

**ORDINANCE NO. 2009-08-20**

**AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE LANCASTER CODE OF ORDINANCES, CHAPTER 14, THE LANCASTER DEVELOPMENT CODE, BY REPEALING ARTICLE 14.1200, SIGN STANDARDS, IN ITS ENTIRETY AND REPLACING SAME WITH A NEW ARTICLE 14.1200, SIGN STANDARDS; BY REPEALING ARTICLE 14.1300, DEFINITIONS, IN ITS ENTIRETY AND REPLACING SAME WITH A NEW ARTICLE 14.1300, DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has determined that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance; and

**WHEREAS**, the City Council has discussed regulating signs and has determined that regulating signs will maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, and lessen unnecessary visual clutter that competes for the attention of pedestrian and vehicular traffic, and will not interfere with, obstruct the vision of or distract motorists, bicyclists, or pedestrians, but will conserve, protect, and enhance the aesthetic quality of the City, protect property values by precluding sign-types that create a nuisance to the occupancy of use of other properties; and

**WHEREAS**, the City Council has determined that Chapter 14, of the Lancaster Code of Ordinances should be amended as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:**

**SECTION 1.** That the Code of Ordinances of the City of Lancaster, Texas be, and the same is, hereby amended by amending Chapter 14, Lancaster Development Code, Article 14.1200, Sign Standards which shall read as follows:

**"ARTICLE 14.1200 SIGN STANDARDS**

**Sec. 14.1201 General**

(a) Purpose. The intent of this section shall be to define the types of signs which will be permitted in the various zoning districts and those which will be prohibited, the manner in which sign areas and dimensions will be measured, and exempting certain types of signs from this Ordinance. It is further the intent of this section to encourage the erection of signs which are

attractive and compatible with the adjacent property, which will preserve and enhance property values within the community, which will provide for the public convenience, health, and welfare, and which will protect the public safety.

(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.

(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 said holiday. Number, height, location, illumination, or animation, and may not refer to any business, product or service. (Last sentence needs clarification).
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 exempted must 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. However, the 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.
15. Window signs.
16. Garage sale signs erected on private property.
17. Political signs regulated under State Law.
18. Temporary construction signs designating the architect, engineer or contractor and other facts relating to the structure under construction and permitted only as accessory to an approved building permit project. Maximum permitted size shall be 100 square feet, maximum permitted height shall be 10 feet. Signs may be erected and maintained for a period not to exceed 60 days prior to the commencement of construction and removed before issuance of a Certificate of Occupancy.
19. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

**Sec. 14.1202 Prohibited Signs**

Off Premises Billboards and off premises pole signs are prohibited in the City of Lancaster and its Extraterritorial Jurisdiction (ETJ).

- (1) Amenity Signs. Signs which are temporary and utilized by multi-family complexes to advertise special features offered within the particular apartment complex.
- (2) Temporary Portable 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 temporary portable sign in violation of this Sub-section or the owner or lessee of any temporary portable sign which is in violation of the 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 forty-eight (48) hours.
  - B. Notice. Notice shall be given by one of the following methods:
    - a. Written notice may be attached to the sign in violation of this subsection, or,
    - b. Verbal notification may be made by telephone or in person.
  - C. No Response. If the owner, lessor, lessee or person in control of the temporary portable sign fails to remove such sign within forty-eight (48) 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 subsection.

- (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 Ninth Edition.
- (5) Painting or marking on 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.
- (6) 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.
- (7) Flashing Signs. Signs of any type with flashing, revolving or rotating lights shall not be permitted.

### **Section 14.1203. Sign Regulations**

#### **(a) Illuminated Signs**

- (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.
- (5) An illuminated sign greater than 10 feet in height may not be located within one hundred (100) feet of a single-family lot. Illuminated signs shall be shielded so that light from such sign is not directed towards residential district.
- (6) No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.
- (7) Illuminated signs are subject to the National Electric Code, and permit and fee requirements.
- (8) No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.

#### **(b) Placement requirements**

- (1) 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:

(A) A Visibility Triangle shall be provided

- (B) 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.
- (2) Adjacency to Utilities.
- (A) 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) feet from any aerial power lines/cable or building service drops.
- (B) 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.
- (3) 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.
- (4) Signs on Public Property. No pole signs shall be placed in the City Right of Way or public or private easements, nor may any portion of any sign be erected upon or over public property or public right-of way, except as otherwise specifically permitted.
- (5) It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination such sign may interfere with vehicular or pedestrian traffic. Further it shall be unlawful to erect or maintain any sign in such a manner as to interfere with or obstruct the view of any authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Go," "Look," "Slow," "Danger," or any other similar words, phrase, animation, symbol or character, that otherwise interfere with vehicular or pedestrian traffic. It shall be unlawful to have persons holding, carrying or advertising any business, function or event while in public right of way or on private property that is seen as a distraction to pedestrians or vehicular traffic.
- (6) Signs obstructing doors, windows and fire escapes are prohibited. It shall be unlawful to erect, relocate or maintain a sign which prevents free ingress to or egress from any door, window or fire escape.
- (7) Illuminated Signs. No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.
- (c) Directional Signs. Directional signs shall be allowed in all districts subject to the following:
- (1) Directional signs shall be limited to four (4) square feet, 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 may be erected onsite to direct flow of traffic within a parking lot or parcel i.e. entrance, exit. For non-institutional uses, identification of services is not permitted on such sign.

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

(e) Cloth, Paper, Banner, Pennant and Flag Signs.

- (1) No cloth, paper, banner, pennant and 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, fence, 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.

(f) Vehicular Signs.

1. It shall be unlawful to attach any sign to a trailer, skid or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself. This provision does not restrict the identification signs on vehicles used for bona fide transportation activity.
2. Signs attached to or upon vehicles shall be prohibited where any such vehicle is allowed to remain parked in the same location or in the same vicinity for frequent or extended periods of time, where it is apparent to be one of using the vehicle and signs for the purposes of advertising an establishment, service or product. Vehicles operating under a City franchise shall be excluded from this provision.
3. Signs placed on or affixed to vehicles and/or trailers which are parked on public right-of-way, public property or private property, so as to be visible from a public right-of-way, where the apparent purpose is to advertise a product or direct people to a business or activity on the nearby property, are prohibited.

(g) Window Signage:

A sign attached to, placed upon or painted on the interior of a window or door of a building, which is intended for viewing from the exterior of such building, and does cover more than 50% of the window area. The 50% visibility shall be maintained for the total window area on the façade of this premises and any side facing a street or sidewalk. **Existing window signs currently in existence at time of passage of this sign ordinance must be brought into compliance from date of passage of this ordinance.**

(h) Roof signs that extend beyond the edge of any structure or parapet wall.

(i) A frame signs are not allowed.

(j) Off-Premise and other signs not expressly permitted in this ordinance or otherwise under law are prohibited.

## **Sec. 14.1204 Sign Type Specifications**

### **(a) Banner Signs**

1. Banner signs are to be used as supplemental signs only. Permanent signs are required prior to issuance of a banner permit, except that new occupants may place a banner sign for a maximum of 60 days while waiting on a permanent sign to be manufactured and installed.
2. Banner signs may only be displayed for a total of four, thirty (30) day periods per calendar year. There shall be a minimum of 30 days elapsed time period, between banner permit periods.
3. Banner signs shall have a certificate of flame spread resistance when placed over combustible materials.
4. Banner signs shall not impede doors, windows, exits or pedestrian traffic on public or private walkways.
5. Banners shall be maintained in good condition. Sagging, tattered, torn, dirty or faded banners are not permitted.
6. Banners shall only be supported by a building structure and not to trees, fence posts, fences or any other structure or device.
7. Maximum size banner shall be forty (40) square feet.
8. The total number of banner signs allowed is as follows:
  - a) One banner sign per business in multi-tenant buildings.
  - b) Two banner signs per freestanding building of one occupant

### **(b) Billboard Signs- (interstate freeway)**

1. Billboard off-premise signs are not allowed to be constructed within the City limits or Extraterritorial Jurisdiction.
2. All billboard signs require a sign permit whenever a copy change is made to any existing billboard sign.

### **(c) Development Signs**

1. A development on-site sign providing information about a future or current approved development on a site and the parties involved in the project.
2. Maximum size is 100 square feet per side.
3. Temporary offsite development sign promoting residential developments and housing are prohibited in public right of way except as otherwise allowed in this ordinance as a Kiosk sign.
4. Such onsite development signs may not exceed 100 square feet in sign area or more than 25 feet in height. Sign shall be placed 20 feet from adjacent property lines or right of way.
5. Development signs shall be removed upon completion of the sale of 90 percent of the homebuilder's lots or dwellings in the subdivision or the developer/builder shall post a

\$500.00 performance bond with the City insuring that their sign will be removed thirty (30) days after Building Inspection final inspection is conducted on the last dwelling unit.

**(d) Changeable Electronic Variable Message Sign (CEVMS)**

1. CEVMS signs are permitted in the same locations as signs, other than temporary signs, are permitted by this Ordinance, including the same height, size and setback requirements applicable thereto.
2. Message displayed shall not be changed more than once every five seconds while in use.
3. CEVMS signs shall not scroll, flash, blink or contain animation while sign is in use.

**(e) Garage Sale Signs**

1. One sign announcing a garage sale may be displayed on the premises where the sale is permitted and being conducted.
2. Signs must be removed within four hours of completion of the sale.
3. Signs may be a maximum of five square feet and a maximum of 40 inches in height.
4. Signs shall not be placed in such a way as to create a traffic hazard. Signs may not be placed any closer than three (3) feet behind the curb or edge of street pavement.
5. Signs may not be mounted on or placed in vehicles.

**(f) Inflatable Signs**

1. Inflatable signs must be set back a minimum of ten (10) feet from any property line.
2. Inflatable signs are allowed for three (3) ten (10) day periods per calendar year. Permit periods may not run consecutively.
3. Placement of inflatable signs in right of way is prohibited.
4. Signs and their anchors or attachments shall not be placed in such a way as to create a traffic hazard.
5. A minimum of thirty (30) days must elapse between expiration and issuance of a new permit.
6. The air or gas filled device must be anchored to a building, structure, devise, object or the ground and used for advertising purposes on a temporary basis.

**(g) Kiosk Signs**

1. **Kiosk signs.** 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:

(A) Kiosk Sign: A sign that contains individual panels and that is generally used to provide direction to residential subdivisions form major thoroughfares or to provide direction to schools, amenities, information centers, community facilities and neighborhoods within a residential subdivision.

(B) **Sign Panel:** An individual sign placard displaying directional information on a kiosk sign.

2. **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.
3. **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.
4. **Size,** Kiosk sign structures shall not exceed twelve (12) feet I height and four (4) feet in width.
5. **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.
6. **Service Contract,** The City Council may, by a duly executed service 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.
7. **Unauthorized Signs,** Illegally placed or non-permitted signs placed in city right-of-way may be removed by the City upon discovery.

(h) **Monument Signs**

Monument signs are a freestanding sign and will be divided into three specific users groups according to a particular property use and location. The three specific user groups as follows:

1. **Interstate Highway Use:** any business fronting any interstate shall have the option of one free standing sign. If a monument sign is proposed to be constructed for the one allowed free standing sign that sign would be allowed a maximum sign area of one (100) hundred square feet and a maximum sign structure height of fifteen (15) feet from grade level, and placed a minimum of five (5) feet from any adjacent property line.
2. **Multi-tenant Use:** any business where there are multiple tenants in individual lease spaces contained in one building structure under one roof, said business is allowed one free standing sign. If a monument sign is proposed to be constructed for the one allowed free standing sign that sign would be allowed a maximum sign area of seventy (75) square feet and a maximum sign structure height of ten (10) feet from grade level, and placed a minimum of ten (10) feet from any adjacent property line.
3. **One Tenant Building Use:** for a one tenant building occupancy, containing one business occupant, one free standing sign may be installed. If a monument sign is proposed to be constructed for the one allowed free standing sign that sign would be allowed a maximum sign area of fifty (50) square feet in sign area and a maximum sign structure height of ten (10) feet from grade level, and placed a minimum of ten (10) feet behind adjacent property lines.

(i) **Pole Signs**

1. 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.
2. Pole signs must be supported by noncombustible materials only. Wood or non-painted steel supports, except Corten pipe or similar steel, are specifically prohibited.
3. Pole signs shall not have any attached guys or braces.
4. Freestanding pole signs require a Texas engineer's seal and footing design and must meet wind and structural load resistance minimum standards according to adopted building code for this area.

**(j) Pole Sign Placement**

1. Pole signs are expressly prohibited on any property not adjacent to and fronting interstate highways. Said signs shall not be placed in City rights of way or in private easements.
2. Maximum Height, thirty (30) feet from ground level for a pole sign to top of sign structure.
3. Maximum Areas, two hundred twenty-five (225) square feet.
4. Allowed Location of pole signs are limited to those properties fronting an Interstate highway. Pole signs are limited to on-site advertisement only unless approved by a Specific Use Permit.
5. Maximum Number allowed is one per 600 feet of property frontage or a fraction thereof along the freeway corridor.
6. Pole signs must be a total of sixty (60) feet away from any other sign.
7. Maximum sign face of a pole sign shall not exceed fifteen (15) feet in any direction from outer edge to outer edge.

**(k) Political Signs**

1. 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.
2. No political sign may be placed within the 25 foot Visibility Triangle of any intersection.
3. 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.
4. Political signs may not be illuminated or have moving elements.

**(l) Projecting Signs**

1. One projecting sign is allowed per building provided it does not extend over public property and meets the following restrictions:
  - (A) No part of any projecting sign shall be less than nine (9) feet above the sidewalk immediately below or extend out where a sign is placed at the corner of a building so as to be seen from both streets meeting at the corner.
  - (B) The sign shall measure a maximum length of seven (7) feet from face of the building to the outer edge of the sign.

(C) The height of the sign shall not exceed the height of the building to which it is attached.

**(m) Real Estate Signs**

1. Except for property described in the following paragraph, signs advertising the sale or rental of property shall be a maximum size of 32 square feet in area. One such sign is permitted on the site of the property being advertised for sale or rent and shall be removed by the agent or owner within three (3) days of the completion of the sale or rental of the premises.
2. Interstate frontage or five-acre sites. Temporary signs advertising the sale of property fronting on interstate highways or property consisting of five or more acres may be a maximum size of 200 square feet. One such sign shall be removed by the sale or rental of the property being advertised for sale and shall be removed by the agent or owner within three (3) days of the completion of the sale or rental of the premises. Signs allowed under this subsection shall be the owner's right rather than a sales agent. Authorization by the owner to an agent to erect a sign shall be in writing and be dated and signed by the owner

**(n) Wall Signs**

1. Wall signs shall be no larger than 40 square feet or the product of two times the lineal footage of the building or store frontage for which such signs are intended, whichever is greater.
2. Signs shall not have a vertical height which exceeds one-third the height of the wall, with a maximum height of 10 feet, nor exceed 75 percent of the width of such building or store frontage.
3. Sign shall not extend above the wall to which it is attached, and placement is limited to the exterior wall of the tenant space served.
4. Wall signs shall be constructed of noncombustible materials.

**Sec. 14.1205 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 are 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 or organization 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. 14.1206 Special and Unique Signs**

Certain business establishments are recognized to have certain unique requirements that necessitate additional building signage. Such businesses are described as follows:

**(a) Grand Opening Allowed Signage**

1. When a new free standing building is constructed the tenant or occupant may be allowed to post temporary signage advertising the Grand Opening of the business for one (1) week after a certificate of occupancy is approved. The use of pennants, temporary signage along right of way that does not interfere with traffic visibility and banners in excess of the number allowed would be allowed for a one week period to promote the new business opening.

**(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 fronts or faces 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 permitted in the Town Square.

**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. 14.1207 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 ten (10) 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. 14.1208 Removal of Obsolete Signs**

Any sign which 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 are located. Removal shall occur within ten (10) 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.14.1209 Removal or Repair of Unsafe Signs**

Any sign that is unsafe or unsecure, or is a menace to the public, the Building Official 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 ten (10) 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.14.1210    Illegal and Nonconforming Signs**

(a)    Illegal Signs. An illegal sign is a 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 for a period of at least thirty (30) days.;
- (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 for continued use by the original business..
- (2) Registered, non-conforming signs may be maintained and repaired with like materials, 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 50-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. Non-conforming signs shall be eliminated or made to conform to the current sign regulations within fifteen (15) days of the receipt of a notice of non-conformity. Signs subject to this Section are those whose characteristics constitute a public safety hazard, and include, but are not limited to:

- (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 are likely to be confused with the warning lights of 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.  
(d) Removal of Illegal and Dangerous Signs. Except as otherwise provide 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 14.1202, 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.

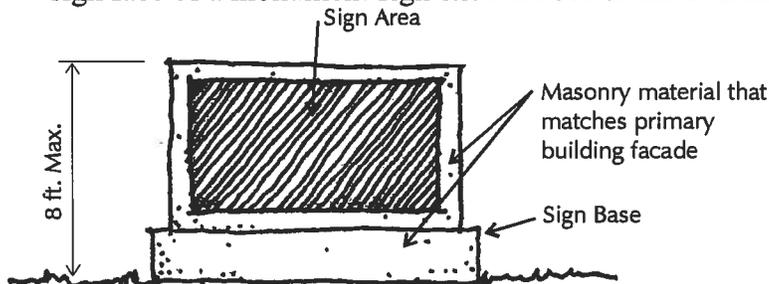
(e) Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person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

#### **Sec. 14.1211 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 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) Sign Permit Required. It shall be unlawful for any person to paint on any wall or surface, or 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. The Building Official shall have the authority to double the permit cost if a sign is painted, constructed, erected, altered or repaired without first obtaining permit approval prior to installing the sign.
  - (2) Applications.
    - A. 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 an 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.

(3) 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. All free standing signs shall be designed by a structural engineer in the State of Texas and constructed to withstand the wind load per square foot and shall be constructed to receive a dead load as required in the adopted building code of the City of Lancaster.

(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.

”

**SECTION 2.** That the Code of Ordinances of the City of Lancaster, Texas be, and the same is, hereby amended by amending Chapter 14, Zoning, Article 14.1300, Definitions, which shall read as follows:

### "ARTICLE 14.1300 DEFINITIONS

#### 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 used 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 Mast.*** 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 which are over fifty (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 antiquities (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 any 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 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.

**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.

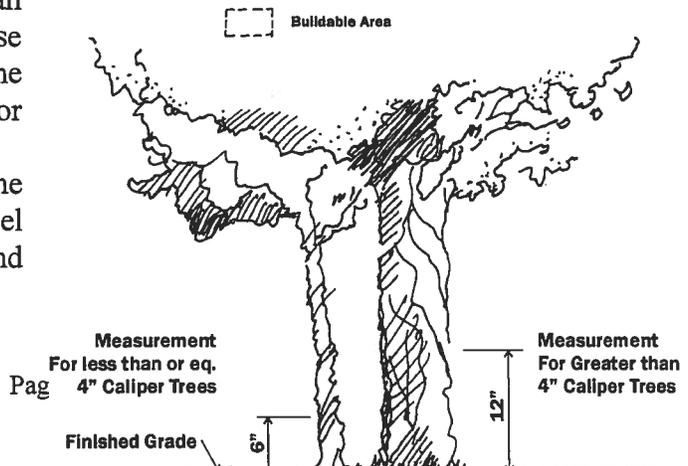
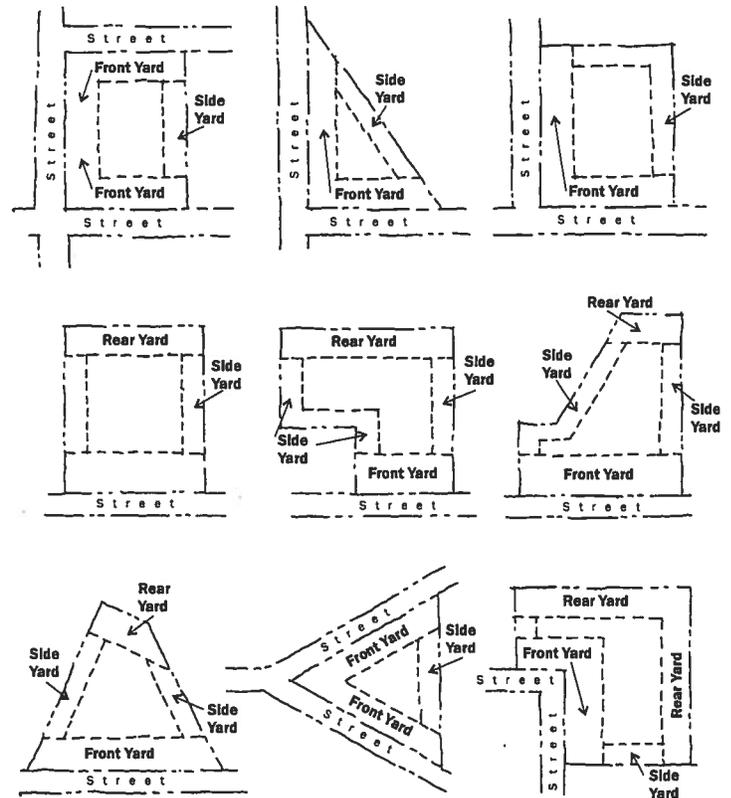
**Building Official.** The duly authorized employee or representative of the City charged with implementation, inspection and enforcement of the building codes.

**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; 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; 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.

**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 receive 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, or apartment hotel not ordinarily intended to be occupied by said persons.

**Hotel.** A building occupied or used as a 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 specific 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.

**Amenity Sign.** Temporary signs utilized by multi-family complexes to advertise special features offered within the particular apartment complex.

**Banner Sign** means a sign intended to be hung either with or without a frame, progressing characters, lettered, illustrated or ornamentations applied to paper, plastic or fabric of any kind; excluding flags, emblems and insignia of political, professional, religious, educational or corporate organizations

**Billboard Sign** means a sign adjacent to freeways and used for the purpose of off premises advertising and conveyance of messages, utilizing a monopole sign structure.

**Builder's Directional Sign.** A sign providing direction or instruction to guide a person to sites where new homes are under construction.

**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.** The officer or other person within the City of Lancaster charged with the administration and enforcement of the sign regulations.

**Canopy sign** is a sign attached to a building to offer shade along the buildings walkway and be of various colors to draw attention to a building. 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.

**Changeable Electronic Variable Message Sign** means a sign or portion of a sign that uses LED lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**Development Sign.** A sign announcing or describing a legally approved subdivision

**Directional Sign.** An accessory sign that indicates the direction of facilities by means of arrows, words, or other symbols.

**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.** 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.

**Extraterritorial Jurisdiction** means the unincorporated area that is contiguous to and located within five miles of the corporate boundaries of the City.

**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.

**Grand Opening Signage** is signage allowed for a limit of one week after a Certificate of Occupancy is approved that allows the business to advertise their grand opening with multiple signage described within the ordinance.

**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.

**Kiosk Sign.** 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.

**Monument Sign.** 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.

**Movable Sign.** A sign that is not permanently affixed to the ground, a building or other stationary structure but that is mounted on a support, which may be moved from place to place and is not larger than three feet wide and four feet high.

**Noncombustible Material.** 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-premise Sign.** A sign identifying a business, profession, product, service or facility available at a location other than the premises where that sign is located.

**On-premise Sign.** A sign identifying or advertising a business, person, activity, product or organization available on the premises where the sign is located.

**On-site Instructional Sign.** A sign that does not contain advertising and is limited to providing directions necessary or convenient for visitors or clients coming on to premises including signs marking entrances and exits, parking areas, loading zones or circulations directions.

**Pole Sign.** A sign mounted on one or two freestanding poles and having no other support to the ground or to any structure other than the poles

**Political Sign.** A temporary sign identifying a political candidate, or party.

**Projecting Sign.** A sign which is affixed to a building or wall and extends beyond the line of such building, wall or beyond the surface of that portion of the building or wall to which it is affixed by more than 16 inches

**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.** Signs that are used to announce, direct attention to, or advertise businesses.

**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 Portable Sign.** A sign that is designed to be easily transportable by trailer on its own wheels and is designed to be displayed while mounted or affixed to the trailer or wheels by which it is transported or may be removed and temporarily attached to the ground.

**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.** For the purpose of this Article, means any automobile, truck, camper, tractor, van, trailer, motorcycle, bicycle or any device capable of being transported and shall be considered a vehicle in both moving and stationary modes irrespective of state of repairs or condition

**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 residential or commercial goods, equipment or similar products.

**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.”

**SECTION 3.** If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4.** That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and

all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

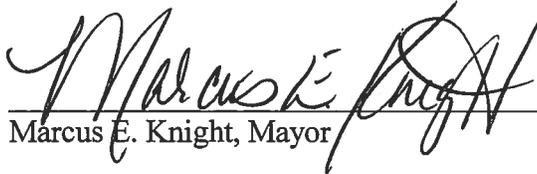
**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 7.** This Ordinance shall become effective from and after its date of passage in accordance with law.

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 10<sup>th</sup> day of August 2009.

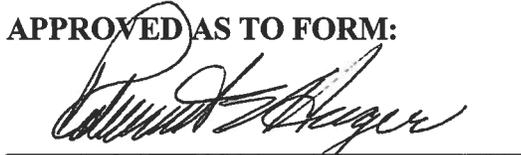
**APPROVED:**

  
\_\_\_\_\_  
Marcus E. Knight, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Dolle K. Shane, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Robert E. Hager, City Attorney