16) square feet with a maximum height of six (6) feet. Required setback shall be fifty (50) percent of the distance between the front property line and the building, but no less than ten (10) feet from the front property line. Model home signs are limited to one (1) per premise. Each builder within the subdivision may have one (1) model home sign, and the permit for such sign shall be granted for a period of time to coincide with the validity of the model home's Certificate of Occupancy.

*Monument Sign:* A sign having a low profile and made of stone, concrete, brick or similar materials. A monument sign shall be solid from the ground up; pole(s) or supports shall be concealed.

1. Multiple tenants:

- a. Shopping centers and office buildings with multiple tenants or businesses are permitted to erect Monument Signs that comply with the following regulations:
  1. Maximum size - One hundred twenty-five (125) square feet.
  2. Maximum height - Ten (10) feet measured from grade.

Setbacks:

- a. Fifteen (15) feet from street right-of-way.
- b. Fifteen (15) feet from property lines other than those property lines fronting the street right-of-way.
- c. Two hundred fifty (250) feet from any other Monument Sign on the same property, measured along the right-of-way.

2. Properties with Single Tenants:

- a. Businesses located on individually platted land including individual pad sites.
  - b. Within a shopping center, apartments, schools, model homes and other nonresidential uses located on residentially zoned property are permitted to erect.
3. Monument Signs must comply with the following regulations:
    - a. Maximum size -- Eighty (80) square feet.
    - b. Maximum height -- Eight (8) feet.

Setbacks:

- a. Fifteen (15) feet from street right-of-way.
  - b. Fifteen (15) feet from property lines other than those property lines fronting the street right-of-way.
  - c. Two hundred fifty (250) feet from any other monument sign on the same property, measured along the right-of-way.
4. Zoning Permitted: Multi-Family 1 and 2, Manufactured Home, Parking Office, Neighborhood Service, General Retail Limited, General Retail, Central Area, Commercial, Light Industrial 1 and 2, Heavy Industrial, Airport District, Planned Development.
  5. Duration: Permanent.

*Municipally Owned Sign:* A sign which identifies a park, an entrance into the City, a place of interest within the City, a City-sponsored event, or any municipally owned site or facility. A municipally owned sign does not include traffic or street identification/name signs.

*Nameplate:* A sign showing only the name and address of the owner or occupant of the premises upon which it is erected or placed. A nameplate shall not exceed four (4) square feet in size.

*Noon Sign:* A sign or advertising device formed from neon (or other gaseous, such as argon) lamps/tubing.

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

- a. Maximum Height: Pole signs taller than ten (10) feet in height shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive a dead load as required in the Building Code or other codes/ordinances of the City. All pole signs shall be placed in concrete bases or footings, and the plans for such signs and their bases/footings shall be sealed by a licensed structural engineer. No sign shall be constructed to exceed the maximum building height permitted in the specific zoning district where the sign is located except within shopping centers or similar commercial/office centers containing six (6) acres or more. All such high-rise signs shall comply with the Building Code and with other applicable codes/ordinances of the City of Waxahachie which pertain to design and construction. All pole signs must be supported by a single or dual freestanding pole with masonry columns without guy wires and braces and provide a landscaped, stone-base feature. All pole signs greater than twenty-five (25) feet in height shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds 25 feet, from all property lines. No sign shall exceed forty (40) feet.
- b. Maximum Size/Area: Two hundred (200) square feet.
- c. Only allowed on Interstate 35 -- E and US Hwy 287 bypass.
- d. Zoning Permitted: Allowed only by Specific Use Permit in General Retail,

Commercial, Light Industrial 1 and 2. May be allowed by the amending ordinance establishing a Planned Development (PD) district.

e. Placement:

i. For pole signs up to twenty-five (25) feet in height, setback shall be fifteen (15) feet from property lines adjacent to a street and ten (10) feet from side or rear property lines.

ii. For pole signs greater than twenty-five (25) feet in height, setback shall be twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds 25 feet, from all property lines.

f. Maximum Number: One (1) per three hundred and fifty (350) feet of street frontage.

g. Duration: Permanent.

*Political Sign:* Political signs are allowed on private property (with the written permission of the property owner), and shall be prohibited within rights-of-way, on any other public property, and on any public/utility structure (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc. Political signs may be placed no more than one hundred twenty (120) days prior to the election for which the sign is applicable, and must be recovered (i.e., removed) no more than fifteen (15) days after the election has taken place. Political signs placed on property which is zoned residential may be no greater than thirty-two (32) square feet in area. Political signs placed within the rights-of-way or upon public/utility property or structures may be removed and disposed of by City of Waxahachie (or the applicable utility company) personnel, and removal costs and/or fines may be assessed for removal of the signs and/or noncompliance with this Section of the Zoning Ordinance.

*Portable Sign:* An outdoor advertising display sign supported by uprights or braces in or on the ground, or mounted on a vehicle, trailer or mobile structure, principally used for the purpose of advertising; or any advertising device that is not permanently attached to its support structure via commonly used construction standards. Banners, balloons and other inflatable signs or devices, and other types of temporary signs shall be classified as Portable Signs. One (1) temporary banner is allowed at a time per business premises, and shall be securely attached to the front or side of a building structure (i.e., not to a fence, screening wall, tree, etc.). The total number of banners per business shall not exceed two (2) per calendar year, and a banner shall not be displayed for more than one (1) consecutive thirty (30) day period during any given calendar year. Banners shall be kept in good repair and shall remain firmly anchored or secured at all corners. Banners and other portable signs are prohibited in single-family residential districts. (Also see Section 43.6 O., Portable Signs.)

*Projecting Sign:* A sign that projects from a building and has one end attached to a building or other permanent structure. Projecting signs 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.

*Promotional Flags/Pennants:* A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material; that is mounted/tethered to a pole(s), building or other structure by a rope, wire, string or similar device, usually in series (i.e., more than one on a string); and that is designed to move in the wind (i.e., flutter) to attract attention. Promotional flags/pennants may or may not exhibit a text message or symbol of any kind, and may be a single color or several colors. For the purposes of this Section, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a "promotional pennant". (Also see "Promotional Signage".)

*Promotional Signage:* A type of temporary signage that is typically used for (but not limited to) special events and promotions or for business grand openings. Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs/devices, and any other legal types of signs allowed by this Section. A searchlight may be used provided it complies with all other provisions of this Section (see "Searchlights").

a. Promotional signage is allowed for two (2), two-week periods each calendar year per

legal business. A two-week period will commence on the first day promotional signage is displayed. The two, two-week periods shall not occur within the same or consecutive months. A legal business shall include any retail, commercial, industrial or institutional use for which the Building Inspection Department has issued a Certificate of Occupancy. In case of a special promotion for a grand opening celebration, one (1) period may be extended to a three-week period provided that the event commences within the first three (3) months of the date of issuance of a Certificate of Occupancy and the grand opening event is limited to the address noted on the Certificate of Occupancy.

b. Any device described as promotional signage shall not exceed an overall height of thirty-five (35) feet.

c. A separate permit is required for each two-week (or three-week, for grand openings) period promotional signage will be used. If any device described as promotional signage is installed prior to issuance of a permit, fines for noncompliance with this Ordinance may be assessed in addition to the permit fee.

d. Promotional signage shall be contained on the property of the legal business which it advertises, and shall not exceed into the City right-of-way or onto other adjacent property(s). Signage shall not be located in any sight visibility triangle/area, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.

*Pylon Sign:* A freestanding sign supported by a solid, ground up, tall monumental structure (see "Pole Sign").

*Reader-Board Sign (also called "Changeable Message Sign):* A marquee-type sign having alternating electronic data, messages and/or control components.

*Real Estate Sign:* A temporary accessory sign pertaining to the sale or rental of property, and which advertises property only for a use for which it is legally zoned. 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 property line (i.e., front, side or rear), and signs are limited to one (1) per street front. A real estate sign shall be removed upon the sale/rental of the property.

*Roof Sign:* A sign erected upon or above a roof or parapet of a building or structure.

*Searchlights:* Searchlights may be permitted in accordance with any other applicable City regulations, and may include traditional searchlight devices or laser-type devices. A permit for use of an advertising searchlight may be granted under the following additional regulations:

a. A searchlight shall be located a minimum distance of fifty (50) feet from any public right-of-way and from side or rear property lines, and shall be positioned so as to project all beams at minimum angle of thirty (30) degrees upward from grade level. No searchlight beam may project onto adjacent property or onto property or buildings not owned/operated by the business utilizing the searchlight.

b. The maximum light intensity generated by searchlights on any premises may not exceed a total of one thousand six hundred (1,600) million footcandle power. No more than four (4) beams of light may be projected from any premise at any point in time.

c. All searchlights must be designed and maintained so as to prevent beam rays of light (or laser beams) from being directed at any portion of the traveled ways, and no light shall be of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or to create any other type of traffic hazard (i.e., cannot be such an unusual, eye-catching display that would distract the attention of motorists).

d. No advertising searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

e. No advertising searchlight may be operated on a premise for more than seven (7)

consecutive days nor for more than fourteen (14) days within any calendar year. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premise within the last six (6) months preceding the date of the permit application.

*Temporary Sign:* A sign, banner, pennant, valance or other advertising device constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without a frame, and any type of sign that is not permanently attached to the ground, wall or building, and which is intended to be displayed for a short period of time only (i.e., changeable; not permanent). (Also see "Portable Sign".)

*Wall Sign:* A sign attached to or painted upon a wall surface with the sign facing parallel to and not more than twelve (12) inches from the wall surface. A sign attached to or painted upon an awning and visible to the exterior shall be considered a wall sign (also see "Awning 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.

Unless otherwise specifically provided, the regulations set forth in this Section shall be applicable to all attached signs that are allowed under this Ordinance.

**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 inches (12") 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.

**Maximum Sign Area.** Wall signs shall not exceed the following area schedules:

- a. An attached sign located at a height of thirty-six (36) feet or less is limited to one (1) square foot of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed two hundred and fifty (250) square feet.
- b. An attached sign located above a height of thirty-six (36) feet shall be permitted an increase in maximum effective area. Such increases shall not exceed four (4) square feet in effective area for each additional one (1) foot of height above thirty-six (36) feet measured from the base of the sign. Signs may be increased hereunder to a maximum size of three hundred and fifty (350) square feet. Attached signs may be located on any facade except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. The sum of the effective area of all attached signs shall not exceed the allowable effective area specified in paragraphs a. or b. above, whichever paragraph is applicable. Signs on a single facade shall not exceed the sign area allowed in paragraph (a). above.
- c. Attached Signs may only be illuminated utilizing internal lighting. Exterior letters with exposed neon lighting are allowed.
- d. Zoning Permitted: Permitted in General Retail, Central Area, Commercial, Light Industrial 1 and 2, Airport District, and Heavy Industrial. May be allowed by Specific Use Permit (SUP) in Office, Neighborhood Service, and General Retail Limited. May be allowed by the amending ordinance establishing a Planned Development (PD) district.
- e. Placement: Upon the wall of the building, painted or attached directly to the surface.
- f. Maximum Number: Four (4) per building.
- g. Duration: Permanent.

*Window Sign:* A sign painted or affixed to the exterior (or interior) surface of a window and visible from outside the building (e.g., from the street or parking lot).

- a. Maximum Height: Not applicable.
- b. Maximum Size/Area: Forty (40) percent of the total window area (exception: a civic, governmental or charitable organization).
- c. Zoning Permitted: In all nonresidential districts except LI-1, LI-2 and HI Districts.
- d. Placement: Interior or exterior surface of the window.
- e. Maximum Number: Not applicable.
- f. Duration: No limit.

#### 43.6 *General provisions for signs:*

##### A. Removal of Signs:

1. Removal of Obsolete Signs - Any sign which the Building Official determines no longer serves a bona fide use conforming to this Section, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within fifteen (15) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

2. Removal or Repair of Unsafe Signs - If the Building Official shall determine that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the sign permit holder, owner, agent or person having the beneficial use of the premises and/or the sign fails to remove or repair the sign within (15) days after such notice, such sign may be removed by the Building Official at the expense of the permit holder, sign owner, or owner of the property upon which the sign is located. The Building Official may cause any sign which is deemed to be an immediate hazard to persons to be removed summarily and without notice.

3. Removal Expenses - Upon failure of the sign permit holder, owner, agent or person responsible for a sign to remove it upon fifteen (15) day notice to do so by the Building Official, the Building Official is hereby authorized to enter the property upon which such sign is located, and to cause the removal of such sign. The owner of the land, building or structure to which such sign is attached and upon which it is erected and/or the owner/permit holder of such sign are jointly and severably liable for any expense incurred in removal of the sign.

B. Maintenance of Signs: All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of appearance and preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Any sign which the Building Official determines is in an unacceptable, deteriorated condition shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within fifteen (15) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

C. Signs in a Planned Development (PD) District: In a PD district, the sign standards shall be as specified in this Section of the Zoning Ordinance, unless specifically cited otherwise in the amending ordinance that establishes the PD zoning district.

D. Sign Heights and Setbacks: Unless otherwise stipulated in Section 43.5 for the specific sign type or in the amending ordinance establishing a PD zoning district, no sign shall be constructed to exceed the maximum building height permitted in the specific zoning district where the sign is located except within shopping centers or similar commercial/office centers containing six (6) acres or more. Within highway service oriented retail, commercial or industrial districts (i.e., districts located adjacent to a highway), a pylon or major identification sign not to exceed fifty (50) feet in height may be erected when set back from all property lines a distance equal to the height of the sign. All such high-rise signs shall comply with the Building Code and with other applicable codes/ordinances of the City of Waxahachie which pertain to design and construction. All signs twenty-five (25) feet in height and greater shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet, from all property lines.

E. Noninterference with Traffic: No sign shall be located or constructed as to interfere with or confuse the flow or control of traffic on the public streets, and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination, such sign may interfere with vehicular or pedestrian traffic. Further, it shall be unlawful to erect or maintain any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words, "Stop", "Go", "Look", "Slow", "Danger", or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion to or otherwise interfere with, vehicular or pedestrian traffic.

F. Signs Projecting into Rights-of-Way: No sign shall be erected so as to project into the public right-of-way of any street or alley, except in the Central Area (CA) zoning district. In the CA district, projecting signs shall not extend outward from any building facade into the public right-of-way for a distance of more than ten (10) feet or to within eighteen (18) inches of the street curb, whichever is more restrictive. Projecting signs 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 (including rights-of-way).

G. Number of Sign Face Panels/Surfaces: No sign structure shall contain more than two (2) sign face panels facing (i.e., exposed; readable) in the same direction.

H. Flags: American, State of Texas, or local government flags less than sixty (60) square feet shall be exempt from this Section, except only one (1) of each type shall be permitted per lot or business. Any flag over sixty (60) square feet shall be classified as a general business sign.

I. Wind Pressure and Dead Load Requirements: All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive dead loads as required by the Building Code.

J. Illegal Signs: Owners with/of illegal (either conforming or nonconforming) signs must obtain a permit from the Building Inspection Department of the City of Waxahachie prior to any expansion of an existing sign.

K. Nonconforming Signs: A sign which does not conform to the regulations prescribed in this Section and which existed lawfully on the date of adoption (i.e., on the effective date) of this Section, or amendment hereto, shall be deemed a nonconforming sign. A nonconforming sign shall be allowed to remain as is in the same location wherein it existed on the effective date of this Section unless/until one or more of the conditions

stated in subsection 1 below exists/occurs.

1. The right to continue all nonconforming signs shall cease and such sign shall be removed within fifteen (15) days whenever:
    - a. A change of property ownership and/or business occupancy occurs;
    - b. A sign is altered, moved or relocated without a permit pursuant to the provisions of this Section;
    - c. A sign is damaged, defaced or destroyed and the cost to repair it exceeds sixty (60) percent of the replacement/repair cost of the sign on the date of damage (if an existing nonconforming sign is already in a dilapidated/deteriorated condition or if it represents a public safety hazard as of the effective date of this Section, then it must either be repaired/refinished to a reasonable state of repair or removed at the owner's expense);
    - d. A sign which is normally perpendicular (90°) to the ground leans such that an angle between the sign and the ground is seventy-five degrees 75° or less (or, for a sign that was purposefully placed at an angle upon installation, its angle to the ground decreases by 15° or more; no sign, regardless of its original installation angle, shall be allowed to exist at less than a forty-five degree angle to the ground for public safety reasons); or
    - e. A property ownership and/or business occupancy change occurs, and an off-premises or on-premises wall sign is on the property.
  2. Any sign designated by official action of the City as having special historic or architectural significance is exempt from the provisions of this Section.
  3. A nonconforming sign situated on a property acquisition initiated by the City may be temporarily relocated on-site provided the sign is later removed or rebuilt to conform to this Section (and any other applicable Waxahachie codes/ordinances) within twenty-four (24) months following relocation of the sign. Relocation is limited to the same physical sign with no increase in height, area or change in other physical attributes. For the purposes of this provision, "a property acquisition initiated by the City" does not include right-of-way dedicated in the subdivision platting process.
  4. Illegal Nonconforming Signs:
    - a. Owners with/of illegal nonconforming signs which require a permit and which have been in place less than (3) months prior to notification of violation must apply for a permit and must upgrade the sign to conforming within thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within sixty (60) days of original notification.
    - b. Owners with/of illegal nonconforming signs which require a permit and which have been in place for longer than three (3) months prior to notification of violation must apply for a permit and upgrade the sign to conforming within thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within three (3) months of original notification.
    - c. In the case of painted wall signs, such signs shall be removed or painted over within thirty (30) days of original notification of violation.
- L. Signs Exempt from Permit: A permit shall not be required for the following signs provided, however, such signs shall otherwise comply with all other applicable provisions

of this Sections of the Zoning Ordinance and with any other applicable City code/ordinance:

1. One temporary wall sign not exceeding eight (8) square feet in area, which advertises the sale, rental or lease of the premises upon which such sign is located.
2. Memorial plaques, building identification signs and building cornerstones when cut or carved into the masonry surface or when made of noncombustible material and made an integral part of the building or structure. These signs shall not exceed four (4) square feet in area.
3. On-site directional and directory/informational signs not exceeding eight (8) square feet in area and three (3) feet in height, provided that such directional or directory/informational signs do not contain advertising and are not used as such. On-site directional and directory/informational signs are only permitted behind the front building line.
4. Political sign in or upon a motor vehicle if such sign does not exceed six (6) square feet in area and does not project from the front, side, rear or top surfaces of such vehicle. Said sign shall not be illuminated, and shall not be placed thereon sooner than thirty (30) days prior to the election the sign pertains to, and must be removed within five (5) days after the election.
5. Traffic or other municipal signs, legal notices, danger and such emergency, temporary or non-advertising signs as may be approved by the City Council or the City Manager or his authorized representative, when placed in compliance with the "Uniform Manual of Traffic Control Devices" and with applicable City codes/ordinances.
6. Temporary special occasion announcement signs on residential lots for a maximum time limit of five (5) days.
7. Religious emblems when installed in compliance with this Section and with other applicable City codes/ordinances.
8. Seasonal decorations for a maximum of sixty (60) days, provided traffic visibility is not affected.

M. Prohibited Signs and Activities:

1. Traffic - A sign shall not be erected in a manner that would confuse motorists, or that would obstruct the view or interpretation of any official traffic sign, signal or device.
2. Obscene, indecent and immoral matter - It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.
3. All billboard signs.
4. Advertising matter placed or suspend from buildings, poles, sidewalks and the like.
  - a. No person shall place or suspend from any building, light pole, utility pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising or display of such items other than a sign, as defined, regulated and permitted by this Section.
  - b. No cloth, paper, banner, flag, device or other similar advertising matter shall be permitted to be attached to, suspended from or be allowed to hang from, any sign, building or structure, when the same shall create a public menace or danger.

5. Painting, marking or otherwise inscribing streets, sidewalks, utility poles, and the like. No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.
  6. Attaching advertising matter to fences, utility poles, and the like; scattering advertising matter on streets and sidewalks.
    - a. No person, firm, corporation, association or person, shall paste, stick, stack, nail, or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon.
  7. Certain illuminated signs prohibited:
    - a. No sign shall be illuminated to such an intensity or in such a manner as to cause a glare of brightness to a degree that constitutes a hazard or nuisance to traffic or to adjacent properties. Moving, flashing, animated, intermittently lighted, changing color, beacons, revolving or similarly constructed signs, jump clocks or digital display devices showing the time, temperature and similar data are prohibited. No portion of an illuminated sign shall have luminescence greater than two hundred (200) foot-lamberts.
    - b. No lighted sign shall be erected within one hundred and fifty (150) feet of a residential district unless the lighting is shielded from view of the residential district.
  8. Roof sign prohibited - Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.
  9. Balloons and other inflatable devices - No person shall erect, maintain or permit the erection of any balloon or other similar inflatable/floating device anchored to the ground or to any other structure within the City.
  10. No signs attached to a trailer, skid, or similar mobile structure, where the primary use of such structure is for sign purposes, will be permitted. This provision does not restrict the identification signing on vehicles used for delivery service, interstate commerce, or any bonafide transportation activity.
  11. Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product. Vehicles operating under a City franchise shall be excluded from this provisions.
  12. Luminous gaseous tubing, including within an enclosed building, behind glass and visible outside from the public right-of-way through a window, except "open" signs shall be permitted. "Open" signs shall not include any other wording or advertising and shall not flash, blink or contain any movement.
- N. Illegal Signs: Owners with/of illegal conforming signs must obtain a permit from the Building Inspection Department of the City of Waxahachie within fifteen (15) days of notification of noncompliance. If the owner has not obtained a permit for the illegal conforming sign by the sixteenth (16th) day following notification, the owner will be cited for noncompliance.

O. Portable Signs:

1. Portable signs are allowed for a single, thirty (30) day period each quarter of the calendar year. Permitted periods cannot run consecutively. Permit fee per sign is \$30.00. A new business opening for the first time is allowed one (1) permitted portable sign for a maximum of seven (7) days prior to initial business opening, and for a maximum of seven (7) days after opening. Portable sign usage for a new business opening shall not be counted against the thirty (30) daytime period stated above.
2. Portable sign permit applications shall be accompanied by a drawing indicating construction of the proposed sign and how it will be secured in place. Portable signs will be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot. Electrical wiring and related components within and connected to portable signs shall be installed in accordance with the City of Waxahachie Electrical Code, latest edition. Sign illumination will be restricted to non-flashing internal light fixtures with lamps not to exceed a maximum of sixty (60) watts each. External lighting is prohibited. All drawings shall be sealed by a State of Texas registered professional engineer.
3. Portable signs shall not be located within or on any public right-of-way, property, sidewalks, driveways, fire lanes and required off-street parking spaces. Portable signs shall be located a minimum of thirty-five (35) feet from adjacent fire hydrants, driveways, approaches and street intersections (measured from the property line adjacent to each street) and a minimum of five (5) feet from curbs located at the right-of-way property line. Approved portable signs shall be used to advertise or promote commodities and services offered on the premises where the sign will be located. Portable signs shall not be used for off-premises advertising.
4. Removal/Impoundment - The owner or occupant of any property upon which there is located a portable sign in violation of this Section, or the owner or lessee of any portable sign, or the owner and/or manager of any business advertised on a portable sign which is in violation of this Section as herein defined, shall be given written notice by the Building Official or his designee stating the nature of the violation, and ordering that the violation be corrected or removed from said property within seventy-two (72) hours.

Building Official or his designee stating the nature of the violation, and ordering that the violation be corrected or removed from said property within seventy-two (72) hours.

If the owner, lessor, lessee, or the representative of the lessor or the owner and/or manager of any business advertised on a portable sign fails to remove such sign within seventy-two (72) hours of written notification, or by publication if the address is unknown, the sign may be removed by the City at the expense of the sign owner or the person erecting, leasing, using or maintaining it. Any portable sign so removed shall be subject to a fee of twenty-five dollars (\$25.00) for hauling the sign to the City's storage area, plus a five dollar (\$5.00) per day storage fee for each day the sign is stored by the City. Any sign so removed from public or private property shall be stored or impounded by the City until all applicable charges have been paid, or until thirty (30) days have passed. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage cost are not paid within such thirty (30) day period, the City may destroy, sell or otherwise dispose of the sign. If sold, the sign shall be marked by City personnel and shall not be brought back inside the City limits for display. In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day

number one; thereafter, all days including weekends and holidays shall be counted.

The Building Official or his designee may enter upon private property which is accessible to the public for the purposes specified in this Section to examine signs at their location, to obtain information as to the ownership of signs, and/or to remove or cause the removal of a sign declared to be a nuisance pursuant to this Section.

(Ord. No. 2482, 9-2-08; Ord. No. 2499, 1-5-09)