

**LANCASTER
DEVELOPMENT CODE**

VOLUME I

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ARTICLE 14.100 GENERAL PROVISIONS

Sec. 14.101 Short Title

This Ordinance shall be known and may be cited as the Lancaster Development Code of the City of Lancaster, or simply as the Lancaster Development Code, LDC, or as referenced in this document as the "Code".

Sec. 14.102 Authority

The Lancaster Development Code is adopted pursuant to the powers granted to the City and subject to any limitations imposed by the Constitution and laws of the State of Texas.

Sec. 14.103 Jurisdiction

The provisions of this Lancaster Development Code apply generally to all property within the corporate limits of the City of Lancaster and to the lands subject to its zoning jurisdiction as conferred by State law. Those provisions pertaining to the subdivision of land, and those regulations adopted for the primary purpose of protecting water quality or to afford flood protection, apply to all property within the City's corporate boundaries and to all property within its extraterritorial jurisdiction (ETJ), as established by Texas Local Government Code Chapter 42 and Chapter 212. References to jurisdictions or the applicability of specific development regulations appearing elsewhere in this Lancaster Development Code take precedence over this jurisdictional statement in the event of a conflicting interpretation.

Sec. 14.104 Purposes

The Lancaster Development Code is adopted for the following purposes:

- (1) To protect, promote, improve and provide for the public health, safety, and general welfare of the citizens of the City of Lancaster;
- (2) To ensure the safe, orderly and efficient development and expansion of the City of Lancaster in accordance with and pursuant to its Comprehensive Plan, which includes the Thoroughfare, Parks, Trails and Streetscape Plans;
- (3) To conserve, develop, protect and utilize natural resources, including but not limited to topography, vegetation, flood plain and other resources, in keeping with the public interest;
- (4) To prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses;
- (5) To protect and preserve places and areas of historical, cultural or architectural importance and significance to the community;
- (6) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- (7) To provide for open spaces through the most efficient design and layout of the land;
- (8) To prevent the pollution of air and water, to assure the adequacy of drainage facilities, to safeguard water resources and to preserve the integrity and aesthetic quality of the community;
- (9) To lessen congestion in the streets and provide convenient, safe and efficient circulation for vehicular and pedestrian traffic;
- (10) To facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, public safety and recreational facilities, and other public facilities and services; and

- (11) To treat in one unified text those areas of regulation more typically dealt with in separate ordinances such as, but not exclusively, the zoning ordinance, the subdivision rules and regulations.

Sec. 14.105 Effective Date and Applicability

The Lancaster Development Code takes effect upon adoption of this Ordinance by the City Council. The provisions of this Code supersedes all other development regulations governing the development of land within the City. All development applications and proposals filed on or after the effective date of this ordinance, whether for new developments or for add-ons or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures herein established.

Sec. 14.106 Applicability of Existing Regulations

All existing unexpired, valid building permits and preliminary plats which are complete and duly filed prior to enactment of the Lancaster Development Code in accordance with development regulations in effect prior to adoption of these regulations, shall be processed under procedures therein established, and shall be evaluated and approved or disapproved under the standards and requirements contained in such regulations, notwithstanding the adoption of the Lancaster Development Code. Those site plans which were technically reviewed and approved by the City Council prior to the adoption of this Code shall be exempt from meeting any new requirements after the adoption of this Code.

Where any provisions in the Lancaster Development Code are in apparent conflict, the more restrictive standard or procedure shall be followed.

Sec. 14.107 Relationship to Comprehensive Plan, Thoroughfare Plan and Open Space Plan

The Lancaster Development Code is intended to implement the policies and objectives contained in the Comprehensive Plan, Thoroughfare Plan, and Open Space Plan for the City and to affect the City's plan for provision of public facilities and services within City limits and within the City's extraterritorial jurisdiction. If a zoning or rezoning request differs from what the Comprehensive Plan, Thoroughfare Plan, or Open Space Plan recommends for that area, the City Planner will advise applicant of this and will request applicant to submit a written letter. This letter will request the City Planner to prepare and process the necessary exception or amendment to the Plan. The City will process this request concurrently with the (re)zoning case at no additional cost to the applicant.

Sec. 14.108 Compliance with Code Required

All development of land within the incorporated boundaries of the City of Lancaster or its extraterritorial jurisdiction as applicable, shall conform to the requirements of the Lancaster Development Code, and no person may use, occupy, sell or develop land, buildings or other structures, or authorize or permit the use, occupancy, sale or development of land, buildings or other structures under his/her control, except in accordance with all applicable provisions of this Code. Within the City of Lancaster's extraterritorial jurisdiction, no person may sell or develop land, or authorize or permit the sale or development of land, except in accordance with all applicable provisions of this Code.

Sec. 14.109 Diagrams and Drawings

This Code contains diagrams and drawings. When diagrams and drawings appear in this Code, they are presented for explanation purposes only unless specifically referred to in the text of this Code. The text governs over any diagram or drawing when any discrepancy exists. The provisions of this section do not extend to concept plans or site plans which are required and approved under this Code.

Sec. 14.1000 Severability

All sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid in any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not cause any remaining section, paragraph, sentence, clause, or phrase of this ordinance to fail or become inoperative.

Sec. 14.1100 Zoning, Subdivision and Local Government Code

(a) Zoning Ordinance. For the purposes of development, reference to the City's Zoning Ordinance shall refer to the following Articles:

- | | |
|---------------------|---------------------------------------|
| (1) Article 14.100 | General Provisions |
| (2) Article 14.200 | Administrative Procedures |
| (3) Article 14.400 | Permissible Uses* |
| (4) Article 14.500 | Zoning District Development Standards |
| (5) Article 14.1000 | Planned Development Districts |
| (6) Article 14.1100 | Zoning-Related Applications |
| (7) Article 14.300 | Zoning District and Maps |
| (8) Article 14.600 | Definitions |
| (9) Article 14.1500 | Administration and Enforcement |

(b) LOCAL GOVERNMENT CODE. All references to the LOCAL GOVERNMENT CODE in this Lancaster Development Code shall mean "as amended".

ARTICLE 14.200. AUTHORITY AND ADMINISTRATIVE PROCEDURES

Sec. 14.201 Sequence of Review

Where an applicant requests an Exception as provided herein from a provision of this ordinance in conjunction with an application for amendment of the Official Zoning Map, the Exception shall be considered by the Planning and Zoning Commission and City Council at the same time that they consider the request for the zoning change.

Sec. 14.202 Initiation of Administrative Procedures

All platting, zoning and site plan requests to be considered by the Planning and Zoning Commission and/or the City Council, shall be initiated by filing an application with the City. All requests for building permits shall be initiated by the filing of an application with the City. The applications required by this section shall be on forms supplied by the City of Lancaster which shall be available in the offices of the City.

Sec. 14.203 Submittal and Filing

No application shall be deemed “filed” until such application is determined to be complete and the fee established in this ordinance or other ordinances of the City of Lancaster for processing the application has been paid.

Sec. 14.204 Authority to Initiate a Request

All platting, zoning and site plan requests, and/or requests to amend the Comprehensive Plan or the Thoroughfare Plan may be initiated by the owner of the affected property or his/her authorized representative who files the required application and pays the appropriate fee for the request, or the City Council may direct the Director of Community Development to initiate such a request on behalf of the City.

Amendments to the text of this ordinance shall be initiated only by action of the City Council directing the Director of Community Development to initiate such a request on behalf of the City or by the Director of Community Development's own initiative.

Variations to be considered by the Board of Adjustment may be initiated by the owner of the affected property or his/her authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by the decision of an administrative officer with authority over any matter appealable to the Board of Adjustment, or by an officer, or appropriate Board of the City.

Sec. 14.205 Application Withdrawal

Any request for withdrawal of an application must be submitted in writing to the Director.

Application fees are not refundable except in cases in which the Director determines that an application was accepted in error, or the fee paid exceeded the amount due under the provision of this ordinance or the ordinances of the City of Lancaster, in which case the amount of the overpayment may be refunded to the applicant.

Sec. 14.206 Boards and Commissions—Appointment, Term, and Procedures

(a) Open Meetings. All meetings of any board or commission under this Code shall be open to the public.

(b) Keeping of Minutes. Each board or commission shall keep accurate minutes of each meeting which shall be forwarded to the City Secretary within ten (10) days following approval. Such board or commission shall keep an accurate record of the names of the members who are present and absent from their meetings. When public hearings are necessary or required, notice of the public

hearings and the conduct of the same will be in compliance with the requirements of the Local Government Code and this ordinance.

(c) Appointment. Each member of a board or commission shall be at least eighteen (18) years of age.

(d) Attendance. In case of excessive absences, a board, commission or committee member or alternate shall be removed from office. Absences from three (3) consecutive meetings or a total of five (5) absences within a twelve-month period shall constitute excessive absences. This provision shall apply even if such meeting is subsequently canceled or postponed due to lack of a quorum.

Sec. 14.207 Conduct of Public Hearings

(a) Notice of Public Hearing

Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property within a distance of at least 200 feet from the boundaries of the subject property at least ten (10) days prior to the hearing date. Such notice shall be served by using the last known address as listed on the last approved City tax roll and depositing the notice postage paid in the United States mail.

In addition, notice of such hearing shall be published one time in a newspaper of general circulation in the City, not less than ten (10) days prior to the date of such hearing, and signs giving notice of a proposed zone change shall be placed on the subject property at least ten (10) days prior to the public hearing.

Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) days prior to the hearing, in the official newspaper of the City.

(b) Public Hearing Postponement, Recess, and Continuations

- (1) A public hearing for which notice has been given may be postponed by announcing the postponement at or after the time and place the hearing is scheduled to begin.
- (2) A public hearing may be recessed and continued any time after the hearing has commenced.
- (3) If a postponement or continuance of a public hearing is to a specific date and time no later than 60 days from the first or most recent hearing, the announcement of the postponement or continuance at the public hearing in which the application has been postponed or continued shall be sufficient notice and no additional notice is required.
- (4) Postponed or continued public hearing shall be presumed to be held in the same location, unless a different location for the hearing is announced at the time of the postponement or continuance.
- (5) In the event that any request or amendment is being considered, whether or not a public hearing is involved, and it is continued at the request of the applicant more than one (1) time, an additional fee shall be required to cover the reasonable costs to the City, including the cost of any additional advertising cost and the cost of the City's consultants due to the postponement.
- (6) If the applicant is not present at a meeting where the request is being considered and the request cannot be considered, then an additional fee shall be required.

(c) Conduct of Public Hearing. Subject to the presiding officer's inherent authority to conduct meetings, the public hearing shall generally be conducted as follows:

- (1) Report by the City representative;
- (2) Open Public Hearing;

- (3) Presentation by the applicant;
- (4) Testimony and questions by the public;
- (5) Rebuttal by the applicant;
- (6) Closure of the public hearing.

Sec. 14.208 City Council

(a) Authority. The Council shall conduct a public hearing and make determinations on the following matters:

- (1) Text Amendments to this ordinance.
- (2) Zoning Changes and Map Amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- (3) Amendments to the Comprehensive Plan.
- (4) Amendments to the Thoroughfare Plan.
- (5) Amendments to the Open Space Plan.
- (6) Exceptions and appeals as may be set out in this ordinance.

(b) Joint Hearings. The City Council may hold a public hearing, after publishing the required notice, jointly and with any public hearing required to be held by the Planning and Zoning Commission, but the City Council shall not take action until it has received a final report from the Planning and Zoning Commission.

(c) Council Hearing Notice. Before the fifteenth day before the date of the hearing by the City Council, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the City of Lancaster.

(d) Council Approval or Denial. Following the closure of the public hearing, the Council may take the following actions:

- (1) Approval of an Item. The Council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law. However, when a proposed zoning request is heard by the City Council that has been denied by the Planning and Zoning Commission, a three-fourths (3/4) majority vote by the city council shall be required for approval.
- (2) Approval of any request for a text amendment to this ordinance or a zoning change and map amendment shall be granted only if the Council determines that the request or amendment is consistent with the Comprehensive Plan and the purposes of this ordinance. In the event the request or amendment concerns a text amendment to this ordinance or a zoning change and map amendment, the Council shall enact an ordinance amending this ordinance or amending the official Zoning Map, whichever is applicable.
- (3) Denial of an Item. The Council may deny the request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one year only if the new request is for a more restrictive or less intense use or development. Unless the new proposal is more restrictive or less intense than the previously denied proposal, then no other application pertaining to a change of zoning and map amendment may be submitted on the same lot or tract of land, or any portion thereof, for a period of one (1) year from the date of its denial by the Council. If a request or amendment is denied by the Council without an indication of "with" or "without" prejudice, then the action shall be considered to be "denied with prejudice".

- (4) Denial Without Prejudice. The Council may deny the request or amendment without prejudice, in which case an application for a change in zoning and map amendment other than that which was requested on the original application may be filed at the applicant's discretion.
- (5) Reapplication Due to Changed Conditions. A proposal to rezone a tract or parcel of land which has been previously rejected by the Council may be resubmitted within one year only if there is an actual change in conditions relating to zoning principles of the tract or parcel of land or the property surrounding it. In that event, the applicant must submit to the Director of Community Development, in writing, a resume describing such changed conditions. The Director shall investigate the property or cause such an investigation to be made and shall report to the Planning and Zoning Commission whether or not such changed conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the proposal for rezoning.

(e) Protest of Proposed Change in Zoning. Property owners of the effected property or adjacent to and within a radius of two hundred (200) feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this two hundred (200) feet radius includes streets, alleys and other public right-of-way.

Whenever such written protest is signed by the owners of twenty (20) percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned two hundred (200) feet radius, such change in zoning shall require a favorable vote of three-fourths (3/4) of all the members of the Council.

For purposes of determining representation on this written protest, the written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all owners.

Sec. 14.209 Planning and Zoning Commission

(a) Creation and Membership

- (1) Membership. The Planning and Zoning Commission shall consist of five (5) members to be appointed by the City Council, and shall hold their office for a term of two (2) years on a rotating basis. The terms of office shall expire on the last day of July or until their successor has been appointed. In the event that a vacancy occurs on the Planning and Zoning Commission prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member of the Commission may be reappointed by the City Council upon completion of a full term.
- (2) Residency. Each member of the Planning and Zoning Commission shall be a resident of the City of Lancaster at the time of his/her appointment. A member of the Planning and Zoning Commission ceasing to reside in the City during his/her term of office shall immediately forfeit the office.
- (3) Removal. Any member of the Planning and Zoning Commission may be removed from office without cause by the City Council to be sufficient for removal of the member. If a vacancy should exist in the Planning and Zoning Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

(b) Powers and Duties. The Planning and Zoning Commission shall have the following powers and duties:

- (1) To advise the City Council and make recommendations concerning adoption of, or amendments to, zoning regulations and the zoning map;

- (2) To advise the Council and make recommendations concerning adoption of, or amendments to the City's Comprehensive Plan, Thoroughfare Plan, and Open Space Plan and implementation thereof;
- (3) To oversee the City's regulations governing the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities, and to advise the Council on matters pertaining to public improvements, traffic, utility extensions and the provision of public facilities and services, in order to implement the City's Comprehensive Plan;
- (4) To undertake such actions as are necessary to exercise its delegated powers, as indicated by adopted ordinance, including the granting of Exceptions;
- (5) To approve certain matters relating to platting and recording of subdivisions as dictated by the City's ordinances and this ordinance;
- (6) To select a Planning and Zoning Commission Chair;
- (7) To call public hearings to initiate amendments to this Code in accordance with State law; and
- (8) Other duties as may be prescribed by ordinance or State law.

(c) Procedures.

- (1) Election of Officers. The Planning and Zoning Commission shall elect a Chairman, Vice-Chairman at the first meeting in August for a term of one (1) year. The Vice-Chairman is to preside in the absence of the Chairman. Both the Chairman and the Vice-chairman shall vote on every item unless prohibited by law. The Zoning Administrator shall serve as the Secretary of the Planning and Zoning Commission.
- (2) Public Hearing and Notice. Prior to making its report to the city council, the Planning and Zoning Commission shall hold at least one (1) public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, as indicated by the most recently approved tax roll, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Comprehensive Zoning Ordinance shall be given by publication in the official newspaper of the city, or a newspaper of general circulation in the city, before the 15th day before the date of the hearing before the city council. If the Planning and Zoning Commission finds that the proposed changes in the zoning regulations contained in the text of the comprehensive zoning ordinance will have a substantial impact on the development rights of property owners in the zoning districts being affected by the proposed changes, the commission may also require written notice to the property owners in the same manner as notice is given on proposed changes in district boundaries. If the commission does not so find, it may provide for notice of its public hearing by publication in the same manner as notice is given for the public hearing by the city council.
- (3) Meetings
 - A. Open to the Public. All meetings of the Planning and Zoning Commission shall be open to the public in accordance with State law. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the Commission and shall be a public record. The City Manager or designee of the City

of Lancaster shall be the custodian and possessor of the records and minutes of the Planning and Zoning Commission.

- B. *Calling of Meetings.* Meetings of the Planning and Zoning Commission may be held as often as necessary to conduct the business coming before the Commission at the call of the Chairman and at such other times as the Commission may determine in accordance with State law and this Code.
- C. *Quorum.* Any three (3) members including the Chairman or Vice Chairman shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Planning and Zoning Commission.
- D. *Failure to Appear.* Failure of the applicant for a zoning-related application, or his representative, to appear before the Planning and Zoning Commission for more than one (1) hearing without an approved delay shall constitute sufficient grounds for the Planning and Zoning Commission to terminate the application.

(d) Criteria for Granting Exceptions.

The Planning and Zoning Commission may make a recommendation to approve Exceptions as provided in this Code that are consistent with the general purpose and intent of the ordinance.

Exceptions are subject to appropriate conditions and safeguards to ensure that they are consistent with the general purpose and intent of this ordinance and the City's Comprehensive Plan.

The City Council, pursuant to the powers conferred upon it by State law, the ordinances of the City, and this Article may grant Exceptions herein provided to the provisions of this ordinance upon finding that:

- (1) Such Exception will not substantially or permanently injure the appropriate use of adjacent property in the same district; and
- (2) Such Exception will not adversely affect the health, safety or general welfare of the public; and
- (3) Such Exception will not be contrary to the public interest; and
- (4) Such Exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the Exception is sought is located, except as provided elsewhere in this ordinance; and
- (5) Such Exception will be in harmony with the spirit and purpose of this ordinance; and
- (6) Such Exception will not alter the essential character of the district in which is located the property for which the Exception is sought; and
- (7) Such Exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- (8) Such Exception is within the spirit and intent of the City's Comprehensive plan and other policies.

Sec. 14.210 Board of Adjustment

(a) Organization.

- (1) Membership. The Board shall consist of five (5) citizens each to be appointed or re-appointed by the Mayor and confirmed by the city council for staggered terms of two (2) years respectively. Each member of the Board shall be removable for just cause by city council upon written charges and after public hearings. Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.
- (2) The city council may appoint up to four (4) alternate members of the Board who shall serve in the absence of one (1) or more regular members when requested to do so by the mayor or city manager. These alternate members, when appointed, shall serve for the same period as regular members when requested to do so by the mayor or city manager. These alternate members, when appointed, shall serve for the same period as regular members and any vacancies shall be filled in the same manner and shall be subject to removal as regular members
- (3) The Director. The Director, or his authorized representative, shall act as secretary of the Zoning Board of Adjustment and shall set up and maintain a separate file for each application for appeal and Variance received and shall record therein the names and addresses of all persons, firms and corporations to whom notices are mailed, including the date of mailing and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City.

(b) Procedures.

- (1) Adopting Procedural Rules. The Board of Adjustment, by majority vote, shall adopt such procedural rules as are necessary to execute its duties.
- (2) Election of Officers. The Board of Adjustment shall annually select one of its members to be the Chairman, and the Vice Chairman to act in the absence of the Chairman.
- (3) Quorum. All cases before the Board of Adjustment must be heard by at least four members.
- (4) Calling Meetings. Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson, or in his/her absence the acting chairperson, shall administer oaths and compel attendance of witnesses.
- (5) Meetings Open to the Public. All meetings of the Board shall be open to the public as provided by State law.
- (6) Keeping of Minutes. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the Board and shall be a public record.

The Secretary of the Board shall forthwith notify in writing the City Council, the Planning and Zoning Commission and the City Building Official of each decision, interpretation and Variance granted under the provisions of this ordinance.

(c) Powers and Duties. When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following Variances to the regulations herein established:

- (1) Subpoena witnesses, etc. The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt and may require the production of documents under such regulations as it may establish.
- (2) Appeal of an Administrative Decision. The Board shall consider an appeal from any person aggrieved by a decision of any administrative officer with authority over any matter regulated by this ordinance or by any officer, department, Board or division of the City affected by any decision of the administrative officer. Such appeal shall be received within fifteen (15) calendar days after the decision has been rendered by the administrative officer, by filing with the officer whose decision is being appealed and with the Board of Adjustment, a notice of appeal specifying the grounds of the appeal and the City's required fee.
- (3) The officer from whom the appeal is taken shall forthwith transmit to the Board, all papers constituting the record from which the action appealed was taken.
- (4) An appeal shall stay all proceedings of the action which has been appealed, unless the officer from whom the appeal is taken, certifies to the Board that a stay would, in the officer's opinion, cause imminent peril to life or property.
- (5) In such case, proceedings shall not be stayed unless there is a restraining order granted by the Board or by a court of competent jurisdiction on application, and notice is given to the officer whose decision is the subject of appeal.
- (6) Odd Shaped Parcels. The Board may permit such variances of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification as provided by State law.
- (7) Non-Conforming Use. The Board may not permit the expansion or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building.
- (8) Change of Non-Conforming Use. The Board may not authorize a change of use from one non-conforming use to another non-conforming use.
- (9) Termination of nonconforming uses and structures. Upon request by city council or upon its own initiative, the Board of adjustment may establish a termination date for a nonconforming use. Such termination date shall provide that the owner's actual investment in the structure made legally prior to the use became nonconforming, can be amortized within a definite time period. In connection with establishing a reasonable time period, the Board may consider the amount of the investment realized to date, and the amount remaining, if any, to be recovered during the amortization period, the life expectancy of the investment, the existence or nonexistence of lease obligations, removal costs directly attributable to the establishment of a termination date, and other costs and expenses directly attributable to the establishment of a termination date. Nonconformity as to parking shall not be subject to termination under this section. The procedure for termination of a nonconforming use shall be as established by the rules and regulations of the Board and shall include procedures for the giving of notice, the holding of a public hearing, and the rendition and transmittal of a decision to the property owner.

- (10) Violation of Other Ordinances. The Board is not authorized to permit or approve any request that would be in violation of any other ordinances or City regulations that would prohibit such improvement or construction to be made.

(d) Criteria for Granting Variances. The City's Board of Adjustment, pursuant to the powers conferred upon it by State law, the ordinances of the City, and this Article may grant Variances to the provisions of this ordinance upon finding that:

- (1) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.
- (2) The Variance or request for relief is not a self-created hardship.
- (3) Such Variance or request for relief will not substantially or permanently injure the appropriate use of adjacent property in the same district; and
- (4) Such Variance or request for relief will not adversely affect the health, safety or general welfare of the public; and
- (5) Such Variance or request for relief will not be contrary to the public interest; and
- (6) Such Variance or request for relief will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the Variance is sought is located, except as provided in *Section 10.3* above; and
- (7) Such Variance or request for relief will be in harmony with the spirit and purpose of this ordinance; and
- (8) Such Variance or request for relief will not alter the essential character of the district in which is located the property for which the Variance is sought; and
- (9) Such Variance or request for relief will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- (10) The plight of the owner of the property for which the Variance or Exception is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

(e) Actions of the Board

- (1) In exercising its powers, the Board, may, in conformity with the provisions of the Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from, and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
- (2) The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirements, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any Variance in the ordinance.
- (3) Any Variance authorized by the Board, either under the provisions of this ordinance or under the authority granted to the Board under the statutes of the State, shall allow for the issuance of a building permit or a certificate of occupancy or other relief as the case may be for a period of ninety (90) days from the date of the favorable action on the part of the Board, unless the Board in its minutes shall, at the same time, grant a longer period and the effected property owner complies with all other applicable ordinances.
- (4) If a building permit or certificate of occupancy has not been applied for or issued within a ninety (90) day period or as the Board may specifically grant, the Order granting relief

- (5) Such termination and waiver shall be without prejudice to a subsequent appeal to the Board in accordance with the rules, and regulations regarding appeals.

(f) Appeals on Same Matter. No appeal to the Board of Adjustment shall be allowed concerning the same matter prior to the expiration of six (6) months from a ruling of the Board on any appeal to such body unless other rulings on the same or similar subject matter have, within such six-month period, been altered or changed by ruling of the Board, in which case such change of circumstances shall permit the allowance of an appeal, but shall in no way have force in law to compel the Board, after a hearing, to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

(g) Effective Date. A decision on a Variance shall be effective upon decision by the Board.

(h) Appeal from Board.

Any person aggrieved by any decision of the Board of Adjustment or any officer, department, or Board of the municipality pursuant to this section, may present to a court of competent jurisdiction, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality in accordance with State law.

Such petition shall be presented to the court within ten (10) days after the filing of the decision complained of in the office of the City Secretary and not thereafter.

No appeal from a Board of Adjustment decision under its jurisdiction, as set out in the Zoning Ordinance of the City, shall be heard by the City Council.

Sec. 14.211 Sign Control Board

(a) Creation. There is hereby established a Sign Control Board consisting of five (5) members. The Planning and Zoning Commission shall serve as the Sign Control Board.

(b) Powers and duties. The Sign Control Board shall have the following powers and perform the following duties:

- (1) Considerations. In considering the request for exception to requirements of this article, the Sign Control Board shall consider, but not limited to:
 - A. the degree of Exception,
 - B. the reasons for Exceptions requested,
 - C. the location of Exceptions requested,
 - D. the duration of requested Exception,
 - E. the effect on public safety,
 - F. protection of neighborhood property,
 - G. the degree of hardship or injustice involved, and
 - H. the effect of the Exception on the general plan for signing within the city.
- (2) Considerations for Area or Height Exceptions. In considering an Exception from the area or height limitations of this article, the Sign Control Board shall consider the proximity of nonconforming existing signs to the location of the requested Exception and the area and height of such nonconforming signs.

- (3) Decisions.
 - A. The Sign Control Board may grant the Exception requested, grant an Exception of a lesser nature than requested, or deny an Exception request.
 - B. All actions on Exception requests may be appealed within ten (10) days to City Council. Decisions of the Board shall become final unless reversed or modified by the City Council at the second regular City Council meeting following the Sign Control Board meeting at which formal action was taken by the Board. In reviewing the action of the Board, or Exception requests, the council shall consider the records made at the hearing before the Sign Control Board.
- (4) Study and Review.
 - A. The Sign Control Board shall conduct continuing studies of sign ordinances in neighboring municipalities as well as other cities where such study will assist in upgrading the function of signing within the City of Lancaster and make recommendations to the City Council where appropriate.
 - B. Continuing Review of Non-Conforming Signs and Previous Exceptions. The Sign Control Board will conduct a continual review of all nonconforming signs and Exceptions granted and determine their desirability and effects upon the neighborhood and city and make recommendations to the City Council where appropriate.
 - C. The Sign Control Board will evaluate new signing techniques as such are developed and recommend to the City Council their benefits and disadvantages in the City of Lancaster.
 - D. The Sign Control Board shall conduct studies, prepare opinions and general plans as requested by the City Council.
- (5) Discuss Signage Plans. The Sign Control Board may discuss the planning of signage in new or existing developments upon the request of the developer.
- (6) Other Duties. The Sign Control Board shall perform any duties specified elsewhere in this article, including, from time to time, recommendations to City Council for changes or amendments to this article.

Sec. 14.212 Historic Landmark Preservation Committee (HLPC)

(a) Organization.

- (1) Created. There is hereby created the Lancaster Historic Landmark Preservation Committee, under the authority granted to municipalities in *Section 211* of the Texas Local Government Code, hereafter referred to as the or as the HLPC.
- (2) Membership. The HLPC shall consist of five (5) members and one (1) alternate to be appointed by the Planning and Zoning Commission and confirmed by the City Council. Of the five (5) members of the HLPC, at least three (3) shall have experience and/or expertise in the following fields: architecture, planning, landscape architecture, building construction or real estate appraisal. At least one member shall be a member of the Lancaster Historical Society. At least one member shall be the owner of a designated historic landmark or property within an historic district. All HLPC members shall be residents of the city and shall have a demonstrated interest in or knowledge of historic preservation practices and principles.
- (3) Terms of Office. HLPC members shall serve for terms of two (2) years with three (3) members' terms expiring in odd numbered years and two (2) members' terms expiring in even numbered years. The alternate will serve a one (1) year term.

- (4) Officers. The Chairperson and Vice-Chairperson of the HLPC shall be elected annually following appointment of new members, by and from the members of the HLPC.
 - (5) Meetings. The HLPC shall meet at least monthly, if business is at hand. Special meetings may be called any time by the Chairperson, the City Council, the Planning and Zoning Commission, or on the written request of any two (2) HLPC members. All meetings shall be held in conformance with the Texas Open Meetings Act.
 - (6) Quorum. A quorum for the transaction of business shall consist of three (3) members. Issues shall be decided by the vote of a simple majority of the members present.
 - (7) Meeting Minutes. Minutes of each meeting shall be filed in the office of the Historic Preservation Officer (HPO).
- (b) Historic Landmark Preservation Committee (HLPC) Powers and Duties.
- (1) Rules and Procedures. Prepare rules and procedures as necessary to carry out the business of the HLPC. Rules and procedures shall be filed in the office of the Historic Preservation Officer (HPO).
 - (2) Criteria for Designation. Adopt criteria for the designation of historic, architectural and cultural landmarks and the delineation of historic districts, which shall be recommended to the Planning and Zoning Commission for subsequent submittal to the City Council.
 - (3) Inventory Significant Properties. Conduct surveys and maintain an inventory of significant historic, architectural, archeological and cultural landmarks and all properties located in historic districts within the City.
 - (4) Recommendation to Planning and Zoning Commission. Recommend to the Planning and Zoning Commission for subsequent submission to the City Council the conferral of recognition to the owners of designated historic landmarks or properties within designated historic districts by means of certificates, plaques or markers.
 - (5) Public Awareness. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
 - (6) Designation. Recommend the designation of sites, buildings, structures, objects or areas as landmarks and historic districts.
 - (7) Funding Recommendations. Make recommendations to the Planning and Zoning Commission for subsequent submission to the City Council concerning the utilization of funds and funding methods such as tax deferments, grants, fees, donations or other means to promote the preservation and vitality of landmarks and historic districts within the City.
 - (8) Certificates of Appropriateness (CA). Review and make recommendations on applications for Certificates of Appropriateness and Certificates of Economic Hardship.
 - (9) Ad Hoc Committees. Create ad-hoc committees from among its membership and delegate to these Committees responsibilities to carry out the purposes of this ordinance.
 - (10) Minutes. Maintain written minutes which record all actions taken by the HLPC and the reasons for taking such actions.
 - (11) Reports. Prepare and submit to the Planning and Zoning Commission and for subsequent submission to the City Council periodic or special reports summarizing the status of landmarks and historic districts and the HLPC's work and accomplishments.
 - (12) Design Guidelines. Prepare specific design guidelines for the review of landmarks and historic districts.
 - (13) Acquisition of Structures. Recommend the acquisition of landmark structures by the City where their preservation is essential to the purpose of this act and where private preservation is not feasible.

- (14) Other Recommendations. Recommend to the Planning and Zoning Commission for subsequent submission to the City Council acceptance of donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation.

(c) Historic Preservation Officer (HPO). The City Manager shall designate a staff member as the Historic Preservation Officer. The Historic Preservation Officer shall administer this ordinance and advise the HLPC on related matters.

(d) Historic Landmarks: Definition and Designation.

- (1) Definition. An historic landmark is defined as an individual site, building, object or structure, designated by ordinance of the City Council, that is worthy of rehabilitation, restoration and/or preservation for its historic, cultural and/or architectural significance to the City of Lancaster.

- (2) Designation. An historic landmark shall be designated as follows:

A. Nomination. Nomination for historic landmark designation shall be made to the HLPC on forms provided by the HLPC. The nomination may be submitted by the owner of record of the nominated property, the HLPC or a member of the HLPC, the City Council, the Lancaster Historical Society, the Dallas County Historical Commission or other recognized historic preservation organization. The owner of record shall be notified at the time a property is nominated for designation.

Designated Texas Historic Landmarks, archeological sites and properties listed in the National Register of Historic Places shall be automatically eligible for designation as historic landmarks upon processing of a nomination application.

The following criteria shall be considered when determining whether a nominated property is eligible for consideration:

1. Significance in history, architecture, archeology and/or culture;
2. Association with events that have made a significant contribution to the broad patterns of local, regional, state or national history;
3. Association with the lives of persons significant in our past;
4. Embodiment of the distinctive characteristics of a type, period or method of construction;
5. Representative work of a master designer, builder or craftsman; and/or
6. An established and familiar visual feature of the City.

B. HLPC Recommendation. The HLPC shall, within forty-five (45) days from the receipt of an administratively complete nomination, determine that the nomination meets, or fails to meet the criteria for designation as a landmark.

In reviewing the application, the HLPC should solicit and receive input from the owners of the nominated property, interested parties and technical experts. Testimony or documentary evidence received by the HLPC may be included in the report to the Planning and Zoning Commission. In making this determination, the HLPC may specify that all, some or none of the building(s), site(s) or feature(s) specified in the nomination are suitable or not suitable for landmark designation. The HLPC shall forward a recommendation to the Planning and Zoning Commission. The recommendation shall be accompanied by a report that:

1. Explains, compares and/or contrasts the significance of the nominated landmark as it relates to the criteria;

2. Explains, verifies and/or details the integrity, or authenticity of a nominated landmark's historic identity noting claims or conjecture that may be reasonable but that cannot be verified;
 3. Identifies significant exterior architectural features of the nominated landmark that should be protected;
 4. Identifies the types of construction, alteration, demolition and removal, other than those requiring a building permit that should be reviewed for a Certificate of Appropriateness;
 5. Describes the relationship of the nominated landmark to the on-going effort of the HLPC to identify and nominate all potential properties that meet the criteria for designation;
 6. Recommends appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations and parking regulations when necessary or appropriate to the preservation of the nominated landmark; and
 7. Provides a map and/or legal description showing the location of the nominated landmark.
- C. Notification of HLPC Recommendation. A notice of determination shall be mailed to the owner of record of the nominated landmark within seven (7) days of the recommendation.
- D. Planning and Zoning Commission Public Hearing. Upon receipt of the report from the HLPC, the Planning and Zoning Commission shall schedule a public hearing on the nominated landmark within thirty (30) days following the receipt of the report. Notice of the public hearing shall be placed in the official newspaper of the City at least fifteen (15) days before the date of the hearing. Notice of the public hearing shall also be sent by regular mail to the owners of record of the properties immediately abutting the nominated landmark or within 200 feet of the nominated landmark.
- E. Commission Recommendation to Council. The Planning and Zoning Commission shall forward its recommendation to the City Council. The findings of the Planning and Zoning Commission shall be based on the same criteria listed in this section, the report from the HLPC and any input received at the public hearing. In making its recommendation the Planning and Zoning Commission may designate that all, some or none of the building(s), site(s) or feature(s) are suitable or not suitable for landmark designation. A notice of determination shall be mailed to the owner of record of the nominated landmark within seven (7) days of the recommendation by the Planning and Zoning Commission.
- F. Council Decision. The City Council may:
1. Designate by ordinance landmark status for all, or some of the building(s), site(s) or feature(s) specified or,
 2. Remand the nomination to the Planning and Zoning Commission or HLPC for additional consideration or,
 3. Reject the nomination of the landmark in its entirety.
- G. City Council Public Hearing. Upon receipt of a recommendation the Council shall conduct a public hearing on the nominated landmark within forty-five (45) days. Notice of the public hearing shall be placed in the official newspaper of the City at least fifteen (15) days before the date of the hearing. Notice of the public hearing

shall also be sent by regular mail to the owners of record and properties immediately abutting the nominated landmark or within 200 feet of the nominated landmark.

- H. Recording of Designation. Upon designation of a site, building, object or structure as an historic landmark, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Dallas County and the Dallas County Appraisal District.

(e) Historic Districts: Definition and Designation.

- (1) Definition. An historic district is an area of the city designated by ordinance of the City Council which possesses within definable geographic boundaries a significant concentration, linkage or continuity of sites, buildings or structures united historically or aesthetically by plan or physical development.

- (2) Designation. An historic district shall be designated as follows:

- A. Nomination. Nomination for historic district designation shall be made to the HLPC on forms provided by the HLPC. The nomination may be submitted by one or more owners of record of properties within the nominated district, the HLPC or a member of the HLPC, the City Council, the Lancaster Historical Society, the Dallas County Historical Commission or other recognized historic preservation organization. The owners of record shall be notified at the time a district is nominated for designation.

Historic Districts listed in the National Register of Historic Places shall be automatically eligible for designation as historic landmarks upon processing of a nomination application.

The following criteria shall be considered when determining whether a nominated area is eligible for consideration:

1. Significance in history, architecture, archeology and/or culture;
2. Association with events that have made a significant contribution to the broad patterns of local, regional, state or national history;
3. Association with the lives of persons significant in our past;
4. Embodiment of the distinctive characteristics of a type, period or method of construction; and/or
5. Representative work of a master designer, builder or craftsman.

- B Process. The Process for designating historic districts shall be the same as for designating Historic Landmarks in 13.4.B above. However, the HLPC shall prepare a report that:

1. Explains, compares and/or contrasts the significance of the nominated district as it relates to the criteria; and
2. Identifies significant architectural features of the structures within the nominated district that should be protected; and,
3. Identifies the types of alterations and demolitions that should be reviewed for Certificate of Appropriateness Review; and,
4. d Describes the relationship of the nominated district to the ongoing effort of the HLPC to identify and nominate all potential areas that meet the criteria for designation; and,
5. Provides a map and legal description showing the location and boundaries of the nominated district.

- C. Upon designation of an area as an historic district, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Dallas County and the Dallas County Appraisal District.
- D. The designation of an historic district shall be an official overlay zoning district on the zoning map of the City of Lancaster. Such designation shall be identified on the zoning map with the letters "HP" as a prefix.

(f) Designated Districts and Landmarks Listed

- (1) Historic Landmarks. Sites, buildings, objects and structures designated as Historic Landmarks in the City of Lancaster: are set forth in Appendix "A," which is attached hereto and incorporated herein by reference.
- (2) Historic Districts. Areas designated as Historic Districts within the City of Lancaster are set forth in Appendix "B," which is attached hereto and incorporated herein by reference.

Sec. 14.213 Tree Advisory Board

(a) Organization. The City Council shall by ordinance or resolution create the Tree Advisory Board, which shall be the Park and Recreation Advisory Board. The Planning and Zoning Commission shall remain the approval authority relating to appeals following any decision under this section.

(b) Responsibilities. It shall be the responsibility of the Tree Advisory Board to consider appeals to decisions of the City staff interpretation of Article 14.900 *et. seq.* and to study, investigate, counsel and develop and/or update periodically, a written plan for the care, preservation, pruning, planting, replanting or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan shall be presented to the Council and when adopted shall represent the comprehensive tree plan for the City.

Sec. 14.214 Procedure in Planning Cases — Additional Information Submitted

New matters of evidence not presented to the Planning and Zoning Commission, but which may reasonably have affected their recommendation, should not be heard or considered by the Council in its public hearings related to amendments to the zoning ordinance and maps to the City.

In the event new evidence develops between the date of the hearing by the Planning and Zoning Commission and the hearing of the Council on any zoning change, or if for any other valid reason a person wishes to present evidence to the Council which had not been presented to the Planning and Zoning Commission, the Council should refer the case back to the Planning and Zoning Commission for further hearings to consider the new evidence.

Nothing contained herein shall be construed to prohibit anyone from speaking in the public hearing related to changes in zoning.

Sec. 14.215 Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, a Sunday or a legal holiday as observed by the City of Lancaster, that day shall be excluded. Whenever a person has the right, or is required to perform some act within the prescribed period after the service of a notice or other paper upon him, and the notice or paper is served by mail, three calendar days shall be added to the prescribed time unless otherwise specifically provided.

Sec. 14.216 Fees

Fees for all applications and appeals referred to in this ordinance shall be established by resolution of the City Council.

Sec. 14.217 Certificates of Occupancy and Compliance

(a) Certificates of Occupancy Shall be Required for Any of the Following:

- (1) Occupancy and use of a building hereafter erected or structurally altered.
- (2) Change in zoning classification or building use and occupancy classification of an existing building or space used for commercial purposes to a use of a different classification.
- (3) Occupancy and use of vacant land, except agricultural use.
- (4) Any change in the use of a nonconforming use.
- (5) Any change in tenancy of a structure or space used for commercial purposes.
- (6) Any change in ownership of any commercial building or structure.

(b) Procedure for Application

Written application for a certificate of occupancy shall be made to the Building Official prior to the change in zoning classification, occupancy classification, or occupancy of any land, structure, or space; for a new building or for an existing building which is to be altered; and for any change in ownership or tenancy of a structure, space, or building used for commercial purposes. Said certificate shall be issued after the land, space or structure has been inspected and found to be in compliance with all the applicable laws of the City of Lancaster.

(c) Contents.

Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all certificates of occupancy shall be kept on file in the office of the Building Official or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

ARTICLE 14.300 ZONING DISTRICTS AND MAPS

Sec. 14.301 Official Zoning Map

(a) The City of Lancaster is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this ordinance. The zones, or districts, hereby established are and shall be known and cited as:

Zoning Districts

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
"AO"	Agricultural Open
"SF-E"	Single Family Estate
"SF-4"	Single Family Residential
"SF-5"	Single Family Residential
"SF-6"	Single Family Residential
"SF-6"	
"ZL-7"	Zero Lot Line Single Family Residential
"2F-6"	Two-Family (or Duplex) Residential
"SFA-16"	Single Family Attached Residential
"TH-16"	Town House Residential
"MH"	Mobile Home Residential
"MF-16"	Multi-Family Residential District
"NS"	Neighborhood Service
"R"	Retail
"CH"	Commercial Highway
"CS"	Commercial Service
"TC"	Town Center District (Reserved)
"ORT"	Office Research Technology
"LI"	Light Industrial
"MI"	Medium Industrial

SPECIAL DISTRICTS

"PD"	Planned Development
"HPO"	Historic Preservation Overlay
"NPO"	Neighborhood Preservation Overlay
	SEE VOLUME II

(b) The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

"This is to certify that this is the Official Zoning Map referred to in ARTICLE III of the Zoning Ordinance, Ordinance No. 13-84, as amended, of the City of Lancaster, Texas" together with the date of adoption of this ordinance."

(c) When changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map by the City Secretary promptly after the amendment has been approved by City Council, and the change shall note the ordinance number and date that the change was approved.

(d) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance.

(e) The original reproducible tracing of the Official Zoning Map shall be located in the Office of the Director of Community Development and shall be the final authority as to the current zoning status of land and water areas, building and other structures in the City of Lancaster.

(f) City Council may, by ordinance, adopt a new Official Zoning Map should the original reproducible tracing of the Official Zoning Map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no other correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map being replaced) as a part of the Lancaster Development Code of the City of Lancaster, Texas."

(g) Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Sec. 14.302 Rules for Interpretation of District Boundaries

- (a) Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
- (1) The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines or extensions thereof.
 - (2) Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerlines of such streets, highways or alleys.
 - (3) Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
 - (4) Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - (5) Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way or, if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
 - (6) Boundaries indicated as approximately following the centerlines of streams, drainageways or other bodies of water shall be construed to follow such centerlines.
 - (7) Whenever any street, alley or other public way is vacated by official action of the city council, or whenever a street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
 - (8) Boundaries indicated as parallel to or extensions of features indicated in *Subsections A through C* above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 - (9) Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections A through J, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified AO, Agricultural Open District, temporarily.

Sec. 14.303 Regulations Applicable to all Districts.

The following regulations shall apply to all zoning districts listed in this Article and further defined in *Article 14.400 Permissible Uses* and *Article 14.500. District Development Standards*.

- (1) No land or building shall be used or intended for any use other than those permitted in the district wherein such land or building is located.
- (2) No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such manner as to evade conformity with height, bulk, yard, lot area, use, and other regulations for the district wherein such building is located.
- (3) No yard provided adjacent to a building for the purpose of complying with provisions of this zoning code shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.
- (4) No street or walkway shall serve as any part of a required yard or minimum lot area although street rights of way and open space may be used in determining allowable units per acre in residential subdivisions.

Sec. 14.304 Listing of Approved Planned Developments.

Planned Developments that have been approved and appear on the zoning maps are referenced by a Planned Development Number (PD #) and the zoning district classification and/or uses authorized by the particular zoning case. The listing of approved Planned Developments will be documented in Appendix A of this Code.

Sec. 14.305 Listing of Approved Specific Use Permits

Specific Use Permits that have been approved shall be referenced by a Specific Use Number (SUP #) and the type of use authorized by those permits. The listing of approved Specific Use Permits will be documented in Appendix B of this Code.

Sec. 14.306 Zoning upon Annexation

(a) Annexed Lands. All territory hereinafter annexed to the City of Lancaster shall be temporarily classified as AO, agricultural open district, until permanent zoning is established by the city council of the City of Lancaster. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

(b) In an area temporarily classified as AO, agricultural open district:

- (1) No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Lancaster without first applying for and obtaining a building permit or certificate of occupancy from the building official or the city council as may be required.
- (2) No permit for the construction of a building or use of land shall be issued by the building official other than a permit which will allow the construction of a building permitted in the AO, agricultural open district, unless and until such territory has been classified in a zoning district other than the AO, Agricultural Open District, by the city council in the manner prescribed by law except as provided in subsection 6.2.C following.
- (3) An application for a permit for any other use than that specified in paragraph B above shall be made to the building official of the City of Lancaster and by him referred to the planning and zoning commission for consideration and recommendation to the city council and the action and recommendation of each body concerning any such permit shall take into consideration the appropriate land use for the area. The city council, after receiving and reviewing the recommendations of the planning and zoning commission may by majority vote authorize the issuance of a building permit or certificate of occupancy or may disapprove the application.

ARTICLE 14.400. PERMISSIBLE USES

Sec. 14.401 Land Use Schedule

(a) Use of Land and Buildings. Buildings, structures and land shall be used only in accordance with the uses permitted in the following "Land Use Schedule," subject to all other applicable requirements of this ordinance including *Article 14.500. Zoning District Development Standards*.

- (1) The symbol "P" shall mean that the use is permitted as a principal use in that zoning district by right.
- (2) The symbol "S" shall mean that the principal use is permitted in that zoning district only after first obtaining a "Specific Use Permit" as set forth in this Article.
- (3) The Symbol "A" shall mean that this use is specifically permitted as an accessory use to a main use in the district. This does not exclude other land uses which are generally considered ancillary to the primary use.
- (4) The Symbol "+" shall mean that this use is conditional and has special standards or requirements listed in this section, which it must meet in order to be allowed.
- (5) A blank square shall mean that the use is not allowed in that zoning district as a principal use.

ORDINANCE NUMBER 2006-08-29

Due to the fact that the City is in the process of updating the Comprehensive Land Use Plan and development standards for the I-35 Corridor this ordinance requires all new developments within 1000 lineal feet of I-35, from IH-20 to the Dallas County Line to require a Specific Use Permit (SUP). See Exhibit A.

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Sec. 14.402 Use Standards

Conditions. The following uses as provided by this Code shall meet the standards established in this section, which are as follows:

(a) Rural and Animal-Related

(1) Animal Clinic for Small Animals

- A. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.
- B. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such clinic use.

(2) Horse Corral or Stable (Commercial).

- A. Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to human beings and animals; and
- B. Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal, and be properly maintained.
- C. Farm animals shall be regulated by Animal Control Ordinance as to acreage and how close they come to residences.

(b) Residential and Lodging Use Conditions:

(1) Accessory Building (Accessory to Residential Use)

- A. The accessory building shall be accessory to a residential use and located on the same lot.
- B. In all residential districts, one (1) detached garage shall be allowed provided that:
 - 1. It does not exceed 900 square feet in area;
 - 2. It is located on the same lot as the residential use;
 - 3. If located partially or totally in front of the rear façade of the main structure, the exterior cladding must contain the same materials, as found on the main structure and is generally in the same proportion; and
 - 4. Detached garages shall not exceed the height limit in the district.
- C. In SF-E, no more than two (2) accessory buildings shall be allowed totaling up to 600 square feet (each) in area, and 15 feet or less in height.
- D. In SF-4, SF-5, SF-6, no more than two (2) accessory buildings shall be allowed which are up to 225 square feet (each) in area and 15 feet or less in height. (Greenhouses are exempt from the materials requirement.)
- E. In 2F, no more than two (2) accessory buildings shall be allowed which is up to 100 square feet (each) in area and 10 feet or less in height. (Greenhouses are exempt from the materials requirement.)
- F. These standards shall not apply to residential buildings in AO Districts where such building is associated with a residential or agricultural use.
- G. See below for “portable building” standards which include prefabricated storage sheds.

(2) Residential Portable and Accessory Building Setbacks.

A. Portable Buildings 0-160 s.f. and up to 10 ft. in Height:

- 1. Rear Setback: 3 ft.

2. Side Setback: 3 ft.
3. Separation from other structures: 3 ft.

B. Accessory Buildings 121-225 s.f. and up to 15 ft in Height

1. Rear Setback: 3 ft.
2. Side Setback: Required Zoning District Setback.
3. Separation from other structures: 6 ft.

C. Detached Garages 226-900 s.f. and up to 15 ft. in Height

1. Rear Setback: With Alley —20 ft. with garage doors facing alley, 3 ft. without garage doors facing alley,
Without Alley — 10 ft.
2. Side Setback: *Required Zoning District Setback.*
3. Separation from other structures: 10 ft.

(3) Bed and Breakfast Operation

- A. A “bed and breakfast” must be located on an owner-occupied single family lot, or on an immediately adjacent lot.
- B. One (1) parking space per bedroom to be rented shall be provided above the single family parking requirement
- C. No outside advertising shall be allowed on the lot unless located in a non-residential zoning district or permitted by an SUP.
- D. A permanent wired smoke alarm system meeting all City codes shall be installed.
- E. The premises shall pass a fire code inspection before opening and on an annual basis thereafter.
- F. All applicable hotel/motel taxes shall be paid.
- G. The maximum length of stay is limited to 14 consecutive days in any 30 day period.
- H. A Certificate of Occupancy permit shall be obtained prior to occupancy.

(4) Carport (Residential)

- A. In residential districts, Carports must be open on at least two (2) sides and be located at least 20 feet behind the corner of the front façade or meet the garage setback adjacent to an alley. It must also meet the minimum required side yard setbacks for a detached garage
- B. Carports which are visible from a public street must be constructed of materials matching those of the primary residential structure.
- C. Carports not meeting these standards must obtain an SUP.
- D. Porte-cocheres are not considered carports, and are allowed, provided that they are attached and integral with the design of the house.

(5) Duplex

- A. Limited to two (2) families.
- B. The dwelling must be permanently attached to a concrete foundation.
- C. The primary roof pitch must be at least 4 in 12 inches.
- D. The duplex must have 1-hour fire wall separating the units.

(6) Guest Quarters/Secondary Living Unit

- A. Guest quarters or secondary living unit may be allowed on a property in a residential or commercial zoning district provided that it is ancillary to the primary use and that only one such facility is provided.
- B. The area of such quarters shall not exceed 900 s.f. or 50% of the main structure, whichever is less. However, in the AO District, such quarters may be up to 1,200 s.f. in size.
- C. No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Regulations.

(7) Home Occupation

- A. Incidental to Primary use. The use must clearly be incidental and secondary to the primary use of the property as a residence.
- B. Employees. No more than two (2) people outside the family may be employed in the home occupation.
- C. Exterior Indication. There shall be no exterior display, exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- D. Traffic. No more traffic shall be generated by such home occupation than would normally be expected in the neighborhood.
- E. Parking. In addition to the off-street parking required for the residence, adequate additional off-street parking shall be provided for the vehicles of each employee and the maximum number of users the home occupation may attract, one (1) additional parking space at the rest of the house shall be provided.
- F. Nuisance. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
- G. Excluded Uses. A home occupation may not be interpreted to include the following: facilities for repair of motor vehicles, small motors, daycare center, or uses which utilize flammable or hazardous materials.

(8) Portable Building - Residential

- A. On residentially zoned properties one (1) portable building shall be allowed as an accessory to a residential use on the same lot except for multi-family districts, which shall not contain portable buildings.
- B. Such building shall not exceed 160 square feet in floor area or 10 feet in height. In 2F, such building shall be limited to 100 square feet in area.

(9) Single Family Dwelling (Attached, Detached, Zero Lot Line)

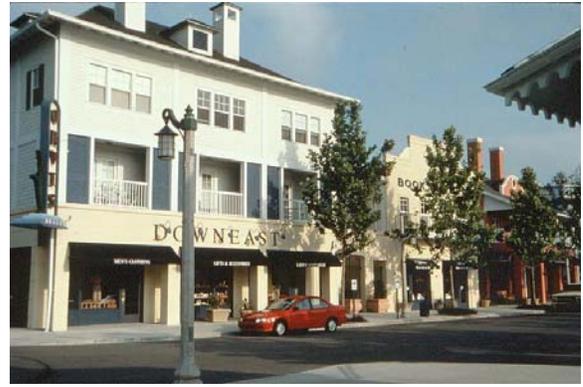
- A. The dwelling must be permanently attached to a permanent concrete or pier and beam foundation.
- B. The primary roof pitch must be at least four (4) in 12 inches.

(10) Townhouse. In retail districts, townhouses must be part of an integrated master plan with retail development, and include an attractive pedestrian environment.

(11) Urban Residential

- A. Urban residential includes residential development which at least partly face streets, public sidewalks, or common open space, or which are located above retail, office or service uses.

- B. Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located within a structure.



EXAMPLES OF URBAN RESIDENTIAL. LEGACY TOWN CENTER AND CELEBRATION

(c) Institutional and Community Service Use Conditions

- (1) Assisted Living Facility Class A and Class B. See “Group or Community Home” below.
- (2) Church/House of Worship
 - A. A building used for non-profit purposes by a recognized and legally established sect solely for the purpose of worship.
 - B. Significant accessory uses such as retail, restaurants, schools, coffee houses, day care centers, bingo parlors and halls may only be allowed in a zoning district that allows such uses.
- (3) Convalescent Care Facility/Nursing Home. A facility that provides nursing services and custodial care on a 24-hour basis for three (3) or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.
- (4) Daycare
 - A. Daycare is a facility that:
 1. Is licensed by the State;
 2. Provides care for six (6) or more children or adults who do not reside in the facility, who are present primarily during daytime hours, and who do not regularly stay over night; and
 3. May provide some instruction.
 - B. Adequate provision for pick-up and drop-off shall be provided, as determined by the City Engineer.
- (5) Group or Community Home
 - A. A home for disabled persons whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak or breath is substantially limited because the person has an orthopedic, visual, speech, or hearing impairment, Alzheimer’s disease, pre-senile dementia, cerebral palsy, epilepsy, Muscular Dystrophy, Multiple Sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness. It may also include rehabilitation for such disabilities.
 - B. The facility must be a community-based residential home operated by:

1. The Texas Department of Mental Health and Metal Retardation (MHMR);
 2. A community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;
 3. An entity subject to the Texas Non-Profit Corporation Act; or
 4. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program service persons in intermediate care facilities for persons with mental retardation; or
 5. An entity operating an assisted living facility licensed under Chapter 247, Health and Safety Code.
- C. When the facility is located within a single-family or duplex residential zoning district,
1. The exterior structure must retain compatibility with the surrounding residential dwellings, and
 2. Not more than six (6) persons with disabilities and two (2) supervisors may reside in the facility at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
- D. A community or group home may not be established within one-half (½) mile of an existing community or group home unless a Specific Use Permit is approved by the City Council.
- E. The residents of a community or group home may not keep for the use of the residents of the home, either on the premises or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.
- (6) Community or Halfway House
- A. A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.
 - B. Such facilities may be located no closer than within a 1,000-foot radius to another halfway house (as measured from building to building). An SUP shall be required for any facility located closer than 1,000 feet.
 - C. Such facilities shall be licensed.
- (7) Public or Private School, Primary
- A. Must be located on a collector or larger roadway unless otherwise approved by the Director.
 - B. Must provide adequate drop-off areas so as not to unnecessarily impede street traffic.
 - C. Drop-off and access provisions must be approved by the Director or his/her designee.
 - D. Other sections of the ordinance shall apply to screening, landscaping and cladding.
- (8) Public or Private School, Secondary
- A. Must be located on a collector or larger roadway.
 - B. Must provide adequate drop-off areas so as not to unnecessarily impede street traffic.

- C. Drop-off and emergency access provisions must be approved by the Director or his/her designee.

Other sections of the ordinance shall apply to screening, landscaping and cladding.

(9) Public or Private School, Senior

- A. Must be located on a collector street or larger roadway.
- B. Must provide adequate drop-off areas so as not to unnecessarily impede street traffic.
- C. Drop-off and access provisions must be approved by the Director or his/her appointed designee.
- D. Other sections of the ordinance shall apply to screening, landscaping and cladding.

- (10) Public or Private School Temporary Education Building. Temporary buildings for classrooms, recreation and administration needs for public school districts may be located on public school district sites when approved by the City Manager or his/her appointed designee. However, the City Manager or designee may at their discretion, require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for “Temporary Education Building” must be submitted on forms supplied by the Building Official’s office and shall include a schedule indicating the expected phasing-out of all temporary structures. Such permit shall be valid for a period of up to five (5) years. All temporary structures should be located so that they are screened by the permanent buildings whenever possible.

(d) Office and Professional Use Conditions.

(1) Financial Institution with Drive-Through

- A. A financial institution is an establishment for the custody, loan, exchange or issuance of money, and/or the extension of credit that facilitates the transmission of funds. This shall not include pawn shops or businesses that advertise check cashing services.
- B. Drive-throughs shall not be located on a property adjacent to a residential use. Drive-throughs shall be separated from residential properties by an intervening building.
- C. Drive-throughs shall not have access to local residential streets.
- D. Stacking lanes for drive-through service windows shall accommodate at least six (6) cars per lane, unless specifically approved by the Director or his/her appointed designee.

(e) Recreation, Entertainment & Amusement Use Conditions

(1) Billiard Parlor or Pool Hall

- A. Any business or premises in which one (1) or more pool or billiard tables are located and used for the playing of billiards, pool or similar games and for which a fee is charged, either directly or indirectly, by means of a general admission fee, membership fee, dues or the like. Exceptions include:
 - 1. Billiard or pool or tables kept in private residences or apartments and used without charge by members of the family or bona fide guests;
 - 2. Billiard or pool tables on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing; and
 - 3. Billiard or pool tables on the premises of publicly owned facilities.

- B. Businesses which contain more than 3 pool or billiard tables or similar games and for which a fee is charged, either directly or indirectly, by means of a general admission fee, membership fee, dues or the like, shall require the approval of an SUP.

(2) Carnival, Circus, or Amusement Ride (Temporary)

- A. A promotional event intended to attract people to a site where there may or may not be an admission charge, and which may include such activities as rides, entertainment, game booths, food stands, exhibitions, and animal displays, and not extending greater than 14 days in duration.
- B. Carnival, circus and amusement ride uses shall be no closer than 300 feet to residentially zoned land unless such setback is reduced or waived by the Planning and Zoning Commission and City Council.
- C. Such events must obtain a Special Events Permit from the City of Lancaster.

(3) Commercial Amusement/Recreation (Indoor)

- A. Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, including such activities as skating rinks, bowling alleys, video arcades and similar enterprises, but does not include theaters and auditoriums. It also includes establishments with more than four (4) coin operated machines as defined by City Ordinances, excluding billiard or pool halls. Exceptions include:
 - 1. Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests;
 - 2. Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing; and
 - 3. Billiard or pool tables on the premises of publicly owned facilities.
- B. A skill or coin operated machine is defined as any coin-operated machine of any kind or character whatsoever, when such machines dispense or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of merchandise, music or service, as those terms are defined in Texas Revised Civil Statutes Annotated, *Articles 8801-8817*.

(5) Commercial Amusement / Recreation (Outdoor)

- A. Outdoor commercial recreation and amusements, excluding drive-in theaters, but including golf courses, target ranges and skeet shoots, picnic groves, amusement parks, circus or carnival grounds, commercial amusement or recreational developments or tents, and other similar uses. This includes temporary structures used for meetings. Such uses shall be considered “temporary” if the use does not exceed 14 days. (See “Carnival, Circus, or Amusement Ride (Temporary)” above.)
- B. Outdoor commercial recreational and amusement uses shall be no closer than 300 feet to residentially zoned land unless such setback is reduced or waived by the Planning and Zoning Commission and City Council.

(6) Fund Raising Events by Non-Profit, Indoor or Outdoor (Temporary)

- A. An event sponsored by a recognized legal non-profit organization, intended to attract people to a site where there may or may not be an admission charge.
- B. Such events must obtain a Special Events Permit from the City of Lancaster for residential districts.

- (7) Tennis Courts. Tennis courts shall meet standards for lighting and noise levels at adjacent residential property lines. (See Art. 14.700. Environmental Performance Standards)
- (f) Retail and Personal Service Use Regulations
- (1) Christmas Tree Sales Lot & Similar Uses (Temporary). The temporary sales of Christmas trees, pumpkins and other seasonal goods may be allowed with a permit approved by the Building Official provided it meets the following conditions:
- A. Any such temporary facility of lot shall be limited to seasonal sales.
 - B. The maximum time limit of such use shall not exceed 45 days annually. At the end of the 45-day period, the structure and other facilities related to the use shall be removed from the property.
 - C. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
 - D. Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use, below the number actually needed by the use(s).
 - E. Any such temporary facility shall have permanent restrooms for employees available within 300 feet of the property where such use is permitted for which written permission from the permanent building owner for restroom use must be submitted to the Building Official; however, a portable restroom facility, motor home or travel trailer providing such facilities may be allowed.
- (2) Cosmetics, Permanent
- A. Cosmetics, Permanent, as defined by the State Department of Health.
 - B. It includes electrolysis, but does not include ornamental tattoos.
- (3) Display, Incidental. Outdoor sales and display, excluding vehicles and vehicular machinery, for which the sale of these items are the primary business, shall meet the following standards:
- A. Outdoor sales and displays are permitted only in areas designated on the Site Plan filed with the City.
 - B. Outdoor sales and display may not exceed 5% of the adjacent building floor area. (Building area is defined as the entirely enclosed portion of the primary building.)
 - C. Outdoor sales and display may occupy up to 30% of a covered sidewalk that is located within 20 feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a 5' passable distance shall be maintained.
 - D. Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - 1. Be a minimum of eight (8) feet high or one (1) foot taller than the materials being displayed, which ever is greater.
 - 2. Include minimum of 20% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron, dark vinyl coated chain link or similar materials.
 - E. Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
 - F. No outdoor sales and display may be located on any portion of a parking lot.
 - G. Christmas tree sales are exempted from these standards, and such trees may be stored outdoors for sale beginning one (1) week before Thanksgiving and ending December 31. (Also, see *Christmas Tree Sales Lot & Similar Uses (Temporary)*).

H. Landscape Materials. The accessory seasonal display of plants and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the Building Official only under the following conditions:

1. The plants and related materials shall be located on an all weather surface.
2. All of the plants and related materials shall be located behind the building line.
3. Notwithstanding "6" above, the storage area for display of plants and related materials shall not occupy any required parking spaces as outlined in *Article 14.600. Parking and Loading*. Excess parking spaces may be used if all other requirements in this Section are met.
4. The storage area for display of plants shall not occupy more than 5% of the total lot area.

I. Trucks, Trailers and Storage Containers. The restrictions in above, shall be construed to prohibit the storage and display of rental trucks, trailers and storage containers except in districts where such uses are indicated as permitted uses.

(4) Private Club, Lodge or Fraternal Organization

A. Definition. A Private Club is an establishment providing social and dining facilities as well as alcoholic beverages service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of, Chapter 32 of the Texas Alcoholic Beverage Code, as may be amended and as it pertains to the operation of private clubs.

B. Setbacks from Other Uses. No private club that serves and/or sells alcoholic beverages shall be licensed to operate within 300 feet from a church, public or private school, or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public or private schools, the measurement of distance shall be in direct line from the property line of the public or private school to the property line of the private club and in a direct line across intersections. Provided that the limitations of this section shall not apply to a private club which is in operation at the time of the passage of this article.

C. No Exterior Bar Entrance. There shall be no exterior entrance directly to the bar area except emergency fire exits if required.

(5) Real Estate Sales Office, On-Site (Temporary). Temporary on-site real estate sales offices located on property being sold, shall be limited to the period of sale of the lots with a 2-year initial period and one-year extensions being authorized by the Building Official. Such offices must be maintained at all times.

(6) Restaurant with Drive-Through.

- A. Drive-throughs shall not have access to local residential streets.
- B. Stacking lanes for drive-through service windows shall accommodate at least six (6) cars per lane, unless specifically approved by the Director or his/her appointed designee.

(g) Commercial & Business Services

(1) Building & Landscape Material with Outside Storage. Outdoor sales and display, excluding vehicles and vehicular machinery, for which the sale of these items is the primary business, shall meet the following standards:

- A. Outdoor sales and displays are permitted only in areas designated on the Site Plan filed with the City.

- B. Outdoor sales and display may not exceed 5% of the adjacent building floor area. (Building area is defined as the entirely enclosed air conditioned portion of the primary building.)
 - C. Outdoor sales and display may occupy up to 30% of a covered sidewalk that is located within 20 feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a 6-foot passable distance shall be maintained.
 - D. Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - 1. Be a minimum of eight (8) feet high or one (1) foot taller than the materials being displayed, whichever is greater.
 - 2. Include minimum of 20% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron, dark vinyl coated chain link or similar materials.
 - E. Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
 - F. No outdoor sales and display may be located in any portion of a parking lot.
 - G. Christmas tree sales are excepted from these standards, and such trees may be stored outdoors for sale beginning one (1) week before Thanksgiving and ending December 31.
- (2) Building Maintenance, Service and Sales with Outside Storage. All outside storage must be screened from adjacent streets and public areas.
- (3) Portable Buildings – Commercial/Industrial. On Commercially or Industrially zoned properties:
- A. The portable building must be located in such a manner as to have access to public right-of-way within two hundred (200) feet.
 - B. The portable building, if approved for occupancy by industrial, commercial, or residential uses, must have an approved water distribution and sewage disposal system available for its use.
 - C. There must be a provision for garbage and trash collection and disposal.
- (4) Temporary On-Site Construction Office.
- A. Only one (1) construction or field office shall be allowed per construction site, unless specifically approved by the Building Official.
 - B. Temporary Construction Offices shall be limited to the period of construction with a 2-year initial period and 1-year extensions being authorized by the Building Official. Such offices shall be maintained at all times.
- (h) Auto & Marine–Related Use Conditions
- (1) Auto Repair Garage, Major
- A. General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, frame-work, welding, and major painting service.
 - B. Garage doors shall not face the street or a residential lot.
 - C. Vehicles, equipment, parts or inventory shall not be stored outside over night unless expressly permitted by this ordinance. In which case, they shall be screened from public streets, sidewalks and open space, and any residentially-zoned lot.

(2) Auto Repair Garage, Minor

- A. The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. It also includes “quick lube” type businesses. This applies to only to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
- B. In a Retail (R) District, an “auto repair garage, minor” is permitted as an accessory to a retail use, when the gross floor area of the auto repair and related storage does not exceed 30% of the retail sales floor area, and if all work is conducted wholly within a completely enclosed building. If it is a stand-alone use, it shall require a Specific Use Permit.
- C. Garage doors or bays shall not face the street or a residential lot.
- D. Vehicles, equipment, parts or inventory shall not be stored outside over night unless expressly permitted by this Ordinance. In which case, they shall be screened from public streets, sidewalks and open space, and any residentially-zoned lot.
- E. A Site Plan must be approved by the Director or his/her appointed designee prior to issuance of any Building Permit.

(3) Boat and Trailer Dealerships (New and Used)

- A. The area to be used for outside storage and display shall not exceed 50% of the lot area within 100 feet of any adjacent street.
- B. All such outside storage and display areas must be permanently paved to City standards.
- C. All such outside storage and display areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three (3) feet in height.
- D. All such outside storage and display areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.
- E. A site plan and landscape plan shall be approved prior to issuance of any Building Permit.

(4) Carwash/Auto Detail. The following standards apply to any free-standing or accessory carwash or auto detailing use:

- A. Entrances and exits to the car wash shall not directly face any public street. On corner sites, car wash entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director or his/her appointed designee.
- B. The car wash shall be set back a minimum of 50 feet from any street frontage.

(5) Motor Vehicle Dealerships (new and Used)

- A. The area to be used for outside storage and display shall not exceed 50% of the lot area within 100 feet of any adjacent street.
- B. All such outside storage and display areas must be permanently paved to City standards.
- C. All such outside storage and display areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three (3) feet in height.
- D. All such outside storage and display areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.
- E. A site plan and landscape plan shall be approved prior to issuance of any Building Permit.

(6) Service Station

- A. An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, lubrication, and minor repairs may also be provided if incidental to such principal use. Service station does not include premises where retail sales space exceeds 25% of the total building area or 500 s.f. of gross floor area, whichever is less.
- B. Entrances and exits to any service bays shall not directly face any public street. On corner sites, Service bay entrances or exits shall not open toward a residential use.
- C. The location of access drives from adjacent streets and the orientation of service bays shall be determined by the Director or his/her appointed designee to minimize visual and auditory impacts.

(7) Truck Stop with Fuel and Accessory Services

- A. Entrances and exits to any service bays shall not directly face any public street. On corner sites, service bay entrances or exits shall not open toward a residential use.
- B. The location of access drives from adjacent streets and the orientation of service bays shall be determined by the Director or his/her appointed designee to minimize visual and auditory impacts.

(i) Industrial & Manufacturing

(1) Asphalt or Concrete Batch Plant. Any asphalt or concrete batch plant shall meet environmental standards established by this ordinance and state and federal agencies.

(2) Asphalt or Concrete Batch Plant, Temporary; and Standing Lime Trucks

- A. A permit from the Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.
- B. Temporary asphalt or concrete batch plants are limited to the period of construction it was constructed to serve.
- C. Any batch plant facilities or standing lime trucks must be located no closer than 500 feet to a residential property.
- D. Any asphalt or concrete batch plant and standing lime trucks shall meet environmental standards established by this ordinance and state and federal agencies.
- E. If these standards are not met, such a facility must first receive approval of an Exception from the Planning and Zoning Commission.

(3) Environmentally Hazardous Materials

- A. Any land use which involves environmentally hazardous materials shall meet environmental standards established by this ordinance and state and federal agencies.
- B. A permit from the Fire Marshal stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

(4) Mining and Extraction (Sand, Gravel, Oil & Other)

- A. Any mining and extraction activity shall meet environmental standards established by this ordinance and state and federal agencies.
- B. A permit from the Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.
- C. The permit shall also include provisions for restoration of the property once extraction ceases.

(j) Wholesale, Distribution & Storage

(1) Mini-Warehouse

- A. The number of storage units per acre shall not exceed 125, the minimum number of storage units shall be 10; and the maximum site area shall be five (5) acres.
- B. Unless located in an industrial district, mini-warehouses shall be fully screened from roadways, parks and trails. They may, however, be located behind other commercial uses which face a street and have an access drive area no greater than 35 feet wide.
- C. Only single story units are allowed; no multi-story buildings will be permitted unless the second story is used entirely as an office/caretaker residence-unit which shall not exceed 36 feet in height.
- D. A minimum of two (2) parking spaces shall be required for the on-site manager (i.e. caretaker; resident or otherwise).
- E. A Site Plan, including a landscape plan and building elevations, shall be approved prior to receiving a Building Permit. In addition, any application for an SUP shall include such plan.
- F. Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. All exterior perimeter walls facing the front, rear and side property lines shall be 100% brick construction. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings – such as; offsets in buildings; variation of materials; variation of heights; etc. No pre-engineered metal building components (such as gutters and downspouts) shall be incorporated in the perimeter walls facing the front property line. Exterior walls shall be constructed of split face block, brick or stone.
- G. The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- H. The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Gates shall conform to all applicable zoning, building and fire code requirements. Special access for fire and police personnel shall be provided as required.
- I. All screening fences shall be wrought iron with landscaping / living screen or masonry. See-through fencing should be wrought iron, or similar. Chain link fencing of any kind shall be prohibited.
- J. Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from the public street. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- K. The commercial operation of rental trucks and trailers shall be prohibited unless located in an industrial district which allows such use.
- L. Businesses shall not be allowed to operate in the individual storage units.
- M. No outside storage of any kind shall be allowed (including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles) unless located in an industrial district which allows such use.
- N. Concrete shall be used for all paving.
- O. Roofs shall have a minimum pitch of four (4) in 12 and be constructed with a metal standing seam. Mechanical equipment shall be screened with the roof structure or parapet walls.

- P. Lighting standards shall be limited to a maximum of 20 feet in height.
- Q. The residential unit as an accessory to the permitted use shall not exceed 1600 square feet.

(2) Outside Storage

- A. Outdoor storage shall be screened to the height of what is being stored from streets and public open space, and from abutting residentially zoned districts, and from a NS, R, CS, CBD or RT district.
- B. No outside storage shall be allowed in any zoning district adjacent to IH-35 or IH-20.

(k) Utilities, Communications & Transportation

(1) Antenna Standards and Regulations.

A. *Antenna—Accessory.*

- 1. The antenna installation shall comply with the height and area regulations of the applicable zoning district.
- 2. Administrative approval of the antenna installation shall be required.

B. *Antenna—Commercial*, located entirely within any nonresidential structure allowed under the applicable zoning district regulations:

- 1. Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
- 2. Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
- 3. At least one (1) paved parking space with concrete paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property.
- 4. Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- 5. No more than three (3) separate equipment buildings shall be located on a single lot.

C. *Antenna, Commercial—Free-Standing*, when attached to a utility installation or a light pole in a public park or on public school property:

- 1. The height of the utility installation or light pole upon which the antenna is attached shall be greater than 75 feet but no more than 150 feet.
- 2. The antenna shall extend no more than 10 feet above the maximum height of the utility structure.
- 3. A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.
- 4. A minimum setback of 20 feet shall be maintained from the utility installation, light pole or any equipment building to the lot line of the nearest property developed for residential occupancy.
- 5. Any necessary equipment building may be constructed of metal with a baked-on or pre-painted surface and shall not exceed seven (7) feet in height and 75 square feet

in area. The exterior surfaces shall be covered in paint or a similar coating; or the building may be built of a material allowed by the applicable zoning district for the principal building; or the necessary equipment may be contained entirely within a principal building on the property or in an underground vault. All equipment buildings shall be maintained free from graffiti.

6. At least one (1) paved parking space with concrete paved access may be required at the antenna location; this parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one (1) of the spaces provided for the principal use on the property, if any.
7. Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
8. No more than three (3) separate antennas and three (3) equipment buildings shall be located on a single lot or structure.

D. *Antenna, Commercial—Free-Standing, Other.*

1. The antenna installation shall comply with the height and area regulations of the applicable zoning district and the support structure shall not exceed 125 feet in height.
2. The antenna shall not extend more than 10 feet above the maximum height of the support structure.
3. Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
4. The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or by a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.
5. At least one (1) paved parking space with a concrete paved access may be required at the antenna location; this space need not be reserved exclusively for use in conjunction with the antenna facility and may be one (1) of the spaces required for the principal use on the property.
6. Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
7. No more than three (3) separate antennas and three (3) equipment buildings shall be located on a single lot or structure.

E. *Antenna, Commercial—Mounted*, 12 feet or less in height, on nonresidential structures allowed under the applicable zoning district regulations:

1. The total height of the structure, including the antenna, shall not exceed the maximum height of the zoning district by more than 12 feet.
2. A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.
3. Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.

4. The antenna and any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge, which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.
 5. At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna facility and may be one (1) of the spaces required for the principal use on the property.
 6. Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- (2) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the following requirements:
- A. All electrical specifications of such antenna masts, towers and supports shall comply with the National Electrical Code, the electrical code of the city, Standard Building Code, and the building code of the City.
 - B. Antenna structures shall be designed in accordance with section 1205.1 of the Standard Building Code.
- (3) Permit Required. Any person desiring to erect or have erected an antenna more than 25 feet in height above ground level, or an antenna mast 25 feet or less in height but not erected as required by this Department, shall make written application to Building Inspections for a permit to erect same. Sufficient plans and specifications, as determined by the Building Official, must accompany each application. It shall be unlawful and a Building Inspections violation to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.
- (4) Restrictions and Limitations. All antenna systems constructed and maintained under the provisions of Building Inspections shall be subject to the following restrictions and limitations:
- A. No such antenna system shall be more than 99 feet in height.
 - B. The location on the lot of such antenna system shall comply with the requirements of the comprehensive zoning ordinance of the city insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
 - C. All antenna systems constructed under the provisions of Building Inspections shall be maintained so as to at all times comply with those requirements.
- (5) Roof-Mounted Equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties and all roadways. The screen shall be constructed of materials approved by the building official. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

- A. The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - B. The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.
 - C. Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.
- (6) Antenna, Dish. Dish antennas not exceeding 36” in diameter shall be allowed in any district as an accessory use, provided that they meet the following conditions:
- A. Dish antennas shall not be located within front or side yards, and shall be fully screened from view from streets and public or common open areas. In all cases, they must be screened to minimize the visual impact from adjacent properties.
 - B. In residential districts, they shall be located only in rear yards. However, dish antennas 20 inches or smaller may be roof mounted provided that they are located behind a transverse roof ridge line and screened from adjacent properties.
 - C. In commercial districts, if located on ground level, dish antennas shall be screened to the full height of the structure with landscaping. They may also be allowed on roof tops provided that they are located and screened so as to minimize visual impact from other properties in the area.
 - D. In industrial districts, dish antennas may be ground or roof mounted but must be screened to minimize the visual impact from adjacent properties.
 - E. If the standards above are not reasonably achievable, a Specific Use Permit (SUP) shall be obtained prior to installation of a dish antenna.
- (7) Utility Lines. All Utility Distribution Lines shall be placed underground. Utility Distribution Lines placed above-ground shall require special approval of the City Council.

Sec. 14.403 Other Special Use Standards

(a) Farm Animals and Horses

- (1) Grazing Animals. In non-agricultural districts, grazing animals 500 pounds or greater, including horses and cattle must have a minimum fenced or enclosed area of 15,000 s.f. per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 3,000 s.f. per animal, and a minimum lot size of 10,000 s.f.
- (2) Other Animals. An SUP is required for other farm animals, including chickens and swine, and for a reduction in the land area required for grazing farm animals. The City shall not grant an SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor.
- (3) General Conditions. Notwithstanding the conditions above,
 - A. Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to human beings and animals;
 - B. Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal; and
 - C. All enclosures for grazing animals shall be placed a minimum of 25 feet from the boundary of any adjoining lot or tract which is zoned for residential use.

- D. In SF-E, no swine, goats, or fowl are permitted.
 - E. Nothing contained herein shall conflict with any State law or applicable ordinance.
- (b) Temporary Accommodation for Employees, Customers and Visitors
- (1) Temporary Accommodations. Temporary accommodation for employees, customers and visitors may be provided as an ancillary use in commercial zoning districts provided that:
 - A. Such accommodation is clearly in support of the business operation,
 - B. No rental of such facilities to the general transient public occurs,
 - C. Accommodation is for temporary stays, not to exceed 30 days, and
 - D. No more than 5% of the building area is utilized for this ancillary use.

Sec. 14.404 Specific Use Permits (SUP)

- (a) **Permit Required.** A Specific Use Permit (SUP) is required for any use identified in the Land Use Table as requiring one. And for uses with standards where the standards are not being met, unless otherwise set out (See *Use Standards*). The procedure for requesting an SUP is set out in *Article 14.1100. Zoning Related Applications*.
- (b) **Special Requirements:** The Planning and Zoning Commission in considering and determining its recommendations to the City Council on any request for a Specific Use Permit may require from the applicant plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. The City Council may, in the interest of public welfare and to assure compliance of this Ordinance, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as Specific Use Permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.
- (c) **Application for Specific Use Permit:** Any person, firm or corporation, either as land owner or tenant, may request the use of property which requires a Specific Use Permit. A Specific Use Permit may be granted after application has been properly made and a public hearing before the Planning and Zoning Commission and the City Council has been conducted. The proposed use must comply with all regulations and restrictions as contained in the Zoning Ordinance, codes, regulations, and conditions of the City of Lancaster, including, but not limited to the Electrical Code, the Building Code, the Fire Code, the Plumbing Code, and other applicable Ordinances and codes. In addition all requests for a Specific Use Permit must comply with all State and Federal laws and regulations applicable to such use. The Planning and Zoning Commission and/or City Council may enforce additional restrictions or stipulations as the facts and circumstances of each case may warrant.

Sec. 14.405 Floodplain Areas

- (a) Permitted Uses. The following uses shall be permitted within that portion of a district which is designated as being within the 100-year floodplain by the City Engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the City's Floodplain Regulations:
 - (1) Agriculture. Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
 - (2) Utilities. Local utilities
 - (3) Parks and Recreation. Public or private parks, community centers, playgrounds, public golf courses.

(4) Private Recreation. Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a Specific Use Permit.

(5) Private Open Space. Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the City's Open Space System.

(b) Dumping, Excavating or Filling Floodplain. Any dump, excavation, storage or filling operation within that portion of a district having a Floodplain designation shall require a permit from the City Engineer.

(c) Local Flooding May Occur in Other Areas. The fact that land or property is or is not within a district having a Floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of Floodplain in this ordinance shall not be so interpreted.

Sec. 14.406 Temporary Uses and Structures

(a) Temporary Uses

(1) This Subsection includes by reference all temporary uses listed in the Land Use Chart.

(2) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

(b) Temporary Structures. All buildings or other structures which are erected or located on the property in connection with the temporary use shall be removed not later than 10 days after the expiration of the time period for which the use was approved or as set forth in the conditions of approval.'

Sec. 14.407 New and Unlisted Uses

- (a) Review. New and unlisted land uses which were not originally anticipated will likely be considered for location within the City. Such uses shall require a zoning ordinance amendment and shall be reviewed by the Planning and Zoning Commission and the City Council for inclusion in specific zoning districts or as part of a Planned Development (PD) zoning request.
- (b) Conditions. When considering requests for a new land use, the Planning and Zoning Commission and the City Council shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate.

Sec. 14.408 Non-Conforming Uses, Structures and Sites

- (a) Intent. Within the zoning districts established by this ordinance, there may exist lots, structures and uses of land which were lawful before the effective date of this Ordinance, or amendment thereto, and which would be prohibited, regulated, or restricted under this Ordinance. It is generally the intent to permit these non-conformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival. It is further the intent that such non-conforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such non-conforming lots, buildings or uses may not be used as justification for adding other lots, buildings or uses prohibited elsewhere in the same zoning district. Except as otherwise provided, non-conforming uses are declared to be incompatible with permitted uses in the same zoning districts.
- (b) Applicability. The provisions of this chapter shall apply to lots, uses and buildings which become non-conforming by reason of the adoption of or an amendment to, this ordinance, as of the effective date of such amendment.
- (c) Non-conforming uses
 - (1) Exceptions
 - A. Except as specified below, any use, building, or structure lawfully existing at the time of the enactment of this Ordinance or at the time of annexation into the City may be continued, even though the use, building or structure may not conform to the provisions of this Ordinance for the district in which it is located.
 - B. The right to continue non-conforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.
 - C. Lawfully amortized as provided in this Code.
 - (2) Cessation of Non-conforming Use. For the purposes of this Sub-section, a use shall be deemed to have ceased or been abandoned when it has been discontinued for a total of 180 calendar days during any three (3) year period whether with the intent to abandon the use or not.
 - (3) Expansion of Non-conforming Use. No existing building or premises devoted to a use that is not permitted by this Ordinance in the district in which such building or premises is located shall be enlarged or altered in a way which increases its nonconformity, except when required to do so by law or order, unless the use is changed to a use that is permitted in the district in which the building or premises is located, and except as follows:
 - A. Whenever a non-conforming use has been changed to a conforming use, the non-conforming use shall be terminated and shall not thereafter be changed to a non-conforming use.

(d) Non-conforming Building or Sites

(1) City-Created Non-conformity of Structures. In the event that the City takes an act or action which transforms a previously conforming structure for purposes of front, side and rear yard setback requirements into a non-conforming structure for the purposes of front, side and rear yard setbacks, then such structure shall be deemed to be in conformance with the required setback prescribed in this Ordinance. (For Land Use non-conformity, see *Article 14.400 Permissible Uses*.)

(2) Use of Non-conforming Buildings, Structures or Land

A. No building or structure which was originally designed for or used as a non-conforming use shall again be put to a nonconforming use, where such use has ceased for 180 days or more during any three (3) year period.

B. The use of land, structures, and/or buildings involving individual structures with a replacement cost of \$1,000 or less, which does not conform to the provisions of this Ordinance shall be discontinued within six (6) months from the enactment of this Ordinance. The non-conforming use of land and/or buildings involving individual structures with a replacement cost of \$1,000 or less, which becomes non-conforming by reason of subsequent amendments to this ordinance shall be discontinued within six (6) months from the date of such amendment.

(3) Construction Approved Prior to Ordinance. Nothing in this Ordinance shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this Ordinance, or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of this Ordinance or such amendment, and where such construction shall have been completed in a normal manner within the subsequent twelve (12) month period, with no interruption, except for reasons beyond the builder's control.

(4) Modifying non-conforming structures

A. A structure that is non-conforming solely because its exterior wall construction does not comply with the regulation of the zoning district in which it is situated may be expanded or enlarged not to exceed fifty (50%) percent of the original floor area, but provided that the expansion or enlargement shall be in compliance with all the regulations of the zoning district, with the exception that the expanded exterior walls may be constructed with materials that match the existing exterior wall construction.

B. A non-conforming structure may be expanded or enlarged to exceed fifty (50%) percent of the floor area, providing the expansion or enlargement shall be in compliance with all the regulations of the district in which the structure is located.

C. For the purpose of this section, the fifty (50%) percent rule shall be cumulative with respect to time.

(5) Damage Due to Acts of God

A. Damage in Excess or 50%. Any non-conforming structure which is damaged more than 50% of its then appraised tax value above the foundation, by fire, flood, explosion, wind, earthquake, war, rot or other calamity or act of God, shall not be restored or reconstructed and used as it was before the damaging event.

B. Damage of 50% or Less. If such structure is damaged 50% or less than its then appraised tax value above the foundation, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within twelve (12) months of the damaging event. The twelve (12) month period does not include any necessary litigation.

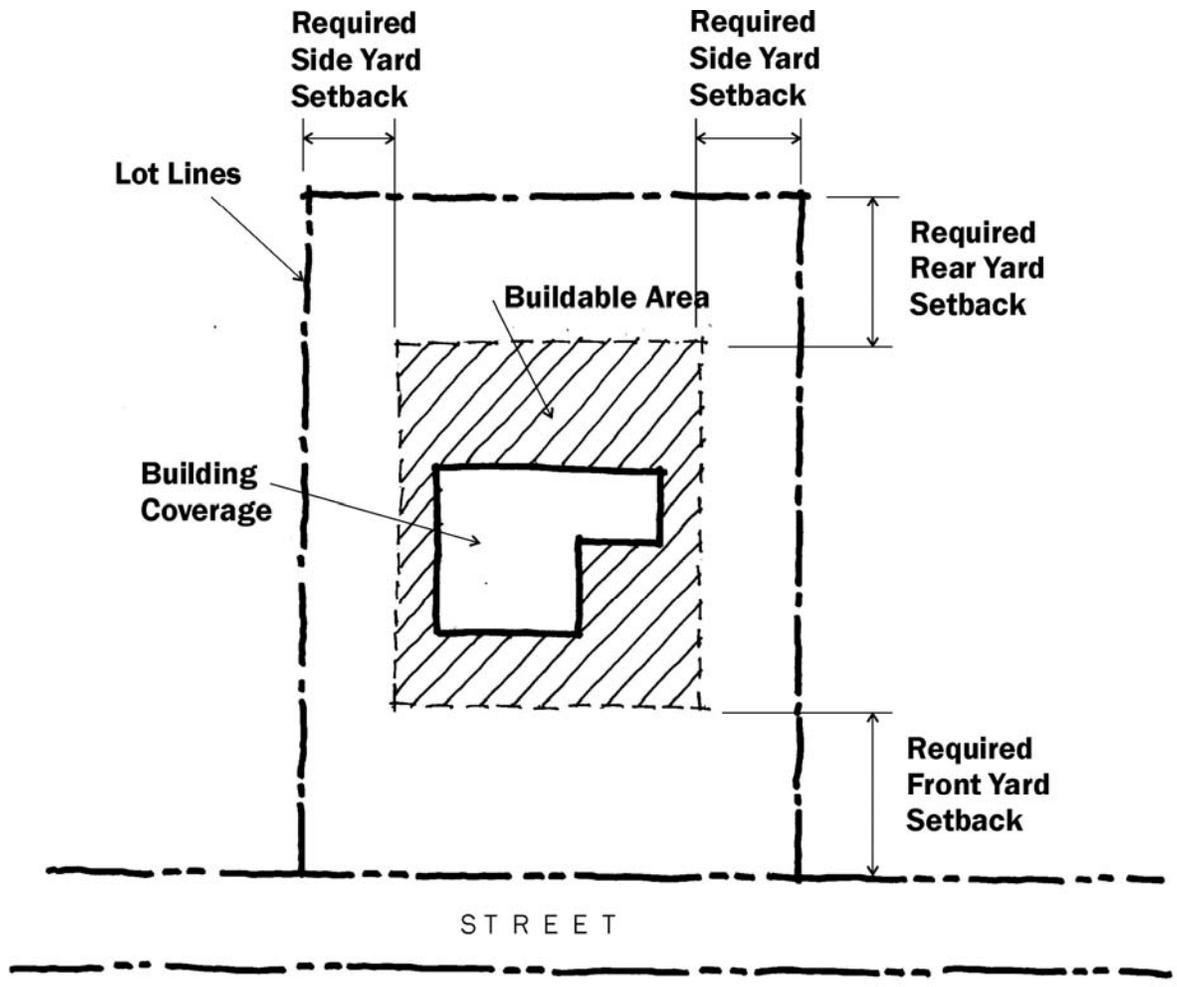
- C. Lots Platted Prior to March 5, 1984. The Building Official may permit the reconstruction of non-conforming single-family structures situated on platted lots approved prior to March 5, 1984. Such non-conforming single-family structures shall be deemed in conformance with this section as long as the use of the lot is allowed in the respective zoning district.
- (6). Repair of Unsafe Buildings, Structures and Sites. Nothing in this Ordinance shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority, unless such repairs exceed fifty percent (50%) of the replacement cost of the building. If the repairs exceed 50%, the building shall be brought into conformity with all requirements of the zoning district and Building Code in which it is located.
- (7) General Repairs and Maintenance
- A. On any non-conforming structure or portion of a structure containing a non-conforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixture, wiring, or plumbing to an extent exceeding ten percent (10%) of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.
- B. If fifty percent (50%) or more of a non-conforming structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- (8) Moving of a Non-conforming Building or Structure. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot located in the City, unless every portion of the building or structure is made to conform to all the regulations of the district.
- (9) Non-conforming Lot Sizes. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Ordinance or amendments thereto shall cease to be used for such storage within six (6) months of the date of adoption of this Ordinance or amendments.

ARTICLE 14.500. DISTRICT DEVELOPMENT REGULATIONS AND STANDARDS

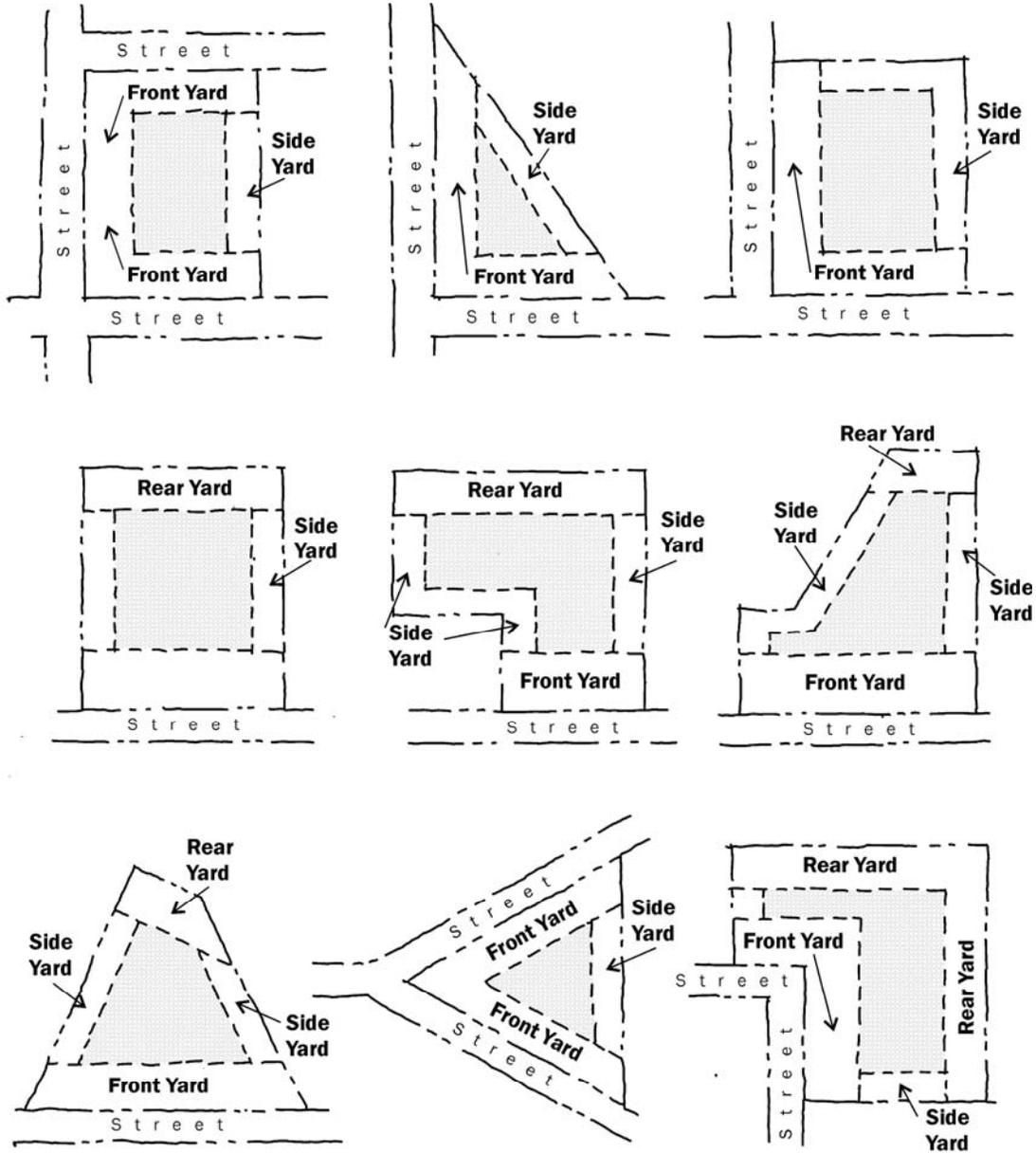
Sec. 14.501 General

- (a) Purpose. In addition to the requirements contained in this Chapter regarding lot size and uses, the provisions of this article regarding development regulations and standards shall apply. The standards in this sub-section are intended to achieve the following goals:
- (1) To provide well-planned growth and development, while retaining the natural setting and *small-town* character of the City.
 - (2) To promote and respect conservation development and the enhancement of important natural features and resources within the community.
 - (3) Encourage development of high quality residential neighborhoods that are aesthetically pleasing, yet meet the diverse housing market needs of the community.
 - (4) Encourage quality nonresidential development that is aesthetically pleasing, yet meets the market and economic development needs of the community.
 - (5) Ensure that utility and infrastructure systems (e.g., water supply, wastewater treatment, storm drainage, etc.) will adequately serve present and future residents and businesses.
 - (6) Ensure that public services and facilities (e.g., police and fire protection, library services, administrative facilities, etc.) will adequately serve present and future residents and businesses.
 - (7) Promote a more livable City and high quality of life through attractive urban design practices and through a proactive approach to how the City looks. Reinforce Lancaster's image and identity as a community of excellence in business, residence, leisure and education through urban design and increased public awareness and involvement.
 - A. To be a full life-cycle city; providing opportunities for housing for families with children as well as for singles, the young and the elderly in proximity to services.
 - B. To promote the creation of attractive sustainable neighborhoods and commercial areas.
- (b) Open Space.
- (1) Applicability. This provision applies to all zoning districts and development in the City.
 - (2) Purpose. The City of Lancaster is planned to have a small town atmosphere and be environmentally friendly. Open space corridors and trails are intended to link major areas of the City using floodplain areas, drainage areas and roadways. Because of the importance of open space and recreational amenities to commercial and residential vitality of the City, all projects should contribute to the open space system as established in the City's Comprehensive Plan, Parks Plan and Thoroughfare Plan.
 - (3) Requirement. All projects in the City should reserve, dedicate and/or develop public open space consistent with the Open Space Plan, subdivision standards and development agreements.
- (c) Site Plans.
- (1) Approval of a Site Plan shall be required for all developments except individual single family and duplex lots and shall be accompanied by a proposed development schedule. Any owner, builder, or developer of a tract or parcel of land shall obtain an approved Site Plan for the proposed development, prior to issuance of a Building Permit, from the Director, providing for an appeal of denial to the Planning and Zoning Commission. The contents of this Site Plan shall comply with the requirements as specified in Article XI Zoning-Related Applications. Upon approval, such development shall comply with the approved plan.

- (2) Site Plans for stand-alone retail buildings larger than 25,000 s.f. shall demonstrate how the property might be utilized with multiple smaller tenants.
- (d) Lots With Multiple Frontages. Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street.



BUILDING SETBACKS AND YARDS



 Buildable Area

YARD LOCATION ON DIFFERENT SHAPED LOTS

- (e) Calculation of Density. Calculation of the allowable density shall be based on the gross site area including road right-of-way, floodplain, and open space and park areas that will be dedicated to the City or preserved and maintained by some other mechanism. Notwithstanding the calculation, other provisions of this Code may limit the actual density allowed on any given site.
- (f) Screening of Mechanical and Electrical Equipment. Mechanical and electrical equipment on the ground or roof shall be screened from view of adjacent properties and all public areas unless otherwise approved by the Planning and Zoning Commission.
- (g) Residential Adjacency Standards.
 - (1) Purpose. The general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Lancaster, through the establishment of standards for certain non-residential uses that may impact surrounding residential land uses. These standards are in addition to the development regulations applicable to the underlying zoning district. When any requirements in this section are in conflict with any other requirements for the underlying zoning district, the more restrictive requirements shall apply.
 - (2) Applicability.
 - A. The Residential Adjacency Standards shall apply when a use is proposed for a non-residential building or site that is within five hundred feet (500') of a residential district boundary.
 - B. Review of proposals for compliance with the Residential Adjacency Standards will be carried out in conjunction with Site Plan review, depending on whether or not the actual use of the site is known.
 - (3) Standards.
 - A. Pedestrian Accessibility. Where feasible, easy and attractive pedestrian access should be provided between the retail or service use and adjacent neighborhoods. This may include lining the pedestrian way with retail and residential uses.
 - B. Noise.
 - 1. Any use containing individual service speakers shall not be permitted within one hundred fifty feet (150') of any residential district unless the speaker is appropriately screened and shall meet the standards established in *Article 14.700 Noise*. The Planning and Zoning Commission may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.
 - 2. Any use containing public address/paging systems shall not be permitted within five hundred feet (500') of any residential district unless separated by a four-lane or larger thoroughfare.
 - C. Loading Spaces.
 - 1. Where adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.
 - 2. The Director may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within one hundred fifty feet (150') of any residential district.

D. Vehicular Service Bays.

1. All vehicular service bays within one hundred fifty feet (150') of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.
2. Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.
3. The Director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within one hundred fifty (150') of a residential district.
4. No use including outdoor vehicular repair, servicing or testing shall be permitted within one hundred fifty feet (150') of a residential district.

E. Small Engine Repair Shops. Small engine repair shops shall not be permitted within one hundred fifty feet (150') of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

F. Motorcycle Sales/Service. Motorcycle sales/service facilities shall not be permitted within one hundred fifty feet (150') of a residential district unless all repair, service, and testing activities are done in a fully enclosed building.

G. Car Wash and Fuel Dispensing Facilities.

1. Car wash and fuel dispensing facilities shall not be permitted within one hundred fifty feet (150') of a residential district.
2. Where car wash and fuel dispensing facilities are within three hundred feet (300') but greater than one hundred fifty feet (150') of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

H. Combination Gas Station, Fast Food Restaurant, Convenience Store.

1. Combination gas station, fast food restaurant, convenience store shall not be permitted within one hundred fifty feet (150') of a residential district.
2. Where combination gas station, fast food restaurant, convenience stores are within three hundred feet (300') but greater than one hundred fifty (150') of a residential district, the Planning and Zoning Commission may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of such facilities.

(3) Review. The following information shall be submitted in order to facilitate the review:

- A. All information and procedures as required by Site Plan Review in *Article 14.1100 Zoning-Related Applications.*
- B. Location of pedestrian circulation, building locations and build-to lines.
- C. Points of access for vehicles and general location of parking areas.
- D. Location and description of any existing and proposed exterior speaker systems to include information about the height, octave and decibel band ranges of each fixture.
- E. Information indicating the location and orientation of all off-street loading spaces.
- F. Information indicating the location and orientation of all vehicular service bays.
- G. Information indicating the location and description of existing and proposed screening.

(h) Fences.

- (1) General. All fences within the City shall conform to the following standards:
- A. Fences may be built to a maximum 8 feet in height except as specified in *Sub-section (b) Residential Fences* of this subsection. However,
 - 1. No solid fencing greater than 42 inches in height may be built in front of the front building setback line;
 - 2. No chain link fences shall be allowed within 10 feet of property lines unless completely screened from adjacent public areas and properties by either structures or by solid landscape screening; and
 - 3. Solid wood fencing must be constructed using metal posts set in concrete, or brick or stone columns.
 - B. Split rail, steel pipe, wrought iron and decorative metal fences are encouraged in Agriculture (A) and Single Family Estate (SF-E) districts.
 - C. Pre-cast and poured-in-place solid fencing shall require special approval by Director.
 - D. Barbed wire fences may be used without restrictions when in conjunction with agricultural and related activities; provided, however, no barbed wire fence shall be located on any platted property zoned for single family use.
 - E. Fencing in commercial and industrial districts which run adjacent and roughly parallel to the Pleasant Run, Beltline, Main Street, Bear Creek, Houston School Road, Bluegrove, Dallas Avenue, Bonnie View, Jefferson Lancaster-Hutchins and State Street South rights-of-way, shall be constructed of the primary masonry materials of the building (not including standard concrete block or concrete wall), wrought iron or living plant material. It shall not run in straight line without being off-set by a minimum of 6 feet every 100 feet. It shall be located no closer to the ROW than 6 feet, and shall include irrigation and landscaping.
- (2) Residential Fences. The following standards shall apply to all residential uses except SF-E, TH-16 and MF-16.
- A. Fences between houses may be 6 feet in height and solid, but may not extend closer to the street than 15 feet behind the front outside corner of the home.
 - B. Fences along a side street-
 - 1. May be no closer to the street than the rear corner of the home,
 - 2. May not overlap the house with a fence either from the front or the rear, and
 - 3. May be up to 6 feet in height at the rear of the building and may be solid.
 - C. Notwithstanding the above, picket fences are allowed in the front yard and to within 18 inches of any property line adjacent to a street.
 - D. Fences along a rear alley may be up to 6 feet in height and must be located at least 3 feet back from the property line. They may also be solid unless facing a trail or open space. The area between the fence and alley should be irrigated and must be planted with grass, ground cover, shrubbery or trees.
 - E. Allowed configurations:
 - 1. Picket fences in front yards shall be a minimum of 30% open and include corner posts. They may be a maximum of 42 inches in height with posts up to 48 inches in height. Materials include painted rot-resistant wood, metal or flat topped (non-crimped or capped) plastic/PVC or similar material with integrated color.
 - 2. Wood fences greater than four (4) feet in height shall be constructed using metal posts set in concrete.

3. Wrought iron style metal fences must be constructed of minimum ½ inch material primarily oriented vertically. There shall be 4" to 6" spacing between vertical elements.
4. The finished side of all perimeter fencing which is visible from a public area or right-of-way shall face outward.

(3) Subdivision Screening Walls

- A. New Subdivisions. No new subdivisions may include a screening wall between the subdivision and a street right-of-way without approval of a Specific Use Permit. Residential units must face or side on to roadways. This may be achieved on major roadways by utilizing large lots (capable of including additional parking and on-site maneuvering), eyebrows or slip streets.
- B. Subdivisions Approved or Platted Prior to the Effective Date of this Ordinance. Where a perimeter screening wall or fence is erected between any residential subdivision, TH-16 or MF-16 development and any public right-of-way, the following requirements shall apply:
 1. All residential subdivision fencing which abuts a thoroughfare shall be constructed of masonry materials (not including concrete block or poured in place concrete, except for vertical column support), wrought iron or living plant material. It shall not run in straight line without being off-set by a minimum of 6 feet every 100 feet. It shall be located no closer to the ROW than 6 feet, and shall include irrigation and landscaping.
 2. No new fence or screening wall (which is parallel to, perpendicular to, approximately parallel to, or approximately perpendicular to an existing subdivision screening wall or fence) erected after the effective date of this ordinance shall be erected to a height which exceed the height of the subdivision screening wall or fence.
 3. Where a developer or homeowners' association of an existing subdivision constructs a wrought iron or other similar non-opaque fence adjacent to any thoroughfare, no screening wall or fence shall be erected after the effective date of this ordinance within the required side or rear yard which is parallel to such wrought iron or similar non-opaque fence.
 4. No existing screening wall or fence shall be repaired, extended or modified unless such repairs, extensions, or modifications are done in a manner consistent with the color, material, or character of the existing screening wall or fence, and any such extension occurs along the entire length of such screening wall or fence, including where such screening walls or fences may be interrupted by streets, alleys, or other access ways.

(i) Chart of District Standards. The following chart of District Standards shall govern those standards listed unless in conflict with other provisions of this Development Code.

Chart of Development Standards

Sec. 14.502 Agriculture-Open Space District

(a) Agriculture (A-O) District

- (1) *Purpose.* The Agricultural District is a reserved area in which the future growth of the City might occur. It is the intent of this district that agricultural land be held in that use for as long as is practical and reasonable to promote orderly growth. This zoning is suitable for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate land use has not been determined.

The zone is also to be used:

- A. To protect those areas that are unsuitable for development because of physical problems or potential health or safety hazards such as flooding. The use of the land would be permanently restricted to low intensity agricultural uses until such time as the property is proven to be suitable for development and is rezoned.
 - B. To provide a permanent greenbelt to preserve natural areas or open space buffer around uses that might otherwise be objectionable or pose environmental or health hazards.
 - C. No uses should be allowed that would be detrimental to urban land uses.
- (2) *Permitted Uses.* In general, farming and ranching-related activities and accessory uses, including the owner's single family dwelling on 5 acres or more provided that it can be served by septic and water provided on site, shall be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.

Sec. 14.503 Residential Districts

(a) General Residential District Standards – All residential districts.

(1) *Residential Unit Diversity*

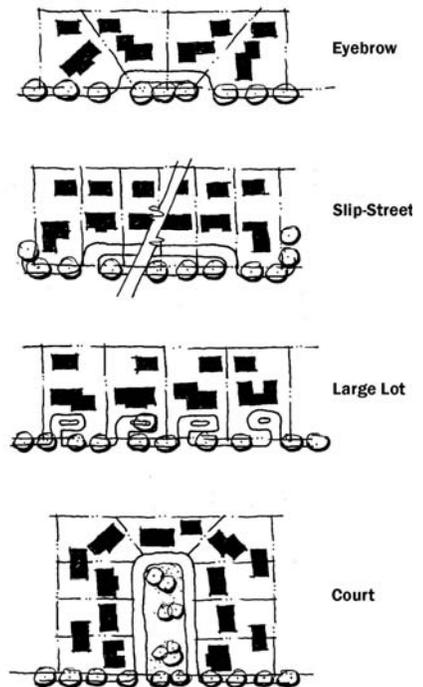
- A. Requirement for Single Family Districts. In order to ensure a diversity of housing types for young couples, empty-nesters and retirees, a portion of the total number of lots and units in certain Single Family zoning districts shall meet the standards for Empty-Nester Units.
 1. In residential subdivisions in SF-4, SF-5 and SF-6 zoning districts, developments of 20 or more acres in size which are being developed to within 20% of the maximum allowable density, shall contain a minimum of 20 percent Empty-nester Units.
 2. Such units shall fall under the district's overall density cap.
- B. *Empty-Nester Units* may include single family lots or two-story townhouses and are characterized as
 1. Single family living units which are 1,000 to 1,400 s.f. in size; Townhouses must be at least 1,200 s.f. with no maximum size. An SUP shall be required for units down to 850 s.f.
 2. Lots which are between 30 and 50 feet wide; Townhouses must be a minimum of 20 feet in width.

3. All such lots shall be within 300 feet of publicly accessible open space of at least 4,000 s.f. which has a minimum dimension of 50 feet. Single family or Townhouse lots must face or side onto this open space.
4. Notwithstanding the above, Empty-Nester units may also include homes designed and built to appear like a traditional large home, but which may include up to four living units meeting the size limitations above.

(2) Residential Facing Streets. Newly created residential subdivisions shall face or side homes on to streets and open space. Such subdivisions shall not be designed or laid out in a manner that will result in placing the rear of homes next to roadways. This may be achieved on major roadways by utilizing large lots (capable of including additional parking and on-site maneuvering), eyebrows, slip streets or courts. *Facing Homes on to Major Streets.*)

Exterior Wall Materials

1. All buildings of 300 s.f. or more and over nine feet (9) tall shall have exterior walls constructed of at least eighty percent (80%) standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard, or breezeway, in which event, the wall may be of non-masonry construction. Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry requirement. Buildings with less than 80% shall require approval of the Planning and Zoning Commission.
2. Buildings less than 300 s.f. and under 9 feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on pre-painted surface, but must be screened from a public street or open space.
3. Exceptions to these requirements, including buildings for farm animals, may be permitted on a case by case basis by the Planning and Zoning Commission upon submission and approval of elevation drawings of the subject structure, and material samples.
4. Barns used for agricultural or farm animal purposes in AO districts are excluded from this masonry requirement.



(3) Residential Garages and Carports.

A. Garages. In single family or duplex districts, parking garages must be located off an alley; or if accessed from the front street, must be located at least 20 feet behind closest corner of the front building façade for front entry garages, unless it is a “J-Swing” garage where the garage door is perpendicular to the street. “J-Swing” garages may only be permitted on lots which are 60 or more feet in width.

- B. Carports. In single family or duplex districts, carports must be located at least 20 feet behind the front building façade and be architecturally integrated with the main residential structure.
- C. Porte-cocheres. Porte-cocheres may be permitted provided that they are architecturally integrated with the primary structure.
- D. Height. The garage or carport, attached or unattached, may not exceed the height of the main structure.

(b) Neighborhood Infill Standards

- (1) Intent. The intent of Infill Standards is to preserve the community’s special neighborhood areas and to—
 - A. Ensure compatible development on vacant lots and redevelopment of parcels, with the existing fabric of the neighborhood.
 - B. Preserve and enhance the neighborhood’s unique character, and preserve property values.
- (2) Applicability. These standards apply to neighborhoods which were subdivided into individual residential lots of 20,000 s.f. or less, prior to 1960.
- (3) Standards.
 - A. Setbacks. The setback from the front and side property lines shall be in the order of the average setbacks of other developed properties on the same block face. In no case shall the setback exceed or be less than any other property on the block face.
 - B. Parking. On-site parking and the location of the residential garage shall conform to the predominant location in relationship to the site and primary building, as other sites on the block face.
 - C. Roof style and pitch. The roof style and pitch shall conform to the typical roofs in the block face.
 - D. Exterior Building Materials. Building materials shall reflect the materials in common use along the block face. However, Hardie Plank or a similar cementitious-fiber board plank in terms of warranty and finish may be used in place of wood siding. Such siding shall be similar in width and scale to the predominant siding on the block face.
 - E. Amenities. Front porches, windows on the street, and chimneys may also be required, where they are common in the block face or neighborhood.
 - F. Exceptions the following projects are exempt from the requirements of this sub-section:
 - 1. Any property that is being rebuilt within the original footprint and to within 10% of the same building area with the same exterior configuration and materials, and
 - 2. Any property located in a Neighborhood Preservation Overlay or Historic District.
- (4) Determination of Conformity.
 - A. The Director shall determine whether the proposed infill development meets the standards of this sub-section; or at his/her discretion, may refer such determination to the Commission.

- B. An appeal of the Director’s determination may be made to the Commission by the applicant. The Commission may, at its discretion, relax the standards above provided that it determines that the resulting development would be more appropriate and have a greater enhancement value for the block face and neighborhood.
 - C. The Commission’s decision may be appealed to the City Council, whose determination shall be final.
- (c) Single Family Estate (SF-E) District.
- (1) Purpose.
 - A. This district is considered to be the proper zoning classification for large lot developments for single-family dwelling use in a rural setting.
 - B. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and access to paved streets.
 - C. It is intended for areas that are properly buffered from non residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.
 - (2) Permitted Uses. In general, large lot single family uses shall be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.
 - (3) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General* and *Article 14.500 Residential Districts* of this ordinance.
- (d) Single Family Residential (Sf-4) District.
- (1) Purpose.
 - A. This district is considered to be the proper zoning classification for large lot developments for single-family dwelling use. It is intended to be composed of single-family dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units.
 - B. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and access to paved streets based on single-family use required by the allowed density.
 - C. It is intended for areas that are properly buffered from non-residential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.
 - (b) Permitted Uses. In general, single-family dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.
 - (c) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General* and *Article 14.500 Residential Districts* of this ordinance.
- (e) Single Family Residential (SF-5) District.

(1) Purpose.

- A. This district comprises a major portion of the existing single-family dwelling development of the City. It is intended to be composed of single-family dwellings together with public, denominational and private schools and public parks essential to create basic neighborhood units.
- B. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and transportation capacities based on single-family use required by the allowed density.
- C. It is intended for areas that properly transition to retail and service uses, and are protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

(2) Permitted Uses In general, single-family dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.

(3) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General and Residential Districts* of this ordinance.

(f) Single Family Residential (SF-6) District.

(1) Purpose.

- A. This district is considered to be the proper zoning classification for areas of the undeveloped land remaining in the City appropriate for single-family dwelling use. It is intended to be composed of single-family dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units.
- B. Areas that are zoned for this use shall have or provide for water, wastewater, drainage and transportation capacities based on single-family use required by the allowed density.
- C. It is intended for areas that properly transition to retail and service uses, and are protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

(2) Permitted Uses. In general, single-family dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.

(3) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General and Article 14.500 Residential Districts* of this ordinance.

(g) Duplex (Two-Family) Residential (2F-6) District.

(1) Purpose.

- A. The Duplex Residential District is established to provide adequate space and site diversification for medium-density, duplex type residential development with two

dwelling units per lot, and at almost twice the density of a typical single-family development, and to adjust the development standards accordingly.

- B. Duplex type development is a low to medium density use, and additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open space shall be met before development to such use.
- C. Duplex developments are not necessarily a buffer between single-family and commercial uses, and should properly transition to from non-residential uses like retail and service, and be protected from high volumes of non-residential traffic, or from pollution and/or environmental hazards.

- (2) Permitted Uses. In general, single-family and duplex dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.
- (3) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General* and *Article 14.500 Residential Districts* of this ordinance.

(h) Zero Lot Line Residential (ZL-7) District.

(1) Purpose.

- A. The Zero Lot Line Residential District is established to provide adequate space and site diversification for medium-density residential development that is single-family, on separate lots, and typically owner occupied.
- B. Zero Lot Line development is a medium density use. The increased requirements for street, water and fire protection, wastewater, drainage, and adequate open space should be met or provided for before zoning to this district.
- C. Zero Lot Line developments must properly transition to retail and service uses, and be protected from high volumes of non-single family traffic, or from pollution and/or environmental hazards.

- (2) Permitted Uses. In general, single-family dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.

- (3) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General* and *Article 14.500 Residential Districts* of this ordinance.

(i) Town House Residential (TH-16) District.

(1) Purpose.

- A. The Town House Residential District is established to provide adequate space and site diversification for high-density residential development that is single-family, on separate lots, and typically owner occupied.

- B. Town house type development is a high density use, and additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open space shall be met before development of such use.
 - C. Town house developments can provide a buffer or transition between single-family and commercial uses like retail and service, but should be properly protected from pollution and/or environmental hazards.
- (2) Permitted Uses. In general, single-family dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.
- (3) Special Standards.
- A. No more than six dwelling units should be attached in any continuous row or group of units; however this may be varied if specifically addressed and approved as part of the Site Plan.
 - B. No required parking shall be allowed in the required front yard.
 - C. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General* and *Article 14.500 Residential Districts* of this ordinance.
 - D. Articulation Requirements. Individual units should be articulated to distinguish them from each other. Facades shall meet the following minimum standards for articulation:
 - 1. Horizontal Articulation. No building wall shall extend for a distance equal to 2 times the wall's height without having an off-set of 20% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.
 - 2. Vertical Articulation. Each must include at least one of the following which varies from the adjacent unit: a varied eave line elevation, a gable, articulated stoop, entry feature or other approved variation which may be approved by the Director.
 - 3. The Director or the Planning and Zoning Commission may vary these standards through approval of a particular design elevation, upon determining a "finding" that the composite elevation of townhomes will be improved and made more attractive by varying such standards.
- (j) Multi-Family Residential (MF-16) District.
- (1) Purpose.
- A. The Multi-Family Residential District is established to provide adequate space and site diversification for medium density areas.
 - B. All Multi-family districts should be located within 1,200 feet of retail and other services; and no more than 500 units should be located within one mile of each other. These standards will help support a strong market for the units, and consequently on-going reinvestment, while helping to make sure that inappropriate concentrations of multi-family units are not created. The Downtown area is exempted from the spacing standard.

- C. This zone allows medium density developments, and should be located where additional requirements for streets, water and fire protection, wastewater, drainage, and adequate open spaces are met. MF-16 uses should not run traffic through single-family neighborhoods, and should be located close to arterial or collectors capable of carrying the additional traffic.
 - D. Multi-Family developments are not necessarily a buffer between single-family and commercial uses, and should be property buffered from pollution and/or environmental hazards.
- (2) Permitted Uses. In general, duplex and apartment dwellings together with public, denominational and private schools, and public parks essential to create basic neighborhood units, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.
- (3) Special Standards.
- A. Refuse Facilities. Every dwelling unit shall be located within two hundred fifty (250) feet of a refuse facility; measured along the designed pedestrian and vehicular travel way.
 - B. Open Space. Each lot of parcel of land, which is used for multifamily residents, shall provide open space on the same lot or parcel of land. Such open space shall be landscaped and improved for use by residents in engaging in recreation or social activity:
 - 1. Efficiency apartments and one-bedroom apartment units shall provide a minimum of 500 s.f. of usable open space per unit. For each additional bedroom over one (1), an addition 300 s.f. shall be provided.
 - 2. In meeting this requirement, a credit of 3 s.f. may be applied for each square foot utilized for swimming pools and adjacent decks, patios or lounge areas within 10 feet of a pool; developed or equipped children's play areas; and usable portions of recreational buildings. At the time of Site Plan approval, the Planning and Zoning Commission and /or City Council may allow a credit not to exceed 10% of the total required usable open space for adjacent and immediately accessible public parks or open space. The combined credit for areas calculated at a 3:1 basis and for public parks shall not exceed 50% of the total usable open space for an individual lot or parcel.
 - 3. At the time of Site Plan approval, the Planning and Zoning Commission and/or City Council may give full or partial credit for open areas that exceed a 4:1 slope, it is determined that such areas are environmentally significant and that their preservation would enhance the development.
 - C. Other Standards. No building or land may be used, unless in accordance with the development standards in this *Article 14.500 General* and *Article 14.500 Residential Districts* of this ordinance.

Sec. 14.504 Commercial Districts

- (a) General Commercial District Standards

(1) Mixed Use. Retail properties comprised of a total of 10 acres or more and zoned NS or R, may include residential loft units with a minimum of 800 s.f. in size and 2-story townhouses which are a minimum 1,200 s.f. in size, provided that they are integrated with the retail development and included on the approved Site Plan for the development. Such residential use may comprise up to 50% of the total amount of development on the site.

(2) Construction Materials.

A. Exterior Walls. Each exterior wall shall consist of 100% masonry materials as defined in *Article 14.1300 Definitions - Masonry*, excluding doors and windows, on walls which are visible from a public street or open space.

All buildings shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast or cultured stone, or a combination of those materials. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 8 feet above grade on a façade visible from a street or public area.

Exceptions to this requirement may be permitted on a case by case basis by the Planning and Zoning Commission or City Council upon submission and approval of elevation drawings of the subject structure, and material samples.

(3) Maximum Building Height.

A. All Districts. The height limit for all structures shall be as established in the Districts governing the property on which the structures are located, and the exceptions to height setback standards below.

B. Building Height and Setback Exceptions for Commercial Districts.

Exceptions. The following features may be constructed 12 feet higher than the maximum height requirement of the zoning district in which the structure is located:

1. Chimneys, church spires, elevator shafts, and similar appendages not intended as places of occupancy or storage.
2. Flag poles and similar devices.
3. Heating and air conditioning equipment, solar collectors and similar equipment, fixtures, and devices.

Provided that they are:

1. Not more than one-third of the total roof area; and
2. Set back from the edge of the roof a minimum distance of two feet for every foot by which such features extend above the roof surface of the building to which they are attached.

(4) Building Articulation.

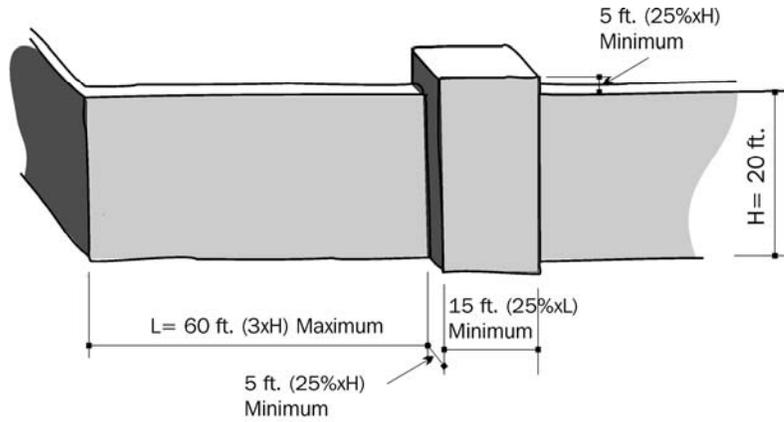
A. Requirements. Facades shall meet the following minimum standards for articulation:

1. Horizontal Articulation. No building wall shall extend for a distance equal to 3 times the wall's height without having an off-set of 25% of the wall's height, and

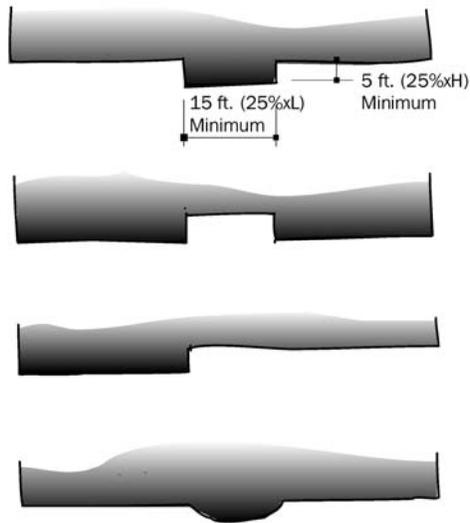
that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.

2. **Vertical Articulation.** No horizontal wall shall extend for a distance greater than 3 times the height of the wall without changing height by a minimum of 25% of the wall's height.

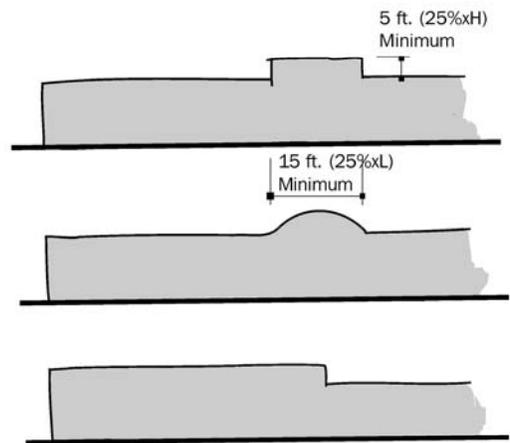
FIGURE 1 COMMERCIAL BUILDING ARTICULATION EXAMPLE



Possible PLANS of Buildings



Possible ELEVATIONS of Buildings



(5) General Standards.

- A. These criteria shall apply to new retail/office building construction in commercial districts only. They shall not apply to the use, re-use, modification or consolidation of existing retail and/or commercial space developed prior to November 1, 2004 or to the expansion of existing retail space existing as of November 1, 2004 by no greater than 10% of the existing ground floor area.
- B. Buildings should be built adjacent to roadways and pedestrian routes without intervening parking areas.
- C. Loading docks shall not be oriented towards streets, public open space or residential zoning districts. Where loading areas are located parallel to residential zoning districts, they must be screened by an architecturally integrated minimum 14-foot tall wall the entire length of the loading space.
- D. On-Site Circulation
 - 1. On-site circulation should minimize the conflict between pedestrians and vehicles by placing driveways and service areas in locations that reduce the chance of interrupting on-site pedestrian movement.
 - 2. Buildings should be placed in a manner that screens the drive-through lanes and creates pedestrian pathways and spaces.
 - 3. In order to maintain on-site circulation, each drive-through lane is to be separate from pump islands and from routes necessary for entering and exiting the property.
- E.. Where the property immediately abuts a residential zoning district, unless separated by a four-lane or larger thoroughfare, a minimum 10-foot wide landscaped edge must be installed for buildings 25,000 square feet to 50,000 square feet in area, a minimum 15-foot wide landscaped edge for buildings 50,001 square feet to 79,999 square feet in area and a minimum 30-foot wide landscaped edge for buildings 80,000 square feet and greater in area in addition to the screening required by the Landscape Regulations of the City of Lancaster for all aforementioned building sizes. The landscaped edge must include a combination of sidewalks, evergreen shrubs, and a mix of evergreen and deciduous trees (minimum 4" caliper) placed a minimum 25 feet on center. Planting may be grouped.
- F. Open storage areas shall be connected to the building and screened with the same building materials as the primary building.
- G. For those buildings over 80,000 square feet in area, the applicant must demonstrate that the building can be subdivided in a reasonable manner by submitting a plan indicating potential entrances and exits and loading areas for multiple tenants.

(6) Screening. Unless approved by Exception, the following items shall be screened as follows:

- A. Off-street loading docks must be screened from all public streets and any residential district that abuts or is directly across a public street or alley from the lot.

The screening required under this Section must be at least six feet in height and may be provided by using a masonry fence (excluding tilt wall or concrete block unless otherwise approved by Exception), berms, plantings or a combination of the above.

- B. All refuse storage areas for trash dumpster shall be visually screened on three sides with an enclosure matching the main structure not less than 6 feet in height. The access area shall be screened with an opaque gate and shall not face a public street unless otherwise approved during Site Plan approved.

Dumpster storage should be located to the rear of the buildings with proper access. Trash dumpster shall not be located in any required parking space and shall allow proper access by service trucks. Dumpster pad sites shall be designed to City standards specified in the subdivision Standards of Design, as currently adopted or as may be amended in the future.

- C. Pad mounted utility equipment, and air conditioning units, including roof mounted units, shall be screened from horizontal view from any adjacent public street and from any adjacent property. Utility equipment and air conditioning units shall be screened utilizing plantings, berms, or walls matching the main structure.
- D. Above-ground storage tanks shall be screened utilizing plantings, berms, or walls matching the main structure.

(b) Neighborhood Service (NS) District

(1) Purpose.

- A. The (NS) Neighborhood Service District is established as a limited retail category intended for use near neighborhood areas for the purpose of supplying day-to-day retail needs of the residents in the area, such as food, drugs and personal services.
- B. The NS district occurs at limited corner locations on arterials in existing developments and is intended for small service areas in new developments. The average site is from ½ to one acre, up to 2 acres.
- C. Since the site is typically small, and surrounded by residential type land uses, this zoning would have the appearance of a spot zone. It is not an illegal spot zone, however, if it is called for in the comprehensive plan, or if it serves a need in the neighborhood. A similar neighborhood convenience center within 1/4 mile of a proposed center would be an indication that the need for such a center is already being met.
- D. While the uses allowed in this district are intended to be located within or adjacent to residential areas, care must be taken to insure that adjacent residential uses are protected. Uses with excessive amounts of traffic, noise, or litter are not intended for this district. Areas where two or more corners of an intersection are intended to have shopping facilities should be zoned a less restrictive district. The centers should be located at the intersection of collector type streets or larger that are capable of handling the additional traffic. The area, landscaping, and buffering requirements are more restrictive in this district in order to protect adjacent uses.

- (2) Permitted Uses. In general, retail businesses which supply day-to-day retail needs of the residents in adjacent neighborhoods, such as food, pharmaceuticals and personal services,

may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article IV Permissible Uses*.

- (3) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Section (a) General* and *Section (d)(1) Commercial District Standards* of this Article.

(c) Retail (R) District.

(1) Purpose.

- A. The Retail District is established to provide limited retail and service uses for one or more neighborhoods. The uses specified in this district include most types of retail activity and are located on, or at the intersections of, major thoroughfares. This district does not include strip commercial, large shopping centers, wholesaling operations, lumber yards, contractor yards, and warehousing with high volumes of truck traffic and low volumes of retail type traffic.
- B. This district will not be a major retail district, and will try to avoid intensive commercial uses and large volumes of retail traffic. The noise, traffic, litter, late night hours, and other influences that could be harmful to residential areas require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas, except on arterial or major collectors. There are restrictions on access to prevent traffic congestion or an adverse effect on major thoroughfares.
- C. Areas should not be zoned to this use unless they are located on or close to arterial or major collectors capable of carrying the additional traffic they will generate, and in areas where there is increased water, fire protection, wastewater and drainage capacity.
- D. This zone is a light retail zone, and it is intended that limited commercial uses fall in this district. Since the zone will be located close to residential areas, the development standards are stringent and require as high a standard of development as the R and NS districts.

- (2) Permitted Uses. In general, retail and service uses for one or more neighborhoods may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.

- (3) Special Standards. No building or land may be used, unless in accordance with the development standards in this *Section 1 General* and *Section 4.1 Commercial District Standards* of this Article.

(d) Town Center (TC) District

(1) Purpose.

- A. The Town Center District is established to accommodate the existing development in the central area of the City, and to protect its character. It recognizes the unique characteristics of the downtown, its high level of pedestrian activity, and its space limitations for site development and parking.
- B. The use of this district should be limited to those areas that are currently developed as the downtown.

- C. Existing uses that are part of the Town Center District require less site area and off-street parking requirements since the properties in this district have a very high floor area ratio, and very little additional land for landscaping, off-street parking, and setbacks.

Note: No standards are established for the Town Center District at this time.

(e) Commercial Highway (CH) District

(1) Purpose.

- A. The Commercial Highway District is established to provide adequate space and site diversification for most types of commercial development in the City of Lancaster. Larger shopping centers and most of the existing commercial strips along major arterial roadways would be included in this district. The uses specified in this district include most types of retail activity and some wholesale with the exception of those uses which are not compatible with the retail shopping function. For example, contractor yards, and warehousing with high volumes of truck traffic and low volumes of retail type traffic are not included in this district.
- B. This district will be the major retail district, with intensive commercial uses and large volumes of retail traffic. The noise, traffic, litter, late night hours, and other influences that could be harmful to residential areas require adequate transitioning to residential areas, and the traffic from such uses should not pass through residential areas, except on arterial or major collectors.
- C. Areas should not be zoned to this use unless they are located on or close to arterial or major collectors capable of carrying the additional traffic they will generate, and in areas where there is increased water, fire protection, wastewater and drainage capacity.

(2) Permitted Uses. In general, any retail business, personal service, professional service, or business service conducted within an enclosed building, excluding high truck traffic uses, may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.

(3) Special Standards.

- A. Sale of Goods. All business establishments other than those selling a service, shall be retail or wholesale service establishments dealing directly with customers. All goods produced on the premises shall be sold on premises where they are produced.
- B. Business Operations and Storage. All business operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed. This excludes off street parking and loading, incidental display of retail items for sale, retail outlets where gasoline products are sold and drive-in businesses.

- C. No building or land may be used, unless in accordance with the development standards in this *Section 1 General* and *Section 4.1 Commercial District Standards* of this Article.
- (f) Commercial Service (CS) District.
- (1) Purpose.
 - A. The Commercial Service District is established to provide adequate space and site diversification for commercial establishments may involve uses that would be objectionable in the other commercial districts or adjacent to residential districts. Included in this district are commercial uses that involve large volumes of truck traffic, outside operations and storage of materials and equipment, either for sale or as part of the business, excessive noise from heavy service operations, or any other possibly adverse influences.
 - B. This district is commercial in nature, but has some aspects that are similar to industrial uses. The noise, traffic, litter, late night hours, outside storage of materials and equipment, and other influences that could be harmful to residential areas require adequate buffering from residential areas, and the traffic from such uses should not pass through residential areas at all, if possible. These areas should not be located in close proximity to residential areas of any type.
 - C. Areas should not be zoned to this use unless they are located on or close to arterials capable of carrying commercial and truck traffic. They should be located close to major truck routes. Internal streets in such developments should be sized and strengthened to accommodate truck traffic. Fire protection should be adequate for large warehouse type operations, and the water, wastewater, and drainage systems should have enough existing capacity to support such development.
 - (2) Permitted Uses. In general, commercial uses that may involve large volumes of truck traffic, outside operations and storage of materials and equipment may be allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.
 - (3) Special Standards.
 - A. Outside Storage.
 - 1. All outside storage shall be placed behind the front façade of the main structure. This does not apply to uses that allow incidental display, in which case only the amount of goods necessary for display purposes shall be exempt from this requirement.
 - 2. All outside storage shall be screened from streets and public areas.
 - B. No building or land may be used, unless in accordance with the development standards in this *Section 1 General* and *Section 4.1 Commercial District Standards* of this Article.

Sec. 14.505 Industrial Districts

(a) General Industrial District Standards.

- (1) Construction Materials. Exterior Walls - Each exterior wall shall consist of 100% masonry materials as defined in *Article 14.1300 Definitions - Masonry*, excluding doors and windows, on walls which are visible from a public street or open space, including a minimum of 20% stone.

All buildings shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast or cultured stone, or a combination of those materials. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 8 feet above grade on a façade visible from a street or public area.

Exceptions to this requirement, including allowing concrete tilt-up walls, may be permitted on a case by case basis by the Planning and Zoning Commission or City Council upon submission and approval of elevation drawings of the subject structure, and material samples.

- (2) Maximum Building Height.

A. All Districts. The height limit for all structures shall be as established in the Districts governing the property on which the structures are located, and the exceptions to height setback standards below.

B. Building Height and Setback Exceptions for Industrial Districts.

Exceptions. The following features may be constructed 12 feet higher than the maximum height requirement of the zoning district in which the structure is located:

1. Chimneys, church spires, elevator shafts, and similar appendages not intended as places of occupancy or storage.
2. Flag poles and similar devices.
3. Heating and air conditioning equipment, solar collectors and similar equipment, fixtures, and devices.

Provided that they are:

1. Not more than one-third of the total roof area; and
2. Set back from the edge of the roof a minimum distance of two feet for every foot by which such features extend above the roof surface of the building to which they are attached.

- (3) Building Articulation.

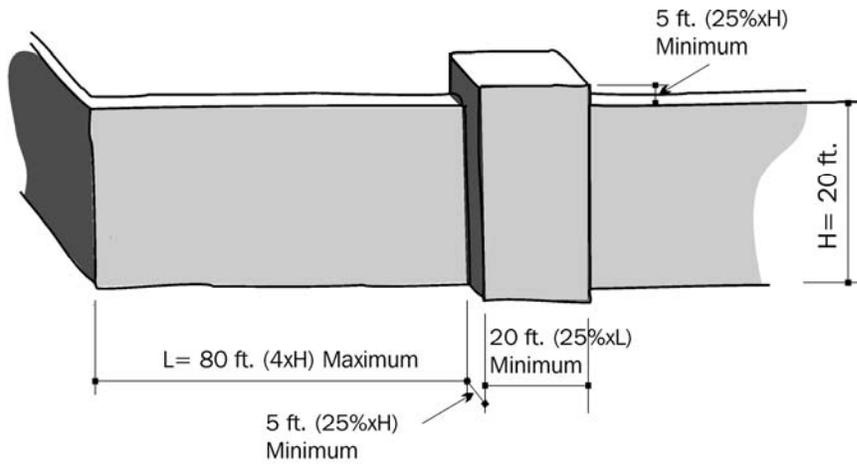
A. Requirements. Facades which face streets shall meet the following minimum standards for articulation:

1. Horizontal Articulation. No building wall shall extend for a distance equal to 4 times the wall's height without having an off-set of 25% of the wall's height,

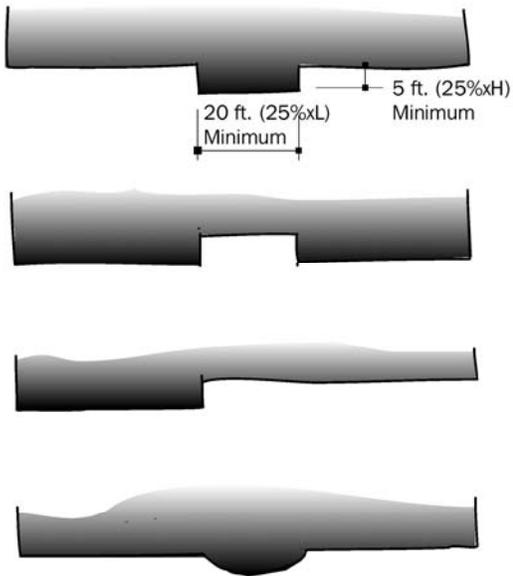
and that new plane shall extend for a distance equal to at least 20% of the maximum length of the first plane.

2. ***Vertical Articulation.*** No horizontal wall shall extend for a distance greater than 4 times the height of the wall without changing height by a minimum of 25% of the wall's height.

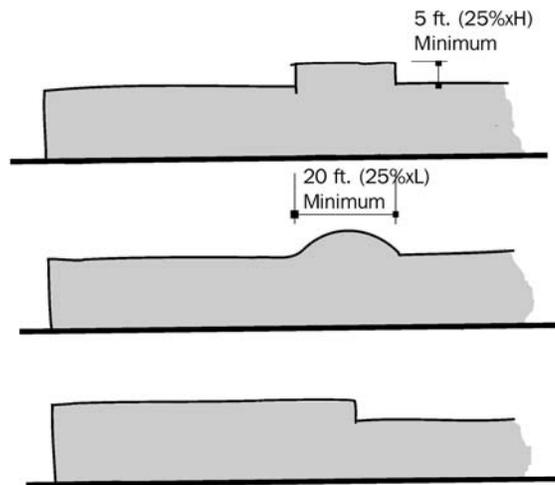
FIGURE 1 INDUSTRIAL BUILDING ARTICULATION EXAMPLE



Possible PLANS of Buildings



Possible ELEVATIONS of Buildings



(b) Office Research Technology (ORT) District

(1) Purpose

- A. The purpose of the Office Research Technology district is to create a light office/industrial zone that provides for the modern type of office and technology park development that would include research and development as well as light manufacturing and assembly. Limitations are placed on the uses in this district to significantly restrict the outside activities and storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and any other potentially adverse influences.
- B. The light manufacturing and assembly uses should be conducted within a totally enclosed building. The sites for such uses are typically a minimum of two acres and average 5 to 10 acres, with a significant amount of land dedicated to landscaping.
- C. Because this is a light industrial zone with substantial screening and buffering requirements, these uses are suitable for high visibility locations such as along the freeway, or within a reasonable distance of residential areas. Residential uses should be discouraged from locating near the industrial district to protect the industries from residential complaints.
- D. Though truck traffic should be minimal, areas zoned for this use should be located with access to arterials capable of accommodating some truck traffic. Each industry should work with the City to insure the water pressure and capacity is adequate to provide fire protection for that particular industry before such industry is developed. Industries should also work with the City to insure that the water, wastewater, and drainage capacity is adequate before the industry is developed.

(2) Permitted Uses. In general, office, research and development as well as light manufacturing and assembly uses are allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.

(3) Special Standards.

- A. Manufacturing Operations and Storage. All business and light assembly and manufacturing operations including storage shall be conducted within a completely enclosed building.
- B. No building or land may be used, unless in accordance with the development standards in this *Section 1 General* and *Subsection 5.1 General Industrial District Standards* of this Article.

(c) Light Industrial (LI) District.

(1) Purpose.

- A. The purpose of the Light Industrial district is to create a limited industrial zone that provides for the modern type of industrial uses or industrial park. With the exception of hazardous materials manufacture, this zone allows the same uses as the MI, Medium Industrial District. Limitations are placed on the uses in this district to significantly restrict the outside activities and storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and any other potentially adverse influences.
- B. This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and no external effects

such as excessive noise or odor should extend beyond the property lines. The sites for such uses are typically a minimum of two acres and average 5 to 10 acres, with a significant amount of land dedicated to landscaping.

- C. Because this is a limited industrial zone with substantial screening and buffering requirements, limited industrial uses are suitable for high visibility locations such as along the freeway, or within a reasonable distance of residential areas. Residential uses should be discouraged from locating near the industrial district to protect the industries from residential complaints.
 - D. Areas should not be zoned to this use unless they are located on or close to arterial capable of carrying commercial and truck traffic. They should be located close to major truck routes. Internal streets in such developments should be sized and strengthened to accommodate truck traffic. Each industry should work with the City to insure the water pressure and capacity is adequate to provide fire protection for that particular industry before such industry is developed. Industries should also work with the City to insure that the water, wastewater, and drainage capacity is adequate before the industry is developed.
- (2) Permitted Uses. In general, industrial parks and larger, cleaner types of industrial uses are allowed. However, no building or land may be used, unless in accordance with the use tables and requirements in *Article 14.400 Permissible Uses*.
- (3) Special Standards.
- A. Manufacturing Operations and Storage. All business and manufacturing operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed.
 - B. No building or land may be used, unless in accordance with the development standards in this *Section (a) General and General Industrial District Standards* of this Article.
- (c) Medium Industrial (MI) District
- (1) Purpose.
- A. The purpose of the Light Industrial district is to create a limited industrial zone that provides for the modern type of industrial uses or industrial park. Limitations are placed on the uses in this district to significantly restrict the outside activities and storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and any other potentially adverse influences such as the use of hazardous materials.
 - B. This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and no external effects such as excessive noise or odor should extend beyond the property lines. The sites for such uses are typically a minimum of two acres and average 5 to 10 acres, with a significant amount of land dedicated to landscaping.
 - C. Because this is a limited industrial zone with substantial screening and buffering requirements, limited industrial uses are suitable for high visibility locations such as along the freeway, or within a reasonable distance of residential areas. Residential uses should be discouraged from locating near the industrial district to protect the industries from residential complaints.
 - D. Areas should not be zoned to this use unless they are located on or close to an arterial capable of carrying commercial and truck traffic. They should be located close to major

truck routes. Internal streets in such developments should be sized and strengthened to accommodate truck traffic. Each industry should work with the City to insure the water pressure and capacity is adequate to provide fire protection for that particular industry before such industry is developed. Industries should also work with the City to insure that the water, wastewater, and drainage capacity is adequate before the industry is developed.

- (2) Permitted Uses. In general, industrial parks and larger, cleaner types of industrial uses are allowed.
- (3) Special Standards. No building or land may be used, unless in accordance with the development standards in this Article.

Sec. 14.506 Special Districts

(a) General Overlay District Standards.

- (1) Applicability. Overlay districts are applied to land which has a traditional district already applied. It establishes additional uses and standards which may be either more or less restrictive than the underlying zoning district. The overlay district governs in all cases where it sets out a particular use or standard. Otherwise, standards and uses in the underlying district will govern.

(b) Historic Preservation Overlay (HPO) District.

- (1) Purpose. The protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that within the City of Lancaster numerous areas, sites and structures represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural and cultural resources that constitute their heritage, and therefore this overlay district is intended to:
 - A. Protect and enhance the district and landmarks which represent distinctive elements of Lancaster's historic, architectural and cultural heritage;
 - B. Foster civic pride in the accomplishments of the past;
 - C. Protect and enhance Lancaster's attractiveness to visitors and the support and stimulus to the economy thereby provided;
 - D. Insure the harmonious, orderly and efficient growth and development of the City;
 - E. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;
 - F. Stabilize and improve values of such properties;
 - G. Promote education of local history and proper methods of preservation;
 - H. Assist in providing access to available funding mechanisms and resources that may be of benefit to properties within the historic district; and
 - I. Provide guidance to property owners restoring, rehabilitating or reconstructing historic sites or structures within the city.
- (2) Core Principals, Design Guidelines and Construction Standards. In considering any application for a permit or Certificate of Appropriateness, the approving authority shall use the

following core principals, general design guidelines, and specific design standards (including specialized sub-area standards), as appropriate to evaluate the request. Core Principals are derived from the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings and are intended to demonstrate desired outcomes consistent with the purpose of historic preservation. Design Guidelines may apply to all historic districts, historic landmarks or they may vary between historic districts or landmarks as needed to preserve and protect unique cultural, historic, architectural or archeological traits distinguishing an area or site. Design Guidelines may contain both mandatory and non-mandatory provisions. Design Standards are mandatory elements that must be applied and/or evaluated for compliance within a specified historic district, sub-area within a historic district or as may be established for a designated historic landmark.

A. **Core Principles**

1. Every reasonable effort should be made by the property owner to adapt the property in a manner which requires minimal alteration of the building, structure, object or site and its environment.
2. The distinguishing original qualities or character of a building, structure, object or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site should be kept where possible.
5. Deteriorated architectural features should be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structure.
6. The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods which would damage the historic building materials should not be undertaken.
7. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
8. Wherever possible, new additions or alterations to buildings, structures, objects or sites should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object or site would be unimpaired.

B. **General Design Guidelines.** The following guidelines are considered minimal and general in nature and will be considered in the review of an application for a Certificate of Appropriateness within any Historic District or Historic Landmark. New residential or non-residential construction shall also comply with any Specific Design Guidelines or

Standards that may be adopted for a particular historic district, specialized sub-area within a historic district or landmark.

1. *Height.* The height of any proposed alteration or construction should be compatible with the original architectural style and character of the landmark or structure, and with the surrounding structures in the historic district.
 2. *Proportions of Windows and Doors.* The proportions and relationships between doors and windows should be compatible with the original architectural style and character of the landmark or structure, and with the surrounding structures within the historic district.
 3. *Relationship of Building Masses and Spaces.* The relationship of a structure within an historic district to the open space between it and adjoining structures should be compatible.
 4. *Roof Shape.* The design of the roof should be compatible with the original architectural style and appearance of the landmark or structure, and with the surrounding structures in the historic district.
 5. *Landscaping.* Landscaping should be compatible with the original architectural character and appearance of the landmark or structure, and with the surrounding structures and landscapes in the historic district.
 6. *Scale.* The scale of the structure after alteration, construction or partial demolition should be compatible with the original architectural style and character of the landmark or structure, and with the surrounding structures in the historic district.
 7. *Directional Expression.* The facade of a structure within an historic district after alteration construction, or partial demolition should fit into the pattern of facades in the historic district with regard to the structure's general orientation on the lot and to the street, the setback of the structure from the street, the orientation of the main entrance and the orientation and dimension of porches. The directional expression of a landmark or structure within an historic district after alteration, construction or partial demolition should be compatible with its original architectural style and character.
 8. *Architectural Details.* Architectural details including materials, colors and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.
- C. *Historic Town Square Design Standards.* For commercial buildings in the Historic Town Square District, the Committee shall consider the following guidelines in reviewing an application for a Certificate of Appropriateness. All new commercial construction shall comply with the standards contained in the adopted Design Guidelines for New Commercial Construction in the Historic Town Square District.
1. *Construction materials.* All buildings shall be of masonry construction or masonry veneer to appear as traditional masonry construction.
 2. *Exterior finishes.* Exterior treatment may be either brick or stucco. However, existing brick of exterior grade shall not be stucco. Existing unpainted brick shall not be painted except where necessary to provide a uniform color (for example, to hide repair work). Unpainted brick should be compatible with existing Ferris Red brick buildings. Modern (multi-color) brick blends are prohibited. If the brick or stucco is painted, the building body and its trim shall be of colors complimentary to 1890's-1930's commercial buildings. The use of stone shall be limited to coping and trim.

3. Windows. Upper facade windows shall be placed symmetrically on the facade. Window framing materials shall be appropriate to the architectural style of the building. Windows other than transoms and display windows fronting onto the Town Square, shall be rectangular with the proportion of the height being no smaller than two and one-half times (2 1/2) the width and no larger than four (4) times the width. Display windows shall be of a height consistent with other historic buildings in the Town Square.
4. Doors. Each main or principal door shall have a transom above it. All doors and frames shall appear to be of wood construction, with or without glass, and of a design complimentary to 1890's-1930's commercial architecture.
5. Roof. The roof shall be a flat roof, not to exceed a 1.5":12" slope or acceptable engineered design. Roofs are encouraged to drain away from the Square. Building walls shall extend to parapets which shall enclose the roof area, masking the appearance of rooftop units from the Square. If visible from a public right-of-way, down spouts or scuppers shall be painted.
6. Height. The height of the building shall not be greater than two (2) stories, or thirty-five (35) feet in height. Towers and decorative ornaments shall not exceed a height greater than twenty (20) percent of the height of the building.
7. Canopies. Canopies shall be constructed of permanent metal or masonry construction which meet fire codes and shall comply with Building Codes, and shall not be constructed of a temporary material such as canvas. A private canopy constructed over public property may not be supported from the ground. A canopy constructed over private property may be attached to the building or supported from the ground. The design and color shall be complimentary to commercial building canopies of the 1890's-1930's. The height, width and spacing of supports shall be compatible with existing public canopies on the Town Square.
8. Accessory structures. Accessory structures, such as canopies, gazebos and kiosks, shall be permitted in interior open spaces visible from the public right-of-way. They shall be consistent with or complimentary to the commercial architecture of the 1890's-1930's.
9. Landscaping and accessory items. Landscaping and accessory items including but not limited to public lighting, trash bins, park benches, decorative railings/chains, public barriers, planters, flower boxes, ash trays, public fountains and statues and yard art shall be permitted in interior open spaces visible from the public right-of-way. They shall be complimentary to the architecture of the 1890's-1930's. For reasons of public safety, landscape planting on public property by private individuals or businesses shall be subject to review if the plantings will exceed thirty (30) inches upon maturity.
10. Minimum Front Yard Setback. none
11. Minimum Rear Yard Setback. none
12. Minimum Side Yard Setback. none
13. Minimum Lot Depth. 45 feet
14. Minimum Lot Frontage. 25 feet
15. Maximum Density. FAR 2:1
16. Signs. See Article 14.700. Signs – Historic District

D. **Ordinary Maintenance and Repair**

1. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of an historic landmark when such repair does not eliminate, alter, or replace a distinguishing interior or exterior architectural, cultural or historic feature of the landmark.
2. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of buildings, structures or features within a property within an historic district which does not involve an alteration, construction or removal resulting in a change in exterior architectural appearance of the property. .
3. The definition of ordinary maintenance and repair applies, whenever appropriate, to the appurtenances and environmental setting of the property, as well as the building, structure or object itself. Specific items considered ordinary maintenance and repair include the following:
 - a. Repair or replacement of roofs, gutters, siding, external doors and windows, trim, lights and other appurtenant fixtures with like materials of like design.
 - b. Landscaping not requiring other city permits or approval.
 - c. Paving repair using like materials of like design.
 - d. Repainting of surfaces.

E. **Demolition by Neglect**

1. **Exterior Neglect.** No owner or person with an interest in real property designated as a landmark or included within an historic district shall permit the exterior of the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Committee, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Examples of such deterioration include:

- a. Deterioration of exterior walls or other vertical supports.
 - b. Deterioration of roofs or other horizontal members.
 - c. Deterioration of exterior chimneys.
 - d. Deterioration or crumbling of exterior stucco or mortar.
 - e. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows or doors.
 - f. Deterioration of paint including significant, cracking, flaking, separation, or discoloration.
 - g. Intrusion or growth of trees, vines, or other plants that have caused damage to a structure or that creates an unreasonable risk of damage to a structure.
2. **Interior Neglect.** No owner or person with an interest in real property designated as a landmark or included within an historic district shall permit the interior portions of the structure or property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Committee, produce a detrimental effect upon the structural integrity of such structure or property which could make demolition necessary for the public safety.

(c) Neighborhood Preservation Overlay (NPO)

(1) Purpose and Intent

- A. Within the City of Lancaster there are many unique and distinctive residential neighborhoods which contribute significantly to the overall character and identity of the City. They are worthy of preservation and protection, but may lack sufficient historical, architectural or cultural significance at the present time to be designated as historic districts. As a matter of public policy, the City Council aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods through the establishment of Neighborhood Preservation Overlays.
- B. The purposes of a Neighborhood Preservation Overlay in residential neighborhoods or commercial districts are as follows:
 - 1. To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
 - 2. To promote and provide for economic revitalization;
 - 3. To protect and enhance the livability of the City;
 - 4. To reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
 - 5. To stabilize property values;
 - 6. To provide residents and property owners with a planning tool for future development;
 - 7. To promote and retain affordable housing;
 - 8. To encourage and strengthen civic pride; and
 - 9. To ensure the harmonious, orderly and efficient growth and redevelopment of the City.

(2) Designation Criteria. To be designated as a Neighborhood Preservation Overlay, the area must meet the following criteria:

- A. Contain a minimum of one blockface (all the lots on one side of a block);
- B. At least 75% of the land area in the proposed Overlay was improved prior to 1980, and is presently improved; and
- C. Possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association:
 - 1. Scale, size, type of construction, or distinctive building materials;
 - 2. Spatial relationships between buildings;
 - 3. Lot layouts, setbacks, street layouts, alleys or sidewalks;
 - 4. Special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping;
 - 5. Land use patterns, including mixed or unique uses or activities; or
 - 6. Abuts or links designated historic landmarks and/or districts.

(3) Zoning Authority.

- A. Separate ordinances are required to designate each Neighborhood Preservation Overlay District. Ordinances designating each Overlay shall identify the designated boundaries, applicable Designation Criteria and design standards for that Overlay, and be consistent with any existing Neighborhood and/or Community plans.

- B. Neighborhood Preservation Overlays are designed as overlays to the regular zoning districts. Property designated within these Overlays must also be designated as being within one or more of the regular base zoning classifications. Property designated as a Neighborhood Preservation Overlay may have additional designations. Such property shall comply with all applicable use restrictions.
- C. Zoning designation. The zoning designation for property located within a Neighborhood Preservation Overlay shall consist of the base zone symbol and the overlay district symbol (NPO) as a suffix. Neighborhood Preservation Overlays shall be numbered sequentially to distinguish among different Overlays, i.e., SF-4 (NPO-1), SF-6 (NPO-2), etc.
 - 1. The designation of property within a Neighborhood Preservation Overlay places such property in a new zoning Overlay classification and all procedures and requirements for zoning/rezoning must be followed.
 - 2. In the event of a conflict between the provisions of a specific Neighborhood Preservation Overlay ordinance and the regular base zoning district regulations, the provisions of the Neighborhood Preservation Overlay ordinance shall control.

(4) *Initiation Procedures.*

- A. A zoning change application for designation as a Neighborhood Preservation Overlay shall be initiated at the direction of the:
 - 1. Request of owners representing 55% of the land area within the proposed Overlay, or
 - 2. Request of 51% of property owners within the proposed Overlay, or
 - 3. The Director, pursuant to a Neighborhood or Community Plan adopted by Council.
- B. Following initiation for designation of a Neighborhood Preservation Overlay, the Director shall prepare a Neighborhood Preservation Plan for the proposed Overlay that includes:
 - 1. Maps indicating boundaries, age of structures and existing land use within the proposed Overlay;
 - 2. Maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed Overlay;
 - 3. A list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed Overlay; and
 - 4. Design standards.
- C. All property owners within the proposed Overlay shall be afforded the opportunity to participate in drafting the Neighborhood Preservation Plan, which will be approved as part of the zoning ordinance creating a Neighborhood Preservation Overlay.

(5) *Design Standards.*

- A. The preservation plan approved as part of the zoning ordinance creating a Neighborhood Preservation Overlay shall include Design Standards for new construction of any

building or structure, or the relocation or rehabilitation to the street facade of an existing building or structure.

- B. The Neighborhood Preservation Plan and requisite Design Standards shall not apply to those activities which constitute ordinary repair and maintenance, i.e., using the same or similar material and design.
- C. The Design Standards for the Neighborhood Preservation Overlay must include at a minimum (or note the inapplicability), the following elements governing the physical characteristics and features of all property (public or private) within the proposed Overlay:
 - 1. Building height and/or number. of stories;
 - 2. Building size, massing;
 - 3. Principal elevation features;
 - 4. Lot size, coverage;
 - 5. Front and side yard setbacks;
 - 6. Off-street parking and loading requirements and location, and
 - 7. Roof line and pitch;
- D. In addition, the Design Standards may include, but shall not be limited to, the following elements:
 - 1. Building orientation;
 - 2. General site planning (primary, ancillary structures);
 - 3. Density;
 - 4. Floor area ratio;
 - 5. Architectural style and details;
 - 6. Porches, chimneys or other features
 - 7. Building materials;
 - 8. Garage entrance location;
 - 9. Window/dormer size and location;
 - 10. Landscaping;
 - 11. Fences and walls;
 - 12. Entrance lighting;
 - 13. Driveways, curbs and sidewalks;

(6) *Neighborhood Ordinance Administration.* No building permit shall be issued by the Building Official for new construction or an alteration, or additions to the street facade of an existing building or structure, within a designated Neighborhood Preservation Overlay without the submission and approval of design plans and the issuance of a Certificate of Compliance by the Director.

ARTICLE 14.507. INFILL STANDARDS

(a) Intent

The intent of Infill Standards is to preserve the community's special neighborhood areas and to:

- (1) Ensure compatible development on vacant lots and redevelopment of parcels, with the existing fabric of the neighborhood.
- (2) Preserve and enhance the neighborhood's unique character, and preserve property values.

(b) Applicability

These standards apply to neighborhoods which were subdivided into individual residential lots of 20,000 s.f. or less, prior to 1960.

(c) Standards

- (1) The setback from the front and side property lines shall be in the order of the average setbacks of other developed properties on the same block face. In no case shall the setback exceed or be less than any other property on the block face.
- (2) On-site parking and the location of the residential garage shall conform to the predominant location in relationship to the site and primary building, as other sites on the block face.
- (3) The roof style and pitch shall conform to the typical roofs in the block face.
- (4) Exterior Building Materials. Building materials shall reflect the materials in common use along the block face. However, Hardie Plank or a similar cementitious-fiber board plank in terms of warranty and finish may be used in place of wood siding. Such siding shall be similar in width and scale to the predominant siding on the block face.
- (5) Front porches, windows on the street, and chimneys may also be required, where they are common in the block face or neighborhood.

Exceptions. The following projects are exempt from the requirements of this sub-section:

- (6) Any property that is being rebuilt within the original footprint and to within 10% of the same building area with the same exterior configuration and materials, and
- (7) Any property located in a Neighborhood Preservation Overlay or Historic District.

(d) Determination of Conformity

- D. The Director shall determine whether the proposed infill development meets the standards of this sub-section; or at his/her discretion, may refer such determination to the Commission.
- E. An appeal of the Director's determination may be made to the Commission by the applicant. The Commission may, at its discretion, relax the standards above provided that it determines that the resulting development would be more appropriate and have a greater enhancement value for the block face and neighborhood.
- F. The Commission's decision may be appealed to the City Council, whose determination shall be final.

ARTICLE 14.600. PARKING AND LOADING

Sec. 14.601 Purpose

- (a) Parking. The purpose of this Article is to regulate the number of required off-street vehicular parking spaces within the designated districts so as:
- to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building, structural improvement or place of assembly;
 - to eliminate undue use of the street system for parking purposes;
 - to avoid the construction of unnecessary parking spaces;
 - to avoid the occurrence of nonresident on-street parking in adjoining neighborhoods;
 - to protect the environment by promoting trip reduction and efficient land use through an analytic process in which the amount of parking may be limited to what is realistically needed for the uses on the site, thus reducing concrete/asphalt areas, heat islands and air pollution; and,
 - to promote and protect the public health, safety, comfort, convenience and general welfare.
- (b) Loading. It is also the purpose of this Article to require allocation of sufficient off-street/on-site loading facilities by businesses and industry to ensure that the loading and unloading of vehicles will not interfere with traffic flow or block roadways or fire lanes.

Sec. 14.602 Applicability

- (a) Construction or Creation of Use. Any building, improvement, or use of land approved or erected shall include the necessary off-street parking spaces, and require off-street/on-site loading facilities subject to the standards established in this Article.
- (b) Change of Use. Whenever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article.
- (c) Expansion of an Existing Use. If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.
- (d) Renovation or Redevelopment. Notwithstanding *Subsection 2.2* above, if any building, improvement, or use of land is repaired, renovated, altered, expanded or redeveloped, and the cost of such changes exceed fifty (50%) percent of the fair market value of the building improvement prior to the subject improvements, the parking and loading facilities set forth in this Article shall be made conforming, unless a specific Use Permit has been approved for such reduction in the provision of parking or loading.

Sec. 14.603 Commercial Parking

(a) Calculation of Spaces.

- (1) Fractional Number of Spaces. In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking.
- (2) Requirements for Uses Not Listed. The off-street parking requirements for a use not specifically listed in the schedule below shall be the same as required for a use of a similar nature as determined by the Director.

(b) Paving Materials. All required parking and loading areas, public and private drives, and fire lanes shall be constructed per the City's Subdivision Regulations (Article 14.1600 of the Lancaster Development Code), General Design Manual and Standard Construction Details, and the Fire Code, as amended and at the approval of the City Engineer and the Fire Marshal.

(c) Parking Access from a Public Street.

- (1) Site-Specific Requirements. In all districts (except all single-family, duplex and multifamily 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 city engineer. Where based upon analysis by the city manager, projected volumes of traffic entering or leaving the proposed 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 to be furnished by the developer in order to reduce such interference.
- (2) Site Plan Review. In the approval of a Site Plan as required in Article V. Development Standards, consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site. Such drives shall have curbs or other barriers to prohibit access from parking areas and other drives.
- (3) Access to Residential Areas. Access from residential neighborhoods to retail uses is encouraged, but vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas.

(d) Location of Commercial Parking and Loading Spaces. The required off-street parking and loading spaces shall be located on the same lot as the building or use served; except, off-street parking may also be located as follows:

(1). Parking May be Located Off-Site

- A. When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed three hundred (300) feet from the building being served; provided, however, that a written agreement thereto is properly executed and filed as provided below.
- B. The distance from the land use requiring parking to the off site parking site shall be measured along the shortest legal pedestrian path between one site and the other.
- C. All off-site parking must first be approved by Planning and Zoning Commission.
- D. 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 three hundred (300) feet from an institutional building served and not to exceed six hundred (600) feet from any other nonresidential building served.

(2) *Joint Use of Parking.*

- A. Notwithstanding “2.” Below, no more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, nightclubs, cafes or similar uses and not more than eighty (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed.

- B. Parking adjustments may be allowed according to the following percentages by time of day:

FIGURE 1 PARKING ADJUSTMENT
PERCENTAGES BY TIME OF DAY

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	THEATER	HOTEL
6 AM - 12 Noon	1.00	0.97	0.50	0.30	1.00
12 Noon - 1 PM	0.90	1.00	0.70	0.70	0.30
1 PM - 4 PM	0.97	0.97	0.60	0.70	0.45
4 PM - 6 PM	0.47	0.82	0.90	0.80	0.70
6 PM - 8 PM	0.07	0.89	1.00	1.00	1.00
8 PM - 12 Midnight	0.03	0.61	1.00	1.00	1.00

FIGURE 2 JOINT USE PARKING EXAMPLE:

1. A sample mixed use Development comprised of
 - Office at 50,000 sf
 - Retail at 20,000 sf
 - Restaurant at 8,000 sf

2. Individual Parking Requirements =
 - Office at 1 space per 300 = $50,000 / 300 = 167$
 - Retail at 1 space per 250 = $20,000 / 250 = 80$
 - Restaurant at 1 space per 45 = $8,000 / 45 = 178$
 - 425

3. Shared Parking Requirement =

TIME OF DAY	OFFICE	RETAIL	RESTAURANT	TOTAL
6 AM - 12 Noon	1.00X167= 167	0.97X80= 77.6	0.50X178= 89	334
12 Noon - 1 PM	0.90X167= 150	1.00X80= 80	0.70X178= 125	355
1 PM - 4 PM	0.97X167= 162	0.97X80= 77.6	0.60X178= 107	347
4 PM - 6 PM	0.47X167= 78	0.82X80= 65.6	0.90X178= 160	304
6 PM - 8 PM	0.07X167= 12	0.89X80= 71.2	1.00X178= 178	262
8 PM - 12 Midnight	0.03X167= 5	0.61X80= 48.8	1.00X178= 178	232

4. **Parking Required = 355 spaces.** (Highest total for any time period.) This is a reduction of 70 spaces (15.7%) over the individual parking requirements.

(3) Off-Site Parking Agreement.

- A. When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which assures the retention of such spaces for this purpose, and for a period of not less than 2 years, shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a Building Permit or Certificate of Occupancy if a change in use is involved.
- B. If the off site parking is terminated for any reason, then alternative parking meeting the standards of this Article, shall be required, or the property shall lose its Certificate of Occupancy.

(4) Parking in Front Yards of Non-Residential. In any non-residential district, the required off-street parking space may be located in the required front yard provided that it meets landscaping and screening requirements in *Article 14.800 Landscape Standards.*

(e) Lighting of Parking and Loading Areas.

- (1) Spill-Over Lighting. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas not to exceed a maintained average of one and a half (1.5) foot-candles at ground level, and shall distribute not more than two-tenths (0.2) of one foot-candle of light upon any adjacent residential property. (Also, see *Article 14.700, Outdoor Lighting for Non-Residential Properties.*)
- (2) Lighting as a Nuisance or Safety Hazard. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public way

(f) Pay Parking Lots. No charge may be made for at-grade parking spaces except for special events, unless approved by City Council as part of a Specific Use Permit.

(g) Shared Parking/Cross Access. In master planned retail centers, cross-access and shared parking agreements are required for final platting.

Sec. 14.604 Residential Parking

(a) Lots Less than Five Acres.

- (1) Location. All required residential parking shall be located onsite.
- (2) Parking in Front Yards of Residential and Agriculture. No required off-street parking space shall be located in the required front yard in any residential or agricultural district.
- (3) Storage of Vehicles. On lots less than five (5) acres, trailers, motor homes, trucks (greater than 1.5-ton capacity), camper cabins, motorcycles, boats, farm machinery, inoperable motor vehicles, or similar equipment, shall not be parked or stored on any residentially or agriculturally zoned lot or on the adjacent street except when in conformance with the following provisions:
 - A. Such equipment shall be located beside or behind the primary structure and back from the nearest corner of the front façade of the house a minimum of 20 feet, and
 - B. Be wholly contained in an enclosed garage or carport; or be screened with a minimum 7-foot solid fence or landscaping, from view of public rights-of-way and adjoining properties, and
 - C. If located on a lot which is less than 2 acres, it shall be parked on an approved surface of concrete, asphalt or stabilized gravel.

D. Equipment taller than 8 feet above grade shall respect the building setback lines but may be placed up to 3 feet from an alley property line.

(4) Loading and Unloading. Notwithstanding other requirements of this Section, such equipment may be parked anywhere on a residential, agricultural or commercial premises not to exceed 48 hours for the purpose of loading and unloading only.

(5) Living or Sleeping. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on any lot not approved for such purposes.

Sec. 14.605 Off-Street Parking Requirements

(a) Off-Street Parking Requirements.

(1) Parking Requirements. The Schedule of Off-Street Parking Requirements in Figure 3 establishes parking requirements for all zoning districts.

(2) Notwithstanding 1 above, the maximum allowed parking on a non-single-family or duplex lot may not exceed the minimum parking requirement plus an additional 10%, without approval of an Exception by the Planning and Zoning Commission.

(b) Conventions Used in Parking Requirement Schedule.

(1) Square Feet. "s.f." means gross square feet of building, unless otherwise noted.

(2) Site Area Parking Requirements. The parking requirement for a use of site area is based on the net site area exclusive of parking and buildings.

(3) Land Uses. Land uses listed under "Permitted Uses" in the accompanying schedule does not mean that this use is permitted within the City. Please refer to *Article 14.400 Permissible Uses*.

(c) Off-Street Parking Standards.

(1) Head-In Parking. An off-street parking space shall not be located on a public street. Head-in parking adjacent to a public street wherein the maneuvering of the vehicle in parking or leaving a parking space is done directly onto a public street, shall not be allowed in non-residential zoning districts nor shall it be allowed in conjunction with multi-family residential land uses unless specifically approved as part of a special district zoning ordinance such as for the downtown.

(2) Parking Spaces and Aisle Surfaces. All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.

(3) Parking Space and Aisle Dimensions. All parking spaces and aisle dimensions shall conform to FIGURE 5 OFF-STREET PARKING STANDARD DIAGRAM unless specifically approved by the City Engineer.

(4) Site Access for Vehicles. Access to a lot or tract shall conform to the Access Control Guidelines in the Driveway Ordinance. A driveway conforming to City Driveway Standards shall be constructed for each approved access point. A permit must be obtained from the City to construct a driveway within the City.

(5) Wheel Stops. All parking, 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 any parked vehicle from overhanging a public right-of-way line or public sidewalk. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and landscaping. Parking shall not be permitted to overhang public right-of-way in any case.

- (6) Parking in Historic Preservation Area A. When the use of a legal nonconforming building located in Historic Preservation Area A changes, the number of required off-street parking spaces shall not exceed the number of spaces which existed prior to the change of use. If the number of off-street parking spaces existing prior to the change in use was less than the required number of spaces, the use may not be expanded to such an extent that the number of off-street parking spaces is reduced further.
- (7) Use of Parking Spaces-All Districts. Required off-street parking spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale.

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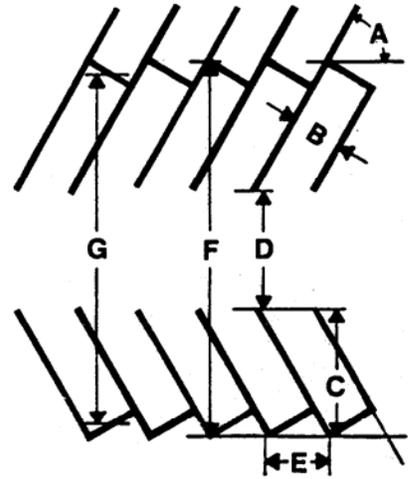
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Figure 5 Off-Street Parking Standard Diagram

	A	B	C	D	E	F	G
0°	8'0"	8.0	12.0	23.0	28.0	—	—
	8'6"	8.5	12.0	23.0	29.0	—	—
	9'0"	9.0	12.0	23.0	30.0	—	—
	9'6"	9.5	12.0	23.0	32.0	—	—
	10'0"	10.0	12.0	23.0	32.0	—	—
20°	8'0"	14.0	11.0	23.4	39.0	31.5	—
	8'6"	14.5	11.0	24.9	40.0	32.0	—
	9'0"	15.0	11.0	26.3	41.0	32.5	—
	9'6"	15.5	11.0	27.8	42.0	33.1	—
	10'0"	15.9	11.0	29.2	42.8	33.4	—
30°	8'0"	16.5	11.0	16.0	44.0	37.1	—
	8'6"	16.9	11.0	17.0	44.8	37.4	—
	9'0"	17.3	11.0	18.0	45.6	37.8	—
	9'6"	17.8	11.0	19.0	46.6	38.4	—
	10'0"	18.2	11.0	20.0	47.4	38.7	—
45°	8'0"	19.1	14.0	11.3	52.2	46.5	—
	8'6"	19.4	13.5	12.0	52.3	46.5	—
	9'0"	19.8	13.0	12.7	52.5	46.5	—
	9'6"	20.1	13.0	13.4	53.3	46.5	—
	10'0"	20.5	13.0	14.1	54.0	46.9	—
60°	8'0"	20.4	19.0	9.2	59.8	55.8	—
	8'6"	20.7	18.5	9.8	59.9	55.6	—
	9'0"	21.0	18.0	10.4	60.0	55.5	—
	9'6"	21.2	18.0	11.0	60.4	55.6	—
	10'0"	21.5	18.0	11.5	61.0	56.0	—
70°	8'0"	20.6	20.8	8.5	61.2	58.5	—
	8'6"	20.8	19.5	9.0	61.1	58.2	—
	9'0"	21.0	19.0	9.6	61.0	57.9	—
	9'6"	21.2	18.5	10.1	60.9	57.7	—
	10'0"	21.2	18.0	10.6	60.4	57.0	—
80°	8'0"	20.1	25.0	8.1	65.2	63.8	—
	8'6"	20.2	24.0	8.6	64.4	62.9	—
	9'0"	20.3	24.0	9.1	64.3	62.7	—
	9'6"	20.4	24.0	9.6	64.4	62.7	—
	10'0"	20.5	24.0	10.2	65.0	63.3	—
90°	8'0"	19.0	26.0	8.0	64.0	—	—
	8'6"	19.0	25.0	8.5	63.0	—	—
	9'0"	19.0	24.0	9.0	62.0	—	—
	9'6"	19.0	24.0	9.5	62.0	—	—
	10'0"	19.0	24.0	10.0	62.0	—	—



- A.** Stall Angle
- B.** Stall Width
- C.** Vehicle Projection for 19' Stall Length
- D.** Aisle Width
- E.** Curb Length Per Car
- F.** Wall to Wall Width for Double Aisle
- G.** Overlap Center to Overlap Center Width for Double Aisle

(d) Handicapped Parking. In each parking facility, a portion of the total number of parking spaces shall be specifically designated as handicapped accessible parking spaces and reserved for vehicles licensed by the State for use by the handicapped. The following parking and passenger loading standards shall apply to any new construction within the City.

(1) Spaces Required:

FIGURE 4 HANDICAPPED PARKING SPACE REQUIREMENT

TOTAL REQUIRED PARKING IN LOT	REQUIRED NUMBER OF HANDICAPPED SPACES
1-25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2 % of Total
1,001 and over	20 Plus 1 for each 100 over 1,000

(2) Construction Standards. Parking spaces and facilities intended for use by the handicapped shall be designed and constructed in accordance with the standards established by State Law, City Ordinances and the American Disabilities Act (ADA).

(3) Size of Spaces. Accessible parking spaces shall be at least 108 inches wide and shall be served by a pedestrian maneuvering access aisle at least 60 inches wide. The access aisle shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 2% in any direction.

(4) Van Accessible Spaces. One in every eight accessible spaces, but not less than one, shall be served by an access aisle not less than 108 inches wide and provide a minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such parking space from site entrance and exit. All such spaces shall be designated "Van Accessible" and may be grouped on one level of a parking structure.

(5) Sign Handicapped Accessible Spaces. Accessible spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

(6) Accessible Routes to the Building or Facility. At least one accessible route within the boundary of a site shall be provided from public transportation stops (if available), accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

- (7) Accessible Routes on Site. At least one accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site.
- (8) Accessible Route Design Standards. An accessible route shall have a minimum clear width of 36 inches and provide adequate space for a wheel chair turn around. If an accessible route has less than 60 inches clear width, then passing spaces of at least 60 inches by 60 inches shall be located at reasonable intervals, not to exceed 200 feet. A "T" intersection of two corridors or walks is an acceptable passing place.

Sec. 14.606 Off-Street Loading Requirements

(a) Applicability. All non-residential structures which contain a gross floor area of 10,000 square feet or more shall provide and maintain off-street loading facilities on the same lot. Such off-street loading facilities shall be located adjacent to a public way or private service drive, in accordance with the following requirements:

- (1) Unless an alternative is supported by design standards and approved as part of the Detailed Site Plan, no area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (2) Any loading dock or loading area must provide a maneuvering area located entirely on private property, and shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.
- (3) Loading docks that are within 400 feet of a residential district shall be equipped with noise attenuation devices and screened from view of adjacent residential lots.

(b) Lighting of Loading Areas. All lighting facilities shall be so arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within loading areas not to exceed one (1.5) foot-candle at ground level, and shall distribute not more than two-tenths (0.2) of one foot-candle of light upon any adjacent property.

All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street alley or other public way.

(c) Dumpster Trash Receptacles. All driveways to trash receptacles shall be designed to accommodate the weight of a 56,000 gross vehicular weight (G.V.W.) sanitation truck. Lifting aprons shall be provided in front of each trash receptacle location to accommodate the front wheels of the sanitation truck. Access to the trash receptacle and lift apron shall be in a "straight in" manner, or other manner as approved by the City Engineer. Trash receptacles shall not be located beneath any overhead utility line.

(d) Size. Loading spaces shall be a minimum of twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height except as may otherwise be approved by the City Engineer.

(e) Use of Loading Spaces. Required off-street loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale.

(f) Off-Street Loading Requirements. Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading space in accordance with the following requirements, unless otherwise approved by the Director or Designee based on the anticipated size and type of use.

(1) Retail, Commercial and Industrial Uses.

FIGURE 6 COMMERCIAL OFF-STREET LOADING
REQUIREMENTS

GROSS FLOOR AREA (S.F.)	MINIMUM REQUIRED LOADING SPACES
0 to 10,000	None
10,001 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 +	Special Parking Study

**(2) Auditoriums, Exhibitions Halls, Hotels, Restaurants and Sports
Arenas.**

FIGURE 7 RESTAURANTS AND PUBLIC FACILITIES
LOADING REQUIREMENTS

GROSS FLOOR AREA (S.F.)	MINIMUM REQUIRED LOADING SPACES
0 to 10,000	None
10,000 to 150,000	2
150,001 to 300,000	4
300,001 to 600,000	5
600,000 +	Special Parking Study

ARTICLE 14.700. ENVIRONMENTAL PERFORMANCE

Sec. 14.701 Purpose

The purpose of this Article is to set forth regulations which protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare and fuel supply in the vicinity of such sites.

Sec. 14.702 Applicability

The following performance standards shall apply to all zoning districts in the City of Lancaster.

Sec. 14.703 Outdoor Lighting for Non-Residential Properties

(a) Definitions.

Candela means a measurement quantified in unit(s) of luminous intensity in any given direction. It is also commonly referred to as candlepower(s).

Floodlight means an artificial illumination in broad beam, above fifteen (15) watts with a light source that extends more than (2) inches below the horizontal plane of the lamina.

Foot candle means the amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.

Full Cut-Off means a light source that does not extend below the horizontal plan of the luminaire.

Light Source means the device which produces visible energy, such as a bulb.

Lumen means the quantity of luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) candela. A one-candela source provides 12.57 lumens.

Luminaire means a complete lighting unit including a light source and all necessary mechanical, electrical, reflective, and decorative parts.

Partial Cut-Off means a light source that extends no more than one (1) inch below the horizontal plan of luminaire.

Standard means the light pole and base.

TCEQ means Texas Commission on Environmental Quality.

Temporary Holiday Lighting means the type of lighting typically used during the holiday periods.

(b) Prohibited Lighting. It shall be unlawful to display or operate the following:

- (1) An unshielded light source, including bare bulbs, above 15 watts, except for temporary holiday lighting.
- (2) The operation of search lighting is prohibited except it shall be permitted for a period not to exceed fourteen (14) days from grand openings and promotional events with permission of the Building Official.

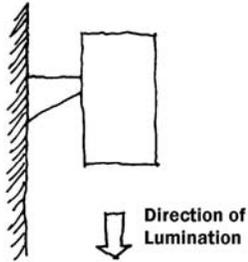
(c) Minimum Requirements.

- (1) **Glare.** In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (e.g. light bulbs) shall be oriented down and toward the center of the site or shielded so as to not be visible from the property line. This applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting with 15 watts or less per bulb.
- (2) **Luminaries.** Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and/or so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above fifteen (15) watts or strings of lamps are prohibited, except for temporary lighting not exceeding forty-five (45) days per year and as provided by other ordinances of the city.
- (3) **Off-Street Parking areas.** All off-street parking areas for nonresidential uses in nonresidential districts which are used after dark shall be illuminated beginning one-half (1/2) hour after sunset and continuing throughout the hours of use or until midnight, whichever is earlier. In case 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 within the parking areas shall meet the following minimum requirements. No intermittent or flashing lights are permitted.
Intensity:
 - A. On the parking area surface, an average of at least two (2) foot-candles, initial measurement, and a minimum average of one (1) foot-candle on a maintained basis.
 - B. Minimum at any point on the parking area surface to be at least six-tenths (0.6) foot-candles initial, and at least three-tenths (0.3) foot-candles maintained, or one-third (1/3) of the average, whichever is greater.
- (4) **Building and Pole Mounted Lighting.** All building and pole mounted luminaries exceeding fifteen (15) watts shall be directed down with either a partial cut-off or full cut-off source. See Exhibits A and B.
- (5) **Height.** No light pole, base or combination thereof shall exceed thirty (30) feet.
- (6) **Light at Residential Property Line.** The allowable maximum light intensity measured at three (3) feet above grade at the property line of a residentially zoned lot shall be 0.25 of one foot candle.
- (7) **Exemptions.**
 1. Historic or antique-style pedestrian light fixtures approved by the city are excluded from these standards.
 2. Low Wattage holiday special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.
- (d) **Plan May be Required.** A photometric plan describing compliance with the provisions of this ordinance may be required by the Director or Building Official if adjacent to residential areas. If required, it shall be submitted to the Director prior to the issuance of any building permit or certificate of occupancy that proposes additional lighting. This plan shall be prepared by an appropriate lighting designer such as a lighting engineer, architect or other qualified lighting designer. Upon installation of the lighting, the designer shall provide a letter certifying that the lighting is installed in accordance with the approved design and this ordinance. The Director

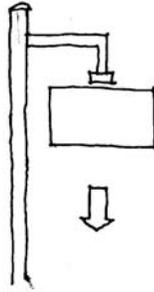
shall have the authority to interpret and determine compliance with this ordinance. The Planning and Zoning Commission may grant exemptions to the provisions of this Article if compliance will result in substantial financial hardship or inequity, so long as said exemption is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council.

- (e) Nonconforming Lighting. Luminaries installed prior to the adoption of this ordinance shall be exempt from the requirements herein.
- (f) Exemptions. Lighting installed by or for a governmental agency for the public benefit that is used for activities for the public benefit such as right of way, ball fields, airports and parks shall be exempt. However, parking lot lighting for these activities shall meet the requirements of the ordinance.

Exhibit A

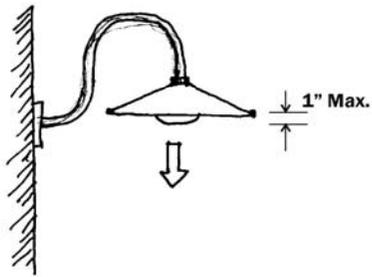


EXAMPLE OF FULL CUT-OFF BUILDING MOUNTED FIXTURE

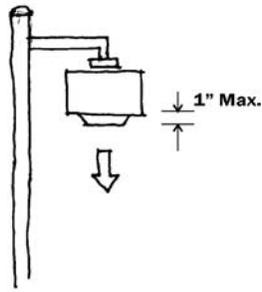


EXAMPLE OF FULL CUT-OFF LIGHT STANDARDS

Exhibit B



EXAMPLE OF PARTIAL CUT-OFF BUILDING MOUNTED FIXTURE



EXAMPLE OF PARTIAL CUT-OFF LIGHT STANDARD

Sec. 14.704 Noise

- (a) Noise, General. At no point either on the boundary of the zone or at 125 feet from the property line of the plant or operation, whichever distance is greater, shall the sound pressure level of any operation of plant (other than background noises produced by sources not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below.
- (b) Noise Level at Residential Property Lines. Notwithstanding 4.1 above, noise levels measured at residential property lines shall not exceed the following:
 - (1) Nighttime Noise Level. Noise levels shall not exceed 49 DBA at a residential property line between 7 PM and 7 AM, however, construction noise shall be limited to between 6 AM and 9 PM.
 - (2) Daytime Noise Level. Noise levels shall not exceed 56 DBA at a residential property line.
 - (3) Octave Band Standards. Noise in any octave band shall not exceed standards set out in the following chart:
 - (4) Higher Ambient Noise Levels. Where ambient noise levels from traffic or multiple sources already exceed the standards, the subject source may not increase that existing noise level.
 - (5) Public Facilities and Activities Excluded. Public facilities and activities are excluded from this standard. Such activities may include:
 - A. Any activity the City or its agents conduct in pursuit of its usual activities such as trash removal, police and fire protection.
 - B. Airport activity directly related to flight operations.
 - C. Any public event such as concerts and other events sponsored by a public or non-profit organization.

FIGURE 3 NOISE STANDARDS

At no point along the bounding property line of any lot or parcel in a residential district shall the sound pressure level of any operation or activity exceed the decibel limits specified in the octave band groups designated in the following table:

OCTAVE BAND RANGE (CPS)	DECIBEL (DB RE 0.0002 MICROBAR)	BAND	LIMIT
37 - 75	80		
75 - 150	68		
150 - 300	61		
300 - 600	55		
600 - 1200	51		
1200 - 2400	48		
2400 - 4800	45		
4800 - 9600	43		
'A' scale (for monitoring purposes only)	56		

Noise level adjustments:

Nighttime Noise—7 PM and & 7 AM Subtract 7 db

Impulsive Noise — Subtract 7 db

(Meter reading changes at a rate greater than 10 db per second)

(c) Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured shall be those noises which cause rapid fluctuations of the needle of the sound-level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent users.

Sec. 14.705 Smoke and Particulate Matter

(a) Standards. No industrial 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:

- (1) In violation of the standards specified by the Texas Commission on Environmental Quality (TCEQ), or subsequent agency; or
- (2) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in "A" above except that, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered to comply with this Section.

(b) Combined Standards. The emission of particulate matter from all sources in a district subject to this Article shall not exceed the level specified by the TCEQ, or subsequent agency.

(c) Standards Measured at Property Line. Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by the TCEQ.

Sec. 14.706 Odorous Matter

(a) Applicability. No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.

(b) Determination. The odor threshold as herein referred to shall be determined by observation by a person or persons designated by the City Manager. In any case, where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials ASTM D 1391-57 entitled Standard Method for Measuring Odors in Atmosphere shall be used.

Sec. 14.707 Toxic, Caustic And Noxious Matter

No industrial operation or other use shall emit toxic, caustic or noxious matter in any concentration across the bounding property line of the tract on which operation or use is located. The requirements of the TCEQ shall be met.

Sec. 14.708 Vibration

Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in Column I (below) are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a zone boundary line, earthborn vibrations in excess of the limits set forth in Column II are prohibited. Vibrations shall be expressed as resultant displacement in inches.

Figure 4 Vibration Standards

Frequency (Cycles-per-Second)	Displacement I (Inches)	Displacement II (Inches)
0 - 10	008	004
10 - 20	005	002
20 - 30	002	001
30 - 40	002	001
40 and over	001	001

This tabulation is for steady state vibration; which is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, shall not produce in excess of twice (2 times) the displacement stipulated above.

Sec. 14.709 Fire or Explosive Hazard Material

(a) Explosive Material. No industrial use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted, except that chlorates, perchlorates, phosphorous, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted.

(b) Flammable Material. 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 Lancaster, as well as the Water Pollution Control standards and regulations.

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted in accordance with applicable City codes and ordinances. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable City codes and ordinances provided the following condition is met:

Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table A.3 (exclusive of storage of finished products in original sealed containers) and the City's fire prevention code as interpreted by the City Fire Marshall.

Table

INDUSTRIES ENGAGED IN STORAGE & DISTRIBUTION OF SUCH MATERIALS:	PROHIBITED ABOVE GROUND	100,000 GALS. UNDER GROUND
Materials having a flash point above 190° Fahrenheit	Prohibited	100,000 gals.
From and including 105 degrees Fahrenheit to and including 190 degrees Fahrenheit	Prohibited	40,000 gals.
Materials having a flash point below 105° Fahrenheit	Prohibited	20,000 gals.
INDUSTRIES ENGAGED IN UTILIZATION AND MANUFACTURE OF SUCH MATERIALS:		
Materials – flash point >190°	10,000	50,000 gals.
From and including 105° thru and including 190	1,000	20,000 gals.
Materials – flash point > 105°	500	10,000 gals.

Sec. 14.710 Water and Waste Pollution

- (a) Water Pollution: No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the TCEQ.
- (b) Liquid or Solid Waste: No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the State Health Department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable City Ordinances.

ARTICLE 14.800 LANDSCAPE STANDARDS

Sec. 14.801 Purpose

(a) Purpose. Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. The City Council of the City of Lancaster has declared that a goal for the city is to provide an optimal quality of life for all citizens of Lancaster by improving the appearance of the city through increased public and private landscaping and reducing litter.

(b) Intent. These landscaping regulations provide standards and criteria for new landscaping with live plant material, and are intended to promote the value of property, enhance the general welfare, improve the physical appearance of the city, and enhance the community's ecological, environmental and aesthetic qualities. It is further the intent of this Article to

- To establish requirements for the installation and maintenance of landscaping elements and other means of site improvement on existing and newly developed property in order to enhance the community's ecological, environmental and aesthetic qualities;
- To reduce the negative effects of increases in air temperatures, glare, noise, erosion and sedimentation caused by expanses of impervious and non-vegetated surfaces within the urban environment;
- To preserve and improve the natural urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification; oxygen regeneration; groundwater recharge; storm water runoff retardation; and the abatement of noise, glare and heat; and
- To safeguard and enhance property values and protect public and private investment.
- To support water conservation.

Sec. 14.802 Application of Article

(a) Applicability.

(1) This Article does apply to:

Except as otherwise provided in *Subsection 2.1.B*, this article applies to all uses on a lot when an application for a building permit for work on the lot is made, unless the application is for:

(2) This article does not apply to:

- a. Any property with a previously approved landscape and/or site plan prior to adoption of this ordinance, unless such plan is required to be resubmitted for consideration; and
- b. Lots containing only single-family and/or duplex uses;
- c. Restoration of a building that has been damaged by fire, flood, explosion, riot, act of the public enemy, other natural disaster, or accident of any kind, if said structure may be restored under the nonconforming use provisions of the Comprehensive

Zoning Ordinance. For purposes of this Subsection, restoration means the act of putting back into a former or original state; and

- d. Construction work on an existing structure that does not increase the total floor area of all buildings on the lot by 20 percent or more.
- (3) Planned Development Districts. Landscaping requirements consistent with the standards and purposes of this article shall be a part of all ordinances establishing or amending planned development districts, unless otherwise approved by the City Council.
- (4) Exceptions. An Exception maybe granted to the landscaping requirements of this article by the Planning and Zoning Commission upon making a special finding that the resulting landscape will provide an improved amenity for both the general public and users of the facility being landscaped.
- (5) Permits.
 - a. No permit shall be issued for building, paving, grading, construction or reconstruction until a detailed landscape plan complying with this section is approved by the building official. Prior to the issuance of a certificate of occupancy, all landscaping shall be in place in accordance with the approved landscape plan.
 - b. If the Building Official determines that it would be impractical to plant trees, shrubs or grass or to lay turf, due to adverse weather conditions or the season of the year, a temporary certificate of occupancy may be issued. Issuance of a temporary certificate of occupancy will be subsequent to receipt of a letter of agreement from the property owner, tenant and/or agent agreeing to compliance with the terms of this section stating when the installation shall occur, and a letter of credit or bond for 150% of the estimated cost of the landscaping. All required landscaping shall be installed within six (6) months of the date of the issuance of the temporary certificate of occupancy.

Sec. 14.803 Landscape Plan Submission

(a) Landscape Plan Required. A landscape plan shall be submitted to the City prior to the issuance of a building, paving, grading or construction permit. The Director or designee shall review the landscape plan to determine compliance with the criteria of these regulations. If the plans are not in compliance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

(b) Plan Content. Landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g. landscape architect, landscape contractor, landscape designer) and shall contain the following minimum information in the form and number as prescribed by the City:

- (1) Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.
- (2) Project name, street address, and lot and block description.
- (3) Location of existing boundary lines and dimensions of the lot, street address, approximate centerline of existing water courses and the location of the 100-year flood plain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways and sidewalks on or adjacent to the lot.

- (4) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).
- (5) Locations and dimensions of proposed landscape buffer strips.
- (6) Complete description of plant materials shown on the plan, including names, locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated.
- (7) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas, the total square footage included in the parking area, and the number and location of required off-street parking and loading spaces.
- (8) a computation or table showing the landscaping that is required and the landscaping being provided.
- (9) Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and drip-line of said trees shall be protected prior to and during all construction, including all dirt work.
- (10) Size, height, location and material of proposed seating, lighting, planters, sculptures, water features and landscape paving and other site amenities.
- (11) Identification of visibility triangles on the lot for all driveway intersections with public streets.

Sec. 14.804 Mandatory Provisions

(a) Right-of-way Landscaping Requirements

- (1) **Streetscape Buffer.** A Street Landscape Buffer strip with a minimum width of 6 feet, must be provided along the entire length of the property to be developed, between the back-of-curb and sidewalk, that is adjacent to any residential land use. This shall also apply to all commercial land uses where there is no adjacent on-street parking. This shall be exclusive of driveways and access-ways.
- (2) **Street Tree Requirement.** Large shade trees, as defined in the Approved Plant List for rights-of-way, shall be provided in the required buffer in numbers equal to one tree for each fifty feet of street frontage.
- (3) **Other Landscaping.** All street rights-of-way located adjacent to the development shall be improved with grass or ground cover material and shall be maintained. It shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in the right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system shall base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system shall be approved by the City prior to installation.

(b) Required Site Landscaping

(1) **Minimum Landscaping Requirements**

- A. **Area Required.** For all nonresidential and multi-family (with more than 6 units) parcels, at least twenty percent (20%) of the site shall be permanently landscaped. All of the required landscaped area shall be located in the Street Yards, side yards and parking lots.
- B. **Trees Required.** At least one large tree shall be provided as follows:
1. **Street Yards Less than 10,000 square feet.** In Street Yards of less than ten thousand (10,000) square feet, one (1) tree per one thousand (1,000) square feet, or fraction thereof, of Street Yard.
 2. **Street Yards More than 10,000 square feet.** In Street Yards of more than ten thousand (10,000) square feet, ten (10) trees plus one (1) tree per two thousand (2,000) square feet, or fraction thereof, of Street Yard area over ten thousand (10,000) square feet.
 3. **Credits for Existing Trees.** Any trees listed in the City approved Plant List that are preserved on a site may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

CIRCUMFERENCE OF EXISTING TREE	CREDIT TOWARD TREE REQUIREMENT
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

Note 1: Tree circumference shall be measured four and one-half feet (4 1/2') above natural grade.

Note 2: Due to their limited height and size, mesquite trees will receive only fifty percent (50%) of the above credit for tree preservation.

4. **Ornamental Trees.** Two (2) ornamental trees, as listed in the City approved Plant List, may be substituted for one (1) required large tree. Not more than fifty percent (50%) of the required large trees may be substituted by installing ornamental trees. Ornamental trees shall be a minimum of six (6) feet in height at the time of planting.
5. **Shrubbery Required.** At least one shrub shall be required for every fifty (50) square feet of the required landscape area. Placement of such shrubbery shall be taken into consideration as to the plant at full maturity, and be located so as not to conflict with vehicular or pedestrian traffic visibility.

6. **Ground Cover Required.** At least ten percent (10%) of the required landscape area shall be maintained in ground cover. The remaining landscape area shall be maintained in lawn grasses and mulch used around bedding plants, shrubs and trees.

C. **Location of Landscaping.** No less than 30% of the total requirement shall be located in front of and along the side of buildings with street frontage in Multi-family and Commercial zoning districts, including the ORT district. 100% of the total requirement shall be located in front of and along the side of buildings with street frontage in Industrial zoning districts, not including the ORT district.

D. **Detention Basins.** Detention basins shall be landscaped in a natural manner using grown cover, grasses, shrubs and trees in all dry land areas. There shall be a minimum of 1 tree for each 750 square feet of dry land area.

(c) Landscaping for Non-residential Land Uses.

(1) **Screening of Parking.** Where on-site parking is located adjacent to a street, roadway or public open space, a minimum ten-foot (10') landscape buffer is required between the property lines and any parking, paving or internal driveways. Driveway openings are permitted in the landscape buffer area. The area of the landscaped buffer may be included in the total required landscape area for the lot.

A. **Location.** The landscaped buffer requirement shall apply to all sides of the lot adjacent to a public street, open space or right-of-way.

B. **Screen.** The screening shall be between a minimum height of three (3) feet and a maximum of four (4) feet above the grade of the parking lot and located adjacent to the parking lot. Screening shall be opaque and consist of shrubs and/or berms.

C. **Materials.** Shrubs shall be capable of reaching a height of three (3) feet within eighteen (18) months of planting, and shall be planted no more than thirty-six (36) inches on center. Berms shall comply with provisions set forth in *Section 14.805*. Screening walls shall be masonry.

(2) **Internal Parking Lot Landscaping.** It is the intent of this sub-section to encourage the high quality design and construction of parking areas in the City. It is also the intent of this section to aid in the abatement of noise, glare and heat associated with large expanses of hard paved surfaces and motor vehicles.

A. **Parking Lot Landscape Area.** Parking lot landscape area requirements shall be on the percentage of parking located between the building façade and the R.O.W.:

Less than 25% = 15 sq. ft. per parking stall

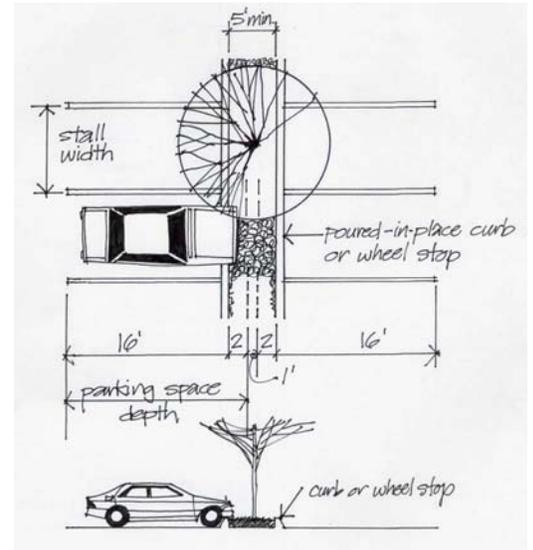
25% - 75% = 20 sq. ft. per parking stall

Greater than 75% = 30 sq. ft. per parking stall

Notwithstanding the standards above, the parking lot landscaping area requirement may be reduced by 50% for that portion of parking located behind the building's, or development's, primary façade.

B. **Distribution of Islands, Peninsulas and Medians.** The number, size and shape of islands, peninsulas and medians, in both street and non-Street Yards shall be at the discretion of the property owner or applicant. All required islands, peninsulas and

medians shall be more or less evenly distributed throughout such parking areas. However, the distribution and location of landscaped islands, peninsulas and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirements for landscaped islands, peninsulas and medians for the respective parking areas above are satisfied.



EXAMPLE OF A LANDSCAPE BUFFER BETWEEN PARKING BAYS

1. Planter islands shall have a minimum width of 10' from edge of pavement to edge of pavement unless used as a landscape buffer between parking bays, which shall be a minimum of five (5) feet in width.
2. No required parking space may be located more than 80 feet from the trunk of a large canopy tree. Notwithstanding the minimum planter dimension above, where required to meet this standard, the minimum size tree planting area shall be five (5) feet square and only trees approved for use in street rights-of-way may be used.
3. The center of no tree may be planted closer than 2 ½ feet to the pavement.

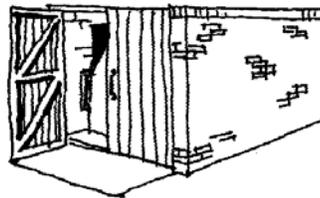
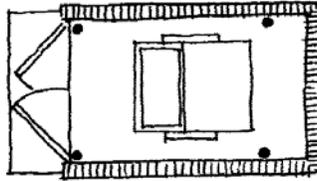
C. Planting Requirements. All planter islands in parking areas shall contain a minimum of one (1) canopy tree with the remaining area in shrubs, ground cover, grasses or seasonal color. Planter islands which have light poles for lighting the parking areas may substitute two (2) understory/accent trees for the required canopy tree.

(4) Screening of Off-Street Loading Docks

- A. Off-street loading docks in Commercial and Industrial zoning classifications must be screened from all public streets and open space, and any residential district that abuts or is directly across a public street or alley from the lot.
- B. Screening may be achieved by any method listed above, but must be at least 8 feet in height.

(5) Screening of Trash Dumpsters. All refuse storage areas for trash dumpsters shall be visually screened by a solid masonry fence not less than 6 feet in height. Six-inch concrete filled steel protective poles shall be placed at possible impact areas. The access area shall not face a public street unless otherwise approved during site plan approval.

Dumpster storage should be located to the rear of building with proper access. Trash dumpsters shall not be located in any required parking space and shall allow proper access by service trucks. Dumpster pad sites shall be designed to City standards specified in the Subdivision Standards of Design.



Wall Enclosure

(6) Screening from Residential Uses

- A. Any Commercial or Industrial use or parking lot that has a side or rear contiguous to any Residential district, shall be screened with a masonry fence (excluding tilt wall or concrete block unless approved by the Planning and Zoning Commission) which is a minimum of six (6) feet in height, unless otherwise approved by the Planning and Zoning Commission. Berms in conjunction with a fence can be utilized to meet this requirement. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street, alley or driveway.
- B. Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be reviewed by the Director to determine whether or not:
 1. The screen will withstand the pressures of time and nature;
 2. The screen adequately accomplishes the purpose for which it was intended.
 3. Plans shall be sealed by a Registered Engineer or they shall conform to the City's standard design for screening walls.
- C. Such screen shall be constructed prior to the issuance of a Certificate of Occupancy for any building or portion thereof.
- D. The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the City.

(7) Special Requirements for Facilities with Gasoline Sales.

- A. Gasoline service stations, retail gasoline sales and other similar uses as determined by the Director shall require a minimum landscaped area of fifteen percent (15%) of the total lot area.
 - B. Gasoline service stations and other retail gasoline sales shall also provide a minimum six hundred (600) square foot landscaped area at each driveway intersection and at each corner of the lot adjacent to a street frontage. This additional landscaped area may be counted toward the minimum fifteen percent (15%) requirement.
- (d) Dimensions of Landscaping. All required landscaping shall be no less than 5 feet wide and a minimum of 25 square feet in area.

Sec. 14.805 Landscape Materials & Standards

(a) General

- (1) No Artificial Plant Material. No artificial plant materials may be used to satisfy the requirements of this article.
- (2) Approved Plant List.
 - A. Plant materials shall conform to the standards of the City of Lancaster Plant List, and the American Standard for Nursery Stock. Other alternative species may be approved if appropriate documentation is submitted substantiating the quality as being similar to those species specified in the City of Lancaster Plant List. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects. Plant materials used to satisfy the requirements of this article must comply with the following minimum size requirements at the time of installation:
 - B. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may only be used under trees, shrubs and other plants.
 - C. ***Trees.*** All trees shall comply with the following:
 - 1. The spread of crown of a tree is defined as average diameter horizontal width of the tree foliage (see Illustrations).
 - 2. A large tree shall have a spread of crown at maturity of greater than fifteen feet (15'). At the time of planting, a large tree shall be at least seven feet (7') in height and measure at least three inches (3") in caliper when measured six inches (6") above the ground.
 - 3. An ornamental tree shall have a spread of crown at maturity of fifteen feet (15) or less. At the time of planting, a small tree shall be at least five feet (5') in height and measure at least one inch (1") in caliper when measured six inches (6") above the ground.
 - D. ***Shrubs.*** Shrubs except of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous,

unbroken, solid visual screen which will reach the required height within one (1) year after the time of planting.

- E. **Vines.** Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens or walls to meet landscape screening requirements.
- F. **Grass.** Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded. However, solid sod shall be used in swales, on earthen berms or in other areas subject to erosion.
- G. **Ground Cover.** Ground cover used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- H. **Berms.** Earthen berms shall have side slopes not to exceed 33 percent or 3:1 slope. All berms shall provide necessary drainage provisions which shall also be shown on any required site drainage plans.
- I. **Obstruction Prohibited.** All placement of landscaping materials, with the exception of turf and grass covered areas, shall be designed so that any interference with pedestrians loading and unloading in designated parking areas is minimized; and so that the normal parking of vehicles and opening of doors in designated parking areas will not open into or damage the landscaping materials.
- J. **Height.** For purposes of this sub-section, "height" is measured from the root crown or, if the plant is in a container, from the soil level in the container.

(b) Xeriscape Landscaping:

- (1) Xeriscape landscaping is an innovative, comprehensive approach to landscaping to promote water conservation. Xeriscape landscaping incorporates seven basic principles: planning and design, soil analysis, appropriate plant selection, practical turf areas, efficient irrigation, use of mulches and appropriate maintenance.
- (2) In order to reduce excessive water use, Xeriscape landscaping is encouraged. The total square footage of the required landscape area may be reduced by twenty percent (20%) if all landscaping materials have lower water demand, as shown in the City approved Plant List.

(c) Protection of Landscape Areas

- (1) **Protection of Landscaping.** Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, or other permanent barriers. Vehicular wheels shall be prevented from extending into landscaped areas.
- (2) **Nonresidential Development**
 - A. During any construction or land development, the developer shall clearly mark all trees to be preserved on site and may be required to erect and maintain protective barriers around all such trees or group of trees. No living trees greater than eight inches (8") in caliper may be cut, destroyed or damaged on the development site until approved as part of the landscape plan.
 - B. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees.

- C. During the construction stage of development, the developer shall not allow the cleaning of equipment or material under the canopy of any tree or group of trees to be preserved. The developer shall not allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete or mortar under the canopy of any tree or group of trees to be preserved.
- D. No attachments, nails, screws or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(3) Residential Development

- A. Prior to any land development, the developer shall clearly mark all trees to be preserved on site and may be required to erect and maintain protective barriers around all such trees or groups of trees. No living trees greater than eight inches (8") in caliper may be cut, destroyed or damaged on the development site until approved as part of the preliminary plat.
- B. No land may be proposed for development within twenty-four (24) months of having been cleared for agricultural purposes.
- C. During the construction stage of development, the developer shall not allow the cleaning of equipment or material under the canopy of any tree or groups of trees to be preserved. The developer shall not allow the disposal of any waste materials such as but not limited to paint, oil, solvents, asphalt, concrete or mortar under the canopy of any trees or groups of trees to be preserved.
- D. No attachments, nails, screws or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(d) Irrigation Requirements.

(1) General.

- A. All landscape irrigation shall be designed by a registered licensed irrigator.
- B. The owner shall be responsible for the health and vitality of plant material through irrigation of all landscaped areas and plant materials, and shall
 1. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
 2. Be in place and operational at the time of the landscape inspection for Certificate of Occupancy.
 3. Be maintained and kept operational at all times to provide for efficient water distribution.

(2) Irrigation Methods

- A. Landscaped Areas. One of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas:
 1. ***Conventional System.*** An automatic or manual underground irrigation system which may be a conventional spray or bubbler type heads.

2. ***Drip or Leaky-Pipe System.*** An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
 3. ***Temporary and Above Ground Watering.*** Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above ground system, and shall be required to provide irrigation for the first two growing seasons only.
- B. **Natural and Undisturbed Areas.** No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

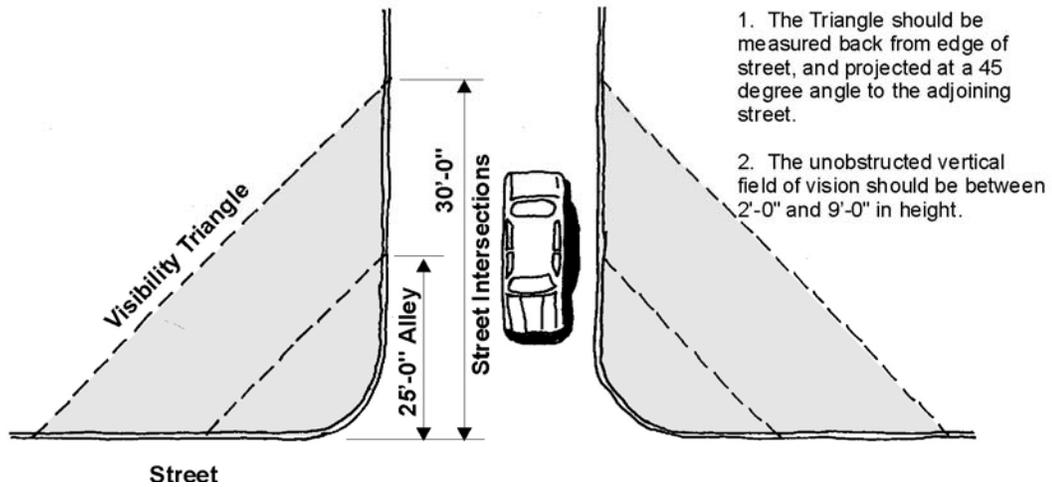
Sec. 14.806 Public Right Of Way Visibility

(a) **Visibility Triangles.** A landscape plan showing the plan of the street on both sides of each proposed drive/street to the proposed development with the grades, curb elevations, proposed street/drive locations, and all items (both natural and man-made) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. This plan shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.

(b) **Visibility Triangles – Defined.** No fence, wall screen, billboard, sign face, tree or shrub foliage, berm, or any other item, either man-made or natural shall be erected, planted, or maintained in such a position or place so as to obstruct or interfere within the following minimum standards; however, on non-residentially zoned lots, a single pole for mounting a sign may be placed within this area provided the pole does not exceed 12-inches in diameter, and provided every portion of the sign has a minimum height clearance of 9 feet:

1. Vision at all intersections which intersect at or near right angles shall be clear at elevations between twenty-four (24) inches and nine (9) feet above the top of the curb elevation, within a triangular area formed by extending the two curb lines from their point of intersection, for the following minimum distances for the applicable intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection for a distance as prescribed below, and connecting these points with an imaginary line, thereby making a triangle as shown below.
2. Intersection of **Two Public Streets** – the minimum required distance from the curb shall be 30 feet and the minimum distance from the property line on streets without a curb shall be 20 feet.
3. Intersection of a **Public Street and an Alley** – the minimum required distance measured from the property line shall be 15 feet, or 25 feet from street curb.
4. Intersection of **Private Drive and Public Street** – the minimum required distance from the curb shall be 15 feet and the minimum distance from the property line on streets without a curb shall be 10 feet.
5. Intersection of **Private Drive and an Alley** – the minimum required distance measured from the property line shall be 10 feet.

(c) Sight Distance Requirements. The City hereby adopts the standards for both vertical and horizontal sight distance requirements set forth in the 1984 Edition of AASHTO Green Book, "A Policy on Geometric Design of Highways and Streets" for the construction of both public street intersections and private drive intersections, unless otherwise approved by the City Engineer. If, in the opinion of the City Engineer, a proposed street or drive intersection may not meet these standards, additional engineering information exhibiting how the standards have been addressed may be required for submission and approval by the City's Engineer.



Sec. 14.807 Completion of Landscaping

(a) In Accordance with Approved Plans

Except as otherwise provided in *Subsection 7.2*, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot.

(b) Escrow and Assurance

If, due to circumstances beyond the property owner's control, the required landscaping cannot be installed prior to completion of the building and if the property owner provides the building official with documented assurance that the landscaping will be completed within six months and the funds required to complete the project are placed in escrow with the City, the building official may issue one six-month temporary Certificate of Occupancy and permit the property owner to complete his landscaping during the six month period. For purposes of this Subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six month period. The City shall hold the funds in escrow until such time as the landscaping is completed in accordance with the approved plan.

(c) Forfeiture of Escrow

If a temporary Certificate of Occupancy is issued under *Subsection 7.2* and, at the end of the six month period, no permanent Certificate of Occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the property owner shall be deemed in violation of this ordinance, the funds placed in escrow shall be forfeited, and the City shall issue a citation for said violation, unless an extension is granted by the City Manager.

Sec. 14.808 General Maintenance

(a) Maintenance Requirement

(1) Maintenance of Landscaping

A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. The owner, tenant and/or their agent is responsible for regular mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to the maintenance of landscaping.

B. All required landscaping shall be maintained in a neat and orderly manner at all times. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

(2) Replacement of Dead Plant Materials. Plant materials which die shall be removed and replaced with plant material of similar variety and size within sixty (60) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk caliper of no less than three inches (3") measured twenty-four inches (24") above the ground. A time extension may be granted by the building official for conditions relating to a season of the year per the requirements of this section.

(b) Enforcement. Failure to maintain any landscape area in compliance with this section is considered a violation of this Ordinance and shall be subject to penalties of this Ordinance. If at any time after the issuance of a certificate of occupancy the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the building official or designee shall issue notice to the owner, tenant and/or their agent citing the violation and describing the action required to comply with this section.

(c) Utility Lines and Rights-of-Way. Any damage to utility lines resulting from the negligence of the property owner, his agents, or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials, and return them to their prior locations after the utility work. If, nevertheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

Sec. 14.809 Recommended Plant List

ARTICLE 14.900 TREE PRESERVATION

Sec. 14.901 General Provisions

(a) Purpose. The purpose of this ordinance is to promote site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction; contribute to the long-term viability of existing trees; and to prohibit clear cutting of trees. It is the further purpose of this ordinance to achieve the following broader objectives:

1. Prohibit the clearing of trees and natural areas.
2. Protect and increase the value of residential and commercial properties within the City as well as forest value.
3. Maintain and enhance a positive image, which will encourage further development in the City.
4. Protect healthy quality trees and promote, enhance the ecological, environmental and aesthetic qualities of the City in future development.
5. To encourage the increase of arboreal elements in design plans so as to improve both aesthetic and healthful conditions within the City.
6. To further the preservation of trees and natural areas by protecting them during the planning, site design, construction and maintenance phases of any residential or commercial development within the city of Lancaster, Texas, with specific exemptions as outlined in *Section 5*.
7. To retain the optimum number of trees on any development site.

(b) Tree Preservation Definitions. For the purpose of this ordinance, certain words or terms applicable hereto are defined in Article 13 Definitions of this Unified Development Code. For the purpose of this ordinance the Landscape Administrator shall have interpretive authority to use commonly accepted definitions and/or to utilize generally accepted professional standards when any such conflict cannot otherwise be resolved.

Sec. 14.902 Definitions for Tree Preservation

For the purpose of this ordinance, certain words or terms applicable hereto are hereinafter defined. Words and terms used in this ordinance, but not defined in this Article shall have the meanings ascribed thereto in the Lancaster Development Code, or other ordinances of the City. Words and terms defined in two ordinances shall be read in harmony unless there exists an irreconcilable conflict in which case the definition contained in this ordinance shall control. For the purpose of this ordinance the Landscape Administrator shall have interpretive authority to use commonly accepted definitions and/or to utilize generally accepted professional standards when any such conflict cannot otherwise be resolved.

Agricultural Use. The use of land to produce plant or animal products, such as the growing of crops, raising and pasturing of livestock, timber production, Christmas tree, or farming.

Administrative Official. Provisions of this Section shall be administered by the Landscape Administrator, who shall be appointed by the City Manager.

ANSI. American National Standards Institute; standards used by the horticulture and landscape professionals to measure and evaluate trees.

Bark Protection. Where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with approved padding material and 2" x 4" lumber encircled with wire or any other method approved by the Landscape Administrator or designee. The intent is to protect the bark of the tree against incidental contact or damage by large construction equipment.

Boring. Boring of utilities shall be required in those circumstances where it is not possible to trench around the critical root zone of the protected tree. When required, the length of the bore shall be the width of the critical root zone at a minimum depth approved on site by Landscape Administrator or designee.

Buildable Area. That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure, driveway, parking lot, pool and other construction as shown on a site plan.

Buffer Zone. Buffer zone is a method of screening or separating adjacent land use areas, which are improved with predominate non-residential use and whose side or rear lines are adjacent to a residential district or use and not separated by a public street or roadway. These buffers, when required, should be densely maintained with trees and shrubs and be a minimum of twenty-five (25') feet in depth.

Builder/Contractor (New Construction Only). A builder or contractor who has purchased land or lots for construction with intent to sell is subject to all requirements specified herein.

Building Envelope (BE). Defined as that area surrounding and adjacent to the building pad that may be cleared to allow for all necessary construction equipment and construction. Residential BE shall not exceed ten (10') feet from the Building Pad. Commercial BE shall be determined by the Landscape administrator for the necessary tree protection. All existing natural vegetation beyond the building envelope shall be protected by protective fencing.

Building Pad. The actual foundation area of a building.

Caliper. The diameter of a tree measured is as follows: Height to measure depends on size: 0-4" (zero to four inches), measured at 6" (six inches) from natural ground level. Trees 4" (four inches) to transplantable size are measured at 12" (twelve inches) from natural ground level. All others at 4.5' from the ground level in Diameter at Breast Height (*see ANSI standard).

Clear-Cutting. The removal of all of the trees or a significant majority of the trees within an area of land.

Conservation Design. A development design or pattern intended or having the effect of creating, retaining or preserving environmentally sensitive areas, natural habitats, wooded areas or areas of natural beauty in greater amount than would be otherwise be provided using Conventional Design or Traditional Neighborhood Design. Techniques used to achieve this result principally include the grouping together and/or concentration of buildings into clusters, reduction in lot size, reduction in paved areas and/or streets, and the use of shared common areas.

Conventional Design. A development design or pattern characterized by homes and non-residential buildings located on large individual lots, physical separation of buildings, segregation of land uses, and a predominance of individual yards within privately owned lots rather than the use of commonly-owned open areas. This pattern frequently features long block lengths, wide streets, cul-de-sacs, alleys and an emphasis on transportation service via the privately owned automobile.

Critically Alter, Critical Alteration. Uprooting or severing the main trunk of a tree, or any act which causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: damage inflicted upon the root system of a tree; a change in the natural grade above the root system of a tree, storage of materials, or the compaction of soil above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of non-permeable pavement over the root system or a tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than 25% of the primary root zone is altered or disturbed at natural grade, or more than 25% of the canopy is removed.

Critical Root Zone (CRZ). The area of undisturbed natural soil around a tree defined by a circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. If CRZ is compromised by site conditions, such as but not limited to, roads, sidewalks, existing buildings, utility easements, etc., the CRZ will be determined by the Landscape Administrator or designee.

Cut/Fill. Areas where the natural ground level has been excavated (cut) or raised (fill).

Drip Line. A circular line, which follows the outermost portion of the canopy of a tree and extending to the ground.

Diameter at Breast Height (DBH). The DBH is measured four and one-half (4.5') feet from natural ground level.

FEMA 100-Year Flood Plain. The area designated as being within the one hundred year flood plain on the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) as of the effective date of this Ordinance. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year flood plain boundary after the effective date of this Ordinance due to filling of the flood plain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement or protection requirements apply.

Grade Change. Any changes in ground level or soil compaction within the area just beyond the spread of the branches will damage the roots.

Ground Level Cuts. Where protected tree removal is allowed through exemption or by tree removal permit, and the root system is intertwined with protected trees which are intended to be saved, the tree shall be removed by flush cutting with the natural level of the surrounding ground. If stump removal is desired stump grinding shall be allowed upon approval of the Landscape Administrator.

Grubbing. Excavating or removing a significant part of the root system.

Tree Health. The condition of the tree, including structural integrity, pest and/or pathogen related problems.

Residential Homestead. Owners of property zoned as residential, who reside at the property as their primary residence. This term does not include properties zoned “MF” Multi-Family Residential district.

Limits of Construction. Delineation on the site plan defining the areas within which all construction activity may occur.

Municipal/Public Domain Property. Property in which title is held in the name of a governmental entity. Proper examples of this would include City Hall, public parks, Corps of Engineers’ property, State of Texas R.O.W., library, fire stations, water tower sites, public schools or similar properties.

Open Space. Open Space means a public or semi- public space, including common areas or parks that:

- Is open and unobstructed from its lowest level to the sky. (Vegetation and complimentary amenity structures such as open pavilions shade structures, picnic tables, playground equipment, bicycle racks drinking fountains, trash receptacles, goal posts, lighting etc. shall not be considered obstructions.)
- Is accessible to, designed for, and intended for the common use or enjoyment of the general public or the residents/occupants of a building, neighborhood or subdivision.
- Is used for recreation, resource protection, amenity or buffer yard/greenbelt purposes.
- Is not an existing or future right-of-way (R.O.W.).
- Is not part of the roof of any building

Tree, Preserved. A protected tree shall be considered preserved only if a minimum of 75% of the critical root zone is maintained at undisturbed natural grade and not more than 25% of the canopy is removed due to building encroachment. The canopy shall retain its natural form and integrity.

Protective Fencing. Protective fencing shall be orange vinyl construction fencing or other material approved by Landscape Administrator or designee with a four-foot (4') approximate height adequately supported.

Pruning, Allowed. Approved pruning of protected tree(s) by Landscape Administrator in cases where tree(s) must be strategically pruned to allow construction or demolition of a structure. When allowed, all pruning shall be in accordance with approved arboricultural technique and/or guidelines established by the Landscape Administrator or designee.

Pruning Permit. Permit required for all utility, franchise and city projects. No fee is required.

Thinning, Selective. The removal of selected trees from within a forested area. The purpose of Selective Thinning is to improve the health and natural growth form of remaining trees or remove invasive and sometimes non-native species.

Top Soil. Top layer of soil native to the site.

Traditional Neighborhood Design. A development design or pattern that is characterized by a mixture of housing types and densities, a mixture of land uses including retail, office, and civic uses, reduced paving and street sizes, and that affords ease of pedestrian access. This design typically features a gridiron street pattern, short block lengths, narrow streets, reduced building

setbacks from the street and close proximity of residential and non-residential buildings and uses.

Tree. Any self-supporting woody perennial plant, which will attain a trunk diameter of two inches (2") or more when measured at a point four and one-half feet (4.5') above ground level and normally an overall height of at least fifteen feet (15') at maturity, singular or multi-trunk. The diameter of a multi-trunk tree shall be determined by adding the total diameter of ½ diameter of each additional trunk to the diameter of the largest trunk.

Tree Board. The Tree and Landscape Advisory Board members shall be appointed by the City Council. The Board will meet as needed, to review and monitor the Tree Protection and Landscape Ordinances, and to advise the Landscape Administrator, Park Board, City Council, Planning & Zoning Commission and citizens.

Tree Diversity. A condition wherein no single species of tree or plant material comprises more than 30% of the cumulative total of plantings on a site or of replacement trees required due to mitigation and remediation.

Tree, Heritage. Any tree planted and related to the heritage of the community, individual or homestead.

Tree, Historic. Any tree that has been identified as having historical value (species, history, uniqueness) by the Tree Advisory Board and/or Landscape Administrator. The nomination for certification shall have a public hearing and be forwarded to the Council for confirmation. A listing of all trees so designated shall be maintained and updated by the Landscape Administrator and made available upon request to the public. (Tree Champion List is listed with Texas Forestry Service.)

Tree, Park. Trees located in public parks and all areas owned by the City to which the public has free access to as a park.

Tree, Protected. A tree listed on the recommended tree list (Appendix A), which has a caliper of six (6") inches or greater measured in accordance with standards established by this ordinance. The caliper of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to one-half (1/2) diameter of each additional trunk (refer to ANSI).

Tree, Specimen. Any tree, including under story trees, of a species not listed or not on the recommended tree list, but which the City determines significant positive characteristics, such as size, age and/or historical importance, and is worthy of preserving.

Tree, Street. Trees, shrubs, and all other woody vegetation on land lying between property lines planted at recommended intervals with consideration of visibility triangle on either side of all streets, avenues, right-of-ways or entrances to the City. Tree species and planting techniques shall be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk damage and minimize water consumption.

Tree, Understory. A tree which the City has determined has significant positive characteristics worthy of preservation and that does not typically attain height greater than thirty (30') feet.

Tree Survey. The Tree Survey is the heart of the Tree Preservation Ordinance. Its purpose is not to penalize, but to aid in protecting our valuable natural resources during development and construction. The Tree Survey will also help determine the quantity of trees, if any, that may be

removed or cannot be safely and adequately protected during the street utility, engineering/drainage, and construction phases of development.

Tree Topping. The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this ordinance at the determination of the Landscape Administrator or designee.

Tree, Canopy or Shade. Canopy or Shade Tree means a species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

Sec. 14.903 Permit Required

A tree removal permit shall be obtained from the Landscape Administrator or designee before any person, directly or indirectly, shall clear cut/remove, destroy or do selective thinning on any protected tree(s) situated on property regulated by this ordinance, except as specified herein (definitions of clear cutting, selective thinning, and ground level cuts).

(a) New Development/Construction. In the event it becomes necessary to remove a tree for development or construction, a Tree Removal Permit shall be required. New construction shall include Residential, Non Residential, Special Developments, Planned Developments and individual contractor builders shall be required to meet the criteria herein specified and shall require a Tree Removal Permit for the removal of any Protected Tree. During platting, a permit shall be issued after preliminary plat approval by Planning and Zoning Commission.

- (1) Submission of a Tree Removal Permit Application to the City shall authorize the Landscape Administrator or designee to conduct field inspections of the site as necessary to meet the provisions of this Article and any published Guidelines. After thorough review of the Tree Removal Permit Application and accompanying documents, the Landscape Administrator or designee will approve as submitted, approve with conditions, or disapprove the applications.
- (2) All developers and/or builders, which have not submitted preliminary plats as of the effective date of this ordinance shall be subject to the requirements for tree protection and replacement specified in this ordinance.
- (3) All areas within public R.O.W., utility easements or drainage easements, as shown on an approved Preliminary Plat and areas designated as cut/fill on the master drainage construction plan approved by the Landscape Administrator, shall be subject to the tree protection requirements specified herein except as provided for in *Sub-section 5.8 Street Trees and Open Space.*

(b) Municipal/Public Domain Property. All municipal or public domain property shall be subject to this Article regarding protection and replacement specified. A Tree Removal Permit shall be required with fee exemption for the removal of a Protected Tree. Any Protected Tree to be removed must be shown on construction plans approved by the Landscape Administrator or designee.

(c) City/Franchise for Existing R.O.W. and Public Easements. All construction and maintenance activity within public R.O.W. or easements shall be subject to the requirements for tree protection and replacement specified in this ordinance.

- (1) **City Projects.** The City shall be subject to the requirements for tree protection and replacement on all projects. A Tree Removal Permit shall be required with fee exemption for the removal of a Protected Tree.
 - (2) **Pruning.** The owners of all trees adjacent to public R.O.W. shall be required to maintain a minimum clearance of fourteen feet (14') above the traveled pavement or curb of a public street. Said owners shall also remove all dead, diseased or dangerous trees, or broken or decayed limbs, which shall constitute a menace to public safety. (The City shall also have right to prune trees overhanging within the Public R.O.W. which interfere with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or a s necessary to preserve the public safety.)
 - (3) **Stump Removals.** All stumps of street and park tree shall be removed below the surface of the ground so the top of the stump shall not project above the surface of the ground.
 - (4) **Franchise and Other Utility Companies.** All utility company projects shall be subject to the requirements for tree protection and replacement specified in this Ordinance. Companies shall meet before hand on site with Landscape Administrator or designee, and obtain pruning permit before work is begun. Pruning activities by a utility company must comply with Definitions on Pruning, allowed, Pruning required, and Tree Topping. Prior to beginning any pruning not requested by the owner of the tree; the contractor shall submit a Tree Pruning Request for approval (see definitions). A Tree Removal Permit must be obtained prior to the removal of a protected tree. This permit must be accompanied by current pictures, site plan or construction plan meeting the site plan requirements specified in this Ordinance.
 - A. Utility companies may prune trees as necessary to re-establish disrupted electric service without obtaining a permit.
 - B. Compliance with this ordinance shall be amended to and included with all future revision of all franchise agreements.
 - C. All trenching shall be designed to avoid trenching across the critical root zone of any protected tree. Although this is not intended to prohibit the placement of underground service such as electric, phone, gas, etc., the placement of these utilities is encouraged to be located outside of the critical root zone of protected tree(s).
 - D. Pictures of work site shall be submitted with all permit applications and is a requirement for procurement prior to work beginning.
- (c) Agricultural Owners. Agricultural owners shall be permitted to remove seven (7) protected trees per calendar year without the requirement to mitigate or replace said trees providing they meet provisions as stated in *Sub-section 5.4 Agriculture*. Protected trees removed in excess of seven will require mitigation and the approval of a permit.
- (d) Builders/Contractors (New Construction Only). A builder or contractor who purchased land or lots for residential construction and sale is subject to all requirements specified herein. All builders who have not submitted a request for a building permit as of the effective date of this ordinance are subject to the requirement herein this ordinance and shall be required to obtain a tree removal permit for removal of Protected Tree(s). No building permit shall be issued unless the applicant signs a permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance.

(e) Permit Expiration. Permits for tree removal shall become void one hundred eighty (180) days after the issue date on the permit.

Sec. 14.904 Submittal Requirements

Prior to removing a protected tree(s) and receiving a tree removal permit, the applicant shall submit a Tree Removal Permit Application and pay the application fee to the City. The applicant shall also submit a written reason for the request to remove the Protected Tree(s), as well as the following information as applicable:

(a) Tree Survey

(1) **Purpose.** The Tree Survey is vital to the Tree Preservation Ordinance. Its purpose is to aid in protecting the City's valuable natural resources during all phases of development and construction. Additionally, the Tree Survey will help identify Protected and/or historic trees; identify the trees to be mitigated on the site that may be damaged in the construction zone; determine the trees that must be accommodated in the development of essential streets, utilities and building construction, and in the adjustment of these streets, utilities and building envelopes, to protect as much of the native vegetation as possible.

(2) **Scope.** A Tree Survey shall be conducted on all residential and non-residential tracts and be current to within the twenty-four (24) months immediately prior to submission of and included with the following:

- A. Preliminary Plat
- B. Re-plat
- C. Final Plat/Approval
- D. Site Plan Review
- E. Application for Building Permit
- F. Street, Utility, and drainage plans
- G. Concept Plan for a Planned Development

(3) **Detail**

- A. The Tree Survey shall be performed by a degreed urban forester, certified arborist, or qualified personnel as approved by the Landscape Administrator or designee.
- B. The Tree Survey shall be accurate and include: Location, size (DBH or Caliper), species, and trees with health problems (structural integrity, pest and/or pathogens) with a six-inch (6") or greater caliper (see definition). The Tree Survey information shall be compiled in a tabular format with each Tree identified by a number corresponding to a numbered tree on the site Plan.
- C. The entire parcel being proposed for development should be included in the Tree Survey.
- D. Once the Tree Survey has been accomplished and submitted to the City, all Trees on the Tree Survey shall be classified as Protected Trees, with the exception of those classified as Unprotected Tree species under this Ordinance.

(b) Commercial Development. Additional requirements for the tree survey on commercial tracts of land shall require a complete tree survey, which shall include the following:

- (1) All areas within public R.O.W.,
- (2) Public utility or drainage easements shown on an approved Final Plat, and
- (3) Fire lanes, parking and drive areas, exclusive of the building pad, shall be subject to the tree protection and replacement requirements specified herein.

(c) Aerial Photos and Sampling. With the submittal of a concept plan or preliminary plat, which ever occurs first for property containing large, heavily wooded areas, the Landscape Administrator or designee may, in lieu of a tree survey, authorize the submittal of an aerial photograph accompanied by a transparent plan of the development at the same scale as the photograph, showing all non-disturbance areas and proposed exemption areas where no trees will be critically altered.

For heavily wooded areas where development activity and disturbance is intended or likely, the Landscape Administrator or designee is authorized, but not required, to accept sampling of the property in lieu of a tree survey for all or any part of a property, provided that a tree survey of all other areas is submitted to the Landscape Administrator prior to any grading or construction. Said Sample or sampling techniques should be representational of the site or wooded area and should comprise at least 5% of the total site or wooded area.

The Landscape Administrator or designee may approve the submission of photographs or samples in phases for a multiphase project.

(d) Affidavit of No Protected Trees. If a property contains no Protected Tree species, or if construction, grading, trenching or related activities are not to be performed in an area containing protected trees, the applicant may submit an Affidavit of No Protected Trees in lieu of a tree survey. This affidavit shall act in lieu of a tree survey upon a determination by the Landscape Administrator that no protected trees exist on the site. The Landscape Administrator shall review the Affidavit. The Affidavit shall be denied or approved when determined if the property contains protected tree(s) or non-protected tree(s) by the Landscape Administrator.

(e) A Tree Preservation Plan. A tree preservation plan shall be submitted showing major site construction features, existing trees to remain, existing trees that may be removed, and replacement trees showing species, location, number and size. The Tree Preservation Plan information may be included on the tree survey if all information can be clearly delineated.

Sec. 14.905 Exemptions

Any exemption shall be approved by the Landscape Administrator or designee prior to removal of any tree(s). A Tree Removal Permit and tree protection and replacement requirements shall not be required under any of the following circumstances.

(a) Public Safety. The tree endangers the public health, welfare of safety and immediate removal is required due to structural integrity concerns.

(b) Utility Service Interruption. The tree has disrupted a public utility service due to a tornado, storm, flood or other act of nature. Removal shall be limited to the portion of the tree reasonably necessary to reestablish and maintain reliable utility service.

(d) Landscape Nursery. All licensed plant or tree nurseries shall be exempt from the tree protection and replacement requirements and from the tree-removal permit requirements only in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

(e) Agricultural. The owner of property zoned 'AO' agricultural and being actively used for agricultural purposes or being used for an individual residence or homestead shall be permitted to remove seven (7) Protected Trees per calendar year without obtaining a permit. Removal of protected trees in excess of seven will require permits. It is not the intent of this Ordinance to prohibit the clearing of land for legitimate agricultural use. An agriculturally zoned property owner shall request the Landscape Administrator to make an on-site inspection of the property to be cleared and provide to the Landscape Administrator the reason for the clearing said property. A fee shall be paid to the city for this inspection. If the Landscape Administrator determines the clearing of land to be for a legitimate, agricultural reason, he/she shall issue a tree removal permit and specify the designated area or property. Should the cleared land be developed within five (5) years of clearing date, the developer shall be required to mitigate trees removed as referenced in the Permit. To give the owner of agricultural property the same rights as the residentially zoned property owner, he/she can be exempt from this ordinance for a total of two (2) acres surrounding and adjacent to his/her existing homestead.

(f) Diseased Trees. Tree removal is permissible when a tree is infected with transmittable pathogens, damaged beyond the point of recovery, or in danger of falling as determined by the Landscape Administrator or designee prior to the removal of the tree.

(g) Residential Property. Owners of property zoned as residential, who reside at the property and use the residence as their primary residence. Citizens of Lancaster who have a homestead within the City of Lancaster and own residential rental properties shall have an exemption on a maximum of two (2) properties for removal of Protected Trees.

(h) Affidavit of No Protected Trees. See *Section 14.904(d)*.

(i) Street Trees & Open Space. New developments incorporating Traditional Neighborhood Design with a minimum of 15% open space, Conventional Design with a minimum of 20% open space, or Conservation Design with a minimum of 25% open space and the provision of street trees shall be exempt from the mitigation applicable for protected tree loss within rights-of-way (ROW) areas. For purposes of this section the following apply:

- (1) Street trees shall be planted an average of thirty (30') feet on center, in minimum five-foot (5') wide planter strips located between the curb and minimum five-foot (5') wide sidewalk. In secondary areas without planter strips, trees shall be kept as close to the sidewalk to

provide shade canopy, be aligned to visually frame the street, avoid sidewalk damage, and minimize water consumption. Street trees shall be of a limited selection of tree species, as listed in the City's Approved Plant List, to give them a unified and distinct image.

- (2) Tree species and placement shall be designed to avoid the use of a single species, to visually frame streets and to create an identifiable and distinct image.
- (3) Adequate sight distances must be maintained, in order to ensure safety.
- (4) Infrastructure shall be engineered and constructed to assure placement of street trees will not be injurious to utilities, vision clearance, or other public improvements.
- (5) Maintenance of "street trees" including adequate irrigation shall be provided by homeowners individually or shall be incorporated into the homeowner association (H.O.A.) and business development agreements.

(j) **Building Pad.** The building foundation and an area extending ten (10') feet from the building foundation as shown on an approved Site Plan shall be exempt from tree replacement and mitigation.

Sec. 14.905 Review and Approval Process

(a) **Authority for Review.** The Landscape Administrator or designee shall evaluate any plans required by this ordinance for determination that the applicant has made a good faith effort in saving as many protected trees as possible. An analysis prepared by the Landscape Administrator or designee shall be forwarded to the Planning and Zoning Commission and the City Council for their consideration regarding denial or approval of the development. The Landscape Administrator or designee shall be responsible for the review and approval of all requests for tree removal permits submitted in accordance with the requirements specified herein.

- (1) **Deferrals.** The Landscape Administrator may defer the approval of a tree removal permit to the Planning and Zoning Commission for any reason. All decisions made by the Commission shall be final.
- (2) **Appeals.** Decisions made by the Landscape Administrator may be appealed to the Planning and Zoning Commission. Any such appeal shall first be considered by the Tree Advisory Board. The Tree Advisory Board shall be authorized, but not required, to forward a non-binding recommendation to the Planning and Zoning Commission. All decisions made by the Planning and Zoning Commission shall be final.

(b) **Fee Schedules.** The Landscape Administrator shall establish administrative procedures necessary to facilitate the implementation and enforcement of this ordinance.

- (1) **Fees.** All tree removal permits shall be accompanied by a payment made to the City of Lancaster in the amount established by resolution of the City Council to cover the cost of review and passed by Resolution.
- (2) **Alternative Fee Schedule.** Until such time as a Landscape Administrator is hired, the Tree Preservation Ordinance requirements for new construction review shall be fulfilled by approved City Tree Consultants and applicable consultant fees shall be charged to the applicant in lieu of city fee schedule by resolution. There shall be an administrative fee of \$25.00 paid additionally to the City.

(c) **Permit Application Action.** The Landscape Administrator or Planning and Zoning Commission shall grant a tree removal permit based on the following considerations:

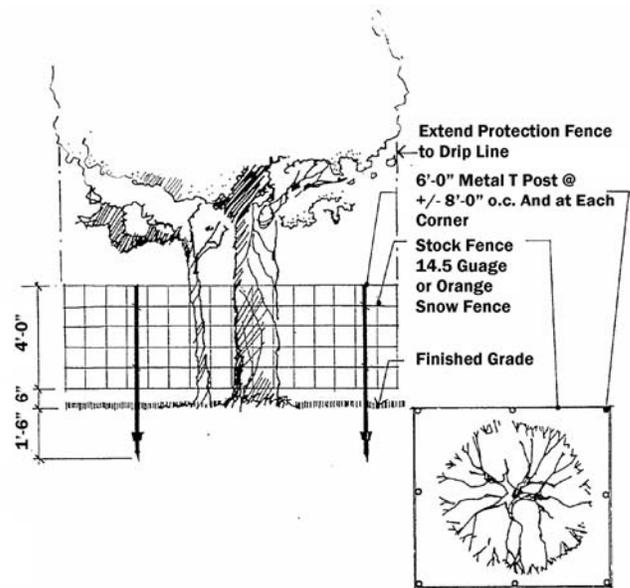
- (1) Whether or not an alternative solution can be made to accomplish the desired activity without tree removal;
- (2) The cost of preserving the tree;
- (3) Whether the tree is worthy of preservation;
- (4) The effect of the removal on erosion, soil moisture, retention, flow of surface waters, and drainage systems;
- (5) The need for buffering of residential areas from the noise, glare, and visual effects of nonresidential uses;
- (6) Whether the proposed tree replacement pursuant to *Section 7 Tree Replacement* adequately mitigates the removal of the tree;
- (7) Whether the removal affects the public health, safety or welfare.

Sec. 14.906 Guidelines for Tree Protection

A major purpose of this Section is to protect all the Protected Trees retained on the site for approved development and construction to occur.

(a) During Construction. Minimum requirements for the protection of all Protected Trees on the development and construction site related, but not limited to, streets, parking lots, building sites, driveways and sidewalks shall be strictly adhered to. This shall include:

- (1) Establishing a Building Envelope enclosed with approved fencing; establishing designated areas for parking all vehicles, trailers, construction equipment, related items as well as storage of all supplies and materials;
- (2) Clearly identifying designated restricted areas on construction and site plans and the project location;
- (3) Proper protection of Drip line of a Protected Tree with appropriate fencing;
- (4) Approved bilingual (English and Spanish) signage visibly located at site;
- (5) Retention and protection of Under Story Vegetation and leaf litter during all phases of development;
- (6) Boring of any underground utilities, which passes within a Protected Tree or Critical Root Zone;
- (7) Enactment of preventive measures to prevent grade changes of one-half inch (1/2") or more, or fill, within a Tree Protection or Critical Root Zone.



Additional protective measures may be required by the Landscape Administrator or designee as a condition of permit approval. Such conditions may be established by the publication of Tree Preservation Guidelines and/or by attaching conditions of permit approval.

(b) Trenching. All trenching shall be designed to avoid trenching across the critical root zone of any protected tree. Although this is not intended to prohibit the placement of underground service such as electric, phone, gas, etc., the placement of these utilities is encouraged to be located outside of the critical root zone of protected tree(s). Irrigation system trenching shall be placed outside the critical root zone with only the minimum required single head supply allowed within that area placed radially to the tree trunk and shall be hand trenched with roots cleanly cut or use of air spade to reduce damage.

(c) Prohibited Activities. Prior to and during development and construction, the following activities shall be prohibited. The Landscape Administrator shall be authorized to provide more detailed explanations by publication of Tree Preservation Guidelines or by attachment of conditions to any permit issued pursuant to this ordinance. All such directions shall be strictly adhered to.

- (1) Clear cutting of trees on a property for any purpose at any time except for the exceptions provided for in *Section 5 Exemptions*.
- (2) Construction vehicles and equipment parking and storage around Protected Trees.
- (3) Storage, placing or disposing of construction and waste materials around Protected Trees.
- (4) Restrictions and prohibitions on unapproved grade changes that may damage or destroy Protected Trees.
- (5) Water accumulations due to construction-related activities.
- (6) Unapproved attachments to Protected Trees.
- (7) Removal of more than 25% of a Protected Tree's foliage in a given year. No pruning or topping may significantly disfigure the tree, or be done in a manner, which would reasonably lead to the death of the tree.
- (8) Any person acting to circumvent the purpose of this ordinance.
- (9) Impervious materials used in or near Protected Trees.
- (10) Unapproved fencing and bark protection methods on any construction sites in and near the Protected Tree areas.
- (11) Construction methods such as boring, grade change, trenching, and root pruning that damage or destroy Protected Trees.
- (12) Placement of fill within the drip line of any protected tree on any undeveloped property.

Sec. 14.907 Tree Replacement

In the event that it is necessary to remove a Protected Tree(s) as allowed in *Section 3* above, the applicant shall be required to replace the Protected Tree(s) being removed with quality trees from the Approved Plant List. A sufficient number of trees shall be planted to equal or exceed, in caliper, the diameter (at 4.5' above ground level) of each tree removed. This mitigation measure is not meant to supplant good site planning. Tree replacement will be reconsidered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected. Said replacement trees shall be a minimum of two (2") inches caliper (at 1' above ground) and seven feet (7') in height when planted. All replacement trees shall be from the Approved Tree List or an approved street tree when replacing street trees. Tree diversity will be encouraged. The Landscape Administrator or designee has the authority to reject any tree(s) replacement plan not meeting the standards in this Article and in Article VIII Landscape Standards.

(a) Responsibility and Site Requirements. The Landscape Administrator or designee shall determine the agent responsible for replacement, the time frame for replacement and the location of the new trees. The replacement trees shall be located on the subject site whenever possible. However if this is not feasible, the Landscape Administrator or designee has the authority to allow the planting to take place on another property, including public property. If the Landscape Administrator approves the planting of replacement trees more than 30 days after the removal of protected trees, the applicant shall provide the Landscape Administrator with an affidavit that all replacement trees will be planted within six (6) months and maintained by the applicant for a minimum of two (2) years in good condition. Developers shall plant all the replacement trees identified on the Mitigation Plan. The Landscape Administrator or designee shall document the date of replacement trees on the reforestation plan and record for review of the 2-year commitment.

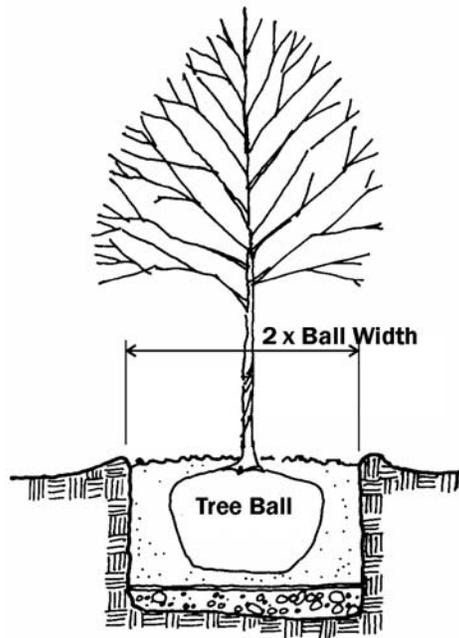
In as much as it is reasonable and feasible, replanting on the development or construction site will be encouraged in order to restore the original natural landscape character of the site.

- (1) Protected Trees will be replanted at a replacement ration of one-inch (1") caliper of replacement tree for each one (1") inch Diameter Breast Height (DBH) of removed tree.
 - (2) *Specimen and Historic, Champion, and Heritage Trees shall be replanted at a replacement ratio of ten (10") inches caliper Replacement Tree for each one-inch (1") DBH of removed tree. *(American National Standards Institute)
 - (3) The Landscape Administrator has the authority to reject any trees not meeting these standards.
 - (4) One (1) 6-month extension may be approved by the Landscape Administrator due only to seasonal limitations that would make planting of trees impractical, and shall require an escrow deposit in an amount equal to 110% of the mitigated value.
 - (5) The applicant shall be required to maintain the replacement trees in good condition for a minimum of two years. If a replacement tree dies or is damaged within the initial two-year period, the applicant shall replace it with a tree approved by the Landscape Administrator or designee.
- (b) Payment in Lieu of Replacement.
- (1) To the extent that tree replacement is not feasible, the Landscape Administrator or designee shall determine in accordance with the provisions provided herein, the amount of indemnification to be paid by the developer or other responsible party. Upon

determination of indemnification, said payment shall be made to the City of Lancaster Reforestation and Natural Area Fund based on the following guidelines:

- A. For Protected Trees, reparations will be made in the amount of one hundred twenty-five dollars (\$125.00) per one (1") inch DBH. The Landscape Administrator shall be authorized to reduce this amount in accordance with the following:
 1. In cases when at least 25% of the required mitigation is provided by on-site or off-site tree planting, a reduction to not less than one hundred dollars (\$100) per one (1") inch DBH may be allowed.
 2. A two (2") inch credit against mitigation and/or reparations may be authorized for each inch of large tree that is preserved and designated as Specimen, Historic, Champion, or Heritage tree. Designation of Specimen, Historic, Champion, or Heritage trees not located on the same property may also be used for this credit upon review and approval of same. The property owner or responsible party for said tree designated as a Specimen, Historic, Champion, or Heritage tree shall be responsible for the care and maintenance of said tree.
 3. A one (1") inch for one (1") inch credit against mitigation and/or reparations shall be authorized for the preservation of any tree provided that:
 - i. Said tree to be preserved is a minimum of six (6") caliper inches and is listed as a protected species in Appendix A of this ordinance.
 - ii. Said tree to be preserved is located in an exempted area or is otherwise free from mitigation and/or reparations requirements.
 - iii. Said tree is protected from future removal, destruction or critical alteration by:
 - The establishment of protective covenants, easements, or agreements, or
 - Said tree is transplanted to or designated within a common area, public park or open space.
 4. Subsequent removal damage, or critical alteration of any tree used for credit as identified in *Sub-sections a, b or c* above shall require mitigation replacement and/or reparations in accordance with this ordinance.
- B. For Specimen and Historic, Champion, and Heritage Trees, reparations will be made for the Appraised Value of the removed tree as determined by CLTA (Council of Landscape Tree Appraisers) Guidelines. In lieu of total cash reparation, developers shall have the option of paying 75% of mitigated value to the City of Lancaster Reforestation and Natural Areas Fund (LRNA Fund) and 25% of the mitigated value shall be expended to plant approved trees at sites designated by the Landscape Administrator. Developers shall purchase, plant, and maintain for a period of two (2) years approved trees at designated sites. Verification of mitigation expenses shall be approved by Landscape Administrator or designee.
- C. If any Protected and/or Replacement Tree(s) dies within two (2) years of initial planting or issuance of Certificate of Occupancy and is brought to the attention of the Landscape Administrator or designee, the original permit applicant shall be subject to the same replacement fee as for a Protected Tree.

- D. Money paid in lieu of tree replacement made in compliance with this section shall be considered contributions to the LRNA Fund.
- E. The LRNA Fund shall be used for purchasing and planting trees on public property, acquiring property that shall remain in a naturalistic state in perpetuity through outright purchase or Development Rights, and assisting in the cost of administering this ordinance.
- F. The Landscape Administrator shall be authorized to temporarily defer the payment of any mitigation or reparation fees when such action is deemed to be warranted due to unique circumstances, such as when the amount of mitigation is subject to change, when a development agreement is pending, or other similar transitory circumstances. Any such deferred fee shall be rectified and paid in full prior to the filing of a plat in the County records.



Sec. 14.908 Tree Planting Restrictions

- (a) Overhead Lines. Any required replacement trees shall not be planted within an area such that the mature canopy of the selected tree will interfere with overhead utility lines.
- (b) Underground Utilities. Any required replacement trees or street trees shall not be planted within an area such that the mature root zone of the tree will interfere with underground public utility lines (including water lines, sewer lines, transmission lines or other utilities). Selection of tree species whose root systems are the least invasive to utilities may be considered.
- (c) Fire Hydrants. No trees shall be planted within ten (10') feet of a fire hydrant.
- (d) Street Corners. No street trees shall be planted closer than thirty-five feet (35') of any street corner, measured from the point of nearest intersecting curbs or curb-lines.

Sec. 14.909 Street Trees

- (a) Acceptable Trees. The Landscape Administrator shall maintain a list of acceptable trees for planting along streets, buffer yards, medians, within parks, or within other public areas. Trees other than those listed as acceptable may only be planted within said public areas upon approval of the Landscape Administrator.
- (b) Street Tree Spacing. The spacing of street trees will be in accordance with recommendations of the Landscape Administrator. Closer spacing or group plantings may be approved by the Landscape Administrator in unique situations.
- (c) Homeowner Associations (HOAs) or Property Owners. HOAs or property owners shall maintain a clearance above the street level of fourteen (14') feet, seven to eight feet (7' to 8') above sidewalks, and branching of trees out of the Visibility Triangle. Landscape maintenance of street trees to accommodate buses and service vehicles shall be incorporated into homeowner association and business agreements. HOAs will be responsible for replacement of trees along public rights-of-way within their neighborhood.
- (d) Public Tree Care. The City shall have the right to prune and maintain street trees, and park trees within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public health, safety and welfare. The City may, by determination of the Landscape Administrator, remove, cause or order to be removed, any tree or part thereof which is in an unsafe condition; or which by reason of its nature maybe injurious to sewers, electric power lines, gas lines, water lines, vision clearance or other public improvements.

Sec. 14.910 Ordinance Enforcement

- (a) Developers Agreement. No developer's agreement shall be approved which does not state that all construction activities shall meet the requirements of the tree preservation ordinance.
- (b) Building Permit. No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance and guidelines.
- (c) Acceptance of Improvements. No acceptance of public improvements shall be authorized until all fines for violation of this ordinance have been paid to the City or other wise disposed of through the Municipal Court. No acceptance of public improvements shall be authorized until all replacement trees have been planted, or appropriate payments have been made to the Reforestation

Fund; however, the acceptance of public improvements may be authorized before all trees have been replaced provided a fiscal security deposit is posted in the amount equal to one and one-half times (1½ X) the prevailing rate for installed trees with a two (2) year guarantee, plus fifteen percent (15%) to cover administrative costs. Said deposit shall be forfeited if subject trees are not planted within 30 days of notification by the Landscape Administrator.

(d) Certificate of Occupancy. No Certificate of Occupancy shall be issued until all fines for violations of this ordinance have been paid to the City or otherwise disposed of through the Municipal Court. No Certificate of Occupancy shall be issued until all replacement trees have been planted or appropriate payments have been made to the Reforestation Fund; however, that a Certificate of Occupancy may be granted before all trees have been replaced provided a fiscal security deposited is posted in the amount equal to one and one half times (1½) the prevailing rate for installed trees with a two (2) year guarantee, plus fifteen percent (15%) to cover administrative costs. Said deposit shall be forfeited if subject tree(s) are not planted within 30 days of notification by the Landscape Administrator.

Sec. 14.911 Violations

In addition to any criminal penalty for violation of this Code, any person, firm, corporation, agent, city, state, or federal organization or employee thereof who violates the provisions of this ordinance where such violation results in the removal or damage to applicable trees shall be guilty of a misdemeanor and upon conviction shall be assessed a civil penalty of one hundred twenty-five dollars (\$125.00) per diameter inch of the tree(s) removed or damaged.

The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident, and each incident subjects the violator to the penalty set forth herein per tree.

- (a) **Removal of Public Trees.** It shall be deemed a violation of this ordinance for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first adhering to the requirements of this ordinance and procuring approval from the Landscape Administrator.
- (b) **Violations and Assessments.** Violations of this ordinance and non-payment of fines levied will be attached to property involved through standard legal methods.

Any person, firm, corporation, agent, city, state, or federal organization or employee thereof who violates a procedural requirement or who fails to comply with conditions established with a permit issued by the Landscape Administrator or his or her designee pursuant to this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) per violation. Each procedural violation or failure to comply each day shall be considered a separate incident, and each incident subjects the violator to the penalty set forth herein.

ARTICLE 14.1000 PLANNED DEVELOPMENT REGULATIONS

Sec. 14.1001 Planned Development - General

(a) Purpose. The purpose of this Article is to provide for the creation of planned development zoning districts ("PD Districts"). PD Districts are intended to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the City's Zoning Ordinance or from other ordinances, rules or regulations of the City. PD Districts are intended to implement the goals and objectives of the City's Comprehensive Plan, but may be accompanied by specific amendments to provisions of the Comprehensive Plan, the Parks and Open Space Plan or the Thoroughfare Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- to provide for a superior design of lots or buildings;
- to achieve a mixture of uses and /or residential unit types;
- to provide for increased recreation and/or open space opportunities for public use;
- to provide amenities or features that would be of special benefit to the property users or community;
- to protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and view corridors;
- to protect or preserve existing historical buildings, structures, features or places; or
- to provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

(b) Nature of PD Districts and Minimum Standards. Each PD District is intended to be a free-standing zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. In order to ensure that a PD District implements the policies of the Comprehensive Plan, and to further ensure that the PD District is in accordance with a comprehensive plan of zoning regulation, it is necessary to establish minimum standards for residential and non-residential uses proposed for the PD District that must be incorporated within an ordinance adopted by the Council (the "PD Ordinance").

(1) Land Use

- A. Uses. Unless otherwise provided by the PD Ordinance, only those uses authorized by the City's Zoning Ordinance are permitted in PD Districts.
- B. Location. The location of all authorized uses shall be consistent with the PD Concept Plan and PD Site Plan.

(2) Open Space Standards

- A. Public and Private Open Space. Unless otherwise provided by the PD Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, consistent with the open space requirements of the City's Parks and Open Space Plan. At least 80% of all homes should be within 800 feet of a publicly accessible park of at least 15,000 s.f. Open space for PD Districts may be satisfied by either public or by a combination of public open space and open space held in common, unless otherwise provided by development regulations established by the City Council. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering. Public open space shall be dedicated to the City or contain an easement on title as being open to public use.
- B. Preservation of Natural Features. Unless otherwise provided by the PD Ordinance or PD Concept Plan:
- C. Floodplain areas shall be preserved and maintained as open space; and
- D. Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
- E. Open Space Allocation. Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.

(3) Other Minimum Development Standards.

Dimensional and Area Standards. Unless otherwise provided by the PD Ordinance, dimensional and area standards for uses shall be the most restrictive standards authorized by the City's Zoning Ordinance for the same or similar uses.

(c) PD Plans Required. There are three types of plans that may be required as part of the development process within a PD District. Each successive plan may modify the previous plan provided that it does not substantially change the general intent of the original PD district. Each successive plan becomes part of the Zoning Ordinance governing the property and replaces the previously approved plan.

- (1) PD Concept Plan. The PD Concept Plan is mandatory and is intended to be used as the first step in the PD development process. It establishes the most general guidelines for the PD District by identifying the land uses and intensities, thoroughfare locations, and open space boundaries (including public trail systems). It may include images of intended style and type of development. The Concept Plan illustrates the integration of these elements into a master plan for the whole PD District. The PD Concept Plan establishes the development standards for the PD district.
- (2) PD Development Plan. A PD Development Plan is optional and is intended to be used where appropriate as the second step of the PD development process. It may be required by the PD ordinance, or it may be submitted voluntarily by the property owner. A PD Development Plan constitutes an amendment to the approved PD Concept Plan and PD Ordinance and may be used where the developer requests, or the Council requires, certain standards for the PD District to be specified after initial establishment of the PD District. A

PD Development Plan includes more detailed information as to the specific development standards and land uses, including their boundaries. The purposes of a PD Development Plan are to allow flexibility in the development process by deferring specification of all development standards at the time of PD District creation and to enable developers to satisfy conditions imposed on creation of the District prior to submittal of a PD Site Plan.

- (3) PD Site Plan. A PD Site Plan is mandatory and is the final step of the PD development process. The purposes of a PD Site Plan are to assure that the development of individual building lots, parcels, or tracts within the PD District are consistent with the approved Concept Plan and Development Plan, if any, and to assure that the standards applicable within the PD District are met for each such lot, parcel or tract. A PD Site Plan shall continue to be valid for a period of two years after it is approved by the Commission; however, such period may be extended by the Council upon recommendation of the Planning and Zoning Commission. The period of time approved for any such extension shall be indicated in any approval, but in no case, shall the period for extension exceed two (2) years.
 - A. The Site Plan shall be accompanied by building elevations and landscape and master sign plans.
 - B. A PD Site Plan shall terminate at the end of a two-year period unless, within such period, any of the following occurs:
 1. A Preliminary Plat is approved;
 2. A Final Plat is approved;
 3. The filing of a Final Plat in the Court of Public Record;
 4. The issuance of a Building Permit; or
 5. The approval, by City Council of a Site Plan extension.

(d) PD Compliance with Approved Plans

- (1) Plan Consistency. Except as otherwise provided by the subdivision provisions of the City's Zoning Ordinance, no development shall begin and no building permit shall be issued for any land within a PD District until a PD Site Plan that is consistent with the PD Concept Plan and applicable PD Development Plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD Site Plans for the district. Compliance with the PD Ordinance shall be construed as a condition precedent to granting of Certificates of Occupancy.
- (2) Historic Districts. Site Plans for PDs located in a Historic District shall be reviewed and a recommendation made by the Historic Landmark and Preservation Committee.

Sec. 14.1002 Planned Development Procedures

(a) Establishment of a PD District

- (1) Zoning Amendment. An application for the establishment of a PD District shall be made to the Commission. The application shall:
 - A. Be accompanied by a PD Concept Plan;
 - B. Be accompanied by a list of proposed PD District development standards;

- C. Identify the City's then-current zoning district which shall apply to the extent not otherwise provided by the PD Concept Plan or by the proposed PD District development standards;
- D. Be accompanied by a Concept Plan informational statement, and traffic impact analysis in accordance with the City's published standards or application forms.

Except to the extent provided by the PD Concept Plan and the PD Ordinance, development within the PD District shall be governed by all of the ordinances, rules, and regulations of the City in effect at the time of such development (including the standards of the City's zoning district so identified in the application). In the event of any conflict between (i) the PD Concept Plan and the PD Ordinance and (ii) the then-current ordinances, rules, and regulations of the City, the terms, provisions, and intent of the PD Concept Plan and PD Ordinance shall control. In addition, prior to action by the Commission on the establishment of the PD District, the applicant shall submit a traffic impact analysis.

- (2) PD Concept Plan. A PD Concept Plan (or, at the applicant's option, a PD Development Plan) shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, the PD Concept Plan (or PD Development Plan) shall be incorporated as part of the PD Ordinance. The graphic depictions contained on a PD Concept Plan shall be considered as regulatory standards. Each PD Concept Plan shall be prepared as required by the City. Unless waived by the Council on recommendation of the Director, each PD Concept Plan shall graphically depict the following:

- A. A diagram or drawing of the boundaries of the proposed PD District;
- B. Proposed and existing land uses organized by category (including, if applicable, proposed and existing land uses by category for any sub-areas to be developed within the PD District);
- C. Proposed density by type of residential uses, including the maximum numbers of dwelling units for residential uses other than single-family detached, and lot sizes for single-family detached;
- D. Proposed estimated total floor area and floor area ratios by category of non-residential uses, if any;
- E. Proposed configuration of public and private open space serving the development, showing the relationship to the City's Parks and Open Space Plan, including trail system and access points to the trail system, estimated dimensions and approximate area, and areas to be dedicated to the public or to a private maintenance organization, if known;
- F. Proposed and existing thoroughfares, boulevards and roadways;
- G. To the extent known for adjoining land, existing land uses (by zoning district), existing thoroughfares; and existing open space for such adjoining land;
- H. A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access; and
- I. Other information as may be required by the Director

- (3) Concept Plan Informational Statement. A PD Concept Plan shall be accompanied by an informational statement containing the information set forth below. If the zoning

amendment application is approved, the informational statement shall not be binding on the applicant or the land owner and shall not be considered part of the PD Concept Plan or the PD Ordinance. Informational statements shall be updated concurrently with any amendment to the PD Concept Plan and with each PD Development Plan. Each statement shall include the following:

- A. A general statement setting forth how the proposed PD District will relate to the City's Comprehensive Plan;
- B. The total acreage within the proposed PD District;
- C. If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
- D. An aerial photograph with the boundaries of the PD Concept Plan clearly delineated.

- (4) Proposed PD Development Standards. Proposed PD District development standards shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, such standards shall be incorporated as part of the PD Ordinance. Such proposed development standards may include (but shall not be limited to) uses; density; lot size; lot dimensions; setbacks; coverage; height; landscaping; lighting, fencing, parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD Ordinance, shall be considered as regulatory standards.
- (5) Traffic Impact Analysis. Prior to or simultaneous with submission of an application for the establishment of a PD District, the applicant shall submit to the Director, a traffic impact analysis for the proposed PD District for any project which may generate 1,000 trips or less per day or 400 or less per hour based on ITE standards, unless waived by the Director or City Council.

The analysis must be approved by the Council prior to or concurrently with the approval by the Council of the PD District. The traffic analysis shall not be considered part of the PD Concept Plan or the PD Ordinance but may be used to condition the density or intensity of uses, the location and configuration of access, or the timing of development within the District based upon the existence of a supporting roadway network adequate to accommodate the traffic expected to be generated. In multi-phased developments, the traffic impact analysis shall be updated with each PD Site Plan.

- (6) Complete Application. No application for the establishment of a PD District shall be deemed to be filed with the City until the Director or designee has determined that the PD Concept Plan is complete, that the proposed PD District development standards have been identified, a traffic impact analysis has been submitted, and that the informational statement is complete.
- (7) Commission Recommendation. The Commission, after notice and public hearing in accordance with the City's Zoning Ordinance procedures and State law, shall formulate its recommendation with respect to establishment of a PD District. The recommendation of the Commission shall be forwarded to the Council for decision.

- (8) Council Decision. Following receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with this Code, shall approve, approve with conditions, or deny the application for establishment of the PD District.
- (9) Approval Criteria. Based upon the PD Concept Plan, the Commission, in making its recommendations to the Council, and the Council, in determining whether the PD District should be established, shall consider whether the following criteria have been met:
- A. The plan of development is generally consistent with the City's Comprehensive Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - B. Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses;
 - C. The general arrangement of streets conforms to the City's Thoroughfare Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - D. Proposed uses, development densities and intensities, and development regulations are generally consistent with this Article;
 - E. The configuration of the proposed open space serving the development is consistent with the City's Parks and Open Space Plan (as such plan may be amended prior to or concurrently with approval of the PD District)
 - F. The provision of publicly accessible open space where there are residential units, the number of units which face on the open space, and the distance of residential units to the open space;
 - G. The amenities proposed justify proposed densities or intensities;
 - H. The proposed plan of development furthers the public health, safety and general welfare of the community; and
 - I. The traffic impact analysis demonstrates that the capacity of the proposed roadways shown on the proposed PD Concept Plan, together with any roadways within related PD Districts and the supporting roadway network, are adequate to accommodate the traffic expected to be generated by the uses, densities and intensities of use shown on the PD Concept Plan in and authorized in the PD Ordinance in a timely and efficient manner with all appropriate standards which will ensure the protection of the health, safety and welfare of the community.
- (10) Conditions. The Commission may recommend, and the Council may require, such conditions to the establishment of a PD District and to the approval of a PD Concept Plan as are reasonably necessary to assure that the purposes of the District and the approval criteria for the PD Concept Plan are met. Such conditions may include the requirement of a PD Development Plan.
- (11) Adopting Ordinance. The PD Ordinance shall include the PD Concept Plan as an exhibit to the ordinance and shall include the following:
- A. A statement of the purpose and intent of the PD District;
 - B. A metes and bounds description of the land within the PD District;
 - C. A list of the specific land uses permitted within the PD District, together with a description of the sub-areas, if any, in which such uses are allowed;

- D. The maximum density or intensity of each permitted land use;
- E. A list of all the PD District development standards, together with necessary graphic illustrations;
- F. Identification of the City's then-current zoning district standards that shall apply to the extent not otherwise provided by the PD Concept Plan or PD Ordinance;
- G. Identification of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City), that may be deferred for specification until approval of a PD Development Plan or that may be varied by the Council as part of the approval process for a PD Site Plan
- H. Unless otherwise identified on the PD Concept Plan, the general location and size of open space serving the development; including any proposed dedication of open space to the public or to a maintenance organization.
- I. Provisions governing amenities, if any, to justify densities or intensities.
- J. Such additional conditions as are established by the Council to assure that the PD District and PD Concept Plan are consistent with the purposes of the District and the approval criteria for the Concept Plan.

(b) PD Development Plans. If the Council requires as a condition of establishing the PD District and approving a PD Concept Plan that PD Development Plans be submitted prior to submittal of a PD Site Plan, a PD Development Plan may be prepared and submitted for the entire development at one time or for individual phases of development. Each required copy of the PD Development Plan shall be accompanied by (i) a development plan informational statement and (ii) a preliminary drainage study for the area covered by the proposed plan. If deemed necessary by the City's Transportation Engineer or Director, the applicant for a PD Development Plan shall also submit an updated traffic impact analysis prior to Commission action.

(1) Submittal Requirements for PD Development Plans.

- A. Approximations of the following: site boundaries and dimensions, lot lines, site acreage and square footage, and distances to the nearest cross streets;
- B. Location map, north arrow, title block and site data summary table;
- C. Existing land uses and zoning classifications on adjacent properties;
- D. Preliminary tree survey.
- E. Any features omitted from the PD Concept Plan upon Council authorization;
- F. Such additional features as are necessary to assure compliance with conditions established by the Council to be satisfied by the Development Plan; and
- G. Other information as may be required by the Director or Designee.

(2) PD Development Standards. Development standards that were not specified in the PD Ordinance, as authorized by the Council, shall be submitted and approved as an amendment to the PD Ordinance and incorporated therein, in conjunction with approval of the PD Development Plan.

(3) Development Plan Informational Statement. Each PD Development Plan shall be accompanied by an informational statement containing the information set forth below.

Informational statements shall be updated concurrently with any amendment to a PD Development Plan and with each PD Site Plan. Each informational statement shall include the following:

- A. Name and address of landowner and date of preparation of the PD Development Plan;
 - B. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the PD Development Plan;
 - C. A table listing the specific permitted uses proposed for the property, and, if appropriate, the boundaries of the different land uses and the boundary dimensions;
 - D. Development standards for each proposed land use, as follows:
 1. Minimum lot area;
 2. Minimum lot width and depth;
 3. Minimum front, side, and rear yard areas;
 4. Maximum height of building; and
 5. Maximum building coverage.
 - E. A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the applicant is seeking amendment by the Council as part of the PD Development Plan approval process.
 - F. If Council approval of any height increase is being requested, a view analysis of the impact of such requested Exception on adjacent residential areas of the City.
 - G. Preliminary and approximate building locations and building footprints;
 - H. Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography;
 - I. Location of parking areas and structures for multi-family and non-residential uses, including areas for off-street parking;
 - J. A detailed description of how open space serving the development will be satisfied for the phase of development represented by the PD Development Plan, including any proposed dedications of open space to the public or to a private maintenance organization;
 - K. If the PD Development Plan is a phase of the project (as described in the applicant's original informational statement submitted with the PD Concept Plan), depiction of the area subject to the development in relation to the then-current phasing plan, together with any updates of the then-current phasing plan that was submitted as part of the applicant's original informational statement; and
 - L. A list identifying each proposed addition or amendment to the PD ordinance.
- (4) Preliminary Drainage Study. Each PD Development Plan shall be accompanied by a preliminary drainage study for the area covered by the district unless waived by the City Engineer or City Council. The study shall be prepared and sealed by a professional engineer licensed in the State of Texas and experienced in the study of drainage issues.

- A. Purpose. The purposes of the drainage design policies are to prevent flooding of adjacent properties, owned by third parties and to regulate water surface elevations and peak discharges. Development within the PD District shall not produce any increase in the water surface elevation (either upstream or downstream) due to a 5-year, 10-year, 50-year, or 100-year storm. If the discharge from the area proposed for development would increase the water surface elevation above predevelopment conditions on any property owned by third parties due to any of such storms, then such peak discharge must be regulated to the extent necessary to eliminate the increased water surface elevation. The regulation of discharges to eliminate such increases may be achieved using either on-site or off-site storm water management facilities (such as detention areas, retention areas, and infiltration and sedimentation ponds).
- B. Content. The preliminary drainage study shall
1. Contain a topographical map of the area proposed for development to a scale not smaller than 1 inch = 200 feet;
 2. Generally describe how the proposed development will comply with the drainage design policies set forth below;
 3. Include all information deemed necessary by the preparing engineer to support his or her determination that the proposed development will comply with the drainage design policies; and
 4. Include all information reasonably requested by the City Engineer to support his or her review of the preliminary drainage study.
- (5) Updated Traffic Impact Analysis. If deemed necessary by the Director or if required by the PD Ordinance, the applicant for a proposed PD Development Plan shall submit an updated traffic impact analysis prior to action by the Commission. The purpose of the updated analysis is to determine whether the traffic estimated to be generated by the development shown on the proposed PD Development Plan will necessitate specific on-site or adjacent traffic improvements (e.g., turn lanes, stacking lanes, signalization, etc.) and to determine whether conditions attached to the Concept Plan based on the original traffic impact analysis have been met.
- (6) Commission Recommendation. The Commission, after notice and public hearing in accordance with the City's Zoning Ordinance procedures, shall recommend to the Council whether to approve, approve with conditions, or disapprove each PD Development Plan, together with each proposed amendments to the PD Ordinance.
- (7) Council Decision. Upon receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with the City's Zoning Ordinance procedures, shall approve, approve with conditions, or disapprove each PD Development Plan and each proposed addition or amendment to the PD Ordinance.
- (8) Approval Criteria. The Commission, in making its recommendation to the Council, and the Council, in acting upon each PD Development Plan and proposed addition or amendment to the PD Ordinance, shall determine whether the proposed PD Development Plan and ordinance addition or amendment meets the following criteria:
- A. The plan generally is consistent with the approved PD Concept Plan (including open space, trails, and thoroughfares);

- B. The plan generally is consistent with the development standards set forth in the PD Ordinance;
 - C. The plan satisfies any conditions established by the Council in the PD Ordinance relating to Development Plan approval;
 - D. The plan is generally consistent with the standards and conditions of the Zoning Ordinance and of other ordinances, rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
 - E. The traffic estimated to be generated by the plan is generally consistent with the original, Council approved traffic impact analysis and any conditions to be satisfied at the time of the Development Plan approval have been met;
 - F. The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
 - G. The preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a natural manner.
- (9) Conditions. The Commission may recommend, and the Council may require, such conditions to the approval of a PD Development Plan as are reasonably necessary to assure that the approval criteria are met.
- (10) Approving Ordinance. The Development Plan shall be incorporated within an ordinance amending the PD Ordinance and the Concept Plan. The amending ordinance shall set forth all standards necessary for development of the land subject to the Development Plan that were not included in the PD Ordinance. The amending ordinance also shall repeal or amend any conditions that were attached to the PD Ordinance that have been satisfied as a result of approving the Development Plan and associated amendments.
- (c) PD Site Plans
- (1) Delegation to Commission. The Commission hereby is delegated the authority to approve, conditionally approve, or deny PD Site Plans submitted that complies with PD regulations adopted in the PD ordinance and all amendments thereto, subject to appeal to the Council. Any Site Plan subject to a request for Exceptions or other modifications that are reserved for the Council by these PD regulations shall be decided by the Council upon recommendation of the Commission.
 - (2) Submittal Requirements. The following requirements apply to each application for PD Site Plan approval unless otherwise required or approved by the Director:
 - A. Size. PD Site Plans shall be prepared on sheets and at a scale as required by the Director. PD Site Plans shall be prepared by a registered engineer, architect, landscape architect, or a certified city planner.
 - B. General Information.
 - 1. North Arrow;
 - 2. Total site acreage;

3. Submission date;
4. Scale (written and graphic);
5. Vicinity map;
6. Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
7. A boundary survey of the site with the location of proposed land uses;
8. Adjacent subdivision names and property lines; and
9. Adjacent land uses and structures.

C. Structures.

1. Location, dimensions, and use of all existing facilities and proposed building sites;
2. Setback and separation distances between building sites;
3. Proposed construction type and facade materials for all multi-family and non-residential buildings (the Commission may require elevations and perspective drawings);
4. Proposed density of each use;
5. Proposed location of screening along public roadways shown on the PD Concept Plan;
6. Location and types of signs, including lighting and heights;
7. Elevation drawings citing proposed exterior finish materials; and
8. Location of solid waste collection facilities.

D. Streets and Sidewalks.

1. Location and width of all rights-of-way and easements;
2. Location and dimensions of all pavement and curbing;
3. Location and width of all sidewalks;
4. Location and width of all ingress/egress points;
5. Location and width of all medians and median breaks;
6. Location of any special traffic regulation facilities;
7. Location of Fire Lanes; and
8. Street names on proposed streets.

E. Off-Street Parking and Loading Areas

1. Number, location, and dimension of spaces;
2. Type of surface material of parking facility;
3. Dimension of aisles, driveways, maneuvering areas, and curb return radii;
4. Distance between spaces and adjacent rights-of-way;

5. Location of all existing and proposed fire lanes and hydrants; and
6. Proposed lighting diagram.

F. Landscaping

1. Location and size of major tree groupings and existing hardwood trees of 6" caliper or greater , noting whether they are to be removed or retained;
2. Location and size of proposed plant materials, including paving, together with type and species of plants;
3. Number and type of each landscape element;
4. Height and type of all fencing or buffering;
5. Height of all planters, sculptures, and decorative screens;
6. Location and type of trash receptacle screening;
7. Location and type of lighting for streets, signage, and parking areas; and
8. Location of visibility triangles where required.

G. Drainage.

1. Direction of water flow;
2. Quantity of on and off-site water generation;
3. Topographic contours at a minimum of 5 foot intervals;
4. Points of concentrated water discharge;
5. Areas where special design and construction may be necessary due to slope or soil conditions;
6. Location and design of all water detention and drainage areas; and
7. Drainage ways, creeks, and limits of the 100 year floodplain and floodway as shown on current FEMA mapping or the City's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

H. Preliminary Service Plan.

1. A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area. If no Development Plan has been required and approved by the Council, the drainage plan shall incorporate the requirements of the preliminary drainage study;
2. The proposed method of providing water and sewer service; and
3. If no Development Plan has been required and approved by the Council, an updated traffic impact analysis.

- I. Exceptions. A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the applicant is seeking an Exception by the Commission as part of the PD Site Plan approval process.

- J. Other information. Other information as may be required by the Director or designee.
- (3) Commission Decision. The Commission, after notice and public hearing in accordance with the City's Zoning Ordinance procedures, shall approve, approve subject to conditions, or deny each PD Site Plan.
- (4) Approval Criteria. The Commission, in approving, conditionally approving, or denying a PD Site Plan, shall consider the following criteria:
- A. The plan complies with the applicable PD Concept Plan or Development Plan, if any, and with the PD Ordinance, expressly including conditions attached to the Concept Plan, Development Plan or PD Ordinance.
 - B. The plan complies with the standards and conditions of the Zoning Ordinance and of other ordinances, as well as other rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
 - C. If no Development Plan was required and approved by the Council, the traffic estimated to be generated by the plan is generally consistent with the original Council-approved traffic impact analysis;
 - D. If no Development Plan was required and approved by the Council, the plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.);
 - E. If no Development Plan was required and approved by the Council, the preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a manner approved by the Council; and
 - F. Landscaping promotes continuity and unity consistent with the landscape plan for the development and encourages views to public open space and public landmarks.
- (5) Conditions. The Commission, or the Council on appeal, may establish such conditions to the approval of a PD Site Plan as are reasonably necessary to assure that the approval criteria are met.
- (6) Appeal from Commission Action. If the Commission approves a PD Site Plan with conditions or if it disapproves a PD Site Plan, the applicant may appeal the decision to the Council by filing a written request with the City Secretary within ten (10) days after the Commission's decision.
- (7) Exceptions. The granting of Exceptions for Planned Development District regulations shall be the purview of Planning and Zoning Commission and City Council.
- (d) Amendment of PD Plans.
- (1) PD Concept Plans. PD Concept Plans (excluding informational statements) are considered part of the PD Ordinance. Any amendment to a PD Concept Plan shall be considered a zoning change, and the provisions of this Code and *Chapter 211 of the Texas Local Government Code*, as amended, relating to notices, public hearings, and written protests for changes in zoning districts or regulations shall apply. If a PD District is established subject to approval of PD Development Plans, the provisions of this Subsection shall apply to such PD Development Plan.

- (2) PD Site Plans. PD Site Plans are not considered part of a PD Ordinance. Except as otherwise provided, any amendment to an approved PD Site Plan must be approved by the Commission. However, "minor modifications" to any PD Site Plan may be administratively approved by the Director. If the Director believes that a request for minor modification entails a significant change in the Site Plan, he may refer the request to the Commission for determination. A "minor modification" to a PD Site Plan is defined as any modification that does not:
 - A. Alter the basic relationship of proposed development to adjacent property;
 - B. Change the uses permitted;
 - C. Increase the maximum density, floor area, or height;
 - D. Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; or
 - E. Reduce the minimum yards or setbacks.
- (e) Periodic Review.
 - (1) Applicability. Each tract of land not yet fully developed, for which (PD) Planned Development District Zoning has been granted, shall be reviewed by the Planning and Zoning Commission in order to make inquiry and ascertain the following:
 - A. Whether a Preliminary Plan and/or Development Plan can reasonably be expected to be filed;
 - B. If a Preliminary Plan and/or Development Plan can be reasonably expected to be filed at any time within the two (2) year interval as set out herein;
 - C. Whether the granted uses for the tract of land under consideration continues to have a desired relationship with the surrounding area; and
 - D. If such density and other design standards originally granted are in accordance with the current community growth patterns and values.
 - (2) Determination. If, upon inquiry and review, the Planning and Zoning Commission finds that a particular tract of land zoned (PD) Planned Development is not reflective of current community growth patterns or community design policies, or is not in accordance with the Comprehensive Plan, it may request the City Council to initiate hearings on the particular tract of land to consider 1) reform or modification of the PD District on the particular tract; or 2) change the zoning to a more suitable land use classification.
 - (3) Frequency. The Planning and Zoning Commission shall review each tract of land for which Planned Development zoning has been granted beginning in January of each year, at least on two year intervals. The Planning and Zoning Commission may review certain tracts (for which Planned Development zoning has been granted) more frequently if it determines such review is necessary.

Sec. 14.1003 Effect on Existing PDs

- (a) District Amendments. If an amendment is proposed after the effective date of this Article to any Concept Plan, Development Plan, Site Plan or planned development ordinance approved prior to the

effective date of this ordinance under prior development regulations, the provisions of this Article shall apply to those amendments.

(b) Site Plans. For any PD District established under prior planned development regulations for which at least one Site Plan has been approved pursuant to such prior regulations, the provisions of this Article shall not apply, except that procedures related to approval of PD Site Plans pursuant to this ordinance shall apply to any application for PD Site Plan approval submitted more than thirty (30) days after the effective date of this Article.

Sec. 14.1004 Amendments to Approved PD Applications

(a) Processing Amendments.

- (1) Amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.
- (2) Notwithstanding the above, the Director may approve minor modifications in an approved Site Plan or PD Site Plan administratively, provided that they do not:
 - A. Alter the basic relationship of proposed development to adjacent property;
 - B. Change the uses permitted;
 - C. Increase the maximum density, floor area, or height;
 - D. Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements;
 - E. Reduce the minimum yards or setbacks; or
 - F. Detrimentially change or alter the characteristics of the elevation drawings or Site Plan as approved, but rather allow for some flexibility in minor modification to same.

ARTICLE 14.1100. ZONING-RELATED APPLICATIONS

Sec. 14.1101 Zoning Change

(a) Filing of an Application

(1) Pre-application Conference.

- A. An applicant for a change in zoning must hold a pre-application conference with the Director or designee Director prior to formal application.
- B. At the pre-application conference, the applicant should present a draft Concept Plan with as much detail as possible.
- C. Based on the information presented, the City representative will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the formal zoning application.

(2) Application Requirements. No application shall be reviewed which is not complete and accompanied by the payment of fees as established in this Code or other ordinances of the City of Lancaster. All applications shall be filed with the City on forms available in the City of Lancaster offices.

(3) Timing. Applications for Rezoning and Plan Approvals shall be submitted at least one month prior to the first scheduled hearing date.

(b) Submission of Plans.

(1) Preparation. All plans submitted pursuant to this Zoning Ordinance shall be prepared by a registered architect, engineer, landscape architect, or certified city planner.

(2) Quantity Required. Plans shall be submitted in the form and number as required by the Director.

(c) Considerations in Review and Approval of Rezoning.

(1) Consistency with the Comprehensive Plan.

(2) Potential impact on adjacent development.

(3) Availability of utilities and access.

(4) Site conditions such as vegetation, topography, drainage and flood plain.

(5) Timing of development as it relates to the City's Capital Improvement Plan.

(96) Other issues as may be deemed important.

Sec. 14.1102 Required Site Plan (Non-PD)

(a) Purpose. The purpose of a Site Plan is to ensure that all provisions of the Zoning Ordinance of the City are adhered to while providing for design flexibility; that sensitive environmental issues such as slopes and vegetation are accommodated; and that services and facilities necessary to support the proposed development will be available on an appropriate time schedule.

(b) General.

- (1) Applicability. Site Plans are required for all new developments, except individual single family and duplex lots, and for expansion of existing development by 50% or more of the gross floor area.
- (2) Application. Site Plans shall be accompanied by a completed application form and a proposed development schedule.
- (3) No Permits without Site Plan. Site Plans may be submitted at the time of Building Permit application, but no permit shall be issued for site grading or construction until a Site Plan has been approved.
- (4) Notification. No public notification is required for consideration of a Site Plan, or amendment, beyond posting as an agenda item for the Planning and Zoning Commission, if appealed or referred to it. This provision does not apply to PD Site Plans.

(c) Site Plan Submittal Requirements. The following requirements apply to each application for non-PD Site Plan approval unless otherwise required or approved by the Director:

- (1) Size. PD Site Plans shall be prepared on sheets and at a scale as required by the Director. PD Site Plans shall be prepared by a registered engineer, architect, landscape architect, or a certified city planner.
- (2) General Information.
 - A. North Arrow;
 - B. Total site acreage;
 - C. Submission date;
 - D. Scale (written and graphic);
 - E. Vicinity map;
 - F. Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
 - G. A boundary survey of the site with the location of proposed land uses;
 - H. Adjacent subdivision names and property lines; and
 - I. Adjacent land uses and structures.
- (3) Structures.
 - A. Location, dimensions, and use of all existing facilities and proposed buildings;
 - B. Setback and separation distances between buildings;

- C. Proposed construction type and facade materials for all multi-family and non-residential buildings (the Commission may require elevations and perspective drawings);
- D. Proposed density of each use;
- E. Proposed location of screening along public roadways shown on the PD Concept Plan;
- F. Location and types of signs, including lighting and heights;
- G. Elevation drawings citing proposed exterior finish materials; and
- H. Location of solid waste collection facilities.

(4) Streets and Sidewalks.

- A. Location and width of all rights-of-way and easements;
- B. Location and dimensions of all pavement and curbing;
- C. Location and width of all sidewalks;
- D. Location and width of all ingress/egress points;
- E. Location and width of all medians and median breaks;
- F. Location of any special traffic regulation facilities;
- G. Location of Fire Lanes; and
- H. Street names on proposed streets'

(5) Off-Street Parking and Loading Areas.

- A. Number, location, and dimension of spaces;
- B. Type of surface material of parking facility;
- C. Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- D. Distance between spaces and adjacent rights-of-way;
- E. Location of all existing and proposed fire lanes and hydrants; and
- F. Proposed lighting diagram.

(6) Landscaping.

- A. Tree survey of major tree groupings and existing trees of 6" caliper or greater , noting species and whether they are to be removed or retained;
- B. Location and size of proposed plant materials, including paving, together with type and species of plants;
- C. Number and type of each landscape element;
- D. Height and type of all fencing or buffering;
- E. Height of all planters, sculptures, and decorative screens;
- F. Location and type of trash receptacle screening;
- G. Location and type of lighting for streets, signage, and parking areas; and
- H. Location of visibility triangles where required.

(7) Drainage.

- A. Direction of water flow;
- B. Quantity of on and off-site water generation;
- C. Topographic contours at a minimum of 5 foot intervals;
- D. Points of concentrated water discharge;
- E. Areas where special design and construction may be necessary due to slope or soil conditions;
- F. Location and design of all water detention and drainage areas; and
- G. Drainage ways, creeks, and limits of the 100 year floodplain and floodway as shown on current FEMA mapping or the City's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

(d) Site Plan Review.

- (1) Procedure. Site Plans shall be reviewed, and a decision rendered, by the Director, or at his prerogative the Planning and Zoning Commission, taking into consideration comments from the Plan Review Committee. The applicant may appeal the decision of the Administrator to the Planning and Zoning Commission whose decision shall be final. Such appeal must be made in writing to the Administrator within 10 business days of the Director's notification of decision to the applicant.
- (2) Criteria for Site Plan Review. In approving or denying a Site Plan under this Article, the following criteria shall be considered:
 - A. The extent to which the Site Plan fulfills the goals, objectives and standards in the City's Comprehensive Plan, Parks and Open Space Plan and Thoroughfare Plan.
 - B. Safety of the motoring and pedestrian public using the facility and area surrounding the site.
 - C. Safety from fire hazards and measures of fire control.
 - D. Protection from flooding and water damage.
 - E. Noise and lighting glare effects on adjacent neighbors.
 - F. Relations of signs to traffic control and their affect on adjacent properties.
 - G. Adequacy of streets to accommodate the traffic generation of the proposed development.
 - H. Adequacy of off-street parking and loading facilities for the uses specified.
 - I. Landscaping and screening provisions appropriately placed per code requirements.
 - J. Sitting structures and other improvements relative to required setbacks, height limitations, and other density and dimensional requirements.
 - K. The impact of the proposed development on slopes, protected vegetation, the open space system, and adjacent properties.
 - L. Such other measures as might secure and protect the public health, safety, morals and general welfare.

(e) Effect of Site Plan Approval.

- (1) Site Plan Expiration. A PD Site Plan shall terminate at the end of a two-year period unless, within such period, any of the following occurs:

- A. A Preliminary Plat is approved;
- B. A Final Plat is approved;
- C. The filing of a Final Plat in the Court of Public Record;
- D. The issuance of a Building Permit; or
- E. The approval, by City Council of a Site Plan extension.

If development of a lot or tract with an approved Site Plan has not been initiated within 2 years, or more with an extension, of its final approval, the Site Plan shall be deemed to have expired and a new review and approval of a Site Plan for development of the property shall be undertaken, and this new approval shall be required before a building permit is issued for development. This review and approval shall be evaluated according to the standards of this ordinance, taking into account all changes to the ordinance which has occurred subsequent to the prior Site Plan approval.

- (2) Phasing Plan Expiration. If the Site Plan is submitted in conjunction with an approved phasing plan for development of the lot or tract, the Site Plan shall be deemed to have expired if any phase is not completed within the time period approved for such phase. No Site Plan phase may be planned to exceed three years unless specifically authorized by the Planning and Zoning Commission and City Council when demonstrated that due to the size or complexity of the site the three year time period would create a hardship. If any phase is not completed within the time period approved, the entire remaining uncompleted Site Plan shall be deemed to have expired and the provisions of *Subsection A* above shall be followed.

- (3) Extension of Site Plan. Extension of an approved Site Plan may be granted by City Council, after a recommendation by the Commission, upon submission of a request for such extension by the property owner at least 30 days prior to the expiration of the plan. The Planning and Zoning Commission and City Council shall take into consideration any changes that have occurred in this ordinance subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval, but in no case, shall the period for extension exceed two (2) years.

(f) Amendment of Site Plans. "Minor modifications" to any Site Plan may be approved by the Director. However, if the Director believes that a request for minor modification entails a significant change in the Site Plan, he may refer the request to the Commission for determination. A "minor modification" to a PD Site Plan is defined as any modification that does not:

- (1) Alter the basic relationship of proposed development to adjacent property;
- (2) Change the character of the development;
- (3) Change the uses permitted;
- (4) Increase the maximum density, floor area, or height;

- (5) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; or
- (6) Reduce the minimum yards or setbacks.

Sec. 14.1103 Certificates of Appropriateness (CA)

(a) General.

- (1) Historic Landmarks. Except as otherwise provided for in *Subsections C and D* below, no alteration, construction, reconstruction, restoration, rehabilitation, removal or demolition shall be allowed upon an historic landmark unless a Certificate of Appropriateness has been approved by the Historic Landmark Preservation Committee and the Planning and Zoning Commission. An applicant may appeal a final decision in accordance with *Subsection (c)(5)*.
- (2) Historic Districts. Except as otherwise provided for in *Subsections (3) and (4)* below no alteration, construction, reconstruction, restoration, rehabilitation, removal or demolition which alters the exterior architectural appearance visible from a public right-of-way of a structure within a designated historic district shall be allowed unless a Certificate of Appropriateness has been recommended by the Historic Landmark Preservation Committee and approved by the Commission. An applicant may appeal a final decision in accordance with *Subsection (c)(5)*.
- (3) Minor Exterior Alterations. The Historic Preservation Officer shall be authorized to approve a Certificate of Appropriateness for Minor Exterior Alterations (See Definitions Article 13). If the Historic Preservation Officer (HPO) determines that the applicant is seeking a Certificate of Appropriateness to authorize only minor exterior alterations, as referred to in this section, the staff shall review the application to determine whether the proposed work complies with the regulations contained in this section and approve or deny the application within five (5) days of receipt. However, the Historic Preservation Officer shall at his or her discretion be authorized to forward such an approval for any reason to the Historic Landmark Preservation Committee for recommendation to the Commission. An applicant may appeal either decision pursuant to the appeal process in this Section.
- (4) Emergency Repairs or Demolition. The Building Official shall be authorized to approve temporary/emergency repairs and/or demolition for any Historical structure without the need to first obtain a Certificate of Appropriateness when such actions are appropriate to ensure the safety and welfare of the public against an eminent threat or when failure to act in a timely manner is reasonably likely to result in significant degradation to a structure or regulated element. Such temporary/emergency repairs and/or demolitions should be limited to the extent minimally necessary to alleviate the immediate concern and done in such a manner as to be reversible to the extent practical. The Building Official shall notify the Historic Preservation Officer as soon as practical following any such action with details relating to the extent and nature of the repairs and/or demolition. This authority for temporary/emergency repairs and/or demolition shall also apply to buildings or areas nominated for landmark or historic district status (See *Article 14.200*).
- (5). CA Definitions. For the purpose of this section, the following definitions shall apply:
 - A. Alteration. Any act or process that changes one or more of the exterior architectural features of a building, including but not limited to the erection, construction, reconstruction or removal of any structure.

- B. Certificate of Appropriateness. A certificate issued by the Planning and Zoning Commission indicating its recommendation of plans for alteration, construction, removal or demolition of an historic landmark or a structure within an historic district.
- C. Certificate of Economic Hardship. A certificate issued by the Planning and Zoning Commission upon recommendation by the HLPC approving the alteration, construction, removal or demolition of an historic landmark or a structure within an historic district, even though a Certificate of Appropriateness had previously been denied.
- D. Construction. The act of altering or by adding an addition to an existing building or the erection of a new principal or accessory structure on a lot or property.
- E. Demolition. The act or process that destroys in part or in whole a landmark or a structure within an historic district.
- F. Exterior Architectural Appearance. The architectural character and general composition of the exterior of a structure, including but not limited to the type, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.
- G. Minor Exterior Alterations. The installation of or alteration to awnings, fences, gutters and downspouts, lighting fixtures, steps, paving or landscaping; alteration, construction, restoration or removal of any exterior architectural feature of a building or structure which does not involve any significant change in the architectural or historic value, style, general design or appearance of the building or structure; and additions or changes not visible from a public right-of-way to the rear of the main building or structure or to an accessory structure.
- H. Reconstruction. The act or process of reproducing by new construction the exact form any detail of a vanished structure.
- I. Rehabilitation. The act or process which returns a structure to a useful state. Rehabilitation may include alterations or additions to the structure or the repair or replacement of architectural elements or features.
- J. Removal. The act of moving a structure from its current site to another site.
- K. Repair. Any change that is not construction, removal or alteration.
- L. Restoration. The act or process which returns a structure to an earlier appearance. Restoration may include the removal of later additions or changes, the repair of deteriorated elements or the replacement of missing features.
- M. Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but limited to buildings; fences; gazebos; advertising signs and billboards.

(b) Application Required.

- (1) Prior to the issuance of any building permit, excavation permit, development permit or prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner or the owner's authorized agent shall file an application for a Certificate of Appropriateness with the Historic Preservation Officer.

The application shall be completed in full, in a format and on forms as approved by ordinance, policy or procedure of the City. The Historic Preservation Officer shall be authorized at any time to reject an application or deny it for any of the following reasons:

- A. Missing, incorrect or inadequate information.
 - B. Failure to pay applicable fee(s).
 - C. Failure to provide adequate copies of the application information.
 - D. Failure to provide corrected information or supplemental information as requested by the HPO, HLPC, P&Z, or City Council as applicable
- (2) No building permit shall be issued for such proposed work until a Certificate of Appropriateness or a Certificate of Economic Hardship (see *Subsection 3.4* below) has been issued. This requirement shall be in addition to any building permit or other development permit that may be required by any other ordinance of the City.
- (c) Certificate of Appropriateness Review and Appeals Procedures.
- (1) First Review. The Historic Preservation Officer or the HLPC as appropriate, shall review an application for a Certificate of Appropriateness no later than forty-five (45) days following the receipt of an administratively complete application. The applicant or designated representative shall be afforded an opportunity to submit evidence and/or testimony related to the pending action for this review consistent with adopted rules policies or procedures. Evidence in addition to the application submittal including but not limited to expert opinion, historic documents, photographs, maps, reports, and testimonials reasonably relevant to the application may be considered by the authority considering an application.
 - (2) Planning and Zoning Commission Review of Historic Landmarks. For properties designated as Historic Landmarks, a review and approval by the Planning and Zoning Commission based on a recommendation by the HLPC shall be required for the issuance of the Certificate of Appropriateness. The Planning and Zoning Commission shall consider the application within forty-five (45) days following action by the HLPC. The Planning and Zoning Commission shall approve, approve subject to modification or deny the request. The action of the P&Z shall be a final decision subject to appeal as specified in *Subsection 3.3 E* (below).
 - (3) Failure to Act. In the event that a final decision is not acted on within 180 days, a building or development permit may be granted.
 - (4) Decisions in Writing. All final decisions shall be in writing noting if the application was approved, denied or approved subject to modifications. A copy of the written notification shall be sent by regular US mail to the applicant at the address indicated on the application within ten (10) business days following the date of the final decision. Either a certified copy of the official meeting minutes or a notification letter signed by the Historic Preservation Officer may be used to satisfy this requirement.
 - (5) Appeals. An applicant, property owner or authorized agent of a property owner may appeal any final approval, approval subject to modification or denial of a Certificate of Appropriateness, or they may apply for a Certificate of Economic Hardship. (See *Subsection 3.4* below) All requests for an appeal shall be in writing and filed with the Historic Preservation Officer within ten (10) days from the date of the final decision. A

request for appeal shall identify the name and address of the person making the appeal and shall include a statement indicating the basis for the appeal. An appeal is considered a separate request and an additional fee may be required. A previous final decision may be affirmed, affirmed in part, modified or reversed by the appealing authority.

A. Timing. The appealing authority shall consider the appeal within thirty (30) days of the filing of the appeal with the Historic Preservation Officer. However, the City Council shall consider an appeal within forty-five (45) days of the date of the filing of the appeal.

B. Failure to Act. In the event that the request is not formally considered in accordance with the time limits specified the request will be considered approved.

C. Actions Final. The decision of the City Council on a request for an appeal shall be final.

(d) Certificate of Economic Hardship Application Procedures.

(1) Application. Upon receipt of written notification of the denial of a Certificate of Appropriateness, an applicant may apply to the HLPC for a Certificate of Economic Hardship. No building demolition or development permit (except as specified in *Subsections 3.1 C or 3.1 D* above) shall be issued unless the Commission upon recommendation by the HLPC makes a finding that a hardship exists. All requests for a Certificate of Economic Hardship shall be in writing and filed with the Historic Preservation Officer within ten (10) days from the date of the final decision. A request for a Certificate of Economic Hardship is considered a separate request and an additional fee may be required.

(2) Findings. To affirm a claim of economic hardship the owner or authorized agent shall demonstrate that all of the following are true.

A. The property is incapable of earning a reasonable return with its current use or configuration, regardless of whether that return represents the most profitable return possible;

B. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

C. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(3) Timing of Consideration. The HLPC shall consider the request within forty-five (45) days of receipt of an administratively complete application. The HLPC may solicit expert testimony and/or require that the applicant for a Certificate of Economic Hardship submit any or all of the following information prior to making a determination on the application:

A. An estimate of the cost of the proposed construction, alteration, demolition or removal; and an estimate of any additional cost that would be incurred to comply with the conditions of the HLPC required for the issuance of a Certificate of Appropriateness.

B. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

C. Estimated market value of the property in its current condition after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the HLPC; and in the case of a proposed demolition, after renovation of the existing property for continued use.

- D. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse or the existing structure on the property.
 - E. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
 - F. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - G. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
 - H. The assessed value of the property according to the two most recent certified tax rolls.
 - I. Real estate taxes paid for the previous two years.
 - J. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
- (4) Failure to Act. In the event that the request is not formally considered in accordance with the time limits specified the request will be considered approved.
 - (5) Decisions in Writing. All decisions of the HLPC shall be in writing. Written notice of the determination shall be sent to the applicant within ten (10) days of the date of decision of the HLPC. Copies of the decision shall be filed in the building permit file.
 - (6) Appeal. The denial of an application for a Certificate of Economic Hardship may be appealed in the same manner as described for a denial of a Certificate of Appropriateness.

Sec. 14.1104 Development Code Text Amendments

- (a) Purpose and Authority. The City Council may, from time to time, on its own motion, or by request of the Planning and Zoning Commission, the Director or the City Engineer, amend, supplement, or change the regulations established in the Zoning Ordinance.
- (b) Procedures.
 - (1) Action by the Planning and Zoning Commission. The Planning and Zoning Commission shall give appropriate notice and hold a public hearing. The commission shall approve, deny or modify the amendment and forward its report and recommendation to the City Council.
 - (2) Action by the City Council. The Council shall give appropriate notice and hold a public hearing and has final authority to adopt or deny any proposed amendment.

ARTICLE 14.1200 SIGN STANDARDS

Sec. 14.1201 General

(a) Purpose. The intent of this article is to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- (1) The safety of the citizens of the city by prohibiting signs which create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or to read traffic signs.
- (2) Communications efficiency by promoting the efficient transfer of information in sign messages by providing that those signs which provide messages and information most needed and sought by the public are given priorities; so that businesses and services may identify themselves; so that customers may locate a business or service; so that no person or group is arbitrarily denied use of sight lines from right-of-way for communication purposes; and so that 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 such messages.
- (3) To preserve landscape quality in the protection of the public welfare and to enhance the appearance and economic value of the landscape by providing that a sign does not create a nuisance to occupancy of adjacent and contiguous property by its brightness, height, size, or movement.

(b) Applicability and Effect. A sign may be erected, placed, established, painted, created or maintained in the jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. These regulations apply to both commercial and non-commercial messages.

The effect of this ordinance is:

- (1) To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of this ordinance; and
- (2) To prohibit all signs not expressly permitted by this ordinance, except as approved through the appeals process established by this code.

(c) Jurisdiction. These regulations shall be applied to all areas within the corporate limits of the City of Lancaster and its Extra Territorial Jurisdiction (ETJ). However, in the ETJ, on-premise signs shall be exempt.

(d) Exempted Signs. The following signs shall be exempt from the requirements of this article with the exception of set back from property lines.

- (1) Flags or emblems of government or of a political, philanthropic, or educational organization displayed on private property; for the purpose of this Section, emblems shall mean signage of not more than nine (9) square feet in area.
- (2) Signs of a duly constituted governmental body, including traffic or similar regulatory services, legal notices, warnings at railroad crossings, and other institutional or regulatory signs having to do with health, hazards, parking, swimming, dumping and of a similar nature.

- (3) Scoreboards, municipal golf course tee signs, sports field fencing, and park signs.
- (4) Independent school district or private school athletic facilities, temporary banners and special event signs.
- (5) Merchandise and pictures or models of products or services incorporated on the inside of the building/lease space on the window.
- (6) Holiday decorations, clearly incidental and customary and commonly associated with any national, local, or religious holiday, provided that such signs not be displayed more than thirty (30) days prior to holiday; and removed within ten (10) days after holiday. Number, height, location, illumination, or animation, and may not refer to any business, product or service.
- (7) Permanent signs designating historic tours, permanent Town Square directional signage showing Town Square location, and permanent signs showing Country View Golf Course, Chamber of Commerce, municipal parks, and municipal office locations.
- (8) All City and State directional and traffic control signs.
- (9) One temporary sign not exceeding twelve (12) square feet in area which advertises the sale, rental or lease of the premises on which such sign is located.
- (10) The changing of messages or copy of signs designed and intended to be changed on a regular basis provided the sign is not altered. Examples of these type signs are theater marquees, menus, fuel prices, directories, and the like.
- (11) Signs which display date, time and temperature are permitted, providing they do not exceed six (6) square feet in addition to the allowed business signage.
- (12) Signs which display help wanted, and do not exceed six (6) square feet. Number of signs, square foot and location to meet the regulations set forth in this ordinance.
- (13) Signs of 2.5 square feet or less on private property which include warnings and notices such as “do not enter”, “beware of dog” and “alarm system”.
- (14) On-site directional signs necessary for the movement and circulation of traffic which are three (3) square feet or less in size.

Sec. 14.1202 General Sign Regulations

(a) Prohibited Signs.

- (1) Off-Premise Billboards. Off-premise pole signs and billboards are prohibited in the City of Lancaster and in its Extra Territorial Jurisdiction.
- (2) Trailer Mounted and Portable Read-a-Board Signs. Trailer mounted and portable read-a-board signs are strictly prohibited, and subject to the following:
 - A. Enforcement. The owner or occupant of any property upon which there is located a trailer mounted, or non-trailer mounted, portable read-a-board sign in violation of this Sub-section or the owner or lessee of any trailer mounted, or non-trailer mounted, portable sign which is in violation of this Sub-section as herein defined shall be given 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.
 - B. Notice. Notice shall be given by one of the following methods:

1. A written notice may be attached to the sign in violation of this Sub-section, or
 2. Verbal notification may be made by telephone or in person.
- C. No Response. If the owner, lessor, lessee, or the representative of the lessor of the trailer mounted or non trailer mounted portable sign fails to remove such sign within seventy two (72) hours of the notification, the owner, lessor or lessee shall be issued a citation.
- D. Entrance onto Property. The Building Official or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this Sub-section to examine signs or their location, obtain information as to the ownership of such signs and to declare the sign to be a nuisance pursuant to this Sub-section.
- (3) Obscene and Immoral Matter. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral behavior. As defined in the Black's Law Dictionary Fifth Edition.
 - (4) Painting or marking of streets, sidewalks or utility poles. 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.
 - (5) Hand Bills and Placards. No person, firm, corporation or association of persons, shall paste, stick, tack, 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.
 - (6) Flashing Signs. Signs of any type with flashing, revolving or rotating lights shall not be permitted.
 - (7) Changeable Electronic Variable Message Sign (CEVMS). A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including an illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color shall not be permitted. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.
- (b) Illuminated Sign Distance from Residential
- (1) Illuminated signs are permitted in nonresidential districts, provided that they shall not be erected within one hundred (100) feet of any residential district unless properly and adequately shielded so that light from such sign is not directed toward such residential district.
 - (2) In no case can a sign be placed closer than fifteen (15) Feet from a residential property.
 - (3) No high intensity lights shall be permitted as part of a sign display visible from an adjacent street.
 - (4) No sign shall be illuminated to intensity greater than two hundred (200) foot-candles. The restrictions of luminance in this Sub-section shall be determined from any other premise or from any public right-of-way other than an alley.
- (c) Pole Signs Adjacent to Residential. A Pole sign greater than 10 feet in height may not be located within one hundred (100) feet of a single-family lot. Illuminated sign shall be shielded so that light from such sign is not directed towards residential district.

(d) Construction/Development sign. A temporary on-site sign providing information about future development or current construction on a site and the parties involved in the project. Maximum size 64 square foot per side.

(e) Obstruction of Sight. No sign shall be located as to obstruct the vision or sight distance of vehicle operators or pedestrians at any intersection or street crossing. In order to maintain visual clearance and sight distance for vehicle operators and pedestrians:

(1) A Visibility Triangle shall be provided

(2) A sign in direct line of vision of any signal light, traffic control sign, or any other such device from any point in a moving traffic lane must be at least fifty (50) feet from such device, unless the City Engineer or his designee approves the placement of such sign.

(e) Adjacency to Utilities.

(1) No sign shall be constructed nearer than three (3) feet from any public or private underground utilities. No pole sign shall be installed closer than ten (10) from any aerial power lines/cable or building service drops.

(2) No ground sign or accessories to such sign shall be located within ten (10) feet vertically and six (6) feet horizontally of electrical wires or conductors in free air carrying more than forty eight (48) volts, whether or not such wires or conductors are insulated or otherwise protected.

(f) Signs Posted on Poles and Fences. No sign shall be posted upon any tree, utility pole, fence post, or any style or type of fence. No detached sign shall be suspended over any building or structure.

(g) Directional Signs. Directional signs shall be allowed in all districts subject to the following:

(1) Directional signs shall be limited to six (6) square feet in area for institutional uses, with one (1) sign per street entrance allowed.

(2) Identification of services is permitted on such a sign, such as “emergency services entrance.” Such signs are limited to two (2) square feet or less in area for non-institutional uses, with no limit on the number of signs permitted for such uses. For non-institutional uses, identification of services is not permitted on such sign.

(h) Political Signs. Political signs shall not be permitted to be placed on public property or in public rights-of-way and may not be placed on utility poles or trees. No political sign may be placed within the 25 foot Visibility Triangle of any intersection. No political sign may be placed on public property on Election Day. Any such signs may not have an effective area greater than 36 square feet and may not be more than eight (8) feet in height. Political signs may not be illuminated or have moving elements.

(i) Portable Signs. Portable signs shall not be permitted except as otherwise provided in this article.

(k) Cloth, Paper, Banner and Flag Signs.

(1) No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building, or structure, except as allowed by other provisions of this Section. Such advertising matter shall be a violation of this Section and shall be removed immediately upon notice by the Building Official.

(2) No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area, any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items, except as otherwise permitted.

(l) Signs on Public Property.

- (1) No pole signs shall be placed in the City right of Way or public or private easements.
- (2) No portion of any sign shall be erected upon or over public property or public right-of-way, except as otherwise specifically permitted.

(m) Signs on Vehicles. No signs shall be attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes. Signs attached to or upon any motorized 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 the purpose of advertising. Vehicles operating under a city franchise shall be excluded from this provision. This provision does not restrict the identification signing or vehicles used for delivery service, interstate commerce, or any bona fide transportation activity.

Sec. 14.1203 Specific Sign Regulations

(a) Attached Sign. A sign attached to, painted on, or erected against a wall of a building which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached and may not extend above the roof line or roof façade, and must be at least eight (8) feet from grade.

(b) Monument Signs.

(1) Maximum height: Fifteen (15) feet in the Freeway Corridor including monument base, measured to ground level at base; and eight (8) feet elsewhere in the City.

(2) Maximum area:

A. Thirty-two (32) s.f. of sign area.

B. Exceptions:

1. Menu Board: Forty eight (48) square feet
2. Apartment: Thirty two (32) square feet

(3) Placement:

A. Fifteen (15) feet from property lines from out board edge of sign face or sign edge abutting a street. Twenty five (25) feet on corners for Visibility Triangles.

B. Exceptions: A Menu board may be placed Fifteen (15) feet behind the property line.

(4) Maximum Number: One per 600 feet of each frontage, or fraction thereof, in the Freeway Corridor, and 500 feet in the remainder of the City.

(c) Wall Signs.

(1) Construction: Attached signs that are illuminated internally shall be constructed only of materials that are noncombustible or slow burning in the case of plastic inserts and faces.

(2) Maximum height: A wall sign shall not extend above the roofline or facade of a building.

(3) Maximum area:

A. Total square footage is equal to one times the length of the building frontage or lease space frontage.

B. Exception: Apartment, multi-purpose, real estate development – sixty-four (64) square feet.

- (4) Placement:
 - A. Painted or attached directly on the wall surface on a building intended to be viewed from the ground.
 - B. Signs above roofline, fascia, or top of roofs are strictly prohibited
- (d) Pole Signs for On-Site Businesses.
 - (1) Materials:
 - A. Pole signs which are illuminated internally must be constructed of materials that are noncombustible or slow-burning in the case of plastic inserts and faces.
 - B. Pole Signs must be supported by noncombustible material only. Wood or non-painted steel supports, except Corten pipe or similar steel, are specifically prohibited.
 - C. Pole signs shall not have any attached guys or braces.
 - (2) Maximum height: Thirty (30) feet from ground level for a Freeway Sign in the Freeway Corridor; and six (6) feet elsewhere in the City is the maximum allowed height.
 - (3) Maximum area: Two hundred twenty-five square feet in the Freeway Corridor; 20 s.f., elsewhere in the City.
 - (4) Placement:
 - A. Five (5) feet from property lines abutting a street, and twenty five (25) feet from property lines abutting two streets at an intersection or at alley.
 - B. Freeway Pole Signs must be located within 100 feet of the freeway right-of-way.
 - C. Pole signs must be located at a minimum of
 - 1. Thirty feet from an adjoining private property line,
 - 2. One hundred (100) feet from a freeway sign or any other pole sign, and
 - 3. One hundred (100) feet from any single family residential zoned property.
 - D. All pole signs must be located on-premise, unless allowed off-premise by a Specific Use Permit.
 - (5) Maximum number: One (1) per 600 feet of each frontage, or fraction thereof, in the Freeway Corridor, and 250 feet in the remainder of the City.

Sec. 14.1204 Portable Signs, Temporary Banners, Flags, Or Inflatable Signs

- (a) Portable Signs. Portable signs are subject to the following regulations:
 - (1) Permit Required. Prior to the use or placement of any portable sign, a permit must be obtained.
 - A. No permit fee is required for temporary signs for schools, and other public or quasi-public institutions. Exemption from the permit fee does not exempt a person from all other requirements of this article. A permit shall be required, however, the fee may be exempt.
 - B. Temporary sign permits shall be issued for a maximum continuous period of fourteen (14) days, and for a maximum number of four (4) times per calendar year. A minimum time of sixty (60) days must be elapsed between expiration and issuance of temporary sign permits.
 - 1. Size. The maximum size of each portable sign is 12 square feet.

2. Sign Location. No portable sign shall be located in city rights-of-way, in any Visibility Triangle, or in any other location so as to impair traffic or pedestrian vision or safety. All portable signs must be set back a minimum distance of five (5) feet from the property line.
3. Lighting. Such temporary signs may be internally lighted; however, such lighting shall not be flashing or intermittent. Temporary electrical requirements shall be subject to the adopted electrical code. No sign located in a residential district shall be lighted.

(b) Trailer-Mounted and Read-a-Board Signs. Trailer mounted and read-a-board style portable signs and signs with changeable letters/numbers are strictly prohibited.

(c) Temporary Banners. Temporary banners, including flags, pennants or other wind devices, shall be subject to the following regulations:

- (1) Permit required. A permit shall be required for all banners or other wind devices.
- (2) Zoning District Allowed. A banner shall be allowed in all non-residential zoning districts and in multi-family residential districts.
- (3) Time Limitations. A banner or other wind device shall not be displayed for more than thirty (30) consecutive days. Consecutive permitting shall be prohibited. There shall be a sixty (60) day time period between permitting. The maximum total use of a banner during the calendar year shall be one hundred twenty (120) days.
- (4) Location. Banners and other wind devices shall be securely attached to a wall surface or building element and shall not project above the apparent roof or building eave line. A fence or railing shall not be considered to be a building element.
- (5) Permanent Display Prohibited. A banner shall not be used in lieu of a permanent wall or pole sign, except in the case of new businesses where it may be used for a period exceeding thirty (30) days.
- (6) Maintenance. Banners shall be secured at all points of attachment. Torn or severely weathered banners shall not be permitted.
- (7) Number of Banners. The number of banners displayed on any premises shall not exceed two (2).
- (8) Size. No individual banner shall contain more than forty (40) square feet of area.
- (9) Non-Conformance. Banners found in violation of this Section must be removed or made to conform within 24 hours of notification.

(d) Inflatable Signs. Air filled or gas filled device that are anchored to a building, structure, device, object or the ground and used for advertising purposes on a temporary basis may be allowed for a 30-day period. A minimum time of sixty (60) days must be elapsed between expiration and issuance of a new permit.

(e) Sidewalk / Sandwich Board Signs. Sidewalk/Sandwich signs are distinct from Portable Signs as established in Sub-section 6.1 subject to the following regulations.

- (1) A sign permit is required, and expires on December 31 of each calendar year.
- (2) Sidewalk/Sandwich Board signs are allowed in non-residential districts including the Historic Retail District.

- (3) Sandwich Board Signs shall be a maximum of 6 square feet in size.
- (4) Maximum height of 3 feet and maximum width of 2 feet.
- (5) Sidewalk Signs shall not impede the required 6-foot walkway clearance.
- (6) One sign per business location.
- (7) Sign can only be placed outside during the hours the business is in operation.

SEC. 14.1205 Development / Real Estate Directional Signs

(a) Development / Real Estate Directional Signs

- (1) For the purposes of this Code, Development / Real Estate Directional Signs are those which promote residential development.
- (2) Business Directional Signs which promote business and mercantile are strictly prohibited within the City of Lancaster.
- (3) Temporary signage promoting residential development and housing shall not be permitted in the public right-of-way except as otherwise allowed in this section.

(b) Kiosk Signs

- A. Purpose. Kiosk signs will provide a uniform, coordinated method of providing homebuilders and developers a means of utilizing directional signs, while minimizing the negative impacts to the City of Lancaster and its residents. The following definitions apply:
 1. Kiosk Sign: A sign that contains individual panels and that is generally used to provide direction to residential subdivisions from major thoroughfares or to provide direction to schools, amenities, information centers, community facilities and neighborhoods within a residential subdivision.
 2. Sign Panel: An individual sign placard displaying directional information on a kiosk sign.
- B. Approval. All kiosk signs and individual panels must have approval by the City of Lancaster. Fees for kiosk signs shall be set forth in the license agreement.
- C. Placement. Kiosk signs shall not distract traffic or create a traffic hazard. The Engineering Division must approve the placement of all kiosk signs prior to installation.
- D. Size. Kiosk sign structures shall not exceed 12 feet in height and 4 feet in width.
- E. Design. Kiosk sign structures shall be ladder type with individual sign panels of uniform design. The color of all kiosk sign structures and panel background color will be approved by the city.

- F. Services Contract. The City Council may, by a duly executed services contract, grant to a qualified person or company the right to design, erect and maintain directional kiosk signs within the city. All kiosk signs are to comply with the standards set forth in this section and City Code. The Contractor shall provide, at no cost to the city, municipal directional kiosk sign panels, which will comprise up to twenty percent (20%) of all sign panels permitted, for uses of public purpose directional signage to municipal sites, as designated by the city.

- G. Unauthorized Signs. Illegally placed and non-permitted signs placed in city right-of-way may be removed by the city upon discovery. Non-permitted or illegally placed signs may be destroyed immediately.”

Sec. 14.1206 Off-Site Church Identification/Welcome Signs

Religious, civic, and philanthropic institutions and organizations located within the city limits of Lancaster are permitted to place identification signs, welcome signs and promotional signs, subject to the following regulations:

- A. Permit Required. A sign permit shall be required. If the institution and property owner is different, then a signed agreement between property owner and institution shall be furnished to Building Official.

- B. Size. The maximum area of any such sign representing a single institution is thirty-two (32) square feet. The maximum height of any such sign is nine (9) feet.

- C. Number of Signs. The maximum number of signs promoting any one single institution shall not exceed four (4).

- D. Location.
 - 1. Signs must be located totally on private property, not on city right-of-way.
 - 2. No such sign shall be located within twenty five (25) feet of a residential lot.
 - 3. No such sign shall be located within one hundred (100) feet of a similar such sign.
 - 4. No signs shall be placed within fifty (50) feet of street or alley intersections.

Sec. 14.1207 Special and Unique Signs

(a) Multi-Use Businesses. Certain business establishments are recognized to have certain unique requirements that necessitate additional building signage. Businesses are described as follows:

- (1) Business that incorporates on one (1) tract of land or under one roof, several distinct type businesses that are somehow interrelated shall be allowed to have one (1) such sign for each business entity. An example of such business is, but not necessarily limited to, a new car dealership (used cars, paint and body shop, service department, etc., are distinct but interrelated businesses). Size and number of signs to be approved by the Building Official.
- (2) Retail establishments that sell and dispense gasoline shall be allowed a gasoline price sign in addition to any general business signs.
- (3) Banks, retail stores that provide ATM machines.
- (4) The city manager or his designated representative shall have the final determination on approving sign permits for applications applying under the terms of this article.

(b) Historic District.

- (1) Historic Landmark District A. Signs located within the Historic Landmark District A as defined in Chapter 10, Article 10.800, Section 10.803 of the Lancaster Code of Ordinances, shall be subject to the following special regulations in addition to the review as required in this Article:
 - A. Attached signage on buildings that front or face the Historic Town Square, shall not be internally illuminated.
 - B. Attached signage on buildings shall not exceed twenty (20) square feet in gross surface area. Such signs shall be mounted parallel and flush to the surface of the building.
 - C. Signs shall be of earth tones. (Shown in Sherwin William's Historic Color Chart.)
- (2) Town Square Regulations. Any person, firm, corporation, or association erecting a sign on Town Square public or private canopy shall comply with the following regulations pertaining to sign style, size, materials, media and placement:
 - A. Sign Size. The maximum height of the sign shall be fourteen (14) inches; the thickness of the sign shall not exceed two (2) inches; the width of the sign shall not exceed one-half (1/2) the width of span between support columns, less nine and one-half (9-1/2) inches. Where no support columns exist, the maximum width of a single sign shall not exceed seven (7) feet, nor shall the maximum width of two signs placed together on a canopy exceed the width of the canopy, less twelve (12) inches.
 - B. Sign Materials. The prescribed material to be used in construction of canopy signage may be cedar, redwood, cypress or other wood materials that are naturally resistant to decay.
 - C. Sign Media. The application of a message on a sign may be achieved by sand blasting, by application of dimension (raised or recessed) characters, or by hand lettering (vinyl cutout letters are strictly prohibited). Color selections for sign letters, border, and background shall be made by owners/tenants. Day-Glow, neon and similar colors are strictly prohibited. Illuminated signs are not compatible with the Town Square restoration theme and are therefore not approved sign media.
 - D. Sign Placement, Public Canopy:

1. The top edge of the sign shall be six (6) inches below the top edge and flush with the front edge of the canopy front horizontal beam.
2. The side edge of the sign shall be eight (8) inches from the leading edge of the support column. The sign shall be located between the support columns to the side nearest building and business entrance.
3. The sign shall be affixed to the canopy mounting hardware in accordance with the detail set forth in the “Canopy Signs/Attachment Specification”, adopted herein by reference.
4. In no event shall the affixing of a sign to the public canopy provide a vertical clearance between grade level and the bottom of the sign of less than seven (7) feet five (5) inches.

E. Sign Placement, Private Canopy:

1. The top edge of the sign shall be six (6) inches below the top and flush with the front edge of the canopy.
2. No more than two (2) signs may be placed on any single canopy. Each sign must be suspended directly from the canopy.
3. In no event shall the affixing of a sign to the canopy provide a vertical clearance between grade level and the bottom of the sign of less than seven (7) feet, five (5) inches.

Sec. 14.1208 Maintenance of Signs

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a proper state of preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Signs with broken or missing faces shall be repaired or replaced within fifteen (15) days of notice by the Building Official.

Freestanding sign panels advertising a business that has vacated the premises must be replaced with the new business or a blank panel within 30 days of vacancy.

Sec. 14.1209 Removal of Obsolete Signs

Any sign which the Building Official determines no longer serves a bona fide use conforming to this code, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such signs 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 incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon where it is erected.

Sec. 14.1210 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 permittee, owner, agent or person having the beneficial use of the premises fails to remove or repair the sign within fifteen (15) days after such notice, such sign may be removed by the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice.

Sec. 14.1211 Illegal and Nonconforming Signs

- (a) **Illegal Signs.** An illegal sign is any sign that meets any of the following criteria:
- (1) A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;
 - (2) A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises;
 - (3) A nonconforming sign for which the amortization period has expired;
 - (4) A sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
 - (5) A sign that is a danger to the public or is unsafe; or
 - (6) A sign that pertains to a specific event that has not been removed within five days after the occurrence of the event.
- (b) **Retention of Non-conforming Signs.** Non-conforming signs, except as otherwise provided by this ordinance, may be continued subject to the following limitations:
- (1) The owner of a non-conforming sign, upon receipt of a notice of non-conformity, may register the sign with the City as an existing, non-conforming sign.
 - (2) Registered, non-conforming signs may be maintained and repaired with like materials and the sign message may be changed, provided that there is no extension, enlargement, change in location, or structural modification to any non-conforming aspects of the sign.
 - (3) When a non-conforming sign is demolished or damaged to the extent that the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location, such sign shall be eliminated or made to conform to the current sign regulations.
- (c) **Removal of Non-conforming Signs.** The following non-conforming signs shall be eliminated or made to conform to the current sign regulations within 30 days of the receipt of a notice of non-conformity. Signs subject to this Section are those whose characteristics constitute a public safety hazard.
- (1) Signs that violate the sight triangle provision.
 - (2) Signs using the words "stop", "slow", "caution", "danger" or any other word, phrase, symbol or character in such a manner as is reasonably likely to be confused with traffic, directional and regulatory signs.
 - (3) Signs erected so that by their location, color, nature or message are likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights or an emergency or public safety vehicle.
 - (4) Strings of lights not permanently mounted to a rigid background, except those exempt under *Section 14.1201(d) Exempted Signs*.
 - (5) Signs affixed to trees or utility poles.
 - (6) Temporary and portable signs, except those provisionally exempt signs listed in *Section 14.1201(d) Exempted Signs*, which violate building code provisions for wind loading, structural stability, electrical wiring or other code provisions.
- (d) **Removal of Illegal and Dangerous Signs.** Except as otherwise provided by this ordinance or by law, the Building Official shall cause the removal of:

- (1) Any sign constructed, erected or placed in violation of the provisions of this or prior ordinances;
- (2) Any sign expressly prohibited by *Section 14.1201(a) Prohibited Signs*;
- (3) Any sign that represents a clear and present danger to the health or safety of the public due to its structural condition.

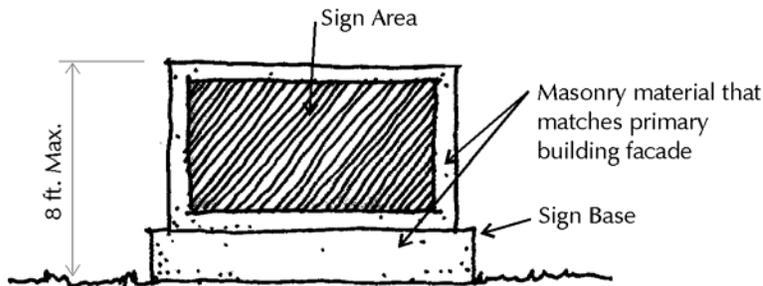
(e) Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

Sec. 14.1212 Administration and Permits

(a) Principles of Sign Computations. The following principles shall control the computation of sign area and sign height.

(1) Computation of Area of Individual Signs

- A. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this computation the sign cabinet shall be defined as the structure or border used to differentiate a sign face from the structure against which a sign face is placed.
- B. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.
- C. The permitted area for all monument signs shall not include the sign base or sign structure. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area. In no case shall the sign face of a monument sign exceed 50% of the overall sign structure.



- (2) Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure the sign area shall be computed by the measurement of one of the faces.
- (3) Computation of Height. The height of a sign shall be computed as the mean distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign.

Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

- (4) Computation of Sign Setback. The spacing between a sign and a lot line or two signs. The distance is measured horizontally from a vertical plane at the outer extremity of each sign.
- (5) Computation of Maximum Number of Signs. Pursuant to this Article, each lot is allocated the maximum number of signs allowed per District. Where indicated, additional signs beyond the identified allowance shall be determined by the lineal frontage of the lot.

(b) Sign Permits, Applications and Inspections.

- (1) Creation of Any Sign. It shall be unlawful for any person to paint on any wall or surface, construct, erect, alter, enlarge or repair any sign within the city limits of the City of Lancaster without first obtaining a permit from the Building Official and paying the fee as listed elsewhere in the City Code.
- (2) Illuminated Signs. Signs to be illuminated are subject to the electrical code, permit and fee requirements.
- (3) Applications.

A. Application. Application for permits shall be made upon forms provided by the Building Official, and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant
2. Location of building, structure, or lot to which or upon the sign or other advertising structure is to be attached or erected.
3. Two (2) sets of plans to scale shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks, and two (2) sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, and such other information as the Building Official may require. The plans shall be 1/8" to 1" (foot). Signs over ten feet (10) in height shall be engineered design.
4. Name and address of person, firm, corporation, or association erecting structure.
5. Electrical permit shall be required for illuminated sign.
6. Zoning classification carried by the property.
7. Such other information as the Building Official may require in order to show full compliance with this and all other laws and ordinances of the city and state.
8. The Building Official may require plans to be prepared by a registered professional engineer. Original signature of engineer required. Engineer shall be certified by the State of Texas.

B. Review and Inspection.

1. Review. It shall be the duty of the Building Official upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure is in compliance with all the requirements of this Section, the building code, and all other laws and ordinances of the City of Lancaster, he shall then issue the sign permit. In addition, applications for sign permits within the Historic Landmark

Preservation District shall be reviewed by the Historic Landmark Preservation Committee and a Certificate of Appropriateness shall be issued by the Planning and Zoning Commission prior to issuance of permits. If the work authorized under a sign permit has not been completed within ninety (90) days after issuance, the said permit shall become null and void.

2. Inspection. The Building Official shall be notified by the permittee when erection of the sign is complete and he shall make an inspection to determine if the sign conforms to city ordinances and codes. The Building Official shall 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 repair or removal.

- (4) Sign Control Board Approval. Signs or signs with moving parts shall be approved by the Sign Control Board.

(c) Building and Fire Codes.

- (1) Codes. Signs shall meet all adopted building codes and fire codes.
- (2) Structural Design. Signs in excess of fifty (50) square feet in area and taller than ten (10) feet in height shall be designed by a structural engineer registered in the State of Texas and constructed to withstand a wind load of thirty (30) pounds per square foot and shall be constructed to receive a dead load as required by the adopted building code.

(d) Sign Contractors Registration Required. A sign contractor's registration must be obtained prior to engaging in such business within the City of Lancaster.

- (1) Requirement for Registration. No person, firm or corporation shall install, erect or maintain any sign, or contract for such service, until such person, firm or corporation has applied to the Building Inspection Department for a registration to install, erect and maintain signs, and until such registration has been approved and issued.
- (2) Registration Fees. The fee for such registration shall be established by City Council.
- (3) Registration Board. No registration for the installation, erection and maintenance of signs shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the Building Inspection Department a liability insurance certificate in an amount established by the Building Official. Such certificate shall meet the requirements of the City of Lancaster and the laws of the State of Texas, and shall provide for the indemnification of the City of Lancaster, for any and all damages or liability which may accrue against it by reason of faulty installation, erection, demolition, repair, removal or defects in, or collapse of, any sign for a period of one (1) year. Such liability insurance shall further provide for the indemnification of any persons, firm or corporation who shall, while upon public property or in any public place, incur damage for which principal named in the insurance policy is legally liable.
- (4) Cancellation of Registration. The registration of any sign contractor may be canceled by the City manager upon the recommendation of the Building Official, when such contractor persistently violates the requirements of this code. Conviction in Municipal Court, whether appealed or not, on three (3) violations over a period of two (2) calendar years shall constitute evidence of persistent violation. Any registration thus canceled shall not be renewed for such contractor or anyone operating his shop until such violations have been corrected. Upon correction of the violations, the contractor's registration may be renewed.

ARTICLE 14.1300. DEFINITIONS

Sec. 14.1301 Usage

- (a) For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Ordinance.
- (b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
- (c) The word “shall” wherever used in this Article will be interpreted in its mandatory sense; the word “may” shall be deemed as permissive.
- (d) The word “building” includes the word “structure”, the word “lot” also means “plot” or “tract”.
- (e) The term "used for" includes the meaning "designed for" or "intended for".

Sec. 14.1302 Definitions

(a) General Definitions:

Accessory Building or Use. A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Adopted Policies. A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the City Council.

Agriculture. The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Dallas County; The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is three (3) acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and is not primarily for the raising or fattening of livestock. A feed lot exclusively for the fattening of livestock is not considered an agricultural use.

Agricultural Building: A structure designed and constructed to store farm implements or hay, grain poultry, livestock, fruit, and other agricultural products. These buildings are not to contain any residential use or be open to the public.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also public space or way, 20 feet or less in width, which has been dedicated or deeded for public use.

Alteration to a Sign. Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Alteration. Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building, or change or modification in construction or occupancy.

Antenna. Definitions. For the purpose of this division an antenna mast is defined as an antenna, mast or tower, or all or any two (2) of these combined to constitute a structure designed for radio and television reception or transmission.

“**Antenna**” means a device or apparatus consisting of one or more wires, rods, dish or panels arranged to send and receive radio, television, electromagnetic or microwave signals. For purposes of this section, several antenna components may be assembled to perform a single function for a single operator and may be considered one (1) antenna.

Antenna--Accessory means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, electromagnetic or microwave signals as part of and directly related to a principal activity within an office, retail or industrial building and which itself is not a principal use or unrelated to any principal use on the property.

Antenna--Commercial means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, cellular, electromagnetic or microwave signals, and any other similar technology, primarily for the purpose of operating a business and/or for financial gain. A commercial antenna may be either mounted or freestanding as described below.

Antenna, Commercial--Free-Standing means a commercial antenna supported by or affixed to a free-standing pole, tower, tripod, frame or other similar structure.

Antenna, Commercial--Mounted means a commercial antenna permanently affixed to the roof or other portion of a building.

Antique Shop. A retail or wholesale establishment engaged in the selling of works of art, architectural antiques, furniture and/or other artifacts of an earlier period (i.e., over 50 years old) and that are in clean, operable and saleable condition (i.e., not junk), with all sales and storage occurring inside a building. An antique shop is differentiated from a “used merchandise store”, a “resale shop” or a “consignment shop” in that it does not market common, contemporary used household goods, clothing or furnishings – rather, it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiques (generally over 100 years old) from past eras.

Apartment Hotel. An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Apartment House or Building. A building arranged, intended or designed for more than two families. (See Dwelling Unit, Multiple)

Apartment. A room or suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit and who do their cooking therein. (See Dwelling Unit)

Associated Recreation. Recreational uses which are an integral part of a common ownership or associated with high density residential development (example: Homeowners Association with a private club, swimming pool, and tennis courts).

Authorized Agent. An architect, builder, developer, or other person empowered to act on behalf of other persons.

Automobile Repair, Major. Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under “Automobile Repair, Minor”, and other similar uses. All repair work shall be performed inside an enclosed building. Vehicles shall not be stored on site no longer than 90 days.

Automobile Repair, Minor. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil spark plugs, and filter changing; tire

alignment; tune-ups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use. All work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days.

Bank, Savings and Loan, Credit Union or Similar Financial Institution. An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, *excluding* pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses."

Bar, Cocktail Lounge, Tavern, Saloon, Cantina. An establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant as defined in this Section.

Basement or Cellar. A story having more than one-half (½) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

Bed and Breakfast. A single family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.

Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Official shall determine the outline of the block.

Board. The Board of Adjustment of the City.

Boarding House or Lodging House. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Buffer. A visual screen constructed of wood, concrete block, masonry, or landscape material including earthen berms in such a manner that adjacent property will be screened from the use contemplated, so noise, solid waste, or other objectionable influences will be avoided. Such buffer shall be horizontal to the ground, opaque, and a minimum of six (6) feet in height.

Building. An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or Section of such building shall be regarded as a separate building, except that two buildings connected by a breeze way shall be deemed as one building. Parking structures shall not be considered as buildings when calculating building coverage.

Buildable Area. The "buildable area" of the lot is the maximum amount of allowable space upon which a structure or building may be erected, after meeting the coverage, yard and other requirements of this Ordinance.

Building Area. The building area of the lot is the gross area covered by the structures when placed on the lot.

Building Coverage. Percentage of the lot that is occupied by the building area. Parking structures shall not be included in the calculations for coverage requirements.

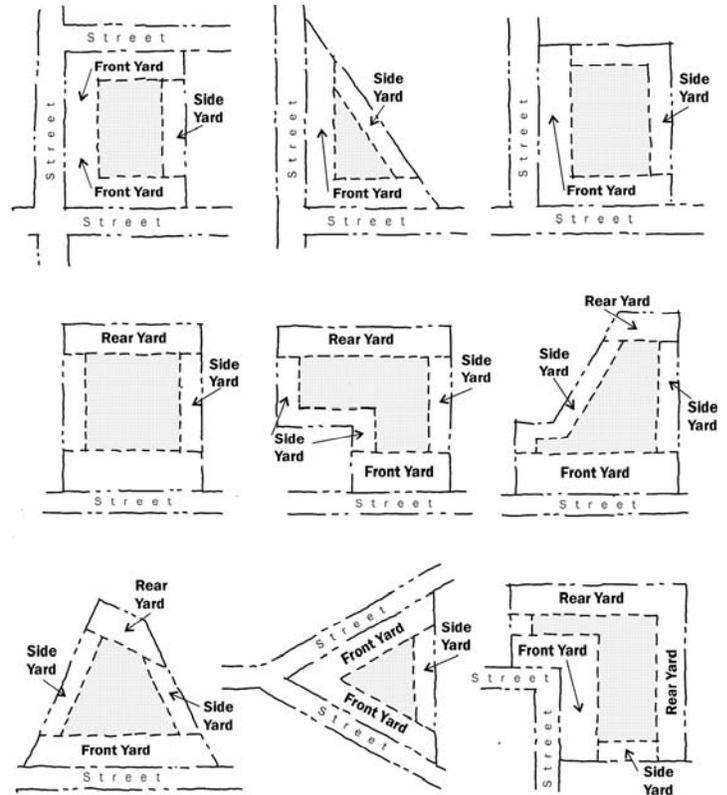
Building Height. The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof if it is gable, hip or gambrel roof.

Building Official. The duly authorized employee or representative of the City charged with implementation, inspection and enforcement of the building codes.

Building, Principal. A principal building is one in which a main use of the lot on which it is located is conducted.

Building Setback Line. A line defining an area on the building lot between the street right-of-way line and all other property lines and the building line within which no building or structure shall be constructed (also referred to as a “yard”), encroach or project except as specifically authorized in an adopted ordinance of the City of Lancaster. In the GR, C, CBD, HC, RT, LI, HI districts, underground parking garages shall not be required to meet side or rear setback requirements, but may be constructed from lot line to lot line.

- a. **Front Building Setback Line (defining a Front Yard):** A line parallel to the street right-of-way line which the building faces, and takes its primary access from.
- b. **Side Building Setback Line (defining a Side Yard):** A line parallel to an adjacent lot or street right-of-way on a corner lot, which the building sides up to.
- c. **Rear Building Setback Line (defining a Rear Yard):** A line parallel to an adjacent lot, alley, or street in the case of double frontage lots, which the building backs up to and has its rear or secondary access from.

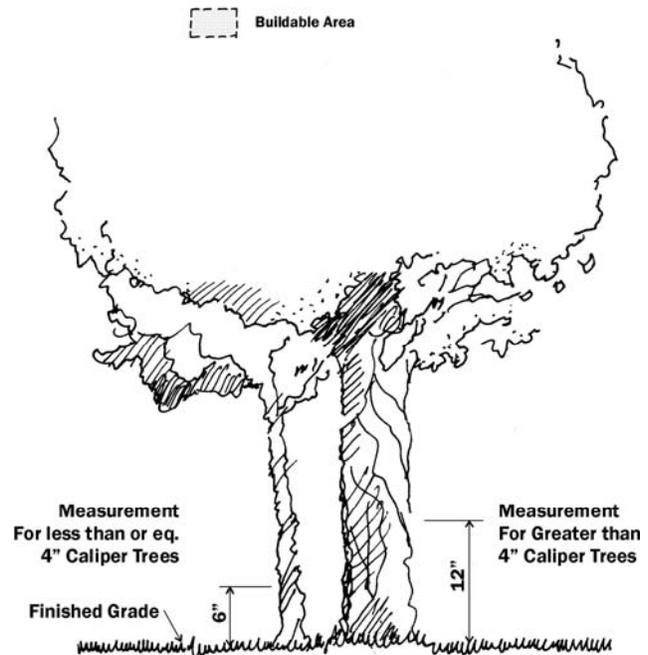


Caliper. Caliper means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the total caliper of all of its trunks at the elevation being measured.

Carport. A structure which is open on at least 2 sides., covered with a roof and constructed specifically for the storage of one or more automobiles; utility room may be included.

Certificate of Occupancy. A certificate issued by the Zoning Administrator or his authorized representative stating that the proposed use of the land and/or building conforms to the requirements of this Ordinance.

Check Cashing Business/Credit Agency or Similar Financial Institution. A check cashing business, credit agency or similar financial institution, e.g., payday advance/loan businesses or car title loan businesses, defined as:



An establishment that provides to the customer an amount of money that is equal to the face of a check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers, that cashes checks or money orders, or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month, and/or an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check, and/or an establishment that makes small consumer loans that leverage the equity of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or grocery store.

NOTE: *These uses will only be allowed with a Specific Use Permit (SUP) in the MI (Medium-Industrial) and the CS (Commercial Services) zoning districts in a free-standing building developed in accordance with the provisions of this Ordinance and shall not be co-located in the same structure as other uses. No lot/parcel containing this use will be allowed within 2,000 lineal feet from any other lot/parcel containing this similar use (as measured in a straight line between the nearest points of one property line to another property line).*

No lot/parcel containing this use will be allowed within 500 lineal feet of any residentially zoned property or property used for residential use, or within 1,000 lineal feet of East Interstate 35, Interstate 20 including the service roads and any major or minor arterial as designated by the adopted City of Lancaster Thoroughfare Map (as amended).

City. The City of Lancaster, Texas.

CLTA. Council of Landscape Tree Appraisers

Clinic. An institution, public or private, or a station for the examination and treatment of outpatients by a group of doctors, dentists, opticians, ophthalmologists, orthopedists, or other similar professional physicians.

Cluster Development. A method of development of land that permits variation in lot sizes without an increase in overall density of population or development, and results in a commonly held and accessible amenity. This remaining space must be preserved for public or neighborhood accessible open space, or the preservation of historically or environmentally sensitive features as a community resource. (See Conservation Development.)

Cold Storage Plant. A commercial establishment where foods are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. There is no slaughtering of animals on the premises.

Commercial Amusement. Any enterprise whose main purpose is to provide the general public with amusing or entertaining activities, where tickets may be sold or fees may be collected at the gates of the various rides, contests, games, exhibits, or other similar activities. Commercial amusements include zoos, exhibitions, expositions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows, bowling alleys, pool parlors, video arcades and similar enterprises but does not include theaters and auditoriums.

Establishments that contain more than four (4) coin operated machines as defined by City Ordinances and/or more than one (1) pool table are hereby defined to be commercial amusements and shall meet the requirements for such uses as set forth in this ordinance.

Commission. The Planning and Zoning Commission of the City of Lancaster, Texas.

Comprehensive Plan. The Comprehensive Plan of the City of Lancaster and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.

Condominium. A multifamily dwelling unit, within which designated dwelling units are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roof, parking space, and the land when the building is not constructed on leased land.

Conservation Development. A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features. (See Cluster Development.)

Convent or Monastery-a building or group of buildings designed to provide group housing for persons under religious vows or orders.

Court. An open unoccupied space, other than a yard, on the same lot with a building and which is bounded on two (2) or more sides by the building.

Curb Level. The level of the established curb in front of the building measured at the center of such front, or in the case of a corner lot, along the abutting street where the mean curb level is the highest. Where no curb has been established, the City Engineer shall establish such curb or its equivalent for the purpose of this Ordinance.

Day Care Center or Day Nursery. A place for the care of children. Services usually include a staff nurse and a hot meal is normally served.

Density. The ratio of dwelling units per gross acre of platted area being developed.

Director. The Director of Community Development for the City of Lancaster.

District. A zone or geographic area within the municipality within which certain zoning or development regulations apply.

Drive-In Eating Establishments. Any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises or taken away for consumption in the home or other places.

Dwelling Unit. Any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boarding houses or mobile homes, trailers, motor coaches or other recreational vehicles.

- a. **Single-Family:** A building designed for and/or occupied exclusively by one (1) family as a separate dwelling unit.
- b. **Duplex:** A building designed and/or occupied exclusively by two (2) families living independently of each other.
- c. **Triplex:** A building designed for and/or occupied exclusively by three (3) families living independently of each other.
- d. **Fourplex:** A building designed for and/or occupied exclusively by four (4) families living independently of each other.

- e. **Multiple:** A building designed for and/or occupied exclusively by five (5) or more families living independently of each other.
- f. The determination of whether one family is living independently of another is based on one or more of the following criteria:
 - 1) Separate sanitary facilities.
 - 2) Separate kitchen facilities.
 - 3) Separate entrances.
 - 4) Separate utilities.

Empty Nester Unit. A residential unit type that is targeted to singles, empty nesters and retirees, which generally requires a minimum of maintenance and is smaller than typical single family homes. (See Article V.3.1.a.1)

Exception. Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from a Variance or rezoning, which may be granted by the Director, the Planning and Zoning Commission or the City Council as specified in this Unified Development Code. (See “Variance” and “Temporary Waiver”.)

Family One (1) or more persons who are related by blood, adoption or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

Fence. An enclosure or barrier for the purpose of enclosing space or separating lots, composed of masonry or concrete walls, excluding retaining walls; or wood, metal, or concrete posts connected by boards, rails, panels, wire, or mesh.

Filling, Retail Service Station. An establishment where gasoline, oil and grease, or automobile accessories are sold, supplied or dispensed to the vehicle trade or where motor vehicles received limited repair, are equipped for service, or where electric storage batteries are recharged and cared for, or a place where any two or more such activities are carried on or conducted as the principal use of the establishment. (The storage, sale, lease, or rental of more than one [1] boat or mobile home, or more than five [5] hauling trailers is prohibited.)

Flea Market/Second Hand Dealer/Swap Meet. The sale or trade of used merchandise customarily involving tables or space leased or rented to vendors either in the open air or in a building. This does not include a used merchandise establishment or an antique store.

Floor Area Ratio. The relationship of the gross floor area of all buildings on a lot to the total lot area. Parking structures shall be excluded in the calculation of the floor area ratio.

Frontage. All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

Garage Apartment. A dwelling unit attached to a private garage.

Garage, Community. A building or portion thereof, other than a public, private or storage garage as defined below, providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.

Garage, Commercial. A commercial garage is any premises and structures used for housing more than three (3) motor driven vehicles or where any vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.

Garage, Detached or Private. An accessory building for storage only of motor vehicles and home laundry.

Garage, Public. A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Garage, Storage. A building or portion thereof, except those defined as private, a public, or a community garage providing storage for more than four (4) motor vehicles, with facilities for washing but no other services.

Garage, Pull Through. A “pull through” garage shall mean a garage that is sited at the rear of a lot and behind the principal structure that requires a driveway adjacent to the principal structure to connect the garage with the street fronting the principal structure.

Garage, J-Swing. A “J-swing” garage is accessed by the front street, but the garage entry faces parallel to the street.

Group Housing Project. A dwelling project consisting of three (3) or more buildings, to be constructed on a plot of ground which is not subdivided into customary streets or lots, or where the existing or contemplated street or streets or lot layouts make it impractical to apply the requirements of this Ordinance to the individual building units in such housing project.

Guest House. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.

Height of Yard or Court. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Home Occupations. A "home occupation" is a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.

Hospital, Sanitarium, Nursing or Convalescent Homes. A building or any portion thereof, used or designed for the housing or treatment of the sick, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel, apartment hotel not ordinarily intended to be occupied by said persons.

Hotel. A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms, and no provisions for cooking in individual rooms.

Impervious Cover. Roads, parking areas, buildings and other impermeable construction covering the natural land surface that prevent absorption of the water. Water quality basins, swells and other conveyances for overland drainage shall not be calculated as impervious cover.

Institutional Use. A nonprofit organization or building, public or private, for the benefit of the public including YMCA, YWCA, Boys Clubs, Scouts; educational facilities and schools, including day care centers and kindergartens; churches, temples, cemeteries, mausoleums or crematories for the deposit of the human dead; hospitals, civic clubs, private parks, private libraries, museums, etc.

Kennel. Any premises in which more than 3 dogs or 3 cats or 3 other domesticated animals over the age of three months, not including livestock or poultry, are housed, boarded, raised, or trained as a commercial enterprise. This definition does not include pet shops.

Kindergarten. A school for more than five (5) children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

Kiosk Program. A program established by the City of Lancaster to provide signage to community facilities, parks and new home developments. (See also “Signs, Kiosk)

Landscaping. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the City Council.

Legislative or Governing Body: The City Council of the City of Lancaster, Texas.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Loft. Flexible floor space above the ground level of a building (generally a commercial building) which is used for living or live-work uses.

Lot. An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Lot Area, Minimum. Includes internal sidewalks, recreation areas, floor space, parking area, open space and utility easements, but does not include any public right-of-way street easements, or alley easements.

Lot, Corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Official, or as specified on an approved plat.

Lot Depth. The length of a line connecting the midpoints of the front and rear lot lines.

Lot Double Frontage or Through Lot. A lot abutting on two (2) nonintersecting public streets as distinguished from a corner lot.

Lot, Frontage. The length of street frontage between property lines.

Lot, Interior. A lot whose side lot lines do not abut upon any street.

Lot, Irregular. Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than ninety (90) degrees. A lot fronting on a sharp curve or cul-de-sac.

Lot Lines. The lines bounding a lot as defined herein.

Front Lot Line. The property line between the front yard and the contiguous street right-of-way boundary.

a. **Rear Lot Line:** The boundary line which is opposite and most distinct from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.

b. **Side Lot Line:** The property line between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

Lot, Reverse Corner. A corner lot whose front line faces at right angles to the front lot lines of the interior lots or whose rear lot line abuts the side lot lines of interior lots.

Lot Width. The horizontal distance between side property lines, measured at the front setback line.

Lot of Record. A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the County Clerk of Dallas County; or a parcel of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the County Clerk of Dallas County prior to the adoption date of this Ordinance, which has not been divided since recording.

Lots in Separate Ownership at the Time of the Passage of this Ordinance. A lot whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the County Clerk of Dallas County on or before the date of the adoption of this ordinance.

Maneuvering Space. The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Masonry. Masonry construction shall be defined as construction composed of materials in the categories listed below and shall not include hollow clay tile or exposed lightweight block such as cinder block.

Mini-Warehouse. A mini-warehouse (or self-storage facility) is an enclosed storage facility containing independent, fully enclosed bays that are generally leased to individuals for long-term storage of their household goods or personal property.

Modular:

- Brick
- Natural or quarried stone
- Cast or cultured stone
- Glass block or glass
- Tile
- Custom concrete masonry units (normal or heavy weight blocks with an integral color that is sandblasted, burnished or has a split face)

Mini-warehouses. Small individual storage units for rent or lease, restricted to the storage of items that are not for sale on the premises.

Mobile Home. A movable or portable dwelling which is constructed on a chassis, and which is designed to be towed over Texas roads and highways under special permit, designed for year-round occupancy, designed primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units that can be telescoped when transported and expanded later for additional capacity, or of two or more units, separately transportable, but designed to be joined together into one integral unit. The following shall not be included in this definition:

- a. Travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles.
- b. Manufactured modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical plumbing, and heating systems which comply with Lancaster Ordinances and Codes.

Modular Homes. Any permanent, single family dwelling unit which has been prefabricated or factory constructed as a single unit or in Sections or modules, and assembled at the factory or construction site and moved to a permanent location as a unit or in Sections or modules, as a permanent single family dwelling unit placed on a permanent foundation at such site and connected with all required utility services.

Motel. A building or group of two or more detached, semi-detached, or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers; including group designated as auto cabins, motor courts, motels and similar designations.

Municipal Uses. Facilities owned or controlled by the City of Lancaster including but not limited to: office buildings, maintenance shops, treatment plants, community centers.

Nightclub, Discotheque, Disco or Dance hall. An establishment whose primary activity is the provision of facilities for dancing, including a dance floor and live entertainment or amplified music. Such establishment may or may not provide on-premises consumption of alcoholic beverages. Schools of dance are exempted from this definition.

Nonconforming Use, Building or Yard. A use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of this Ordinance.

Office Showroom. An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Offices, Professional and General Business. A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, and medical offices.

Owners of record. Persons, partnerships or corporations listed as the property owner as of the date of the notification letter.

Parking Area. Space used exclusively for the parking of vehicles and where no other business is conducted paved to City specifications.

Parking Space. Area, not closer than six (6) feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two (2) feet the dimensions of the type of vehicle normally to be parked in the space, and connected to a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the adopted ordinances of the City of Lancaster regarding off-street parking.

Patio Home. A single family, residential dwelling unit that is most often a one story L-shaped or U-shaped home utilizing the entire lot with an enclosed garden court for open space area. Fire retardant walls are utilized and additional open space is often provided by clustering the units.

Paving. Material which provides an all weather surface for the parking of vehicles. All required paving shall meet the standards specified by applicable City specifications.

Permitted Use. A use specifically allowed in one or more of the various districts without the necessity of obtaining a use permit.

Person. Any individual, association, firm, corporation, governmental agency or political subdivision.

Personal Service Shop: An establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot, saddle, shine shop.

Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Planning Consultant. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

Planned Shopping Center. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as one operating unit related in its location, size,

and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

Planned Development (PD). Includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and comply with provisions of the ordinances governing planned developments.

Plant List, City Approved. A list of plant materials which are acceptable for meeting the City's landscape requirements. It also includes a list of plant materials which are prohibited. The Plant list is approved by the Planning and Zoning Commission and maintained by the Director.

Plat. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties and streets.

Portable Building: A temporary building that may or may not have a foundation and is transportable. The structure may or may not require a permanent foundation based on the adopted building codes as amended.

Private Club. An establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code, as it be hereafter amended and as it pertains to the operation of private clubs.

Recreational Vehicle or Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight(8) feet and a body length not exceeding State maximums.

Rescue Mission or Homeless Shelter. A facility providing temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as counseling, vocational training, etc.

Restaurant or Café: A building or portion of a building, where the primary business is the on-premises sale of prepared food, with adequate facilities for the preparation of the food to be sold, the adequacy of said kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered.

Restaurant (Limited Service): A building or portion of a building, where the primary business is the on-premises sale of prepared food where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

Retail. The sale of goods directly to a consumer. Engaged in, pertaining to, or relating to the sale of merchandise at retail. To sell by individual items or by the piece, directly to a consumer.

Retail Food Store. A retail establishment selling meats, fruits, vegetables, bakery products, light hardware, and other similar items which are purchased for use and consumption off the premises (may be drive-in or supermarket type).

Right-of-Way Line. A dividing line between a lot, tract, or parcel of land and the public right-of-way.

R.O.W. Right-of-Way.

Self-Storage facility. Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited. One caretaker/security residence shall be permitted in association with a self-storage facility.

Semi-Public Uses. Public facilities including sanitary landfills, water treatment and supply facilities, and wastewater treatment facilities, but not including facilities owned or controlled by the City.

Servant's Quarters. An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Setback: See Building Setback Line.

SIGNS:

Abandoned Sign. A sign that no longer identifies or advertises a bona fide business, service, owner, product, or activity and/or for which no legal owner can be found.

Apartment Identification Sign. An accessory on-site sign for the identification of an apartment building or complex.

Attached Sign. A sign attached to, painted on, or erected against a wall of a building which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached and may not extend above the roof line or roof façade, and must be at least eight (8) feet from grade.

Awning Sign. A sign incorporated into or attached to an awning. Any non-illuminated sign painted on or applied to a structure made of cloth, canvas, metal or similar material that is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

Balloon Sign. One or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

Banner Sign. A sign that is painted or displayed upon cloth, flexible fabric or other similar material. For the purpose of this ordinance, a flexible sign face of approved materials, installed according to the manufacturer's requirements, and placed inside the sign cabinet of a general business or multi-tenant sign shall not be deemed to be a banner.

Billboard Sign. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Building Frontage. The horizontal linear dimension designated as the primary façade of that portion of a building occupied by a single use or occupancy. A corner tenant will be permitted to use the secondary façade to determine the "building frontage".

Building Official. Shall mean the officer or other person within the City of Lancaster charged with the administration and enforcement of the sign regulations.

Bulletin Board Sign. A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events, or activities occurring at the institution. Such sign may also present a greeting or similar message.

Business Identification Sign. A sign displaying information pertaining to goods, services, or entertainment offered or produced by the business located on the same property as the business sign, but not including advertising devices or advertising displays.

Canopy sign. Permanent sign attached to the vertical face of a canopy or attached to the structural supports of canopy. Canopy signs shall not extend above the roof line or extend beyond the face of the canopy more than twelve (12) inches.

Construction/Development sign. A temporary on-site sign providing information about future development or current construction on a site and the parties involved in the project. Maximum size 64 square foot per side.

Directional sign. An accessory sign that indicates the direction of facilities by means of arrows, words, or other symbols. Such sign may not contain any advertising.

Double-Faced Sign. A sign with two display areas against each other or where the interior angle formed by the display area is 60 degrees or less, where one face is designed to be seen from one direction and the other side from another direction.

Erect a Sign. Shall mean to build, construct, alter, attach, hang, place, suspend, or affix, and shall also include the painting of signs on the exterior surfaces of a building or structure.

Flashing Sign. Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color by any means whatsoever.

Freeway Corridor. Shall mean the area of land formed by a line parallel to I-35E and I-20 rights-of-way with a width of the two hundred (200) feet from the right-of-way of I-35E and I-20. Land area outside of the two hundred (200) wide area would not be considered as being within the Freeway Corridor.

Freeway Sign. Any detached pole sign along I-35 and I-20.

Gasoline Pricing Sign. Any sign used in conjunction with any retail outlet for displaying changing fuel prices. Gasoline pricing sign regulations are the same as general business detached signs.

General Business Sign. An accessory sign which advertises only commodities or services offered on the premises where such sign is located and where such sign is not the billboard type, but is specifically for the location.

Ground Sign. A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building. This includes both pole and monument signs.

Highway Control Zone. Shall mean all zoned and un-zoned commercial and industrial areas within six hundred sixty (660) feet from the nearest edge of the right-of-way of all portions of the interstate or primary highway systems within the State of Texas as further defined in the Highway Beautification Act.

Identification Sign. A sign identifying the use of, name, location of buildings, or groups of buildings or businesses.

Illuminated Sign. A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within this sign, including, but not limited to, neon and exposed lamp signs, or a sign illuminated by external light directed primarily toward this sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs. An illuminated sign that indicates only the time, temperature, or date shall not be considered a flashing sign.

Inflatable Sign. Air-filled or gas filled device anchored to a building, or the ground and used for advertising purposes on a temporary basis.

Information Sign. A sign that contains useful public information such as the time and temperature.

Institutional Sign. A permanent accessory sign for the identity of a school, church, hospital or similar public or quasi-public institution.

Kiosk Sign. A kiosk sign is a sign that contains individual panels and that is generally used to provide direction to residential



subdivisions from major thoroughfares or to provide direction to schools, amenities, information centers, community facilities and neighborhoods within a residential subdivision.

Marquee Sign. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. (See for comparison "canopy sign".)

Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

Menu Board.

Monument Sign. Shall mean a sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar material. A monument sign shall be solid from the ground up; any poles or supports shall be concealed.

Moving Sign. Any sign or part of a sign that changes physical position by any movement or rotation.

Nameplate Sign. An accessory sign showing only the name and address of the owner or occupant of the premises on which it is located and date installed on all detached signs ten (10) feet or over.

Noncombustible Material. Shall mean any material that will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

Nonconforming Sign. An advertising structure or sign that was lawfully erected and maintained prior to the adoption of this ordinance, and which has subsequently come under the requirements of this ordinance, but does not now completely comply therewith.

Off-Site Advertising/Billboard Sign. A sign constituting the primary use of land and which directs attention to a business, product, activity, or service, which is not conducted, sold, offered, or located on the premises where the sign is located.

Off-Site Development Sign. A temporary off-site accessory sign relating to the promotion of new residential development where the nearest boundary of such development is located more than 1000 feet from the nearest arterial roadway. An off-site development sign may be permitted by the Building Official for a maximum of six months and may be renewed as long as development is active. Development is active if a building permit is active anywhere within the subdivision within the preceding six (6) months. Signs must be removed after expiration of the permit.

Person. Shall mean and include any person, firm, corporation, partnership, association, company, or organization of any kind.

Pole Sign. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade. A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Political Sign. A temporary sign identifying a political candidate, or party.

Portable Sign. Any sign which is not securely connected to the ground and which can be easily moved from one location to another.

Real Estate Directional Sign. A temporary sign related to the location of a new residential development or dwelling units, sales and rental.

Real Estate Sign. A temporary on-site accessory sign pertaining to the sale, lease or rental property for the use for which it is legally zoned.

Roof Sign. A sign erected on a roof or signs that project above the highest point of the roofline, parapet, or fascia of the building.

Searchlight Sign. Searchlights shall be considered signs that are used to announce, direct attention to, or advertise businesses.

Shopping or Business Center Sign. An accessory sign, which identifies only the name of a shopping, office, or business center of six (6) or more acres.

Sidewalk/Sandwich Sign. A movable sign not secured or attached to the ground or surface upon which it is located.

Sign Alteration. Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Sign Face or Surface. Shall mean the surface of the sign, upon, against, or through which the message is displayed or illustrated on the sign.

Sign Setback. Shall mean a minimum distance as measured from the property line to a vertical plane extended to the ground from the nearest extension of a sign structure, i.e. face of pole or outboard edge of sign structural trim.

Sign Structure trim. Shall mean the molding, battens, cappings, nailing strips, laticing and platforms, which are attached to the sign structure.

Sign. Shall mean and include every sign, 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 or outdoor structure, or erected or maintained upon a piece of land, which directs attention to an object, product, service, place, activity, person, institution, organization, or business. This includes any building or surface which is colored or patterned specifically to attract attention. The term “sign” shall not include any flag, badge, or insignia or any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business.

Subdivision entrance sign. A permanent accessory sign, which identifies a single-family, duplex, or townhouse subdivision and is located on private property at street entrances into the platted subdivision area.

Temporary Sign. Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period. Easily removed signs attached to windows are considered temporary signs.

Vehicle Sign. A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

Wall Sign. A sign mounted flat against and projecting less than 12 inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs.

Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

Site. A combination of continuous lots that may or may not be owned separately, that will be developed under one unified plan, as if it were a single parcel of land.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plain, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Social Service Provider. A facility that provides assistance to persons with limited ability for self-care but for whom medical care is not a major element.

Space. A plot of ground within a mobile home or recreational vehicle park designated for the accommodation of one mobile home or one recreational vehicle, together with such open space as required by this chapter.

Specimen and Historic, Champion, and Heritage Trees. As defined by the American National Standards Institute.

Storage. The accumulation, stocking, or depositing of materials or items. These may include materials for the eventual use or sale in a commercial enterprise; but does not include the storing of a personal car or truck on an individual residential lot.

Storage Building. Any building either portable or constructed on site, utilized for storage purposes, and not requiring plumbing and electrical wiring, and not used for residential purposes.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or, if there be no floor above, that part of the building which is above the surface of a floor and the ceiling next above. A top story attic is a half-story, when the main line of the eaves is not above the middle of the interior height of such story. The first story is a full story when over fifty percent of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting entrance of daylight and outside air.

Street. A public or approved private thoroughfare which affords the principal means of access to abutting property, excluding alleys, and as defined in the City's Thoroughfare Plan.

Street Line. The dividing line between the street right-of-way and the abutting property.

Street Yard. The area between the building and a street.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, signs, and excluding utility poles, fences and retaining walls.

Structural Alterations. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

SUP. A Specific Use Permit.

Temporary Waiver. An Exception which is granted for a limited period of time.

Townhouse. A single-family dwelling unit constructed in a series, or a group of units having common walls, each on a separate lot.

Travel Trailers. Any vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses, and includes folding, hardtop campers transported behind a motor vehicle, truck mounted campers attached to and transported behind a motor vehicle or pickup, camper, converted bus, tent trailer, tent or similar device used for temporary, portable housing, or a similar type of temporary dwelling intended for short term occupancy, travel, and/or recreation.

Trucking Company/Motor Freight Company. A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

Used Merchandise Store (also "Resale Shop" or "Thrift Store" or "Consignment Shop") An establishment that generally markets common, contemporary used household goods, clothing or

furnishings on a straight “for sale” basis or on a consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.

Variance. Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from an Exception or rezoning, as set out in powers and duties of the Board of Adjustment. (See “Temporary Waiver” and “Exception”)

Veterinary Clinic. An establishment where animals and pets are admitted for examination and medical treatment and boarding of animals is limited to short term care incidental and subordinate to the clinic use.

Visibility Triangle. An area where structures and landscaping is limited in order to preserve easy visibility between on-coming vehicles at an intersection. Visibility Triangles are defined in *Article 14.800, Public Right-of-Way Visibility*.

Wall, Exterior. Any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.

Wholesale. The sale of commodities for the purpose of resale, as to retailers or jobbers rather than to consumers directly; opposed to retail. Of, pertaining to, or engaged in sale at wholesale.

Xeriscape. Landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Zero Lot Line House. A single family detached residential dwelling unit with one side wall coincident with the side lot line and a 5 foot maintenance easement coincident with the opposite side lot line.

ARTICLE 14.1400 PARK LAND DEDICATIONS

Sec. 14.1401 Purpose.

- (a) This ordinance is adopted to provide parks, open spaces and recreational areas in accordance with the City of Lancaster Parks, Recreation and Open Space Master Plan and the Hike and Bike Trails Master Plan in the form of parks, open spaces, and trails as a function of subdivision development in the City of Lancaster. This ordinance is enacted in accordance with the Home Rule powers of the City of Lancaster, granted under the Texas Constitution, and the statutes of the State of Texas, including, but not limited by way of limitation, Chapters 211 and 212 of the TEXAS GOVERNMENT CODE. It is hereby declared by the City Council that recreational areas in the form of parks, open spaces and trails are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing subdivided property in the City, whether such development consists of new construction on vacant land, redeveloping, rebuilding or remodeling of structures on existing residential property.
- (b) Parks include public areas providing for a variety of outdoor recreational opportunities within convenient distances from residences to be served thereby, the standards for which are set forth in the Lancaster Parks, Recreation and Open Space Master Plan. Open Spaces include preservation and conservation of land for wildlife habitat or areas of natural significance. Trails include a public citywide system of off-road hike and bike trails and equestrian trails. Proposed parks, open spaces and trail systems established by the City Council and shown in the official Lancaster Parks, Recreation and Open Space Master Plan and the Hike and Bike Trails Master Plan shall be prima facie proof that any parks and/or trails located therein is within such a

convenient distance from any residence located therein. Therefore, the following requirements are adopted to affect the purposes stated herein.

Sec. 14.1402 Definitions.

When used in the context of this article, the following definitions shall apply:

Applicant shall mean the property owner or duly designated agent of the property owner of land for which approval of a final plat has been requested for development.

Board shall mean the Parks and Recreation Advisory Board of the City of Lancaster.

City shall mean the City of Lancaster, Texas.

Commission shall mean the Planning and Zoning Commission of the City of Lancaster.

Community Park shall mean a park of approximately 10 – 50 acres, serving an area 2 – 3 miles in diameter, serving a population of approximately 20,000 persons and encompassing the service areas of 4 or more neighborhood parks. Community parks may typically contain lighted athletic facilities for more active play purposes, such as ball fields for football, soccer, baseball and softball, and a creation center or swimming pool, sufficient off street parking, restrooms, picnic areas and pavilions, shaded playgrounds, natural trails, ponds. These parks may be located adjacent to existing or proposed greenbelt areas and proposed educational facilities.

Council shall mean the governing body of the City of Lancaster, Texas.

Development shall mean any residential activity that requires the approving of a final plat for residential uses as defined in the City of Lancaster Subdivision Ordinance, as amended.

Dwelling Unit shall mean space dedicated for human occupancy, any building, structure, or manufactured/mobile home, or part thereof, which is designed, used, or intended to be used, for human occupancy as living quarters or one housekeeping unit or family, as provided in the City of Lancaster Comprehensive Zoning Ordinance.

Linear Park shall mean a park that follows some natural or man made feature that is linear in nature such as creeks, abandoned railroad right of ways, or power line or utility corridor easements. No specific standards apply to linear parks other than to be large enough to adequately accommodate the resources they follow. They can also serve as linear green belts, which preserve open space.

Neighborhood Park shall mean a park of approximately 5 – 10 acres accessible to residents who live within a ½ mile radius of the park, serving no more than 3,000 to 4,000. Neighborhood parks should be designed to service a specific neighborhood area and may include the following: Shaded playground apparatus, unlighted practice/multi-purpose fields, active areas for unorganized play, courts, picnic areas with benches, tables and grills, shaded pavilions and gazebos, trails, security lighting, typically restrooms are not provided in neighborhood parks.

Open Space shall mean areas remaining free of buildings, structures or other improvements. Open space in Conventional Suburban Development is defined as a ratio of some function, such as population or land area.

Park, Recreation and Open Space Master Plan shall mean the official adopted Park, Recreation and Open Space Master Plan and amendments thereto, including policies or development strategies in the City's Comprehensive Plan.

Planned Development shall mean a development of mixed uses inclusive of residential, business, and retail or combination thereof. Planned developments shall have a defined development through design guidelines of landscape, building types, street types, parking for businesses and residential and open space.

Regional Parks shall mean a park dedicated due to its regional importance and relevance. The size of a regional park can vary from small to large, depending upon the purpose and character of the site. An example in Lancaster would be Ten Mile Creek Preserve.

Residential or Residential Development shall mean the actual or proposed use of land for one or more dwelling units, buildings, structures or manufactured/mobile housing which are designed or intended to be used, in whole or in part, as dwelling units.

Subdivider or Developer shall mean an individual, firm, association, syndicate, co-partnership, corporation, or other organization dividing or proposing to divide land, developing or making improvements to such land, so as to effect a subdivision of land hereunder for himself, or for itself, or for another.

Subdivision shall mean the division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land for agriculture purposes.

Special Purpose Parks shall mean parks designed to accommodate specialized recreational activities. Because the facility needs for each activity need are different, each special purpose park usually provides for one or a few activities. Examples are golf course, athletic fields, nature centers or preserves, swimming pool centers, tennis complexes, etc.

Sec. 14.1403 General Requirement

- (a) Whenever a final plat is filed of record with the County Clerk of Dallas county, Texas, for residential development (including single-family, dual-family and multi-family residential areas) in accordance with the subdivision and zoning ordinances of the City, such plat shall contain a statement providing for the assessment of a park land dedication fee in the amount of \$1,400 per dwelling unit in accordance with this ordinance. Any field plat submitted to the City for approval shall show the area proposed to be dedicated under this ordinance. The required dedication of this section may be met by a payment of fees provided herein or dedication of land when permitted or required by the other provision in accordance with this ordinance. Such fee or land may be used only for park and recreational capital improvements in a neighborhood, special purpose, regional, linear and community parks or to construct hike and bike trails located within the city, unless such requirement is waived by the developer.
- (b) The developer of all residential development, single family or multi-family, shall be required to pay the applicable fee as provided in Sec. 14.1403(a) or provide an adequate open space within the development. No plat shall dedicate less than five (5) acres shall be approved, unless the dedication will add to an existing park area.
- (c) When two or more developments will be necessary to create a neighborhood park of sufficient size in the same area, the Parks and Recreation Department, at the time of preliminary plat approval, will work with the developers to define the optimum location of

dedication dedicated land in lieu of fees within such development. Once a park site has been determined, adjacent property owners who develop around the park site subject to this ordinance will dedicate land to the existing site unless otherwise determined by the City Council.

- (d) The fees or dedication required by this Ordinance shall be made by payment, filing of the final plat or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional fee or dedication shall be required.

Sec. 14.1404 Dedication of Land in Lieu of Fee

(a) The City may, from time to time, decide at its sole discretion to accept land for parks in or near the area of actual or potential development in lieu of the fees provided in this ordinance. These requirements shall apply to all single-family, duplex, triplex, fourplex, and multi-family residential developments in the City of Lancaster.

1. Whenever a final plat is filed on record with the County Clerk of Dallas County for development of a residential area in accordance with the subdivision ordinance of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for park, open space and/or trail purposes in accordance with the Parks and Open Space Master Plan and the Trail System Master Plan. The area shall equal one (1) acre per fifty (50) proposed dwelling units. Any proposed plat submitted to the City for approval shall identify the proposed park land to be dedicated and designate the area with a lot and block number. Trails shall be designated as either hike and bike or equestrian trail right-of-way. A trail easement will be accepted if said land is adjacent to a drainage easement and bisecting a piece of property. The dedication herein may be met by a payment of money in lieu of land or capital improvements in lieu of land when permitted or required by other provisions of this Ordinance.

2. The obligation of the developer to dedicate park land or make payments or improvements in lieu thereof shall be in addition to and independent of the requirements of the developer to provide open space with a Planned Development (PD) district. However, if the open space in the Planned Development (PD) exceeds twenty percent (20%) of the project area and is dedicated and accepted by the City as public park land, the required dedication or payment in lieu of may be reduced by the amount of excess acreage.

3. The City Council has determined that development of an area smaller than five (5) acres for a public park is impractical. Therefore, if fewer than two hundred fifty (250) units are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land provided by this Ordinance. An exception will be made if the dedication will increase the size of an existing park adjacent to the proposed plat or provide a trail location and/or connection.

4. In instances where land is required to be dedicated, the City shall have the right to accept the dedication for approval on the plat request or to refuse same, after consideration of the recommendation of the Parks and Recreation Director. If the City refuses the land dedication, the developer is required to make a payment of cash in lieu of

land in the amount provided in Section 14.403 if the City determines that sufficient park and/or trail area is already in the public domain in the area of the proposed development, or if the recreation potential for said park zone would be better served by expanding or improving existing parks.

5. In instances where land dedication for trail development is required, the City Council shall have the right to require construction of the trail in accordance with the City Wide Trail System Master Plan standards for trail construction. In instances where sidewalk and hike/bike trails are in the same location, the hike and bike trail shall replace the sidewalk. Park Development Fees will be only credited for the difference of the required width. The applicant/developer shall receive a credit of Park Development Fees equal to the cost of construction up to the amount of Park Development Fees required. Reimbursement will not be made to applicant/developer for any amount of construction above the Park Development Fees credited. Construction of the trail must be completed in conjunction with all other public improvement/infrastructure and approved by the City for release of the Building Permit. All improvements or construction on or within the dedicated land to be installed by the applicant/developer shall be completed in accordance with the approved Construction Plans. Finished project shall be maintainable and acceptable as determined by the City.

6. The dedication required herein shall be made by filing of the final plat with the Dallas County Land Records Office or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by Section 14.403 or by the dedication of additional park land to the City.

- (b) Combined Land Dedication and Payment of Cash For Equal To or Greater Than a Five Acre Dedication: In instances where an area equal to or greater than five (5) acres is required to be dedicated, the City shall have the right to accept not less than five (5) acres in partial fulfillment of the dedication requirement with the remaining obligation may be fulfilled by payment of fee.
- (c) There may be certain situations and circumstances which are unforeseen which arise with respect to certain tracts of land to be developed, including those parcels which were in final plat stage at the time of the passage of the original park land dedication ordinance, which require special attention and consideration by the City Council; and the City Council, upon showing of unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions of this ordinance due to the topography or other conditions, and not merely a convenience to the applicant, may permit an exception in the strict application of this Ordinance, provided such exception will not seriously affect adjoining property or the general welfare of the community. Any variance granted shall not establish a precedent for other tracts, and each parcel or development shall comply with the terms of this Ordinance unless the criteria for an exception set forth above are met.
- (d) *Timing of payment.* Such payment shall be made at the time of acceptance by the City. Final plat shall not be filed until all have been paid to the City.
- (e) *Notation of agreement.* Subject to approval of the City Council, a developer responsible for dedication under Section 14.403 may elect to meet the requirements of this section in whole or part by a cash payment in lieu of land, in the amount set forth in Section 14.1403. Such payment in lieu of land shall be made prior to plat recording with Dallas County,

prior to issuance of a Building Permit, or as specified in a Development Agreement. Such agreement to make a payment of cash in lieu of dedication or reservation shall be clearly noted on the face of the final recorded plat at the time of submission to the City for action by the Planning and Zoning Commission and City Council.

Sec. 14.1405 These Requirements Shall Apply To All Non-Residential Developments in The City of Lancaster

(a) In instances where land is required for trail construction in accordance with the City-Wide Trail System Master Plan, the City shall have the right to require the land dedication for approval on the final plat, or to refuse same.

(b) The City Council shall have the right to require construction of the trail in accordance with the City Wide Trail System Master Plan standards for trail construction. In instances where sidewalk and hike/bike trails are in the same location, the hike/bike trail shall replace the sidewalk. Construction of the trail must be completed in conjunction with all other public improvements/infrastructure and approved by the City for release of the Building Permit. All improvements or construction on or within the dedicated land to be installed by the developer shall be completed in accordance with the approved Construction Plans. Finished project shall be maintainable and acceptable as determined by the City.

SEC. 14.1406 Capital Improvements in Lieu of Land

Subject to approval of the City Council, an applicant/developer responsible for dedication under Section 14.1403 may elect to meet the requirements of Section 14.1404 in whole or part by constructing or completing capital improvements in existing City parks or dedicated park land in lieu of land. These improvements should be made in accordance with the Parks and Open Space Master Plan. Should any of this option be exercised, the City and the developer shall enter into a developer's agreement for credit of expenses equal to the cost of construction, prior to initiation of work on such improvements. Reimbursement will not be made if the developer chooses to improve park lands at a greater amount than required. Such developer's agreements for improvements shall be made prior to plat recording with the County or as specified in the Development Agreement.

Sec. 14.1407 Character and Minimum Area

(a) In determining the appropriateness of land to be dedicated under 14.1404 the following shall be considered: Size, dimensions, topography, and general character as is reasonable required to meet the demand and need of future residents, e.g., multi-purpose trail, open space buffer, active recreation for team or individual sports, playground, tot lot, picnic area, and such other recreational uses.

(b) In determining the appropriateness of the dedication in lieu of fee, the City may also consider the use of such property for its Trail Network Plan as provided in the Comprehensive Master Plan or the Comprehensive Park Master Plan.

(c) Consideration shall also be given to unique natural areas or flood plains that provide linkages between parkland set aside or reserved for open space or other appropriate dedication.

(d) The minimum amount of open space and park and recreational area that shall be dedicated or otherwise reserved pursuant to this section shall be two (2) acres per one hundred (100) dwelling units. Land within flood plains and floodway designated areas shall not be counted toward meeting this requirement unless more than 50% of the site is located above the 100-year flood plain.

(e) No land dedicated or otherwise reserved in compliance with this section shall have dimensions smaller than one hundred feet (100') in width and one hundred fifty feet (150') in depth. In any development that includes wooded areas, flood plains, or other natural features that are desirable to maintain, the City Council may grant an exception from the strict application of these minimum dimensions, whenever it determines that by doing so the protection and preservation of such areas will be promoted.

(f) Extensions of the City's trail network and trail linkages, other than extensions of the primary trail network as depicted in the Comprehensive Master Plan, shall be included in the calculation of the amount of open space and recreational area dedicated or otherwise reserved pursuant to this section.

(g) The following characteristics of a proposed area are generally unsuitable (unless recommended in the Park and Open Space Master Plan or Citywide Trail System Master Plan and/or City Council makes an exception):

1. Any area primarily located in the 100-year floodplain.
2. Any areas of unusual topography or slope that renders same unusable for recreational activities.
3. The above characteristics stated in Section(s) 14.1407 (g).1 and 14.1407 (g).2 of proposed park land, open space, or trail dedication may be grounds for refusal or any preliminary or final plat.

(h) Drainage areas may be accepted as part of a park and/or trail if the channel is constructed in accordance with City engineering standards, and if so significant area of the park is cut off from access by such channel. If land dedicated is in the floodplain or floodway and is required to be dedicated for drainage easements, then it may not be credited for the required park dedication.

(i) Each park shall have ready access to a public street. All streets fronting a park shall be single loaded streets unless City Council makes an exception.

(j) For more than five (5) acres of land, an environmental study, audit or assessment may be required demonstrating that the property is in a condition that would allow the City to utilize the property for park purposes without expenditures to

remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmental-related problems.

- (k) All rubbish, trash, junk and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvements thereon.

Sec. 14.1408 Prior Dedication

- (a) If a dedication fee or cash payment, or a combination thereof, arose prior to the passage of this Ordinance, that dedication or cash payment in lieu of dedication requirement shall be governed by the provisions of the ordinance in effect at the time such obligation arose, except that additional dedication shall be required if the actual density of structures constructed upon the property is greater than the former assumed density. Additional dedication shall be required only for the increase in density and shall be based upon the ratio set forth in section B of this Ordinance.
- (b) For any tract of land zoned “Planned Development” prior to the effective date of this Ordinance and for which tract a dedication of land or a cash payment in lieu of land was accepted by the City, no additional dedication of land or cash payment in lieu of land shall be required for such tract unless the density of the zoned tract is changed by plat, zoning or development to a degree which would require additional dedication or cash in accordance with State or local law and pursuant to the Lancaster Development Code.

Sec. 14.1409 Private Park Option-Open Space

Public Improvement District Park Land Development. The City Council may authorize Park Land Development in lieu of fee or dedication and upon application by a developer or other person or firm with a legal interest in the land to be developed, allow the open space and park and recreational areas required by this ordinance or a portion thereof, to be restricted to the use and enjoyment of the residents of the particular development or subdivision. The City Council may grant such request whenever it finds that:

- (1) The public open space and park and recreational areas required by this ordinance cannot be effectively integrated into the public park system of the City;
- (2) The open space and park and recreational needs of the residents of the development or subdivision can be supplied by the reservation of private open space and recreational areas at least as adequately as by the dedication of public park land; Such areas shall be maintained by and deeded to a mandatory homeowners’ association, pursuant to the provisions of section (9) (M) (iii) in the Subdivisions Ordinance.
- (3) Such open space and park and recreational areas shall be clearly noted on the face of the plat as “Private Open Space or Private Recreational Land” at the time

of submission to the City for action by the Planning and Zoning Commission and City Council.

- (4) Such instrument shall be approved by the city attorney as to legal form and effect, and by the Planning and Zoning Commission as to the suitability of the proposed use of the proposed open space and recreational areas.

Sec. 14.1410 Consideration of Park, Recreation and Open Space Master Plan/Comprehensive Plan

- (a) Land depicted on the Comprehensive Plan, as being suitable for development in the City for a major recreational center, school site, park, or other public use, shall be reserved, for a period of one (1) year after the preliminary plat is approved by the City if within two (2) months after such approval, the City Council advises the developer of its desire to acquire the land or the interest of another government unit to acquire the land for purchase by the interested governmental authority at land appraisal value at the time of purchase. A failure by the City Council to so notify the developer shall constitute a waiver of the right to reserve the land. Any waiver of the right to reserve the land shall no longer be effective if the preliminary plat shall expire without adoption of a final plat.

Sec. 14.1411 Special Fund Refund

- (a) All funds collected by this dedication process will be deposited in the City's Park Land Dedication Fund and used solely for the purchase, leasing, construction, remodeling, maintaining, and improvement of park land and development of parks, including but not limited to, facilities and services provided in each park. Money in the Park Land Dedication Fund may be used to pay interest and principal on any land, certificate of obligation or other debt instrument the City has issued for park purposes. All expenditures from this fund will be reviewed by the Parks and Recreation Department and approved by the City Council.
- (b) The City shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition or development of a neighborhood park as defined herein. Such funds shall be considered to be spent on a first in, first out basis in a particular park zone. If not so expended, the owners of the property on the last day of such period shall be entitled to refund of any funds which were not spent by the City. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

Sec. 14.1412 Criteria for Acceptance of Park Land

- (a) The following are required at the time of platting and shall be met before land required to be dedicated pursuant to this ordinance shall be accepted by the City. The developer shall submit a plat request in compliance with the following requirements:
 - (1) The owner and/or developer shall agree that no construction materials be disposed of or deposited within the park by its contractor, subcontractors, employees or agents at any time while the subdivision is being built. If materials are being deposited or disposed of within the park, the owner

and/or developer will be required to remove these materials within seventy-two (72) hours of written notice by the City.

- (2) Each corner of the parkland to be donated shall be surveyed with dedicated area marked with a permanent monument consisting of three-fourths inch (3/4") iron pins set in concrete. These shall be located and identified on a recordable land survey completed by a land surveyor registered in the state of Texas and provided to the City by owner and/or developer.
- (3) The developer shall provide for adequate drainage through the proposed park to eliminate standing water and health hazards.
- (4) A water main, sewer and electrical utilities deemed appropriate by the City shall be stubbed to the park area of a size and location specified by the Director of Parks and Recreation to provide for future utility needs of the park.
- (5) Proper vehicle access shall be provided to enable trucks, tractors, mowers, etc. to enter the park.
- (6) Sidewalks shall be constructed adjacent to park lands that provide contiguous walkways on all sides of the adjoining development, unless this requirement is waived by the City.
- (7) Signage designating the area as parkland shall be supplied by developer and/or owner and shall be designed and installed to the following specifications:
 - (A) Sign boards installation must comply with city sign regulations concerning vision clearances.
 - (B) Sign boards shall be of two inch (2") thick redwood, and shall be one foot (1') high by eight feet (8') wide.
 - (C) Sign boards shall be supported by two (2) redwood sign posts, eight feet (8') tall and four-inch (4") by four-inch (4") dimension.
 - (D) The top sign board shall have the name of the park routed in eight-inch (8") high lettering in Helvetica style type.
 - (E) The bottom sign board shall have LANCASTER PARKS AND RECREATION DEPARTMENT routed in six-inch (6") high lettering in Helvetica style type.
 - (F) Letter routing shall be at least three-eighths inches (3/8") in depth, and routed surface shall be painted white prior to installation with an oil-based enamel paint.
 - (G) The top sign board shall be four inches (4") from the top of the post, and the bottom sign board shall be ten inches (10") from the top sign board.

Sec. 14.1413 Additional Requirements

- (a) Any land dedicated to the City under the Lancaster Development Code must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:
 - (1) Any area with more than 50% of the site located in the 100-year flood plain.

- (2) Any areas of unusual topography or slope which renders same unusable for organized recreational activities.
- (3) Any area encumbered by overhead utility lines or easements of any type which would limit the opportunity for recreational and park development.
- (4) It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.

The above characteristics of a park land dedication area may be grounds for refusal of any preliminary plat.

- (b) Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City engineering standards, if no significant area of the park is cut off from access by such channel, if not less than five (5) acres of the site is above the 100-year flood plain, or if the dedication is in excess of ten (10) acres, not less than fifty percent (50%) of the site should be included in the 100-year flood plain. If a significant area of the park land is cut off from access by such channel, a wooden bridge construction may be permitted to provide access to the park areas. All bridge construction must comply with City engineering standards.
- (c) Each park must have ready access to a public street.
- (d) Unless provided otherwise herein, an action by the City shall be by the City Council, after consideration of the recommendations of the Planning and Zoning Commission.
- (e) Any preliminary plat approved prior to the effective date of this Ordinance shall be exempt from these requirements set forth herein, when such preliminary approval expires, any re-submission of such plat shall meet the requirements of this Ordinance.”

ARTICLE 14.1500 ENFORCEMENT, VIOLATIONS, AND PENALTIES

Sec. 14.1501 Enforcement

- a) This LDC shall be enforced by the Director of Community Development. No oversight or dereliction on the part of the Director of Community Development or on the part of any official or employee of the City shall legalize, authorize, or excuse the violation of any of the provisions of this LDC.
- b) The Director of Community Development shall have the authority to immediately issue a stop work order if it is found that the applicant intentionally provided incorrect or inaccurate information in order to obtain a development review approval or factual circumstances demonstrate that development is occurring without the appropriate development review approval.

Sec. 14.1502 Violations

a) Complaints

Whenever a violation of this LDC occurs, or is alleged to have occurred, any person may file a complaint. A complaint may be filed in writing or orally, and may be submitted anonymously. Such complaint, stating fully the causes and basis of the complaint, shall be filed with the Director of Community Development. The Director of community Development shall record

properly such complaint, investigate within a reasonable time, take action as provided by this LDC and maintain as a public record the disposition made is the complaint.

b) Constitution of Violation

Any of the following shall be a violation of this LDC and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

I. Development Without Permit

To engage in any development, use, construction, remodeling or other activity of any nature upon land or improvements subject to the jurisdiction of this LDC without all required permits, certificates, or other forms of authorization as set forth in these regulations.

II. Development Inconsistent with Permit

To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with any approved plan, permit, certificate or other form of authorization granted for such activity.

III. Violation by Act or Omission

To violate, by act or omission, any term, variance modification, condition, stipulation or qualification placed by the City Council or its agent boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements.

IV. Use or Build in Violation

To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this LDC.

V. Parties in Violation

The owner of any structure or land where anything in violation of this LDC is placed or used, and any architect, builder, contractor, agent or other person employed in connection with the owner, who may have assisted in the commission of any such violation, shall each be deemed guilty of a violation of this LDC.

c) Utility Connection

The City shall not connect City utilities to any property in violation of this LDC until there is compliance with the provisions of this LDC.

d) Notice of Intent to Stop Work

- I.** Before issuance of a stop work order for a violating use or structure, the Director of Community Development may give notice of intent. The notice may specify a reasonable time for compliance with this LDC.
- II.** If notice of intent is given, the stop work order shall not be issued before the time for compliance has expired.
- III.** The Director of Community Development shall not be required to provide notice of intent to suspend or revoke for violations of this LDC that cause imminent destruction of property or personal injury.
- IV.** The Building Official may also act upon violations he or she otherwise becomes aware of during the normal performance of his or her duties.

Sec. 14.1503 Penalties

- a) Any person who violates any provision of this LDC within the City limits shall be guilty of a misdemeanor and upon conviction shall be fined not more than 2,000 for a violation of any provision governing the public health, safety or general welfare and shall be fined not more than \$500 for any other violation.

- b) Each day any violation continues shall constitute a separate and distinct offense. Assessment of the fine shall temporarily cease when the applicant submits a complete development review application to rectify the violation. No fine shall be assessed for the time period that the development review application is being reviewed.

- c) Any person who violates any provision of the LDC within the ETJ of the City shall not be guilty of a misdemeanor. However, the City may institute any appropriate action or proceeding in a court of competent jurisdiction to enjoin the violation of this LDC.

- d) The penalty for violation shall be cumulative of other remedies provided by State law and the power of injunction may be exercised in enforcing this LDC whether or not there has been a criminal complaint filed.

- e) The City shall withhold development review processing for any applicant with an outstanding violation of this LDC unless the application is submitted in an effort to correct a violation.

- f) Any person owning property that may be affected by a violation of this LDC may bring suit against the violating property owner in a court of competent jurisdiction.