



Waxahachie Zoning Ordinance  
Amended May 21, 2018, Ordinance No. 3020

Sec. 5.08 Sign Regulations

16)

Political Sign: Political signs are allowed on private property with the permission of the property owner in any Zoning District. Political signs are prohibited within rights-of-way and may not be posted on trees, fences, public property, public utility structures, telephone poles, street light standards, street sign poles, or public buildings. Political signs may be placed no more than 120 days prior to the election for which the sign is applicable and must be removed no later than fifteen (15) days after the applicable election has taken place. Political signs placed on property which is zoned residential may be no greater than thirty-two (32) square feet in area. Political signs placed within or on any prohibited area may be removed and disposed of by City of Waxahachie (or applicable utility company) personnel, and removal costs, fines, or both may be assessed for removal of the signs and/or noncompliance with this Section of the Zoning Ordinance.

**ORDINANCE NO. 3020**

**AN ORDINANCE REPLACING, IN ITS ENTIRETY, THE ZONING ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 21st DAY OF MAY, 2018, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A NEW ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; PROVIDING DEVELOPMENT STANDARDS AND REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, SIZE OF YARDS, THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR THE INCLUSION OF NEW AND UNLISTED USES; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; FOR THE MINIMUM REQUIRED FLOOR AREA OF DWELLING UNITS IN THE VARIOUS DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES; AND THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED BY STRUCTURES AND THE FLOOR AREA RATIO THEREOF, ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY, ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP OR IN THE ORDINANCE; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NONCONFORMING USES AND METHOD FOR DISCONTINUANCE THEREOF; CREATING AN APPENDIX AND DEFINING CERTAIN TERMS; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE.**

WHEREAS, the City of Waxahachie, hereinafter called City, is a Home Rule City with a Charter approved by the voters of the City pursuant to Article II, Section 5 of the Texas Constitution; and

WHEREAS, under the laws of the State of Texas (H.B. No. 87 passed by the Fortieth Legislature) authority is conferred upon the City to establish zoning districts within the City in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code, as so amended; and

WHEREAS, the City prepared a Comprehensive Plan to determine the compatibility of land uses in a comprehensive manner; and

WHEREAS, the Planning and Zoning Commission (P&Z) thoroughly studied and evaluated the recommendations prepared by the City staff and professional planning consultants; and

WHEREAS, the P&Z recommended a proposed zoning ordinance for the City of Waxahachie for consideration by the City Council; and

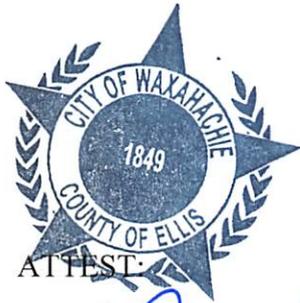
WHEREAS, the City Council thoroughly studied the P&Z's recommendations and did recommend that a public hearing be held by the City Council and P&Z concerning the Comprehensive Zoning Ordinance; and

WHEREAS, pursuant to such recommendation, a joint public hearing was held on May 21, 2018 after public notice was published in a paper of general circulation at least fifteen days before the date set for hearing in accordance with Subchapter "A" of the Texas Local Government Code Section 211.006 (c); and

WHEREAS, after public hearing and review of all testimony and consideration of all requests, the Planning and Zoning Commission and the City Council recommended the Zoning Ordinance for adoption:

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

PASSED AND APPROVED by the City Council of the City of Waxahachie, Texas on the 21st day of May, 2018.



ATTEST:

*Rori Cartwright*  
\_\_\_\_\_  
City Secretary

*Al Keni Strong*  
\_\_\_\_\_  
MAYOR

# *City of Waxahachie* *Zoning Ordinance*



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## Article I. ENACTING PROVISIONS

AN ORDINANCE REPLACING, IN ITS ENTIRETY, THE ZONING ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 21st DAY OF MAY, 2018, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A NEW ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; PROVIDING DEVELOPMENT STANDARDS AND REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, SIZE OF YARDS, THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR THE INCLUSION OF NEW AND UNLISTED USES; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; FOR THE MINIMUM REQUIRED FLOOR AREA OF DWELLING UNITS IN THE VARIOUS DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES; AND THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED BY STRUCTURES AND THE FLOOR AREA RATIO THEREOF, ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY, ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP OR IN THE ORDINANCE; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NONCONFORMING USES AND METHOD FOR DISCONTINUANCE THEREOF; CREATING AN APPENDIX AND DEFINING CERTAIN TERMS; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE.

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WHEREAS, under the laws of the State of Texas (H.B. No. 87 passed by the Fortieth Legislature) authority is conferred upon the City to establish zoning districts within the City in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code, as so amended; and

WHEREAS, the City prepared a Comprehensive Plan to determine the compatibility of land uses in a comprehensive manner; and

WHEREAS, the Planning and Zoning Commission (P&Z) thoroughly studied and evaluated the recommendations prepared by the City staff and professional planning consultants; and

WHEREAS, the P&Z recommended a proposed zoning ordinance for the City of Waxahachie for consideration by the City Council; and

WHEREAS, the City Council thoroughly studied the P&Z's recommendations and did recommend that a public hearing be held by the City Council and P&Z concerning the Comprehensive Zoning Ordinance; and

WHEREAS, pursuant to such recommendation, a public hearing was held on May 21, 2018 after public notice was published in a paper of general circulation at least fifteen days before the date set for hearing in accordance with Subchapter "A" of the Texas Local Government Code Section 211.006 (c); and

WHEREAS, after public hearing and review of all testimony and consideration of all requests, the Planning and Zoning Commission and the City Council recommended the Zoning Ordinance for adoption:

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

### Section 1.01 Enacting clause.

- (a) Zoning Ordinance No. 3020 of the city of Waxahachie, Texas, as passed and approved on the 21st day of May, 2018, together with all amendments thereto, is hereby amended and replaced in its entirety to read as follows:

### Section 1.02 Purpose.

- (a) The zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purposes to:
  - (i) Promote the public health, safety, morals and general welfare, convenience, and protecting and preserving places and areas of historical, cultural, or architectural importance and significance in the City;
  - (ii) Lessen the congestion in the streets;
  - (iii) Secure safety from fire, panic and other dangers;
  - (iv) Provide adequate light and air;
  - (v) Prevent the overcrowding of land;
  - (vi) Avoid undue concentration of population; and
  - (vii) Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.
- (b) These regulations have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

### Section 1.03 Zoning district map.

- (a) The boundaries of zoning districts set out herein are delineated upon a zoning district map of the City, adopted as part of this Ordinance as fully as if the same were set forth herein in detail.
- (b) One original Zoning District Map shall be filed with the approving Ordinance in the office of the City Secretary. This copy shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner.
- (c) The Planning and Zoning Department shall keep a complete set of the Official Zoning Maps in a form convenient for data retention, either electronically or in hard copy. These maps shall be available for public inspection.
- (d) The Official Zoning Maps shall be kept up to date by posting or causing to be posted to the maps any subsequent zoning changes as soon as practicable after the change occurs.

## Section 1.04 Zoning district boundaries.

- (a) Zoning district boundary lines shown on the Zoning District Map shall coincide, as nearly as practicable, with property, parcel, or lot lines. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Director of Planning shall be responsible for interpretation of the Official Zoning Map in accordance with the following rules:
- (i) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline.
  - (ii) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - (iii) Boundaries indicated as approximately following city limits shall be construed as following city limits.
  - (iv) Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
  - (v) Boundaries indicated as following the centerline of all creeks, streams, or drainageways shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.
  - (vi) Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
  - (vii) Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, zoning district boundary lines shall be extended to the new property lines adjoining each side of such street, alley, or other public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
  - (viii) Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel or property is zoned and such question cannot be resolved by the application of Subsections 1.04 (a) (i-vii), the property shall be considered as classified, Future Development (FD), in the same manner as described in Section 6.

## Section 1.05 Compliance required.

- (a) All land, buildings, structures, or appurtenances thereon located within the City of Waxahachie, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided are subject to penalties as per Section 8.03 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise. All other applicable City codes and ordinances shall also apply.

#### Section 1.06 Zoning upon annexation.

- (a) All territory hereafter annexed to the City of Waxahachie shall be classified as Future Development (FD) until other zoning is established by the City. The procedure for establishing zoning other than FD for annexed territory shall conform to the procedure set forth in Section 2.04 of this Ordinance.
- (b) In an area classified as FD:
  - (i) No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit that will allow the construction of a building or use permitted in the FD District.
  - (ii) An application for a building permit for any proposed use other than those specified in the FD District must be made to the Building Official of the City of Waxahachie within three (3) months after annexation. If the applicant shows that plans and other preparation for developing the property commenced prior to annexation by the City, the City Council may authorize the construction of the project by a majority vote. The action of the City Council concerning any such permit shall take into consideration the appropriate land use for the area. Upon approval by the City Council, the City Secretary shall notify the Building Official of such action.
  - (iii) Whenever the Planning and Zoning Commission and City Council have under consideration the annexation of territory to the City, a hearing may be held simultaneously on the annexation and designation of a Zoning District other than FD, and action taken concurrently on both questions.

## Article II. ADMINISTRATION

### Section 2.01 Nonconforming uses and structures.

- (a) This Section governs uses, structures, lots, tracts, and other situations that came into existence legally prior to the effective date of this Code or the effective date of future amendments to this Code, but do not comply with or conform to one or more requirements of this Code.
- (b) Intent of provisions:
  - (i) It is the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded, or extended, and not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
  - (ii) Incidental repairs and normal maintenance of nonconformities shall be permitted, unless such repairs increase the extent or degree of nonconformity or are otherwise expressly prohibited by this Code.
  - (iii) Structures may be structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.
  - (iv) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.
  - (v) The establishment, construction, repair, or reconstruction of a single-family dwelling unit within the SF1, SF2, or SF3 Zoning Districts on a lot created under a Final Plat approved prior to May 21, 2018, shall be exempt from the changes to Section 3.06 of the Zoning Ordinance effective by this ordinance relating to minimum lot area, minimum lot width, minimum side yard and parking requirements.
  - (vi) The establishment, construction, repair, or reconstruction of a single-family dwelling unit within the SF1, SF2, or SF3 Zoning Districts on a lot created under a Final Plat approved prior to May 21, 2018, shall be governed solely by those regulations relating to minimum lot area, minimum lot width, minimum side yard, and parking requirements that were in effect immediately preceding the effective date of the amendatory zoning ordinance.
- (c) Nonconforming status:
  - (i) Any use, lot, tract, site condition, or structure which does not conform to the regulations of the Zoning District in which it is located shall be deemed as nonconforming.

- (ii) While nonconformities may continue, the provisions of this Section are designed to curtail substantial investment in nonconformities in order to bring about their eventual improvement or elimination in order to preserve the integrity of this Code and the character of the city.
  - (iii) Any nonconformity that legally existed prior to the passage of this Ordinance, or that becomes nonconforming upon the adoption of any amendments to this Code, may be continued in accordance with the provisions of this Ordinance.
  - (iv) In all cases, the burden of establishing that any nonconformity is a legal nonconformity shall be solely upon the owner of such nonconformity.
- (d) Nonconforming uses:
- (i) If a nonconforming use is discontinued or ceases for any reason for a period of more than 180 calendar days, commencing on the actual date of discontinuance, the use shall be considered abandoned.
    - 1) Once abandoned, the legal nonconforming status shall be lost, the right to operate the nonconforming use shall cease, and re-establishment of the nonconforming use shall be prohibited.
    - 2) Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.
  - (ii) A nonconforming use may only be changed to a conforming use allowed in the Zoning District in which it is located.
  - (iii) Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.
  - (iv) It is not permissible to change a nonconforming use to another nonconforming use.
  - (v) There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.
  - (vi) Damage to a nonconforming use.
    - 1) If the structure in which a nonconforming use is housed, operated, or maintained is destroyed by any means to the extent of more than sixty (60) percent of its fair market value, the use may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located.

- 2) If the structure in which a nonconforming use housed, operated, or maintained is partially destroyed, where the damage does not exceed sixty (60) percent of its fair market value, the nonconforming use may be allowed to continue and the structure may be rebuilt but not enlarged upon approval of a building permit.
- (e) Nonconforming structures:
- (i) A nonconforming structure is a building or structure the size, dimension, design, or location of which was lawful prior to the adoption, revision, or amendment of this Code, but which fails to conform to the requirements of the development regulations applicable to the property by reasons of such adoption, revision, or amendment.
  - (ii) Except where prohibited by this article, a nonconforming structure may be used for any use allowed in the underlying zoning district, including a legal nonconforming use.
  - (iii) Maintenance and Minor Repairs.
    - 1) The maintenance or minor repair of a nonconforming structure is permitted, provided that the maintenance or minor repair does not extend or expand the nonconforming structure.
    - 2) For the purposes of this section, “maintenance and minor repair” means:
      - a) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
      - b) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses; and
      - c) Repairs that are required to remedy unsafe conditions that cause a threat to public safety.
  - (iv) Expansion of nonconforming structures:
    - 1) A nonconforming structure in which only permitted uses are operated may be enlarged or expanded if the enlargement or expansion can be made in compliance with all of the provisions of this Code established for structures in the district in which the nonconforming structure is located.
    - 2) Such enlargement or expansion shall also be subject to all other applicable City ordinances.

- (v) The use of a nonconforming structure may be continued subsequent to the effective date of this Code, provided that such continuance is in accordance with the provisions of this article and all other applicable codes of the City necessary to ensure adequate protection and safety of adjacent property and the users and occupants of such nonconforming structure.
- (vi) Damage or destruction of a nonconforming structure
  - 1) If a nonconforming structure is destroyed by any means to the extent of more than sixty (60) percent of its fair market value, it may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located .
  - 2) If the nonconforming structure is partially destroyed, where the damage does not exceed sixty (60) percent of its fair market value, the nonconforming structure may be rebuilt but not enlarged upon approval of a building permit.
- (vii) If the occupation of a nonconforming structure is discontinued or ceases for any reason for a period of more than 180 calendar days, commencing on the actual date of discontinuance, the use shall be considered abandoned.
  - 1) Once abandoned, the legal nonconforming status shall be lost, the right to occupy the nonconforming structure shall cease, and re-establishment of the nonconformity shall be prohibited.
  - 2) Any subsequent occupation shall comply with the current Code.

### Section 2.02 Planning and Zoning Commission.

- (a) General: The Planning and Zoning Commission shall function according to Ordinance No. 0733 which establishes membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 2.04 and the City's Charter.
- (b) Procedure on zoning hearings: The procedure and process for zoning changes and/or amendments shall be in accordance with Section 2.04.
- (c) Meetings: Meeting dates and times shall be established by action of City Council, as amended.

### Section 2.03 Zoning Board of Adjustment (ZBA).

- (a) Creation: There is hereby created a Zoning Board of Adjustment (ZBA), hereinafter referred to as Board, to be composed of five (5) members and two (2) alternate members who shall be residents of the City of Waxahachie and shall serve without compensation.
- (b) Board Members, Terms of Office, and Meetings:

- (i) The Board shall consist of five (5) regular members and two (2) alternate members who shall be appointed by the City Council in accordance with subchapter 211.008 through 211.011 Vernon's Texas Local Government Code as amended. The members shall serve for a period of two (2) years and until their successors are duly appointed and qualified. Three (3) regular board members and one (1) alternate member shall be appointed to serve for the two (2) year term on the odd numbered years, and two (2) regular board members and one (1) alternate board member shall be appointed to serve for the two (2) year term on the even numbered years and on each succeeding year thereafter, the Council shall select replacements for the Board members whose terms have expired. All members will be appointed by a majority vote of the City Council. Members may be removed by a majority vote of the members of the City Council, for cause on a written charge after a public hearing. Board members may be appointed to succeed themselves. Vacancies shall be filled by an alternate member for the unexpired term of a member whose term becomes vacant. Any member absent from three (3) regular consecutive meetings shall be deemed to have vacated such office unless such absences were due to sickness of the member or the member's family with leave being first obtained from the Chairman. Vacancies of an alternate member shall be filled by appointment of the City Council by majority vote.
- (ii) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board will always be heard by a minimum number of four (4) members. The members of the Board shall regularly attend Board meetings and public hearings and shall serve without compensation.
- (c) Authority of the Board: The Board's authority shall follow the standards established in Section 211.009 of the Texas Local Government Code.
- (d) Limitations on Authority of the Board
  - (i) The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought except as provided in Section 2.03 (f).
  - (ii) The Board shall have no power to grant or modify Specific Use Permits (SUP) authorized under Section 7.03 of these regulations.
  - (iii) The Board shall have no power to grant a zoning change. In the event that a request for a zoning change is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning change.

- (iv) The Board shall not grant a variance (except as stated in Section 2.03 (f) (iii) below) for any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat, or Final Plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to scheduling a hearing with the Board.
  - (v) If a proposed site does not conform to the zoning district standards and a variance has been requested, the Planning and Zoning Commission or the City Council may defer its actions until the Board has acted on the various requests.
- (e) Variances
- (i) In order to grant a variance from zoning regulations, the Board must make written findings that an undue hardship exists, using the following criteria:
    - 1) That there are special circumstances or conditions peculiar to the property involved;
    - 2) That the strict application of the terms of the Ordinance will impose upon the applicant unusual and practical difficulties or particular hardship;
    - 3) That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance;
    - 4) That the proposed variance is in harmony with the Ordinance's general purpose and intent;
    - 5) That the granting of the variance will not merely serve as a convenience to the applicant;
    - 6) That the granting of the variance will alleviate some demonstrable and unusual hardship or difficulty for the applicant;
    - 7) That granting the variance will not confer upon the applicant any special privilege that is denied by the Ordinance to other similarly-situated properties in the same district;
    - 8) That the variance is in the public interest and will ensure that public substantial justice will be done;
    - 9) That the surrounding property will be properly protected; and
    - 10) That remaining regulations are adequate to govern the project.

- (ii) A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.
  - (iii) The applicant bears the burden of proof in establishing the facts justifying a variance.
  - (iv) The Board does not have appellate authority over subdivision plat approval and cannot authorize a variance to provisions required in the City's Subdivision Ordinance.
- (f) Nonconforming uses and structures:
- (i) The Board shall have the authority to authorize the expansion or enlargement of a nonconformity, when such an expansion, enlargement or alteration will not prolong the life of the nonconformity. Upon review of the facts, the Board may establish a specific period of time for the occupancy to revert to a conforming use; and
  - (ii) To authorize the reconstruction and occupancy of a nonconforming structure, where such structure has been damaged by fire or other causes to the extent of more than sixty (60) percent, but less than the total, of the replacement cost of the structure on the date of the damage. Such action by the Board shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property; and
  - (iii) To authorize the occupancy of an abandoned nonconforming structure. Such action by the Board shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character of the area surrounding such structure, and the conservation, preservation and protection of property.
- (g) Procedures:
- (i) Application and Fee. An application for granting a variance or special exception by the Board , other than an appeal, shall be in writing using forms provided by the City and shall be accompanied by a fee, which amount shall be set by a separate Ordinance.
    - 1) The application must provide a level of detail that allows the Board to make a determination on each item listed in Section 2.03 (e).
    - 2) The level of detail must demonstrate that a literal enforcement of the ordinance would result in unnecessary hardship. The application must show that the hardship is:

- a) Unique, oppressive, not common to other property, and not against the public interest;
  - b) Not merely that the property cannot be utilized for its highest and best use;
  - c) Not merely financial;
  - d) Not self-imposed; and
  - e) Not simply a hindrance to the developer's goals.
- (ii) Notice and Hearing. The Board shall hold a public hearing no later than forty-five (45) days after the date the application for action or an appeal is filed. In the case of an appeal of an administrative decision involving a sexually oriented business, the Board shall hold a public hearing no later than fifteen (15) days after the date the appeal is filed. Notice of a public hearing shall be provided to all property owners within 200 feet of the affected property ten (10) days prior to the public hearing and also published in the official newspaper ten (10) days prior to the public hearing.
- (iii) Appeals.
- 1) An appeal may be taken from the decision of an administrative official by an applicant for the permit on which the decision is rendered, by any person or persons directly aggrieved by the decision or by any officer, department, board or office of the municipality affected by the decision.
  - 2) The appellant must file with the Board and the official against whom the appeal is taken a written notice of appeal specifying the grounds for the appeal within fifteen (15) days after the decision has been rendered. The officer to whom the appeal is made shall forthwith transmit to the Board all papers constituting the record of the action that is appealed.
  - 3) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certified in writing to the Board that facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.
  - 4) The appellant party may appear at the appeal hearing in person or by agent or attorney.

- 5) The Board shall decide the appeal within four (4) weeks after placement on its agenda. If, after the four-week period has elapsed, no action has been taken by the Board on the appeal, the request shall be deemed automatically approved. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.
- (iv) Vote Required for Board Decisions. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these zoning regulations, or to effect any variance to the zoning regulations granted by the Board.
- (v) Judicial Review. Any person or persons, jointly or severally, aggrieved by a decision of the Board of Adjustment, or any taxpayer, or any officer, department, or Board of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the Board's office.

## Section 2.04 Changes and amendments to all zoning ordinances and districts and administrative procedures.

- (a) Declaration of policy and review criteria:
  - (i) The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
    - 1) To correct any error in the regulations or map.
    - 2) To recognize changed or changing conditions or circumstances in a particular locality.
    - 3) To recognize changes in technology, the style of living, or manner of conducting business.
    - 4) To change the property to uses in accordance with the approved Comprehensive Plan.
  - (ii) In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:
    - 1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.

- 2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
  - 3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
  - 4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
  - 5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
  - 6) The historical, cultural and architectural significance of places or structures.
  - 7) Any other factors which will substantially affect the public health, safety, morals, or general welfare.
- (b) Authority to amend ordinance:
- (i) The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any Ordinance regulations or Zoning District boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.
  - (ii) Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership.
  - (iii) No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Waxahachie, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

(c) Application:

- (i) Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City.
- (ii) The application shall be filed with the City and accompanied by payment of the appropriate fee as established by the City of Waxahachie, Texas and on file with the City Secretary.

(d) Public hearing and notice:

- (i) Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on each application as applicable by state law (Texas Local Government Code Chapter 211, as so may be amended). Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within 200 feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official newspaper of the City. Changes in the ordinance text which do not change zoning district boundaries do not require written notification to individual property owners.

- (ii) The Applicant must post Notice of Public Hearing signage on or near the subject property at least fifteen (15) days prior to the City Council public hearing.

1) The sign shall be visibly posted in the manner prescribed below.

- a) Within a public right-of-way, street frontage, adjoining the subject property;
- b) Within a dedicated public access easement for ingress and egress to the subject property; or
- c) Within the store front of the building subject to the request; and
- d) Prominently and conspicuously displayed in a public area, accessible to all.

2) The sign must indicate: case number, date and time of public hearing(s), and Planning Department contact information.

(e) Failure to appear:

- (i) Each applicant shall attend the Planning and Zoning Commission and City Council hearings to provide additional detail or information requested by either body. An applicant may send another party as a case representative.
  - (ii) Failure of the applicant or representative to appear before the Planning and Zoning Commission or City Council without an approved delay by the City shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application.
- (f) Planning and Zoning Commission consideration and report:
- (i) The Planning and Zoning Commission shall function in accordance with Article VI and Chapter 24, Section 24, City of Waxahachie Code of Ordinances.
  - (ii) The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan.
  - (iii) The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it is posted on the agenda or until it has had an opportunity to consider other proposed changes which may have a direct bearing thereon unless a postponement is requested by the applicant.
  - (iv) If the Planning and Zoning Commission has not acted, the request shall be sent to the City Council as a recommendation to deny.
- (g) Denial with Prejudice Recommendation:
- (i) The Planning and Zoning Commission, at its discretion, may recommend to the City Council that the zoning change request be denied with prejudice.
  - (ii) A simple denial recommendation is made without prejudice and a recommendation to deny with prejudice must be incorporated into the Planning and Zoning Commission motion.
- (h) City Council consideration:
- (i) Applications Recommended for Approval by the Planning and Zoning Commission:  
Every application or proposal which is recommended for approval by the Planning and Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

- (ii) Applications Recommended for Denial by the Planning and Zoning Commission: When the Planning and Zoning Commission makes a recommendation that a proposal should be denied, the request, in its original form, will not automatically be placed on the City Council agenda unless requested by the applicant within ten (10) days of such action.
- (iii) Resubmission of Applications: A request which has been denied by the City Council may be resubmitted at any time for reconsideration by the City (a new filing fee must accompany the request). The City Council, at its discretion, may deny any request with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.
- (iv) City Council Hearing and Notice for Zoning Changes: Notice of the City Council public hearing shall be given by publication in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.
- (v) Three-Fourths Vote:
  - 1) A favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members, which equates to four (4) of the five (5) members, of the City Council shall be required to approve any change in zoning when written objections are submitted to the City Secretary in accordance with the provisions of Section 211.006 of the Local Government Code of the State of Texas. If a protest against such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending 200 feet therefrom or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths ( $\frac{3}{4}$ ) vote of the City Council.
  - 2) A favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission.

- (vi) Final Approval and Ordinance Adoption: Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City's Planning Department for the preparation of the amending ordinance. A metes and bounds description of all property and appropriate exhibits must be submitted with the zoning change request application. The amending ordinance will not be approved until a correct description has been prepared. The zoning request shall be approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions.
  
- (i) Joint public hearings: As authorized in Section 211.007 of the Texas Local Government Code, the City Council may, by a two-thirds (2/3) vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and Planning and Zoning Commission. If the notice provisions are different than Section 2.04(d) above, then the provisions of Section 2.04 do not apply.

## Section 2.05 Certificates of occupancy and compliance.

- (a) Certificates of Occupancy Required:
  - (i) A Certificate of Occupancy shall be required for each of the following scenarios:
    - 1) Occupancy and use of a building hereafter erected or structurally altered;
    - 2) Change in use of an existing building to a use of a different classification;
    - 3) Change in the use of land to a use of a different classification; and
    - 4) Change in occupancy or business within a building.
  - (ii) No such use, or change of use, shall take place until a Certificate of Occupancy is issued. A fee shall be established by separate ordinance.

## Article III. ZONING DISTRICTS

### Section 3.01 Zoning districts established.

The City of Waxahachie, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as:

FD	Future Development
RR	Rural Residential
SF1	Single-Family Residential - 1
SF2	Single-Family Residential - 2
SF3	Single-Family Residential - 3
2F	Two-Family Residential (Duplex)
MF1	Multiple-Family Dwelling District - 1
MF2	Multiple-Family Dwelling District - 2
MH	Mobile Home District
MUR	Mixed Use Residential
DN	Downtown Neighborhood
MUNR	Mixed Use Non-Residential
O	Office
NS	Neighborhood Service District
GR	General Retail District
CA	Central Area District
C	Commercial District
LI1	Light Industrial District - 1
LI2	Light Industrial District - 2
HI	Heavy Industrial District
AP	Airport District

### Section 3.02 Future Development (FD).

(a) General purpose and description:

The Future Development (FD) Zoning District is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district.

(b) Special considerations

(i) Detached garages and living quarters above a detached garage, or other accessory buildings such as barns, sheds, and other structures are permitted.

(ii) Detached servants quarters without a garage shall be permitted by SUP and are required to be on a lot three (3) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold and shall not be separately metered.

(iii) Dwelling units with side entry garages where lot frontage is only to one street, i.e., not a corner lot, shall have a minimum of twenty-five (25) feet from the door face of the garage to the side property line.

(iv) Driveway spacing shall be a minimum of 150 feet, as measured along the front property line from nearest driveway radius to nearest driveway radius.

Height Regulations	
	3 stories, not to exceed 36' for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	3 acres
Minimum Lot Width	250'
Minimum Lot Depth	500'
Minimum Front Yard	35'
Minimum Side Yard	10% of the lot width but need not exceed 25'. 50' from a street ROW.
Minimum Rear Yard	25' from a garage to an alley; 25' to a main building
Maximum Lot Coverage	15% by main buildings; 50% including accessory buildings, driveways and parking areas
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	1,500 SF

**Section 3.03 Rural Residential (RR).**

(a) General purpose and description:  
 The Rural Residential (RR) Zoning District is intended to provide for development of primarily large-lot, single-family detached dwelling units on lots of not less than two (2) acres in size. Single-lot subdivisions are discouraged. Subdivisions are clustered to maximize open space, and are intended to be served by on-site wastewater collection systems. Other uses, such as religious and educational facilities, and open spaces are allowed if properly designed so as to not impact the primary use of this district in an adverse manner.

(b) Special considerations

- (i) Dwelling units with side entry garages where lot frontage is only to one street, i.e., not a corner lot, shall have a minimum of twenty-five (25) feet from the door face of the garage to the side property line.
- (ii) All foundations shall be concrete slab on-grade or cast-in-place pier and beam. All foundations shall be engineered, approved, and sealed by a licensed engineer.
- (iii) On-site wastewater systems, including drainage fields or spray areas, shall not be located closer than 300 feet from a lake or floodplain.
- (iv) All wastewater systems shall be approved by the City of Waxahachie.
- (v) Driveways are not permitted on major or minor thoroughfares unless the driveway is serving a lot that was platted prior to September 27, 2004 and the driveway is spaced a minimum of 1,500 feet from another driveway.

Height Regulations	
	2.5 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	2 acres
Minimum Lot Width	150'
Minimum Lot Depth	200'
Minimum Front Yard	60'
Minimum Side Yard	15' required; 20' from a street ROW
Minimum Rear Yard	20% of the total lot depth
Maximum Lot Coverage	20% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	2,500 SF

**Section 3.04 Single-Family Residential-1 (SF1).**

- (a) General purpose and description:  
 The Single-Family Residential-1 (SF1) Residential Zoning District is intended to provide for development of primarily single-family detached dwelling units on lots of not less than 16,000 square feet. Other uses, such as religious and educational facilities, and open spaces are allowed if properly designed so as to not impact the primary use of this district in an adverse manner.
- (b) Special considerations
  - (i) Dwelling units with side entry garages where lot frontage is only to one street, i.e., not a corner lot, shall have a minimum of twenty-five (25) feet from the door face of the garage to the side property line.

Height Regulations	
	2 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	16,000 SF
Minimum Lot Width	90'
Minimum Lot Depth	140'
Minimum Front Yard	40'
Minimum Side Yard	15' required; 20' from a street ROW
Minimum Rear Yard	25'
Maximum Lot Coverage	50% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	2,200 SF

**Section 3.05 Single-Family Residential-2 (SF2).**

(a) General purpose and description:  
 The Single-Family Residential - 2 (SF2) Zoning District is intended to provide for development of primarily detached, single-family residences on lots of not less than 12,500 square feet. Other uses, such as religious, educational facilities and recreational facilities are allowed if properly designed so as to not impact the primary uses of this district in an adverse manner.

(b) Special considerations

(i) Dwelling units with side entry garages where lot frontage is only to one street, *i.e.*, not a corner lot, shall have a minimum of twenty-five (25) feet from the door face of the garage to the side property line.

Height Regulations	
	2 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	12,500 SF
Minimum Lot Width	90'
Minimum Lot Depth	120'
Minimum Front Yard	30'
Minimum Side Yard	15'; 20' on corner lots adjacent to a street
Minimum Rear Yard	25'
Maximum Lot Coverage	50% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	1,600 SF

**Section 3.06 Single-Family Residential-3 (SF3).**

- (a) General purpose and description:  
The Single-Family Residential - 3 (SF3) Zoning District is intended to be similar to the SF2 except composed of detached, single-family residences on lots of not less than 10,000 square feet.
- (b) Special considerations
  - (i) Dwelling units with side entry garages where lot frontage is only to one street, i.e., not a corner lot, shall have a minimum of twenty-five (25) feet from the door face of the garage to the side property line.

Height Regulations	
	2 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	10,000 SF
Minimum Lot Width	80'
Minimum Lot Depth	100'
Minimum Front Yard	30'
Minimum Side Yard	10'; 15' on corner lots adjacent to a street
Minimum Rear Yard	25'
Maximum Lot Coverage	50% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	1,200 SF

**Section 3.07 Two-Family Residential – Duplex (2F).**

(a) General purpose and description:  
 The Two-Family Residential (2F) Zoning District is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of the two-family or duplex units is encouraged. This District may provide a buffer or transition district between lower density residential areas and higher or non-residential areas, or major thoroughfares.

(b) Special considerations

(i) Homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five (25) feet from the door face of the garage to the side property line for maneuvering.

(ii) Lots in the 2F District may be platted in pairs such that a duplex may be placed on each pair of lots for the purpose of encouraging individual ownership of each side or unit. The subdivision plat shall designate the pairs of lots and which lot lines are to be outside lot lines of each pair. When platted in pairs, there shall be only one dwelling unit per lot, and no dwelling unit shall cross a designated lot line. No single-family detached dwelling may be constructed on one of the designated pair of lots.

(iii) All utilities shall be provided separately to each duplex such that each unit is individually metered.

(iv) Single-family detached dwellings shall conform to the standards as set forth in the SF2 District.

(v) A preliminary plat is required at the time of zoning application submittal for duplex subdivisions to evaluate the merits of the requested zoning.

Height Regulations	
	2 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	9,000 SF for each pair of dwelling units, or 4,500 SF per unit
Minimum Lot Width	80'; 40' for each dwelling unit
Minimum Lot Depth	100'
Minimum Front Yard	25'
Minimum Side Yard	6' required; 15' on corner lot adjacent to street
Minimum Rear Yard	(20' from a garage to an alley; 10' to a main building)
Maximum Lot Coverage	35% by main buildings
Parking Regulations	Minimum of 2 off-street paved parking spaces for each unit behind the front building line on the same lot as each dwelling unit
Minimum DUA	900 SF for each unit

**Section 3.08 Multiple-Family Residential-1 (MF1).**

- (a) General purpose and description:  
 The Multiple-Family Residential - 1 (MF1) Zoning District is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acre. The principal permitted land uses will include low-rise multiple family dwellings, and apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

Height Regulations	
	2 stories for the main building. All accessory buildings (excluding recreational buildings) shall be limited to 1 story in height
Area Regulations	
Minimum Lot Area	2,420 SF per dwelling unit, not to exceed eighteen (18) dwelling units per acre (calculated on gross acreage). The min lot size shall be 7,260 SF
Minimum Lot Width	60'
Minimum Lot Depth	120'
Minimum Front Yard	Adjacent to SF: 25'. Adjacent to MF or NR: 25'
Minimum Side Yard	Adjacent to Residential: 50'. Adjacent to MF or NR: 25'
Minimum Rear Yard	Adjacent to Residential: 50'. Adjacent to MF or NR: 25'
Maximum Lot Coverage	40% by main buildings and accessory buildings
Parking Regulations	1.5 spaces per efficiency, 1-bed or 2-bed units; 2.5 spaces per 3-bed unit; 3 spaces per 4-bed or other unit
Minimum DUA	600 SF per unit plus 100 SF for each additional bedroom over one; 450 SF for efficiency apartments, with a max of 25% of the total units

**Section 3.09 Multiple-Family Residential-2 (MF2).**

- (a) General purpose and description: The Multiple-Family Residential - 2 (MF2) Zoning District is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acre. The principal permitted land uses will include low-rise multiple family dwellings, and apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development. Any multi-family development permissible within another zoning district, other than MF1, shall follow the MF2 guidelines and standards

Height Regulations	
	3 stories for the main building. All accessory buildings (excluding recreational buildings) shall be limited to 1 story in height
Area Regulations	
Minimum Lot Area	2,420 SF per dwelling unit, not to exceed 18 dwelling units per acre (calculated on gross acreage). The minimum lot size shall be 7,260 SF
Minimum Lot Width	60'
Minimum Lot Depth	120'
Minimum Front Yard	Adjacent to SF - 25'. 75' if over two stories. Adjacent to MF or Nonresidential - 25'. 100' if over 2 stories
Minimum Side Yard	Adjacent to SF - 50'. 75' if over two stories. Adjacent to MF or Nonresidential - 25'. 100' if over 2 stories
Minimum Rear Yard	Adjacent to a residential; 50', over two story is 75'
Maximum Lot Coverage	40% by main and accessory buildings
Parking Regulations	1.5 spaces per efficiency, 1-bed or 2-bed units; 2.5 spaces per 3-bed unit; 3 spaces per 4-bed or other unit
Minimum DUA	600 SF per unit plus 100 SF for each additional bedroom over one; 450 SF for efficiency apartment units, with a 25% maximum of the total units.

**Section 3.10 Manufactured Home (MH).**

(a) General purpose and description:

The Manufactured Home (MH) Zoning District is a detached residential district establishing standards for the development of manufactured home parks and subdivisions. Manufactured home subdivisions include individually platted lots, for sale within the subdivision, for the placement of manufactured home units. A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. The Manufactured Home District establishes area and design requirements for parks and subdivisions, as well as, yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

<b>Height Regulations</b>	
	N/A
<b>Area Regulations</b>	
Minimum Lot Area	3,000 SF per unit
Minimum Lot Width	35'
Minimum Lot Depth	80'
Minimum Front Yard	25' from a dedicated street; 15' from any private street or drive
Minimum Side Yard	7'; 20' between units; 20' from zoning district line
Minimum Rear Yard	10'; 20' from any zoning district line
Maximum Lot Coverage	40%
Parking Regulations	2 spaces per unit
Minimum DUA	650 SF

(b) Special considerations

- (i) Manufactured home parks for residential use, providing, on a rental basis, lots for placement of manufactured homes, with utilities. Small offices and laundry facilities are permitted as incidental uses within the park.
- (ii) Outside storage is prohibited.

**Section 3.11 Mixed-Use Residential (MUR).**

- (a) General purpose and description:  
 The Mixed-Use Residential (MUR) District is an attached residential district intended to provide a mixture of residential and nonresidential uses, with eighty (80) percent of the square footage of any proposed development being residential. The principal permitted land uses include multiple-family dwellings, and downtown neighborhood, office, neighborhood service, general retail and commercial uses. Development should be vertical in nature. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

Height Regulations	
	4 stories for the main building. All accessory buildings (excluding recreational buildings) shall be limited to 1 story in height
Area Regulations	
Minimum Lot Area	1,452 SF per dwelling unit, not to exceed 30 dwelling units per acre (calculated on gross acreage). Minimum lot size shall be 43,560 SF
Minimum Side Yard	25'
Minimum Rear Yard	25'
Maximum Lot Coverage	50% if 50% of parking for MF portion is provided by attached, enclosed garages. 50% maximum. Lower lot coverage to match percentage of attached, enclosed garages.
Parking Regulations	Will match the parking requirements set forth by the MF and use types
Minimum DUA	1,200 SF

**Section 3.12 Downtown Neighborhood (DN).**

- (a) General purpose and description:  
 The Downtown Neighborhood (DN) District is intended to serve as a transition district between the Central Area (CA) and single-family residential zoning districts. The City’s goal is to reduce the separation between residential areas and services. The principal permitted land uses include multiple-family and single-family attached dwellings, and central area, general retail, neighborhood services, and office uses. This District surrounds the Central Area district.

Height Regulations	
	2 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	10,000 SF
Minimum Lot Width	80’
Minimum Lot Depth	100’
Minimum Front Yard	30’
Minimum Side Yard	10’; 15’ on corner lots adjacent to a street
Minimum Rear Yard	25’
Maximum Lot Coverage	35% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	1,200 SF

**Section 3.13 Mixed-Use Non-Residential (MUNR).**

- (a) General purpose and description:  
 The Mixed-Use Non-Residential (MUNR) District is an attached residential district intended to provide a mixture of residential and nonresidential uses, with eighty (80) percent of the square footage of any proposed development being nonresidential. The principal permitted land uses include multiple-family dwellings, and downtown neighborhood, office, neighborhood service, general retail and commercial uses. Development should be vertical in nature. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

Height Regulations	
	10 stories for the main building. All accessory buildings (excluding recreational buildings) shall be limited to 1 story in height
Area Regulations	
Minimum Lot Area	726 SF per dwelling unit, not to exceed 60 dwelling units per acre (calculated on gross acreage). Minimum lot size shall be 43,560 SF
Minimum Front Yard	25'
Minimum Side Yard	25'
Minimum Rear Yard	25'
Maximum Lot Coverage	50% if 50% of parking for MF portion is provided by attached, enclosed garages. 50% maximum. Lower lot coverage to match percentage of attached, enclosed garages.
Parking Regulations	Match the parking requirements of the MF and use types
Minimum DUA	1,200 SF

**Section 3.14 Office (O).**

(a) General purpose and description:

The Office (O) Zoning District is established to accommodate a variety of office developments providing for professional, financial, medical and similar services for local residents; corporate offices for regional and national operations; and major employment centers for city, county and state governmental entities. Limited retail establishments incidental to the main uses may be appropriate in association with large office complexes. Since this District is intended for more intensive non-residential uses, landscape treatment and other visual site treatments are anticipated. Multi-story buildings must also be buffered from nearby single-family areas through the use of setbacks, landscape buffers, and thoroughfares.

Height Regulations	
	2 stories; for height over 2 stories, an additional setback is required and may be adjusted by PD zoning
Area Regulations	
Minimum Lot Area	7,000 SF
Minimum Lot Width	70'
Minimum Lot Depth	100'
Minimum Front Yard	25'; all yards adjacent to a street shall be considered a front yard.
Minimum Side Yard	Exterior, 25'; interior, none.
Minimum Rear Yard	20'
Maximum Lot Coverage	40% including accessory buildings
Parking Regulations	As established by Section 4.03

(b) Special considerations

- (i) Maximum Floor Area Ratio: 4.0:1 (See Article IX).
- (ii) Outside storage is prohibited.
- (iii) Adjacent to a Single-Family District: The side or rear setback, whichever is adjacent to the single-family zoning district, shall observe a 60' setback if the office use is over one (1) story in height.

**Section 3.15 Neighborhood Service (NS).**

- (a) General purpose and description:  
 The Neighborhood Service (NS) Zoning District is established as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, freestanding retail structures, such as convenience stores and neighborhood oriented personal service establishments. Sites zoned NS should generally utilize an existing or small corner lot within a logical neighborhood area.

<b>Height Regulations</b>	
	2 stories
<b>Area Regulations</b>	
Minimum Lot Area	7,000 SF
Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Front Yard	25'
Minimum Side Yard	10'; 25' adjacent to a public street or residential lot
Minimum Rear Yard	20' or 25' adjacent to a residential lot
Maximum Lot Coverage	40%
Parking Regulations	As established by Section 4.03

- (b) Special considerations  
 (i) Outside storage is prohibited.

**Section 3.16 General Retail (GR).**

(a) General purpose and description:  
 The General Retail (GR) Zoning District is intended predominately for general retail, and certain light commercial uses of a service nature which typically have operating characteristics of traffic service requirements generally compatible with typical office, retail, shopping, and some residential environments.

(b) Special considerations

- (i) No permanent use of temporary buildings
- (ii) Interior Side Yards - When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided:
  - 1) Adequate fire lanes and circulation is provided on site; and
  - 2) Appropriate building codes can be met

<b>Height Regulations</b>	
	2 stories
<b>Area Regulations</b>	
Minimum Lot Area	7,000 SF
Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Front Yard	40'
Minimum Side Yard	20'
Minimum Rear Yard	20'; 25' adjacent to residential
Maximum Lot Coverage	40%
Parking Regulations	As established by Section 4.03

**Section 3.17 Central Area (CA).**

(a) General purpose and description:  
 The Central Area (CA) Zoning District is intended to be used only in the Downtown of Waxahachie. The uses in this District are generally retail or office in nature and often rely on off-site parking. Uses also have minimal setback requirements due to the compact nature of the downtown area.

(b) Special considerations

- (i) No permanent use of temporary buildings.
- (ii) No extension or protrusion shall be permitted in or over the street or alley right-of-way.

<b>Height Regulations</b>	
	3 stories
<b>Area Regulations</b>	
Minimum Lot Area	None
Minimum Lot Width	20'
Minimum Lot Depth	100'
Minimum Front Yard	None
Minimum Side Yard	None
Minimum Rear Yard	None
Maximum Lot Coverage	95% for the main structure
Parking Regulations	Off-Street Parking and Loading Requirements do not apply to the CA

**Section 3.18 Commercial (C).**

(a) General purpose and description:  
 The Commercial (C) Zoning District is intended to provide locations for service and commercial related establishments, such as wholesale products, welding shops, flea markets, major automotive repair, upholstery shops, and other heavy commercial uses. Uses in this District may require open storage areas but shall be screened from public view. The uses envisioned for the District will typically utilize smaller sites and have operation characteristics which are not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

<b>Height Regulations</b>	
	3 stories
<b>Area Regulations</b>	
Minimum Lot Area	5,000 SF
Minimum Lot Width	50'
Minimum Lot Depth	100'
Minimum Front Yard	25'
Minimum Side Yard	15'; 20' if adjacent to a street; 25' when adjacent to residential.
Minimum Rear Yard	20'; 25' when adjacent to residential
Maximum Lot Coverage	40% for the main structure
Parking Regulations	As established by Section 4.03

(b) Special considerations

- (i) No permanent use of temporary buildings.
- (ii) Interior Side Yards - When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided:
  - 1) Adequate fire lanes and circulation is provided on site; and
  - 2) Appropriate building codes can be met

**Section 3.19 Light Industrial-1 (LI1).**

- (a) General purpose and description:  
The Light Industrial - 1 (LI1) Zoning District is intended to provide a setting for lighter manufacturing, research and development laboratories, science and high technology firms and related office and support uses. The sites for such uses should typically be larger in size.
- (b) Special considerations
  - (i) No permanent use of temporary buildings.

<b>Height Regulations</b>	
	6 stories
<b>Area Regulations</b>	
Minimum Lot Area	7,000 SF
Minimum Lot Width	70'
Minimum Lot Depth	100'
Minimum Front Yard	40'
Minimum Side Yard	30'
Minimum Rear Yard	30'
Maximum Lot Coverage	50% for the main structure. 60% for all structures, accessory buildings and pavement
Parking Regulations	As established by Section 4.03

**Section 3.20 Light Industrial-2 (LI2).**

(a) General purpose and description:  
 The Light Industrial - 2 (LI2) Zoning District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, or other means of transportation.

(b) Special considerations

(i) The following are permitted, with additional consideration:

- 1) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or excessive noise is emitted.
- 2) A "high risk or hazardous industrial use" is permitted by specific use permit only. In this section, "high risk or hazardous industrial use" means any industrial use whose operation, in the opinion of the Fire Marshal, involves a much higher than average risk to public health and safety. These uses include but are not limited to facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals or substances, or highly combustible or explosive materials are present, used, produced, stored, or disposed of as defined in The Fire Code.

(c) Compliance with state law and federal laws: No uses shall be allowed which are prohibited by State law or which operate in excess of State or National environmental or pollution standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board, Texas State Department of Health, or Texas Commission on Environmental Quality (TCEQ).

<b>Height Regulations</b>	
	6 stories
<b>Area Regulations</b>	
Minimum Lot Area	7,000 SF
Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Front Yard	40'
Minimum Side Yard	30'
Minimum Rear Yard	20'; 40' if adjacent to single-family uses or zoning district
Maximum Lot Coverage	65% for the main structure. 70% for all structures, accessory buildings and pavement
Parking Regulations	As established by Section 4.03

**Section 3.21 Heavy Industrial (HI).**

(a) General purpose and description:  
 The Heavy Industrial (HI) Zoning District is intended primarily for the conduct of heavy manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, or other means of transportation.

(b) Special considerations

(i) The following are permitted with additional consideration

- 1) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that no dust, odor, gas, smoke or excessive noise is emitted.
- 2) A "high risk or hazardous industrial use" is permitted by specific use permit only. In this section, "high risk or hazardous industrial use" means any industrial use whose operation, in the opinion of the Fire Marshal, involves a much higher than average risk to public health and safety. These uses include but are not limited to facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals or substances, or highly combustible or explosive materials are present, used, produced, stored, or disposed of as defined in The Fire Code.

(c) Compliance with state law and federal laws: No uses shall be allowed which are prohibited by State law or which operate in excess of State or National environmental or pollution standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board, Texas State Department of Health, or Texas Commission on Environmental Quality (TCEQ).

Height Regulations	
	10 stories
Area Regulations	
Minimum Lot Area	10,000 SF
Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Front Yard	50'
Minimum Side Yard	30'
Minimum Rear Yard	20'; 40' if adjacent to single-family uses or zoning district
Maximum Lot Coverage	65% for the main structure. 70% for all structures, accessory buildings and pavement
Parking Regulations	As established by Section 4.03

**Section 3.22 Airport (AP).**

- (a) General purpose and description:  
The Airport (AP) Zoning District is intended to provide a setting for lighter manufacturing, aviation related uses, research and development laboratories, science and high technology firms and related office and support uses appropriate in close proximity to the airport. The sites for such uses should typically be larger in size.
- (b) Special considerations
  - (i) No permanent use of temporary buildings.

<b>Height Regulations</b>	
	2 stories
<b>Area Regulations</b>	
Minimum Lot Area	15,000 SF
Minimum Lot Width	100'
Minimum Lot Depth	100'
Minimum Front Yard	30'
Minimum Side Yard	30'
Minimum Rear Yard	30'
Maximum Lot Coverage	50% for the main structure. 60% for all structures, accessory buildings and pavement
Parking Regulations	As established by Section 4.03

### Section 3.23 Overlay, special and obsolete districts.

- (a) Overlay and Prefix Districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay or prefix districts are requested.

### Section 3.24 Historic overlay districts.

- (a) General purpose and description:

- (i) The City hereby declares that as a matter of public policy, the protection, preservation and enhancement of districts and landmarks of architectural, archaeological, cultural, and historic importance is necessary to promote the economic, cultural, educational, and general welfare of the citizens of Waxahachie. The unique identity of the City of Waxahachie and the history of the area since its founding, which produced significant historic, architectural, archaeological and cultural resources, require this ordinance to:
  - 1) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic areas, places, buildings and structures, by appropriate regulations.
  - 2) Promote economic stability and prosperity of the community by encouraging the most appropriate use of such significant property in Waxahachie.
  - 3) Protect and enhance the City's attractions to tourists and visitors, as well as provide support and stimulus to business and industry.
  - 4) Ensure the identification and evaluation of buildings, structures, places and areas of historical, architectural and cultural importance or value; and to provide efficient procedures for that process, and any necessary adjustments or variances from unduly harsh application of the provisions of this ordinance.
  - 5) To balance the rights of the public which justify preservation of the City's history and culture, with those of private property owners who own and control property, and are entitled to the reasonable use and return from their assets.

- (b) Designation overview

Nature of District. The City may designate a site, building, structure, landscape or object as a historic resource and a unique area as a historic district together with the public rights of way in and surrounding the resource or district, by establishing a Historic Overlay District that combines with one or more base zoning districts pursuant to the procedures set forth in Section 2.04 of the City's zoning ordinance.

- 1) Permitted uses within the Historic Overlay District shall be those allowed in the base zoning district.

2) Unless expressly modified by or limited by an action taken pursuant to this Section, the height and area standards, special requirements and other regulations shall be those applicable within the base zoning district.

(ii) Criteria for Historic Resources

- 1) A Historic Overlay District may be established to preserve historic resources of exemplary architectural, archaeological, cultural or historic value having one or more of the following characteristics:
  - a) Possesses significance in history, architecture, archeology, or culture of the city, county, state or nation.
  - b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state or national history.
  - c) Is associated with the lives of persons significant in Waxahachie's past.
  - d) Embodies distinctive characteristics of a type, period or method of construction.
  - e) Represents the work of a master designer, builder or craftsman.
  - f) Represents an established and familiar visual feature of the City of Waxahachie.
  - g) Is the location of a significant event.

(iii) Criteria for Historic Area

- 1) A Historic Overlay District may be established to preserve a historic area if the area contains properties that meet one or more of the criteria for designation contained for a historic resource and constitutes a unique section of the City of Waxahachie that contributes to the heritage of the community.

(iv) Request for Designation

- 1) A property owner, interested citizen, or the Heritage Preservation Commission (HPC) may request to designate certain sites, buildings, structures, landscapes or objects as historic resources. Owners of said property shall be notified prior to the Commission's hearing to consider designation. At the aforementioned public hearing, commissioners, owners, and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic resource. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing. Designation as a historic resource does not necessarily impose the obligation on the property owner to improve, alter, or change a property.

2) A property owner or the Heritage Preservation Commission (HPC) may request that a unique area be preserved as a historic district. The Heritage Preservation Officer will send notification to property owners within the proposed district boundaries of the proposal. When the HPO has received verifiable written support from the owners of at least thirty (30) percent of the properties within the proposed historic district boundary, the Heritage Preservation Officer shall forward the application to the Heritage Preservation Commission for a public hearing and recommendation. Prior to such hearing, the HPC shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural or cultural importance of the proposed historic resource or historic district. The record may also contain staff reports and public comments. Following the public hearing, the HPC shall formulate its recommendation to the Planning and Zoning Commission and the City Council concerning establishment of a Historic Overlay District.

(v) Process for Designation

- 1) The HPC shall make its recommendation on the proposed Historic Resource or Historic District to the Planning and Zoning Commission within thirty (30) days from the date of the public hearing on the proposed designation of the historic resource or historic district, coupled with a request to establish a Historic Overlay District for the site or area.
- 2) Upon receipt of the HPC recommendation, the Planning and Zoning Commission shall give notice, conduct its public hearing and make recommendations to the City Council in the same manner and according to the same procedures as provided in Section 2.04.
- 3) The City Council shall give notice, follow the publications procedure, hold public hearings and make its determination on the Historic Overlay District in the same manner and in accordance with the procedures for a zoning amendment, as provided in Section 2.04.

(vi) Upon establishment of the Historic Overlay District designation, the Historic Overlay District shall be recorded on the official zoning map of the City of Waxahachie. All zoning maps shall identify the Historic Overlay District with the suffix "H". The boundaries of each Historic Overlay District shall be described in detail and shall be filed in the city secretary's office for public inspection.

(c) Certificate of appropriateness for alteration, restoration, or new construction within historic overlay districts:

(i) Prohibition on Alteration or Development

- 1) Within a Historic Overlay District, no person shall alter any building, site, structure, landscape or object designated as a historic resource or alter any portion of the exterior of a structure within a historic district, or place, construct, maintain, expand or remove any structure on such site without first obtaining a Certificate of Appropriateness from the HPC.
- 2) No building permit shall be issued until an application for a Certificate of Appropriateness has been reviewed and approved by the HPC. The Certificate of Appropriateness shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Waxahachie.

(ii) Procedures for Certificate of Appropriateness

- 1) Prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner shall file an application for such a certificate with the Heritage Preservation Commission. The Commission, if requested, shall aid the property owner in preparation and completion of the application. The application form shall contain the following:
  - a) Name, address, telephone number of the applicant, and a detailed description of the proposed work.
  - b) Current photographs of the property
  - c) Historical photographs (if available) upon which the proposed work is based
  - d) Elevation drawing(s) of any part of the structure that is visible from the public right-of-way with details drawn to scale for work to be done
  - e) List of materials for all exterior surfaces and/or signs
  - f) Dollar value of improvements to be made
  - g) Location map of proposed buildings and structures
  - h) Details of proposed light fixtures
  - i) Sample(s) of material(s) to be used
  - j) Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work.

- 2) An application for a Certificate of Appropriateness shall be submitted to the Heritage Preservation Officer or other designated City official as stipulated by the City Manager. The HPC shall hold a public meeting on the application within thirty (30) days of receipt of the completed application. All applications received twenty (20) days in advance of the next meeting will be reviewed and discussed at the next scheduled Commission meeting.
  - 3) The HPC shall make a final decision on the application within forty-five (45) days of the filing date. If no action has been taken by such date, a Certificate of Appropriateness shall be deemed issued by the Commission.
  - 4) All decisions of the HPC shall be in writing and will be sent to the applicant and the Building Official within ten (10) working days of the Commission's decision.
- (iii) Criteria
- 1) The HPC shall take into account the following criteria for determining whether to issue a Certificate of Appropriateness.
  - 2) The Downtown Waxahachie Design Guidelines, adopted by the City Council in August 2011, which are based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings shall be used in this process.
  - 3) The judgment of new construction proposals and the rehabilitation of non-historic buildings will be based on the compatibility of the design within the context of the property's adjacent and nearby historic buildings.
  - 4) The design of new buildings may have key elements of an existing or previous building of the historic period, including massing, scale, fenestration and materials. Buildings may not be absolute reproductions and shall appear as clearly contemporary.
  - 5) Infill buildings between contributing buildings shall be similar in setback, roof form, cornice line and materials, to one of the adjacent buildings. The height of the new buildings shall relate to the heights of adjacent structures. New buildings should not tower over existing buildings. Exterior building finishes shall be similar to that of surrounding historic structures.
  - 6) When constructing an addition to a historic building, it shall be done in a manner so that there is the least possible loss of historic materials and so that character defining features are not obscured, damaged or destroyed. Every effort should be made to locate the addition at the rear of the building or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.

- 7) The new addition should be designed in a manner that makes it clear what is historic and what is new. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms and mass, materials and relationship of solids to voids.
- (iv) Appeal from Action of HPC Concerning Application for Permits
- 1) An applicant for a Certificate of Appropriateness dissatisfied with the action of the HPC on the application may appeal the decision to the City Council within fifteen (15) days after receipt of notification of such action. The applicant shall be advised by the Heritage Preservation Officer of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the same.
  - 2) In determining the appeal, the City Council shall consider the same factors as the HPC, the report of the HPC and any other matters presented at the hearing on the appeal. The City Council shall affirm, modify or reverse the decision by the HPC on the application for the Certificate of Appropriateness, and may impose such conditions as are necessary to assure that the proposed action meets the criteria for approval. If the application is disapproved, the City Council may indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. The applicant and the HPC shall be notified of the Council's decision by the Heritage Preservation Officer.
- (v) Issuance of Permits
- 1) Upon approval of an application for a Certificate of Appropriateness, the Building Official shall be authorized to issue a building permit or other permits required to undertake the action proposed in the application consistent with all applicable City standards.
  - 2) No change shall be made in the scope of work for any building permit after issuance of Certificate of Appropriateness without submittal of an application to amend the Certificate, which shall be considered by the HPC in the same manner as provided above. If a property owner wishes to change the scope of work under a Certificate of Appropriateness, the property owner shall consult the Heritage Preservation Officer who shall have the authority to approve non-substantive changes. If the Heritage Preservation Officer deems the requested changes to be substantive, such changes shall be referred to the Heritage Preservation Commission for action.
- (d) Minor in kind repairs and ordinary maintenance

- 1) Nothing in this Section shall be construed to prevent minor in kind repairs or ordinary maintenance. Minor in kind repairs and ordinary maintenance, including painting, do not require a Certificate of Appropriateness unless the tax incentive for maintenance is being sought. If the twenty-five (25) percent tax incentive for maintenance is requested, all provisions of Section 24.57 in Ordinance no. 2288 will apply.
  - 2) The Downtown Waxahachie Design Guidelines should be consulted when performing minor in-kind repairs or ordinary maintenance. The Heritage Preservation Officer is also available as an additional resource and should be consulted concerning questions about minor in-kind repairs and ordinary maintenance. If the Heritage Preservation Officer deems a Certificate of Appropriateness necessary, the procedures in Section 3.24 (c) shall apply.
- (e) Demolition or relocation of historic resources
- (i) Demolition Permit Required
    - 1) A permit for the demolition or relocation of a historic resource or any structure within a Historic Overlay District shall not be granted by the Building Official without the review and approval of a completed application by the Heritage Preservation Commission. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provision of this ordinance shall be fined not more than \$2,000 for each offense.
  - (ii) Application
    - 1) Certain information must be submitted by the applicant along with an application for a permit for demolition or relocation prior to the Heritage Preservation Commission making a ruling on the application. The applicant must supply the following information before the application is considered complete:
    - 2) Information describing the condition of the structure.
    - 3) An estimate of the cost of restoration or repair.
    - 4) Demonstration that adaptive use or restoration of the structure has been seriously considered.
    - 5) Any available historic records of the building (drawings, photographs).
    - 6) Architectural drawings for the proposed new construction which is intended to replace the historic structure if applicable.
    - 7) Any improvements proposed by the property owner to be placed on the land or new development that would mitigate the loss of the historic structure if applicable.
    - 8) Any other information deemed appropriate by the Commission to assist in rendering a decision on the application.

(iii) Action on Application

- 1) Upon formal notification from the Heritage Preservation Officer that the application has been received, an automatic sixty (60) day stay will go into effect. During this time the Heritage Preservation Commission shall consider the state of repair of the building, reasonableness of the cost of restoration or repair, the existing and/or potential usefulness, the purpose behind preserving the structure, the character of the neighborhood, and all other factors it finds appropriate. If the Commission determines that, in the interest of preserving historical values, the structure should be preserved, it shall notify the Building Official that the application has been disapproved. If disapproved, the applicant may appeal to the City Council in the same manner as for a Certificate of Appropriateness. If demolition or relocation is approved, the HPC shall notify the Building Official so the appropriate permit(s) can be issued.

(f) Duty to maintain/demolition by neglect

- (i) No owner or person with an interest in real property designated as a historic resource, a National Register property, or included in a historic district shall allow such property to fall into a serious state of disrepair without requesting a demolition permit. Property owners who allow properties to fall into a serious state of disrepair are subject to all the provisions of Chapter 8, Article III in the City of Waxahachie Code of Ordinances.

(ii) Examples of a state of serious disrepair shall include, but are not limited to, the following:

- 1) Deterioration of exterior walls or other vertical supports.
- 2) Deterioration of roofs or other horizontal members.
- 3) Deterioration of exterior chimneys.
- 4) Deterioration or crumbling of exterior stucco or mortar.
- 5) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
- 6) Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety.
- 7) Deterioration of ornamental features.

(g) Enforcement

- (i) Compliance Required

- 1) All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to all requirements included herein and all other City codes. It shall be the duty of the building inspector to periodically inspect any such work to ensure compliance.

(ii) Enforcement Proceedings

- 1) In the event that work being performed is found to not be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Heritage Preservation Commission, the Building Official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. All other remedies authorized under this Zoning Ordinance shall be applicable to non-compliance with a Certificate of Appropriateness.
- 2) Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this ordinance shall be fined not more than \$2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(h) Definitions

(i) For purposes of this Section, the following definitions apply:

- 1) Archeology - the science or study of material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of the Interior's Archeological Resources Protection Act of 1979.
- 2) Area - a specific geographic division in the City of Waxahachie
- 3) Building - any structure created to shelter people or things, such as a house, barn, church, office, hotel, or similar structure.
- 4) Certificate of Appropriateness - a signed and dated document evidencing the approval of the Heritage Preservation Commission and/or Heritage Preservation Officer for work proposed by an owner or applicant of a structure within a Historic Overlay District or an individual Historic Resource.
- 5) Citizen - a legal resident of the City of Waxahachie.
- 6) Demolition - an act or process (notwithstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

- 7) Downtown Waxahachie Design Guidelines - guidelines adopted by the Heritage Preservation Commission and the City Council for property designated as a Historic Resource or Historic District to protect, perpetuate and enhance the historical, cultural, architectural or archaeological character of an object, site, structure or district.
- 8) Development Review - means processing of proposed development requests.
- 9) Heritage Preservation, Heritage Commission or Commission - the Heritage Preservation Commission of the City of Waxahachie, as established by Ordinance 2288, Section 1-3, as amended.
- 10) Heritage Preservation Officer (HPO) - a staff person for the City of Waxahachie whose duties encompass all historic preservation activities for the city as established by Ordinance 2288, Section 1-4, as amended.
- 11) Historic Resource Preservation Plan (or Preservation Plan) - a document established by the Heritage Preservation Commission and adopted by the City Council to provide a current inventory of Historic Resources and Historic Districts and policy recommendations to guide historic preservation activities for the City of Waxahachie.
- 12) Historic Preservation - the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of Historic Resources, or any one or a combination of the foregoing activities.
- 13) Historic Property - the full range of properties identified in the Historic Resource Survey and/or special studies which are significant in history, pre-history, architecture, engineering, archaeology and culture, including properties significant to the whole nation or those significant at the state, regional, or local level.
- 14) Historic Resource - a structure, site, building, or landmark, or a collection of the same within a contiguous area of the City, which satisfies one (1) or more of the criteria set out in Section 3.24 (b) (ii) of this ordinance and which is designated as such in accordance with that Section.

- 15) Historic Overlay District - an area which includes two (2) or more structures or sites which satisfy one (1) or more of the criteria set out in Section 3.24 (b) (ii), together with their accessory buildings, fences, and other appurtenances, located within a geographically definable area possessing a significant concentration, linkage or continuity of objects, sites or structures united by past events or aesthetically by plan or physical development, and which is established as a zoning district in accordance with Section 3.24 of the Zoning Ordinance. A Historic Overlay District may have within its boundaries other structures that, while not of such historical, cultural, architectural or archeological significance as to be designated as an Historic Resource, nevertheless contribute to the overall visual setting of or characteristics of the Historic District.
- 16) Historic Resource Survey - the survey of Historic Resources published by the Heritage Preservation Commission, as amended from time to time.
- 17) Landmark - a structure or property that is of value in preserving the historical, cultural, architectural or archeological heritage, or is an outstanding example of design or a site closely related to an important personage, act or event in history.
- 18) Minor In-kind Repairs - small scale repairs to correct minor problems or damage to the exterior. Minor in-kind repairs do not include a change in design, material or outward appearance, only in-kind replacement or repair. Examples of minor in-kind repair include, but are not limited to touch-up painting, replacement of a window pane, caulking, securing loose boards, etc.
- 19) Non-Historic Resource - a structure, site, building, or landmark, which does not satisfy any of the criteria set out in Section 3.24 (b) (ii) of this ordinance and which is designated as such in accordance with that Section.
- 20) Object - material thing that can be seen or touched that is associated with cultural tradition or heritage. Examples include but are not limited to brass stop signs, obelisk street signs, or hitching stones.

- 21) Ordinary Maintenance - any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those material available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary Maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair. Examples of Ordinary Maintenance include, but are not limited to: replacement or repair of roofing materials, painting or other minor architectural features, etc.
  - 22) Relocation - any change of the location of a structure, object or material thing in its present setting or to another setting.
  - 23) Restoration - the act or process of accurately recovering the form and details of a structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
  - 24) Secretary of the Interior's Standards for Rehabilitation - the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, reported at 36 Code of Federal Regulations 67.7, as amended or as recodified.
  - 25) Site - the location of a significant event, a prehistoric or historic occupation or activity, or a structure or cluster of structures, whether standing, ruined or vanished, where the location itself maintains historical or archeological value, regardless of the value of any existing structure.
  - 26) Stabilization - the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated structure or property while maintaining the essential form as it presently exists.
  - 27) Structure - anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including, without limitation, buildings.
- (i) Tax incentives
    - (i) The owner of property within a Historic Overlay District may qualify for the tax incentives set forth in Section 24.57 of Ordinance No. 2288 by complying with the criteria identified in that section in accordance with the procedures set forth in Section 24.58 thereof.

### Section 3.25 Overlay district for infill development.

- (a) The overlay district shall be in effect in all areas of the City of Waxahachie that are shown in Exhibit A, attached hereto and made a part hereof.
- (b) It is provided that within said area, the existing (or as then amended) base zoning will remain in effect, and will control the USE of the property. This section does not change the USE of the property, only the structures that may be placed on it. The base zoning still applies to structures, except as amended by this ordinance.
- (c) Property, in order to qualify under this Section, must consist of lots initially platted prior to 1980 or transferred by metes and bounds before 1980, AND be located within the area shown in Exhibit A. If a property meets the above requirements, AND has been platted and/or replatted since 1980, it still qualifies under this section.
- (d) The following is allowed on qualifying property:
  - (i) The front yard setback must be within five (5) feet of the average of each structure that is within fifty (50) feet from the buildable lot's property lines, as measured from the front building plane, and not including porches.
  - (ii) Maximum lot coverage is eighty (80) percent.
  - (iii) Side yards will be at least ten (10) percent of lot width.
  - (iv) The massing, scale, and materials shall be appropriate to the neighborhood and porches may be required, which requirements can be set with the City staff by written approval; however, their ruling may be appealed to the Planning and Zoning Commission.
  - (v) In no situation will a house be less than ten (10) percent of the average of square footage area of houses to each side and directly across the street, but not less than 800 square feet.
  - (vi) Two off-street parking areas behind the front building plane are required, any garage that is built shall not have a door facing the right of way, unless set back from the front of the building plane at least five (5) feet.
  - (vii) Garages will not be required if three (3) bedrooms or less.
  - (viii) Material for driveway may be permeable behind the front building plane with approved driveway section and material.
  - (ix) In no situation will a lot be less than ten (10) percent less than the square footage area of adjacent lots within fifty (50) feet of each property line.
  - (x) A residential planned development (PD) district may be any size in this overlay district, if approved for a specific use permit.
  - (xi) Garage ADUs may be allowed with SUP in SF1 and SF2. Accessory dwellings are not permitted without the primary structure.

- a) Accessory dwellings shall contain a minimum of 400 square feet of living area and a maximum of 900 square feet of living area or forty (40) percent of the gross living area of the primary dwelling, whichever is greater.
- b) An accessory dwelling unit (ADU) is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

(xii) Duplexes on corner lots must have entrances facing one to each street.

(xiii) This is not intended to permit the development of more than ten (10) lots.

**Section 3.26 Parking (P) zoning district (Obsolete).**

(a) General purpose and description:

The Parking (P) zoning district is intended to allow for parking of vehicles on lots or parcels that have no buildings or other uses. To provide appropriate standards, a separate district is created and designated for the specific purposed of providing, at appropriate locations, areas for parking.

Area Regulations	
Minimum Lot Area	7,000 SF
Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Front Yard	25'; all yards adjacent to a street shall be considered front yards
Minimum Side Yard	Exterior 20'; interior, none
Minimum Rear Yard	20'

(b) Special considerations:

- (i) The Parking zoning district is obsolete and may not be requested as a district for zoning change following the effective date of this Ordinance. Existing P districts shall remain on the City’s zoning map and shall be subject to the development standards included here.
- (ii) Open storage or storage of vehicles on a permanent basis is prohibited.
- (iii) Off-street parking provided in this district shall be provided from side streets, not major arterials.
- (iv) No permanent use of temporary dwelling shall be used for on-site dwelling or nonresidential uses.
- (v) Parking requirements shall follow the regulations set forth in Section 5.02.

## Article IV. DEFINITIONS AND USE REGULATIONS

### Section 4.01 Definitions.

- (a) For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter.
- (b) Words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise.
- (c) The words shall, must, and will are mandatory in nature, establishing an obligation or duty to comply with the particular provision.
- (d) For any term or use not defined herein, the latest edition of Webster's Dictionary shall be used.
- (e) The Director of Planning, or other administrative official as designated by the City Manager, has the final authority to determine the interpretation or usage of terms used in this Ordinance. Appeals of the administrator's decisions shall follow Section 2.03.
- (f) Definitions
  - 1) Accessory Building (Multi-Family or Non-Residential) - A detached structure that is clearly incidental and subordinate to the main building or use and that is lesser in height than the main building, conforms to the minimum exterior construction standards for the main building, and is architecturally compatible in design to the principal structure.
  - 2) Accessory Building (Residential) Less Than 700 Square Feet - A detached structure that is clearly incidental and subordinate to the main building or use and that is lesser in height than the main building. Accessory buildings include garages, storage sheds, gazebos, cabanas, storm shelters, and similar structures. An accessory building may be used for hobbies insofar as such activities are an accessory use only and are not offensive by reason of odor, noise, or manner of operation. Residential accessory buildings cannot be used for commercial or business purposes. If the structure exceeds 500 square feet in floor area, then the accessory building shall conform to the minimum exterior construction standards for the main building.
  - 3) Accessory Building (Residential) Greater Than or Equal to 700 Square Feet - The same definition as Accessory Building (Residential) Less than 700 square feet, except the size equals or exceeds 700 square feet in floor area.

- 4) Accessory Building Used as a Dwelling Unit - A detached structure that is clearly incidental and subordinate to the main building or use, is lesser in height than the main building, and is used for human habitation. If the structure exceeds 500 square feet in floor area, then the accessory building shall conform to the minimum exterior construction standards for the main building. If the structure exceeds 700 square feet in floor area, then a Specific Use Permit (SUP) is required for approval.
- 5) Accessory Use - A use customarily incidental, appropriately compatible, and subordinate to the principal use of land or building(s) and located upon the same lot therewith.
- 6) Adult Daycare Facility - A facility with a current license from the Texas Department of Aging and Disability Services that provides services under an adult daycare program on a daily or regular basis, but not overnight to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.
- 7) Airport - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, or various accommodations for passengers.
- 8) Alley - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
- 9) Alternative Financial Services - A payday advance/loan business or a motor vehicle title loan business. This does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code, unless that regulated lender also offers services as a credit service organization or a credit access business under Chapter 393 of the Texas Finance Code.
- 10) Ambulance Service - A facility for the dispatch, indoor storage, and provisioning of emergency medical care vehicles.
- 11) Amusement, Indoor - An enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley, gun range, health club, arcade, or billiard parlor.

- 12) Amusement, Outdoor - An enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a drive-in theater, merry-go-round, golf driving range, archery range, and miniature golf course.
- 13) Animal Hospital or Kennel, Indoor Pens - An establishment with indoor pens in which more than two (2) domesticated animals are examined, medically treated, housed, groomed, bred, boarded, trained, or sold for commercial purposes.
- 14) Animal Hospital or Kennel, Outdoor Pens - An establishment with outdoor pens in which more than two (2) domesticated animals are examined, medically treated, housed, groomed, bred, boarded, trained, or sold for commercial purposes.
- 15) Animal Pound - A facility owned, operated, or maintained by a public body or non-profit organization used to house or contain stray, homeless, abandoned, or unwanted animals that are subject to impoundment in accordance with this Ordinance, the City Code, or State law.
- 16) Animal Production Facility - A facility for the slaughtering or processing of animals, which may include the refining of their byproducts.
- 17) Antenna Support Structure - An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennas or microwave reflectors.
- 18) Antenna, Non-Commercial - An antenna or antenna support structure used for the purpose of transmission, retransmission, or reception of radio, television, electromagnetic, or microwave signals for private or personal amateur use and not for the purpose of operating a business or for financial gain. A satellite dish antenna not exceeding six (6) feet in diameter shall also be considered as a non-commercial antenna.
- 19) Antique Shop - A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.
- 20) Appliance, Major - Non-portable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.

- 21) Appliance Rental, Service or Repair - A retail establishment engaged in the rental, service or repair of small or major appliances. The maintenance and rehabilitation of appliances customarily used in the home. This definition includes, but is not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, and hair dryers.
- 22) Appliance, Small - A portable device or instrument used for domestic functions, including but not limited to vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios, and food processors.
- 23) Art Gallery or Museum - An institution or facility for the collection, display, and distribution of objects of art or science that is open to the public.
- 24) Auto Leasing and Rental - Rental of automobiles, motorcycles, vans, light trucks, or other light load vehicles, including incidental parking and provisioning of vehicles for rent or lease.
- 25) Auto Parking Lot, Commercial - An area, structure, or parking garage designed for the parking of motor vehicles.
- 26) Auto Parking Lot, Trucks and Trailers - An area or structure designed for the parking of Heavy Load Vehicles.
- 27) Auto Parts and Accessory Sales - The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreation vehicles.
- 28) Auto Racing or Go-Cart Track - A facility consisting of a paved, dirt, or gravel raceway used primarily for the sport of motorized vehicle racing or for recreation. The track may include associated seating, concession areas, suites, and parking facilities.
- 29) Auto Repair, Major - General repair or reconditioning of engines, air-conditioning systems, or transmissions for motorcycles, motor vehicles; wrecker service; collision services, including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under Auto Repair, Minor; and other similar auto related uses.

- 30) Auto Repair, Minor or Automotive Care Center - Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for motorcycles or motor vehicles except Heavy Load Vehicles, but not including any operation named under Auto Repair, Major or any other similar use. No retail fuel sales occur on-site. Vehicles which are inoperative or are being repaired may not remain parked outside for a period greater than forty-eight (48) hours.
- 31) Auto Sales, New - Retail sales of new Automobiles or Light Load Vehicles. This definition may include, as a minor part of the business, the sale of used Automobiles or Light Load Vehicles.
- 32) Auto Sales, Used - Retail sales or the offering for sale of used Automobiles or Light Load Vehicles. Outdoor display or storage may be permissible in accordance with the respective definitions and Use Regulations for Outside Display and Outside Storage.
- 33) Auto Storage or Auto Auction - The storage or impoundment of operable automobiles on a lot or tract for the purpose of holding such vehicles for sale or distribution. The subject lot or tract must be paved in accordance with the City's parking lot paving requirement.
- 34) Auto Wrecking Yard - Any lot or tract upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.
- 35) Automobile or Auto - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people.
- 36) Awning - A structure hung from the surface of a building, designed to provide protection from sun, rain, wind and other climatological conditions or to provide decoration to the building façade. An awning is typically composed of canvas, fabric, or other similar lightweight material supported and shaped by a metal or wood frame. An awning shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.
- 37) Bail Bond Agency - An establishment in which a bail bond surety provides bond services as regulated and licensed under the Texas Occupations Code.

- 38) Bakery, Commercial - A manufacturing facility for the production and distribution of baked goods and confectioneries to retail outlets.
- 39) Bakery, Retail - An establishment primarily engaged in the retail sale of baked products for off-site consumption. The products may be prepared either on- or off-site.
- 40) Bank or Credit Union - An establishment for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds.
- 41) Batch Plant - A facility engaged in the manufacture, sorting, grading, mixing, or storage of concrete, cement, hydrated lime, or a combination of these or similar products, including any apparatus incidental to such activities. The facility may be used permanently or on a temporary basis in accordance with Section 38.1.
- 42) Basement or Cellar - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half ( $\frac{1}{2}$ ) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
- 43) Bed and Breakfast Inn - Any dwelling occupied as a permanent residence by an owner or renter that provides sleeping and lodging accommodations and serves or offers breakfast for guests in return for compensation at a daily or weekly rate. Guest accommodations are limited to five (5) or fewer total rooms, as contained within the dwelling or on-site Accessory Building Used as a Dwelling Unit.
- 44) Block - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.
- 45) Blockface - One side of a street between two consecutive features intersecting that street.
- 46) Boarding House or Home - Per Chapter 260 of the Health and Safety Code, an establishment that furnishes, in one or more buildings, lodging to three (3) or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication, but does not provide personal care services..

- 47) Boat Sales - A retail sales and service use in which marine goods are rented or sold primarily for use on various watercraft. Examples of goods sold include boats, personal watercraft, navigational instruments, marine hardware and paints, nautical publications, nautical clothing, or marine engines.
- 48) Building - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by rated fire walls without openings, each portion of such structure so separated shall be deemed a separate building.
- 49) Building Height - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.
- 50) Building Line - A line parallel, or approximately parallel, to any property line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected (See Article IX).
- 51) Building, Main or Primary - A building in which the principal use of the property on which it is situated is conducted. In a residential district, any dwelling shall be deemed to be a main building on the property on which it is situated.
- 52) Building Materials and Hardware Sales, Indoor - Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a home improvement center.
- 53) Building Materials and Hardware Sales, Outdoor - Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales outside the main building
- 54) Building Official - The inspector or administrative official charged with responsibility for oversight, enforcement, and interpretation of the Building Code.
- 55) Bus Station or Terminal - Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
- 56) Cabinet or Upholstery Shop - A furniture fabrication facility used to create cabinets or upholster other furniture.
- 57) Canopy - A roof-like structure which is supported by the building to which it is attached, and which is generally open on two or more sides. A canopy shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

- 58) Car Wash - A facility used to wash motorcycles, automobiles, or other Light Load Vehicles.
- 59) Caretaker's or Guard's Residence - A dwelling located on a premises and occupied only by a caretaker or guard employed on the premises.
- 60) Carport - A structure open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension.
- 61) Cemetery or Mausoleum - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
- 62) Cemetery, Animal - Same as Cemetery or Mausoleum, except limited to the burial of dead animals.
- 63) Certificate of Occupancy (CO) - An official certificate issued by the City through the Building Official that indicates a building, structure, or use has been constructed or will be used in conformance with the zoning ordinance, building codes, and all other applicable municipal codes; may be referred to as an Occupancy Permit.
- 64) Chemical Plant - An industrial plant that processes chemicals, usually on a large scale, to create new materials via the chemical or biological transformation and or separation of materials.
- 65) Child Advocacy Center - An establishment that provides charitable, benevolent, and educational services to abused children and their families between the hours of 8 a.m. until 5 p.m..
- 66) Child Daycare Center - A commercial institution or place of business designed for the care or training of six (6) or more unrelated children under fourteen (14) years of age for less than twenty-four (24) hours a day.
- 67) Church, Rectory, or Temple - A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.
- 68) City Council - The governing body of the City of Waxahachie, Texas.

- 69) Clinic, Dental, Medical, or Chiropractic - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight and that no emergency bay exists for the transportation of patients to or from the facility by emergency medical professionals.
- 70) College or University - An accredited academic institution of higher learning recognized by the State and covering a program or series of programs of academic study.
- 71) Community Home - A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Substance Abuse (also see Chapter 123 of the Texas Local Government Code).
- 72) Comprehensive Plan - Document(s) adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas, functions, and services of the City.
- 73) Convenience Store - A small retail store engaged in selling groceries and retail sales of non-food items or prepared foods, hot and cold beverages, packaged beverages, or a combination of these items. Drive-through or drive-up services are prohibited. Gasoline Sales, Outside Storage, or Outside Display uses are prohibited unless specifically identified and approved under the SUP.
- 74) Copy or Print Shop - An establishment that reproduces, in printed or graphic form, individual orders from an individual, business, profession, service, industry, or governmental organization and occupies less than 4,000 square feet. Reproduced materials may include trophies and awards, engraved items, binding services for books or magazines, or publishing.
- 75) Country Club, Private - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts, and similar recreational or service uses available only to members and their guests.
- 76) Court - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
- 77) Crematorium - A furnace or establishment for the incineration of corpses.

- 78) Custom Personal Service Shop - A business, other than those defined elsewhere, that provides services but not goods. This definition includes, but is not limited to tailoring, dressmaking, shoe shining or repair, needlework or weaving shop, barber or hairdresser establishments, and beauty shops, including associated incidental services or accessory retail sales of products related to the services provided.
- 79) Day Camp for Children - A facility arranged and conducted for the organized recreation and instruction of children including primarily outdoor activities on a daytime or overnight basis.
- 80) Density - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.
- 81) Dormitory - A building intended or used principally for sleeping accommodations where such building is related to a College or University or other academic or public institution.
- 82) Drive-Through Establishment - An establishment where customers are able to order and purchase goods or services from their motor vehicles via a drive-through lane or service window, whether operated from a separate structure or as part of the main building.
- 83) Dry Cleaning Establishment, Off-Site - A facility for the collection; delivery; or pickup of clothing and laundry to be processed, altered, cleaned, dyed, or pressed utilizing liquid solvents of all Classes at an off-site location.
- 84) Dry Cleaning Establishment, On-Site - A facility for the collection; delivery; pickup; or on-premises processing, alterations, cleaning, dyeing, pressing of clothing and laundry utilizing liquid solvents of all Classes.
- 85) Dwelling or Residence - Any building or portion thereof, which is designed or used as living quarters for one or more families.
- 86) Easement - A grant of one or more of the property rights by the property owner to or for the use by the public, a corporation, or another person or entity.
- 87) Educational Facility - A building or any portion thereof, which is lawfully used in whole or in part for public or private education, including but not limited to a childcare center, college or university, kindergarten school, or public or parochial primary or secondary school.
- 88) Electrical Generating Plant - An electrical energy generating facility that generates electrical power from sources other than wind or solar for the purpose of providing electricity to the electrical distribution system or transmission grid.

- 89) Equipment Sales, New or Used - Establishments engaged in the sale of tools, construction equipment, agricultural equipment, or similar industrial equipment.
- 90) Fairgrounds, Rodeo Grounds, or Exhibition Area - An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, rodeo events, etc.
- 91) Family - One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood, marriage, adoption, or guardianship; occupying a dwelling unit.
- 92) Family Home (Child Care) - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.
- 93) Farm, Ranch, Garden, or Orchard - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
- 94) Feed and Grain Store - An establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

- 95) Flea Market or Farmers Market - An outdoor or partially indoor premises where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots, or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term Flea Market includes Custom Personal Service Shops, food services establishments, produce stands, retail services establishments, and auction establishments. This definition does not include wholesale sales establishments, rental services establishments, retail sidewalk sales, garage sales, or arts and crafts shows or sales held by non-profit organizations.
- 96) Floodplain - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the Flood Insurance Rate Map (FIRM) of the City of Waxahachie.
- 97) Floor Area - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.
- 98) Floor Area Ratio (FAR) - The floor area of a main building or buildings on a lot, divided by the lot area (See Article IX).
- 99) Food Manufacturing or Processing Plant - A facility used for the preparation, processing, or canning and packaging of food products. Sales of products may be permitted as an incidental use, not to exceed ten (10) percent of all business.
- 100) Franchised Private Utility (Not Listed) - A utility such as one distributing heat, chilled water, closed circuit television, or similar service and requiring a franchise to operate in the City of Waxahachie.
- 101) Fraternal Organization - An organized group having a restricted membership and specific purpose related to the welfare of the members, e.g., Elks, IOOF, Masons, Knights of Columbus, or a labor union.
- 102) Fraternity or Sorority House - A facility, dwelling, or area used as a meeting or gathering place and which facility, dwelling, or area maintains sleeping accommodations for its members.
- 103) Funeral Home or Mortuary - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

- 104) Furniture Manufacture and Refinishing Shop - A facility engaged in manufacturing or finishing furniture.
- 105) Garage, Private - An accessory building enclosed on at least three (3) sides, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."
- 106) Garage Accessory Dwelling - A residential dwelling unit attached to or over a garage but not attached to the main residential structure.
- 107) Gasoline Sales - A retail establishment selling gasoline that does not include or offer any automobile repair services.
- 108) Golf Course - A tract of land laid out for playing a game of golf and improved with tees, greens, fairways, hazards, and which may include a clubhouse(s). This definition does not include driving ranges, miniature golf courses, or recreational activities performed by property owner within their premises.
- 109) Greenhouse, Nursery, Florist or Garden Shop - A retail business whose principal activity is the selling of flowers, live plants or other items related to the planting, maintenance, or harvesting of plants, shrubs, trees, packaged fertilizers, soils, related chemicals, or other nursery goods, or landscaping, and may include outside storage, growing, or display of such items.
- 110) Hauling, Storage, or Motor Freight Terminal - A company using, or a facility housing, trucks or other Heavy Load Vehicles that transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.
- 111) Heating and Air Conditioning Sales - A retail or wholesale establishment engaged in the sales of heating, ventilation, and air conditioning (HVAC) equipment.
- 112) Heavy Load Vehicle - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term Truck shall be construed to mean Heavy Load Vehicle unless specifically stated otherwise.
- 113) Heavy Machinery and Equipment, Rental, Sales or Storage - A building or open area used for the display, sale, rental, or storage of materials, construction equipment, heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
- 114) Helistop - A pad or other designated area not developed in conjunction with an Airport that is intended to be used as a helicopter landing area.

- 115) Home for Aged, Residence (Assisted Living) - This term shall mean a place where assisted or supervised living and care services are provided to elderly persons. Meals, lodging, laundry service, and limited nursing care or aid means nurses and other persons providing occasional assistance to the residents and are available on an "as needed" or "on call" basis (but not full-time individual care) for limited individual treatment or personal care assistance. Assisted care shall not mean full-time care provided to persons permanently confined to a bed.
- 116) Home Occupation - An occupation or activity carried on by the inhabitant(s) of a dwelling that is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation use shall not change the residential character of the property or the neighborhood and shall be conducted entirely within the main building. The teaching of swimming in a private swimming pool is not prohibited, provided a Specific Use Permit specifying the operating conditions and standards, and limiting the number of students and operating times, is obtained.
- 117) Hospital, Acute Care - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.
- 118) Hospital, Chronic Care - An institution where those persons suffering from illness, injury, deformity or deficiency of age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.
- 119) Household Care Facility - A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 101 1n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.
- 120) Housing for the Elderly/Senior Apartments (also termed Independent Living Center or Congregate Housing) - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head of 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

- 121) HUD Code Manufactured Home - Per Chapter 1201 of the Occupations Code, a structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development that is built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation what the structure is connected to the required utilities, is transportable in one or more sections, and in the travelling mode, at least eight (8) body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.
- 122) HUD Code Manufactured Home Display or Sales - The offering for sale, storage, or display of new or used trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- 123) HUD Code Manufactured Home Park - A parcel of land not less than five (5) acres nor greater than twenty-five (25) acres which has been designed, improved, or intended to be used or rented for occupancy by one or more HUD Code Manufactured Homes in designated spaces.
- 124) Incidental Use - Any use different from the primary use but which compliments or supplements the primary use. Incidental means an area that constitutes not more than fifteen (15) percent of the area devoted to the main use.
- 125) Institution for Alcoholic, Narcotic, or Psychiatric Patients - An institution, e.g., hospital, offering resident or outpatient treatment to alcoholic, narcotic, or psychiatric patients.
- 126) Institution of Religious or Philanthropic Nature - Institutions sponsored or operated by organizations established for religious or philanthropic purposes including orphanages, homes for children, homes for aged, training, educational, recreational and multi-purpose facilities, places of residence, meeting establishments, and offices directly related to the institution or parent organization.
- 127) Jail or Prison - A building used for incarceration of prisoners.
- 128) Juvenile Detention Center - A public facility or institution exclusively for the incarceration of people under twenty-one (21) years of age awaiting trial or sentencing or serving a court-imposed sentence.
- 129) Kindergarten or Nursery School, Private - An establishment where more than three (3) children are housed for care or training during the day or portion thereof.

- 130) Kiosk - A small, freestanding, one-story accessory structure having a maximum floor area of 350 square feet and used for commercial purposes, such as automatic teller machines (ATM) or the posting of temporary information or posters, notices, or announcements. Any occupied kiosk must have a minimum floor area of twenty-five (25) square feet.
- 131) Laboratory, Medical or Dental - A facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, or any other diagnostic test generally recognized in the dental or healthcare industry.
- 132) Laboratory, Scientific or Research - A facility for scientific laboratory research in technology-intensive fields such as biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, films, heat transfer, or radiation research facilities.
- 133) Landfill - A tract, lot, or any part thereof, which is used for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, construction waste, any other nontoxic waste material, or any combination of these by abandonment, dumping, burial, burning, or other means.
- 134) Landscape – the following definitions pertain specifically to the landscaping requirements:
- a) Buffer yard - A unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.
  - b) Building Footprint - The area of the building in contact with the ground.
  - c) Caliper - Diameter of the trunk measured at DBH.
  - d) Canopy Tree - A perennial woody plant, single or multiple trunk, contributing to the uppermost spreading branchy layer of a forest and may be commonly referred to as shade trees.
  - e) Diameter at Breast Height or DBH - Measured at 4.5' above ground level.
  - f) Ground Cover - Low growing, dense spreading plants typically planted from containers.
  - g) Interior Landscape Area - The area of the lot remaining after subtracting out the area included in the required buffer yards.
  - h) Landscape Administrator - The City Manager or designated representative.
  - i) Landscape Architect - A person registered as a Landscape Architect in the State of Texas pursuant to state law.

- j) Landscape Area - An area which is covered by living grass, ground cover, or other plant materials.
  - k) Lawn Grasses - Thin bladed surface growing plants typically planted from seed, sprigs or plugs.
  - l) Licensed Irrigator - A person duly licensed by the State of Texas to design and install irrigation systems.
  - m) Owner - Any person who has a legal or equitable interest in real property, including a tenant or person in control of any premises upon which landscaping is required to be placed under this Ordinance.
  - n) Permeable Pavement - A paving material that permits water penetration.
  - o) Right-of-Way Parkway - That area within the public right-of-way (ROW) between the back of curb or edge of pavement and the right-of-way line.
  - p) Seasonal Color - Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.
  - q) Shrubs - Plants which grow vertically in a multi-branched growth pattern.
  - r) Understory or Accent Trees - Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.
- 135) Landscape Sales - A service business providing assistance planting or maintaining living trees, shrubs, ground cover, fences, and other similar natural or decorative features.
- 136) Landscaping - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences, but excluding paving.
- 137) Laundromat - A service facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.
- 138) Light Load Vehicle - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles less than thirty-two (32) feet in length, campers, and other similar vehicles. Light Load Vehicles does not include Automobiles and motorcycles.
- 139) Loading Space - An off-street space or berth used for the delivery and loading or unloading of vehicles.

- 140) Local Utility Lines - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service including pad and pole mounted transformers.
- 141) Lot - Platted land, as specified in Section 212 of the Texas Local Government Code or the City's Subdivision Ordinance, occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place (see Article IX).
- 142) Lot Area - The total area, measured on a horizontal plane, included within lot lines(see Article IX).
- 143) Lot, Corner - A property lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees (see Article IX).
- 144) Lot Coverage - The area covered by all buildings, dwellings, or structures located thereon, including the area covered by all overhanging roofs.
- 145) Lot Depth - The mean horizontal distance between the front and rear lot lines(see Article IX).
- 146) Lot, Double Frontage - A property with Lot Frontage on two (2) non-intersecting streets, as distinguished from a corner lot (see Article IX).
- 147) Lot, Flag - A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet in width at the street right-of-way.
- 148) Lot Frontage - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a Corner Lot.
- 149) Lot, Interior - A lot other than a Corner Lot.
- 150) Lot Line, Front - The boundary line of the lot abutting a street that constitutes a street right-of-way line. Where two or more lot lines abut streets, all lots lines shall be defined as Front Lot Lines; the owner shall have a choice in designating which front lot line shall determine assignment of the address for the lot and which way the building(s) shall face, unless otherwise restricted by provisions in this Ordinance (see Article IX).
- 151) Lot, Key - A corner lot whose exterior side is adjacent to the front yard of another lot.

- 152) Lot Line, Rear - The lot line farthest from and most parallel to the Front Lot Line. For triangular lots, the point opposite the Front Lot Line shall be considered the Rear Lot Line and have a value of zero (see Article IX).
- 153) Lot Line, Side - Any lot line not the front or rear lot line.
- 154) Lot Lines or Property Lines - The lines bounding a lot, tract, or other property, as defined herein. While the term Lot Line may be used to determine frontage, setbacks, or buildable area for all defined property, only those properties identified on a legal plat shall be defined as a Lot.
- 155) Lot of Record - Any property that is part of a subdivision, the plat of which has been prepared and approved in accordance with the Subdivision Ordinance, and which has been recorded in the office of the County Clerk of Ellis County in accordance with the Subdivision Ordinance or before April 10, 1969.
- 156) Lot Width - The horizontal distance measured between side lot lines and measured along the front lot line (see Article IX).
- 157) Machine Shop or Welding Shop - An industrialized facility where welding or other metalwork activities are conducted for the public.
- 158) Main Building - The building or buildings on a lot which are occupied by the primary use.
- 159) Manufacturing - The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as oils, plastics, or resins.
- a) Light Manufacturing - Establishments engaged in the on-site production of goods primarily by hand, within enclosed structures, and involving the use of hand tools or the use of mechanical equipment commonly associated with residential or commercial uses, such as a single kiln.
  - b) Medium Manufacturing - The processing and manufacturing of materials or products predominately from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic, or explosive materials needed for the manufacturing process. For Use Chart purposes, any processing; manufacturing; raw material, chemical, finished product, or similar storage; or machining that occurs outside an enclosed building is considered Outdoor, i.e., if those steps or materials are not fully contained within a structure, then the Outdoor definition applies.

- c) Heavy Manufacturing - An establishment engaged in manufacturing, assembly, fabrication, packaging, smelting, refining, or other industrial processing of products primarily from extracted or raw materials. Any manufacturing use that does not meet the criteria of Light Manufacturing or Medium Manufacturing is considered Heavy Manufacturing. For Use Chart purposes, any processing; manufacturing; raw material, chemical, finished product, or similar storage; or machining that occurs outside an enclosed building is considered Outdoor, i.e., if those steps or materials are not fully contained within a structure, then the Outdoor definition applies.
- 160) Masonry Construction - Exterior construction materials including brick, stone, granite, marble, decorative concrete block or tile, stucco, and other built up or tilt panels as defined and constructed in accordance with Section 5.01 of this Ordinance and below.
- a) Hard-fired brick or kiln fired clay or slate material(s). This definition can include concrete brick if it is to the same ASTM standard for construction as typical hard-fired clay brick; severe weather grade; minimum thickness of three (3) inches when applied as a veneer. Hard-fired brick does not include unfired or underfired clay, sand or shale brick;
  - b) Stone, which includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction. This definition may also include cast- or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance-free. Natural or man-made stone shall have a minimum thickness of three and five-eighths inches when applied as a veneer;
  - c) Decorative concrete block that is comprised of a highly textured finish, such as split-face, indented, hammered, fluted, ribbed, or similar architectural finish. The coloration shall be integral to the masonry material and shall not be painted on. The minimum thickness shall be three and five-eighths inches when applied as a veneer. This definition does not include lightweight or featherweight concrete block or cinder block units. Decorative concrete block does not qualify as “masonry construction” in the CA zoning district;

- d) Concrete pre-cast or tilt-wall panels are only allowed if constructed with a highly textured, architectural finish that is at least as textured in appearance and physically as face brick or stone. The panels can be brick-like or stone-like in appearance; however, the coloration shall be integral to the masonry material and shall not be painted on. The panels shall not include smooth, un-textured, or inadequately textured finishes. Concrete pre-cast or tilt-wall panels do not qualify as "masonry construction" in the CA zoning district;
  - e) Glass blocks or tiles that are of the type customarily used in exterior building construction and are not highly reflective or have a mirror-like finish. The glass blocks or tiles shall not comprise more than thirty (30) percent of any exterior wall surface, nor more than twenty (20) percent of the building's total exterior on all wall surfaces combined. Glass blocks or tiles do not qualify as "masonry construction" in the CA zoning district; and
  - f) Stucco, if applied in accordance with industry standards, shall qualify as brick or masonry. The Director of Planning must review the proposed installation method at the time of building permit application. The proposed method of installation shall be stated on the building plans. The approved installation method shall be a condition of building permit issuance.
- 161) Massage - Touching, stroking, kneading, stretching, friction, percussion, and vibration, and includes holding, positioning, causing movement of the soft tissues, and applying manual touch and pressure to the body, but excludes an osseous tissue manipulation or adjustment.
- 162) Massage Establishment - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- 163) Massage Parlor - Any business offering massages by a person who is not a Massage Therapist.

- 164) Medical Appliance Fitting or Retail Sales - A facility offering fitting and sales of various medical appliances designed to perform a therapeutic or corrective function.
- 165) Medical Facilities:
- a) Freestanding Emergency Medical Care Facility - A facility that is structurally separate and distinct from a hospital and which receives an individual and provides emergency care. Emergency care is defined as health care services provided in a freestanding emergency medical care facility to evaluate and stabilize a medical condition of a recent onset and severity, including severe pain, psychiatric disturbances, or symptoms of substance abuse, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that the person's condition, sickness, or injury is of such a nature that failure to get immediate medical care could result in:
    - i) placing the person's health in serious jeopardy
    - ii) serious impairment to bodily functions
    - iii) serious dysfunction of a bodily organ or part
    - iv) serious disfigurement
    - v) or in the case of a pregnant woman, serious jeopardy to the health of the woman or fetus.
  - b) Public Health Center - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith. These facilities provide exclusively out-patient services, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. Emergency bays for the transportation of patients to or from the facility by emergency medical professionals may be present.
  - c) Sanitarium - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents
  - d) Urgent Care Center - A medical clinic with expanded hours that is specially equipped to diagnose and treat a broad spectrum of non-life and limb threatening illnesses and injuries. Urgent care centers are enhanced by on-site radiology and laboratory services and operate in a location distinct from a freestanding or hospital-based emergency department. Care is rendered under the medical direction of an allopathic or osteopathic physician. Urgent care centers accept unscheduled, walk-in patients seeking medical attention during all posted hours of operation.

- 166) Metal Recycling Center - A building or facility in which recyclable metal materials are collected, processed, or baled in preparation for shipment to others who will use those materials to manufacture or create new products. This definition does not include Wrecking Yards.
- 167) Micro-Brewery - A facility in which beer, ale, or malt liquor(s) are brewed, fermented, or distilled for distribution and consumption, and which possesses a Brewer's Permit or Brewpub License from the State of Texas. Tasting rooms or other open spaces designated for the consumption of products produced on-site are permitted on the premises.
- 168) Minimum Dwelling Unit Area or DUA - Areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports, and accessory buildings.
- 169) Mini-Warehouse or Self-Storage Facility - Small individual storage units for rent or lease, restricted solely to the storage of items within a building or group of buildings. The conduct of sales, business, or any other activity within the individual storage units, other than storage, is prohibited. Outside Storage and Outside Display uses are prohibited unless identified and approved under an SUP.
- 170) Mobile Home - Per Chapter 1201 of the Occupations Code, a structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation what the structure is connected to the required utilities, transportable in one or more sections, and in the travelling mode, at least eight (8) body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.
- 171) Mobile Home Park - A parcel of land not less than five (5) acres nor greater than twenty-five (25) acres which has been designed, improved, or intended to be used or rented for occupancy by one or more Mobile Homes in designated spaces.
- 172) Model Home - A dwelling in a developing subdivision that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

- 173) Modular Prefabricated Structure or Modular Home - Means a structure or building module as defined, under the jurisdiction and control of the Texas Commission and Department of Licensing and Regulation and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.T.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.
- 174) Motel or Hotel - A facility, other than a Bed and Breakfast Inn, offering temporary accommodations to the public in the form of rooms designed for the overnight lodging of guests for an established fee on a daily rate. Additional on-site services, such as restaurants, meeting rooms, room cleaning service, and recreational facilities may be included in the definition if incidental to the main use of Motel or Hotel. A hotel is distinguished from a motel chiefly in that in hotels, the doors to each room are inside the building.
- 175) Motorcycle - A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. This definition includes motorbikes, ATVs, motor scooters, mopeds, and similar vehicles
- 176) Multiple-Family Dwelling or Apartment - Three (3) or more dwelling units on a single lot designed to be occupied by three (3) or more families living independently of one another, exclusive of a Motel or Hotel or a Bed and Breakfast Inn.
- 177) Nonconforming Use - A building, structure, or use of land lawfully occupied at the time of permitting, but which does not conform to the current use regulations of the district in which it is situated.
- 178) Noxious Uses - Any use not already defined herein that could potentially create a problem to the environment due to emissions, visual quality, odor, noise, hazard or similar factors.
- 179) Occupancy - The use or intended use of the land or buildings by proprietors or tenants.
- 180) Office, Professional and Administrative - A room, group of rooms, or building used for conducting the affairs of a business, profession, service industry, or government, but excluding Medical Clinics.

- 181) Officially Approved Place of Access - Access, other than a dedicated street, to a property which is approved by the City of Waxahachie.
- 182) Off-Street Parking Incidental to Main Use - Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use.
- 183) Outside Display - Outside temporary display of finished goods specifically intended for retail sale, but not displayed outside overnight.
- 184) Outside Storage - Overnight, permanent, or continuous keeping, displaying, or storing of any goods, materials, merchandise, or equipment outside a building on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.
- 185) Package Store - An establishment engaged in retail sale of alcoholic beverages for consumption off the premises. These establishments derive more than seventy-five (75) percent of their gross revenues from the sale of alcohol.
- 186) Parcel or Tract - Any unplatted or portion of an unplatted tract of land.
- 187) Park or Playground, Private - A recreation facility, recreation center, or park not owned or operated by a public agency such as a City or School District and available to the general public.
- 188) Parking Space - See Section 5.02.
- 189) Patio Home - A lot that is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single-family dwelling with one side of such dwelling placed on the side property line so as to construct a zero-lot line dwelling.
- 190) Pawn Shop - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners or pawnbrokers. Retail sales of primarily used items may also take place.
- 191) Pet Shop and Grooming - A retail establishment offering small animals, fish, or birds for sale as pets and where such creatures are housed within the building, including the grooming of dogs, cats, or other animals.
- 192) Pharmacy - A retail establishment substantially devoted to the sale of pharmaceutical items, supplies, and equipment, to include prescription drugs, nonprescription medicines, cosmetics, and related items.

- 193) Place of Assembly - Any building or portion thereof, which is lawfully used as a meeting or gathering place for persons attending private or public civic, social or recreational events, including but not limited to a civic club, community center, church, country club, day camp or care for children, or recreation center.
- 194) Planned Development (PD) Zoning District - A specialized zoning district that is applicable to the subject area defined in the PD ordinance and comprised of both a Concept Plan and Detailed Site Plan, in accordance with Section 7.02
- 195) Planning and Zoning Commission - A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as The Commission or P&Z.
- 196) Plat - A plan of a subdivision of land creating building lots and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Waxahachie and approved by the City of Waxahachie and recorded in the plat records of Ellis County.
- 197) Playfield or Stadium, Public - An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field, or stadium which may be lighted for nighttime play.
- 198) Portable Building Sales - An establishment which displays and sells Portable Storage Structures capable of being carried and transported to another location, but not including mobile homes.
- 199) Portable Storage Structure or Temporary Building - Any container, storage unit, shed-light container, temporary building, or any other pre--manufactured accessory structure that is not originally manufactured or constructed at its use site and that complies with the development standards in Article V, other than a permitted accessory building or shed complying with all building codes and land use requirements.
- 200) Premises - Land together with any buildings or structures situated thereon.
- 201) Primary Use - The principal or predominant use of any lot or building.
- 202) Private Club - An establishment providing social facilities, dining facilities, or both that may provide 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, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

- 203) Private Recreation Facility - A facility operated for the exclusive use of private residents, members of the club, or neighborhood groups and their guests, but not the general public.
- 204) Public Building, Shop, or Yard of a Local, State, or Federal Agency - Facilities other than those considered under the Municipally-Owned Facilities and Uses definition required by branches of Local, State, or Federal Agencies for service to an area such as Highway Department yard, City Service Center, or Experiment Station.
- 205) Public Community Center - A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned or operated by a governmental or non-profit agency.
- 206) Public Display - The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the premises where items and material other than sexually oriented media are offered for sale or rent to the public.
- 207) Public or Private Utility Shop or Storage - A facility designed to serve the needs of a public or private utility
- 208) Railroad Track - A public or private right-of-way on which tracks for trains are constructed.
- 209) Railroad Freight Depot - A rail facility for freight pick-up or distribution that may include intermodal distribution facilities for truck or shipping transport.
- 210) Recreational Vehicle (RV) - A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and which is self-propelled (motorized). See Heavy Load Vehicle.
- 211) Recreational Vehicle (RV) Park - An area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.
- 212) Recreational Vehicle (RV) Sales - Display or sales of portable or mobile living units used for temporary human occupancy away from the place of permanent residence of the occupants, including both self-propelled or motorized RVs and travel trailers.

- 213) Rehabilitation Care Facility or Halfway House - A facility for the housing, rehabilitation and/or training of six (6) or more persons, who are on probation or parole or are pre-released inmates from correctional institutions or other persons found guilty of criminal offenses; or for the housing, rehabilitation, training, counseling or treatment of six (6) or more persons for alcohol chemical or drug abuse and/or dependencies. This definition shall not include a hospital licensed by the State of Texas or a state licensed physician's office which office does not have facilities for patients to stay overnight.
- 214) Residential District - A Zoning District where the primary purpose is residential use.
- 215) Residential Home for Adults with Intellectual and Developmental Disabilities - A development housing more than six (6) persons, providing self-contained dwelling units specifically designed for the needs of adults with intellectual and development disabilities (IDDs) as defined by the V.T.C.A., Health and Safety Code § 591.003 and V.T.C.A., Health and Safety Code § 614.00, who have demonstrated the ability to live semi-independently. Staff and aids providing occasional assistance to the residents and are available on an "as needed" basis (but not full-time individual care) for limited individual treatment or personal care assistance. On-site facilities can be used to provide semi-independent living services (SILS) including, but not limited to: recreational activities, and training and assistance in living skills for both residents and qualified guests.
- 216) Residential Use - Any building or portion thereof, which is lawfully used as living quarters for one or more families, including but not limited to Single-Family Dwelling, Detached; Single-Family Dwelling, Attached; Multiple-Family Dwelling or Apartment; Mobile Home; HUD Code Manufactured Home; or Modular Prefabricated Structure.
- 217) Restaurant - An eating establishment where customers are served at tables or a parked car or are self-served at a counter and food is consumed on the premises, carried out, or delivered. Refer to the Drive-Through Establishment definition and associated use regulations for stipulations pertaining to the use of a drive-through window.
- 218) Retail Stores and Shops - Any establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods that is not already defined herein.

- 219) Room - A building or portion of a building that is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.
- 220) Sand, Gravel, Stone or Petroleum Extraction - The process of extracting sand, gravel, stone, or petroleum from the earth.
- 221) School, Private - Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency, to exclude vocational schools.
- 222) School, Public - Any facility licensed by the state and meeting the state requirements for any of the following: preschool; kindergarten; elementary school; middle school; junior high school; secondary school; high school; or senior high school.
- 223) School, Vocational - A school or teaching institution established to provide instruction and training in a trade, skill, service, or art that is owned and operated privately and that does not offer a complete educational curriculum.
- 224) Screen Printing Shop - Facilities engaged in the printing technique of screen printing to create designs, pictures, or patterns on clothing, canvas, or other substrates. This definition is intended to include the ancillary activities typically associated with screen printing such as the graphic design space or incidental retail space.
- 225) Screened - Shielded, concealed, and effectively hidden from view to a person standing at ground level on an abutting site by a fence, wall, hedge, berm, or similar architectural or landscape feature.
- 226) Sign Definitions – the following definitions apply exclusively to signs:
- a) Alter: To change the size, shape, outline, intent, or type of sign.
  - b) Attach: To stick, tack, nail, or otherwise affix a sign to any object or to paint, stencil, write, or otherwise mark on an object.
  - c) Attached Sign: A sign permanently anchored or moored to a structure.
  - d) Banner: A type of portable sign that is generally constructed of lightweight plastic, fabric or a similar non-rigid material, and that is mounted/tethered to a pole(s), building or other structure at one or more edges.

- e) **Billboard Sign:** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located (i.e., off-premises).
- f) **Canopy Sign:** A sign placed upon or an integral part of the face of a canopy.
- g) **Construction Sign:** A temporary, accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator and/or mortgagee engaged in the design, construction and/or improvement of the premises upon which the sign is located.
- h) **Development Signs:** A temporary, accessory sign identifying the name and general nature of the development project that is being constructed on the premises upon which the sign is located.
- i) **Dilapidated or Deteriorated Condition:** Dilapidated or deteriorated condition shall include instances where:
  - j) Elements of the surface or background can be seen, as viewed from a normal viewing distance (i.e., the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface; or
  - k) The structural support or frame members are visibly bent, broken, dented or torn; or
  - l) The sign panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
  - m) The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown by high winds or from the failure of a structural support); or
  - n) The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
  - o) The sign and/or its elements are not in compliance with the requirements of the National Electrical Code, the City's Electrical Code, and/or the current Building Code of the City of Waxahachie.
- p) **Directional Sign (On-Site):** A sign designated specifically for the purpose of directing or providing guidance to vehicular and/or pedestrian traffic on private property.

- q) Directory or Informational Sign (On-Site): A sign used for the purpose of directing vehicular or pedestrian traffic to specific occupants or businesses on private property, i.e., within shopping centers, industrial parks, retail districts, office complexes, or commercial sites.
- r) Electronic Message Sign: Any sign with fixed or changing display(s) or message(s) composed of lights, internal illumination, or a series of light emitting diodes that may be changed through electronic means.
- s) Erect: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.
- t) Face Panel or Surface: A surface(s) of the sign upon, against or through which the message is displayed or illustrated on the sign.
- u) Flag: A fabric, banner or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or nonprofit entity, provided that such device is displayed for noncommercial (i.e., not-for-profit) purposes.
- v) Framework: A support structure which meets all existing wind and load requirements as stated in applicable Waxahachie codes and ordinances, and which is designed to secure a banner or an interchangeable sign on any or all sides.
- w) Garage Sale Sign: Any temporary, promotional sign for the occasional, but not on-going, sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization.
- x) Identification Sign: A sign used to identify the name of a retail shopping center, a business park, or an industrial, commercial, or office center.
- y) Illegal Conforming Sign: A sign erected within the City that meets current sign regulations but does not have a required permit.
- z) Illegal Nonconforming Sign: A sign erected within the City that does not meet current sign regulations and does not have a required permit.
- aa) Illegal Sign: A sign that was erected in violation of any regulation applicable at the time of erection of such sign. Any sign which does not comply with the provisions of the City of Waxahachie's sign regulations.
- bb) Inflatable Sign: A portable, hollow sign expanded or enlarged by the use of air or gas.

- cc) Informational Sign: A sign that directs or regulates pedestrians or vehicles and includes sign copy of a general directive or informational nature such as no parking, handicapper parking, loading area, self-service, and rest rooms; which bears no advertising matter other than of an informational nature for the identification of streets, parks, historical events, areas of interest, or other attractions.
- dd) Institutional Sign: A sign, which by symbol or name, identifies a permitted institutional use and may also provide the announcement of services or activities to be held therein.
- ee) Kiosk Sign: Multi-user directional or location sign, on- or off-premises, containing individual panels of a prescribed size for that particular kiosk, with each panel to contain an individual business logo, name or message, and, when appropriate, a directional arrow and/or distance indicator to the advertised business.
- ff) Legal Sign: A sign that, when erected, has met all Waxahachie codes and ordinances pertaining to signs, including this Section of the Zoning Ordinance.
- gg) Logo: A formalized design or insignia (i.e., symbol) of a company or product, which is commonly used in advertising to identify that company or product.
- hh) Menu Board: A sign that is used to list items, dishes, meals, or specialties to be served.
- ii) Model Home Sign: A small sign that is used to temporarily identify a model home.
- jj) Monument Sign: A freestanding sign supported by an internal structural framework.
- kk) Name Plate: A sign showing only the name and address of the owner or occupant of the premises upon which it is erected or placed.
- ll) Neon Sign: A sign or advertising device formed from neon (or other gaseous, such as argon) lamps/tubing.
- mm) Nonconforming Sign: A sign that was lawfully installed in compliance with all City codes and ordinances that were applicable at the time of installation, but that does not comply with the provisions of this Section of the Zoning Ordinance (and/or other codes or ordinances) of the City of Waxahachie.
- nn) Noncombustible Material: Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature, and which would have a flame spread of twenty-five (25) feet or less.
- oo) Non-Structural Trim: A retainer, batten, capping, nailing strip, latticing, platform or other similar trim component which is attached to the sign or its structure.
- pp) Obsolete Sign: A sign which no longer serves a bona fide use or purpose.

- qq) Off-Premises Sign: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located.
- rr) On-Premises Sign: A sign identifying or advertising a business, person or activity on the premises, and which is installed and maintained on the same premises as the business, person or activity it advertises.
- ss) Person: A person, firm, partnership, association, corporation, company or organization of any kind.
- tt) Pole or Pylon Sign: A freestanding sign, i.e., independent of any structure or building, supported by a pole(s) having no guys or braces to the ground or to any other structure.
- uu) Political Sign: A sign identifying and urging support for a particular election issue, political party, or candidate for public office.
- vv) Portable Sign: A sign that is not permanently affixed to a structure or the ground.
- ww) Primary Systems: A portion of the system of connected main highways located in this State that is designated officially by the State Highway and Public Transportation Commission and approved pursuant to Title 23, United States Code.
- xx) Private Premises: A dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited/vacant. A private premises shall include any yard, ground, lawn, walk, driveway, porch, steps or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.
- yy) Projecting Sign: A sign that projects from a building and has one end attached to a building or other permanent structure.
- zz) Projecting Structure: A covered structure of a permanent nature that is constructed of approved building materials, specifically excluding canvas or fabric material, e.g., an awning, and where such structure is an integral part of the main building or is permanently attached to a main building and does not extend over public property. A projecting structure is defined to include marquee and fixed canopy types of structures. A projecting structure shall have a minimum clearance of eight (8) feet above any sidewalk or other pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

- aaa) Promotional Flags or Pennants: A type of temporary sign that is generally constructed of lightweight plastic, fabric, or a similar material, which is mounted or tethered to a pole(s), building, or other structure by rope, wire, string, or similar device usually in series, i.e., more than one on a string, and that is designed to move or flutter in the wind to attract attention.
- bbb) Promotional Signage: A type of temporary signage that is typically used for, but not limited to, special events and promotions or temporary signage used for business grand openings.
- ccc) Property Line: The line denoting the limits of legal ownership of property.
- ddd) Public Place: Any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.
- eee) Real Estate Sign: A temporary accessory sign pertaining to the sale or rental of property, and which advertises property only for a use for which it is legally zoned.
- fff) Rear Wall: A wall with no main entrances or store fronts, and which does not face the front of the lot. A building may have a maximum of one rear wall either in a single wall segment or in several segments which are more or less parallel to one another or which follow the curvature of the overall building.
- ggg) Roof Line: The height which is defined by the intersection of the roof of the building and the wall of the building with the following exception: for mansard-type roofs having two (2) slopes, the "roof line" shall be defined as the top of the lower slope of the roof. For mansard-type roofs having parapet walls, the "roof line" shall be the top of the parapet.
- hhh) Roof Sign: A sign erected upon or above a roof or parapet of a building or structure.
- iii) Sandwich Board Sign: A portable sign consisting of two panels of equal size, which are hinged at the top and placed on the ground or pavement so as to be self-supporting.
- jjj) Searchlights: A powerful light or lights equipped with a reflector to produce a bright beam or beams to announce, direct attention to, or advertise business.
- kkk) Setback: The horizontal distance between a sign and the front, rear or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front, rear or side property line.

- lll) Sign: In General for this ordinance, a sign is any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light, or insignia, as well as any structure supporting any of the same, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization, or business. Any interior illuminated or moving sign or light which is visible from the exterior may be determined as being erected on the exterior of the building or structure. See Section 5.08 to find stipulations pertaining to each particular type of sign.
- mmm) Sign Area: The area (i.e., square footage) of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faceted signs shall be calculated as the maximum area visible from any single direction at any point in time. Signs may be V-shaped, not to exceed a forty-five (45) degree angle, and can have only two sign faces (i.e., one sign face, or panel, in each of two different directions only; the sign cannot have sign panels in three different directions).
- nnn) Sign Copy: Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof included on a sign that is primarily intended to advertise, identify, or notify.
- ooo) Structure Trim: The molding, battens, capping, nailing strips, latticing, and platforms which are attached to the sign structure.
- ppp) Unified-Lot Sign: A multi-tenant monument sign placed on one of two or more contiguous lots instead of the same lot.
- qqq) Vehicle: For the purpose of this Section, "vehicle" shall mean any automobile, truck, camper, tractor, van, trailer or any other device capable of being transported, and shall be considered a "vehicle" in both moving and stationary modes, irrespective of its state or repair or its physical condition.
- rrr) Wall Sign: A sign attached to or painted upon a wall surface with the sign facing parallel to and not more than twelve (12) inches from the wall surface.

- sss) Window Sign: A sign painted or affixed to the interior or exterior of a window or placed immediately behind a windowpane so as to attract the attention of persons outside the building, excluding merchandise in a window display.
- 227) Single-Family Dwelling, Attached (Townhouse or Townhome) - A structure that has two (2) or more single-family dwelling units erected in a row as a single building on adjoining lots, each unit separated from the adjoining unit(s) by a fire wall.
- 228) Single-Family Dwelling, Detached - A dwelling designed and constructed as a freestanding structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.
- 229) Skilled Nursing Facility - A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision, but not hospitalization. Also termed nursing home, convalescent home, or long-term care facility
- 230) Small Engine Repair Shop - A facility used for the repair of lawn mowers, chain saws, lawn equipment, and other similar small machines.
- 231) Small Wind System - A wind-driven energy system that converts wind energy into electricity through the use of and consisting of a wind turbine, a tower, and associated control or conversion electronics. The small wind system cannot exceed ten (10) kW and are only allowed on lots or parcels equal to or greater than two (2) acres in size. For lots larger than two (2) acres, one (1) tower or unit may be installed per every two (2) acres. Each tower must meet a separation distance requirement equal to at least 110 percent of the tower height from any other tower, all current or future property lines, and any occupied building.
- 232) Solar Panel Farm - A solar-driven energy system that converts solar energy into electricity through photovoltaic panels that are supported by posts, wherein the solar panel system is the principal use of the property as it produces energy to be distributed into the electric utility grid. The maximum overall height of the system shall not exceed twelve (12) feet, and the system must meet building setback requirements of the zoning district.

- 233) Solar Panel System, Large In-Ground - A solar-driven energy system that converts solar energy into electricity through photovoltaic panels, that are supported by poles, where the system exceeds 1,000 square feet in size, permitted as an accessory structure wherein the primary use must be to reduce on-site consumption of electric utility power. The maximum overall height of the system shall not exceed eight (8) feet in residential districts, or twelve (12) feet in all other districts, and the system must meet accessory building setback requirements. In residential districts, the system must be installed the rear yard only.
- 234) Solar Panel System, Rooftop - A solar-driven energy system that converts solar energy into electricity through photovoltaic panels that are installed on rooftops
- 235) Solar Panel System, Small In-Ground - A solar-driven energy system that converts solar energy into electricity through photovoltaic panels, that are supported by poles, where the system is not to exceed 1,000 square feet in size, permitted as an accessory structure wherein the primary use must be to reduce on-site consumption of electric utility power. The maximum overall height of the system shall not exceed eight (8) feet in residential districts, or twelve (12) feet in all other districts, and the system must meet accessory building setbacks. In residential districts, the system must be installed in the rear yard only.
- 236) Specialty Paraphernalia - A business whose primary focus includes any one or any combination of the following: the sale of cigarette papers, bongs, or other smoking accessories. This definition shall include head shops, but shall not include retail tobacco shops, or cigar or cigarette shops.
- 237) Stables, Public - A stable used for the rental of stall space or for the sale or rental of horses or mules.
- 238) Stables, Private - An area used solely for the owner's private purposes for the keeping of horses, mules, or ponies; but not kept for remuneration, hire, or sale.
- 239) Storage Warehouse - A building used primarily for the storage of goods and materials, but not accessible to the general public. Up to twenty-five (25) percent of the building may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed.

- 240) Story - That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between the floor and the ceiling above. The maximum height for a story shall be twelve (12) feet. The definition of a story does not include parapets, gables, or other normal roof structures and basements or cellars when more than one-half ( $\frac{1}{2}$ ) of its height is below ground surface.
- 241) Story, Half - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ( $\frac{2}{3}$ ) of the floor area is finished off for use. A half story containing any living quarters shall be counted as a full story.
- 242) Street - Any dedicated public thoroughfare that affords the principal means of access to abutting property. A street is termed a thoroughfare or collector street when the right-of-way is greater than sixty (60) feet.
- 243) Street, Intersection - Any street that joins another street at an angle, whether or not it crosses the other.
- 244) Street Yard - The area between the building front line and the front property or right-of-way line.
- 245) Structural Alterations - Any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
- 246) Structure - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground. See definition of Building.
- 247) Studio - A building or portion of a building used for the practice of an associated craft or skill; such as a studio for artists, photographers, or decorators, or a place to perform gymnastics, dance, drama, radio or television broadcasting, or music instruction, recording, or production.
- 248) Surgical Outpatient Facility - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.
- 249) Swimming Pool, Commercial - A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

- 250) Swimming Pool, Private - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Ordinance No. 1688 of the City of Waxahachie Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
- 251) Tattoo or Body Piercing Shop - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, intradermal cosmetic studios or incidental micro-blading activities are not included under this use.
- 252) Tavern - A business engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. Uses such as billiard parlors, dance halls, nightclubs, or live music venues may be included in this category if alcohol sales exceed forty-nine (49) percent of the gross revenue.
- 253) Theater, Indoor - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical, or live performances.
- 254) Tire Installation or Repair - A retail establishment engaged in the sale, installation, or repair of tires for vehicles.
- 255) Tool and Equipment Rental - A building or a portion of a building used for the display and rental of tools, light machinery, light equipment, or similar small instruments.
- 256) Trailer, Hauling - A vehicle to be pulled behind Automobiles or Light Load Vehicles designed for hauling animals, produce, goods, commodities, or boats.
- 257) Trailer and Heavy Load Vehicle Repair - An establishment providing major and minor repair services to heavy load vehicles, including trucks, buses, tractor trailers, or other similar vehicles.
- 258) Trailer or Mobile Home Space - A plot of ground within a mobile home park, trailer court, or mobile home subdivision designed for the accommodation of one mobile home.
- 259) Trailer or Truck Sales or Rental - The display sale or rental of Hauling Trailers designed to be towed by Automobiles or Light Load Vehicles, or of new or used trucks or heavy load vehicles in operable condition.

- 260) Trailer, Travel or Camping - A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants and not constituting the principal place of residence of the occupants or designed to be towed behind another vehicle.
- 261) Truck - A light load or heavy load vehicle. See definitions for Light Load Vehicle and Heavy Load Vehicle for specific details.
- 262) Truck Stop - Any building, land, area, premises, or portion thereof used for the retail dispensing or sales of fuels, lubricants, or accessories commonly utilized by Heavy Load Vehicles, but not including those uses listed under Major Automobile Repair.
- 263) Two-Family Dwelling (Duplex) - Two attached dwellings in one structure on a single lot, each designed to be occupied by one family. Two or more attached dwellings on separate lots are defined under Single-Family Dwelling, Attached.
- 264) Usable Open Space - An open area that is designed and intended to be used for outdoor living or recreation and meets the requirements in Article V.
- 265) Use - The purpose for which land or buildings are or may be occupied in a zoning district.
- 266) Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel or property.
- 267) Winery - a business which holds a winery permit from the State of Texas and which may engage in any activity authorized under Section 16.01 of the Texas Alcoholic Beverage Code except that the permit holder may sell or dispense wine under that section only if the wine is bottled in Texas and is at least seventy-five (75) percent by volume fermented juice of grapes or other fruit grown in Texas or a lesser percentage established by the commissioner of agriculture under Section 12.039 of the Agriculture Code.
- 268) Yard - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used (see Article IX).

- 269) Yard, Front - A yard located in front of the front elevation of a building and extending across a lot between the side lot lines and being the minimum horizontal distance between the front property line and the outside wall of the main building(see Article IX).
- 270) Yard, Rear - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard(see Article IX).
- 271) Yard, Side - The area between the building and side line of the lot and extending from the front building plane to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building(see Article IX).
- 272) Zoning District - A land area or zone within the city stipulating the limitations and requirements of land usage and development uniformly within the entire area.
- 273) Zoning District Map - The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance. See Section 1.03, Zoning District Map and Section 1.04, Zoning District Boundaries.
- 274) Zoo, Private - A facility housing and displaying live animals, reptiles, or birds that is privately owned and operated for a fee or for the promotion of some other enterprise.
- 275) Zoo, Public - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds, and reptiles are domiciled and displayed.

## Section 4.02 Use regulations.

### (a) Use regulations

- (i) The use of land or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Schedule of Uses is:
- Designates use permitted in the zoning district indicated.
  - Designates use prohibited in district indicated.
  - S Designates use may be approved by Specific Use Permit.

- (b) Use chart organization.
  - 1) Residential Type Uses (Section 4.03 (a)).
  - 2) Education, Institutional, and Special Uses (Section 4.03 (b)).
  - 3) Commercial and Retail Type Uses (Section 4.03 (c)).
  - 4) Industrial and Utility Uses (Section 4.03 (d)).
  - 5) Accessory, Incidental and Sign Uses (Section 39.64.03(e)).
- (ii) Classification of New or Unlisted Uses - It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City of Waxahachie. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Sections 4.03(a) through 4.03(e)) shall be made as follows:
  - 1) Initiation.
    - a) A person, city department, the Planning and Zoning Commission, or City Council may propose zoning amendments to regulate new and previously unlisted uses.
    - b) A person requesting the addition of a new or unlisted use shall submit to the City Manager or designated representative all information necessary for the classification of the use, including but not limited to:
      - i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
      - ii) The type of product sold or produced under the use;
      - iii) Whether the use has enclosed or open storage and the amount and nature of the storage;
      - iv) Employment typically anticipated with the use;
      - v) Transportation requirements;
      - vi) The nature and time of occupancy and operation of the premises;
      - vii) The off-street parking and loading requirements;
      - viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
      - ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.

- 2) The City Manager or designated representative shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Section 2.04. An amendment to this Ordinance shall be required as prescribed by Section 2.04.
- 3) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
- 4) The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 2.04.
- 5) Standards for new and unlisted uses may be interpreted by the City Manager or designated representative as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in Section 2.04. shall be followed for determination of the appropriate district. The decision of the City Manager or designated representative may be appealed according to the process outlined in Section 2.04.

## Section 4.03 Use charts.

**Section 4.03 Use Charts**

**Zoning Districts**

<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul> <p>See Appendix A-3 for use definitions</p>	Future Development	Rural Residential	Single-Family Dwelling - 1	Single-Family Dwelling - 2	Single-Family Dwelling - 3	Two-Family Dwelling	Multiple-Family Dwelling - 1	Multiple-Family Dwelling - 2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial - 1	Light Industrial - 2	Heavy Industrial	Airport District	Parking Requirement
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**4.03a - Residential Type Uses (1 of 1)**

	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Bed and Breakfast Inn			S	S	S	S	S	S						S	S	S	S					1 space per guest room, plus SF requirements
Boarding House or Home							•															1 space per sleeping room
Dormitory							•	•					S		S	•	S					1 space per 2 beds
Fraternity or Sorority House			S	S	S	S	•	•														1 / 2 beds on campus; 1.5 / 2 beds off campus
Home Occupation	•	•	•	•	•	•	•	•	•	•		•				•						
Housing for the Elderly / Senior Apartments							•	•					•		S	S						1 space per dwelling unit
HUD Code Manufactured Home									•													2 spaces per unit
HUD Code Manufactured Home Park									•													2 spaces per unit
Mobile Home									•													2 spaces per unit
Mobile Home Park									•													2 spaces per unit
Modular Prefabricated Structure or Modular Home		S	•	•	•	•	•	•	•													2 spaces per unit
Multiple-Family Dwelling or Apartment							•	•		S		S				•						1.5 / eff., 1, or 2-bed; 2.5 / 3-bed; 3 / 4-bed
Single-Family Dwelling, Attached (Townhouse or Townhome)						•	•	•		S		S				•						2 behind front building line, 1 enclosed

**4.03a - Residential Type Uses (2 of 2)**

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	L11	L12	HI	AP	
Single-Family Dwelling, Detached	•	•	•	•	•																	2 enclosed, behind front building line
Two-Family Dwelling (Duplex)						•	•	•														2 enclosed, behind front building line
Accessory Building, MF or Non-Residential							•	•					S	S	S	S	•	•	•	•	•	
Accessory Building (Residential), Less than 700 S.F.	•	•	•	•	•	•			•													
Accessory Building (Residential), Greater than or Equal to 700 S.F.	S	S	S	S	S	S			S													
Accessory Building, Used as a Dwelling Unit	•	•	•	S	S																	
Garage Accessory Dwelling	•	•	•	S	S																	
Caretaker's or Guard's Residence	•	•	•							S		S					•	•	•	•	•	
Stables, Private	S	S	S														•	•	•			

**4.03b - Educational, Institutional, and Special Uses (1 of 2)**

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Adult Daycare Facility													•	•	•		•					1 / 2 employees (maximum shift)
Art Gallery or Museum			S	S	S	S	S	S	S	•		•	•	•	•	•	•	•	•		•	10, +1/300 sq ft over 2000 sq ft
Cemetery, Animal																		•	•	•		1 / 2 employees (maximum shift)
Cemetery or Mausoleum			S	S	S	S	S	S	S				S	S	S	S	S	S	S	S	S	10 +1 for each 500 sq ft over 5000 sq ft
Child Advocacy Center				S	S	S	S	S	S					S	•	•	•					1 space per 300 sq ft
Child Daycare Center										•		•	S	•	•	•	S	S	S	S		1/10 pupils, + 1/teacher, + 1/bus/van
Church, Rectory, or Temple	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	1 space per 4 seats in the main venue
College or University			S	S	S	S	S	S					•	•	•	•	•	•	•			1 space per 3 day students
Community Home			•	•	•	•	•	•	•				S	S	S	S	S	S	S			1 space per 6 beds
Crematorium															•		•	•	•	•		2 spaces plus 1 space per 2 employees
Day Camp for Children			S	S	S	S	S	S	S				S	S	•		S	S				1 / 2 employees (maximum shift)
Fairgrounds, Rodeo Grounds or Exhibition Area		S													S	S	S	S	S	S	S	10 +1 for each 500 sq ft over 5000 sq ft
Family Home (Child Care)		S	S	S	S	S	S	S	S													Refer to the residential standard
Farm, Ranch, Garden, or Orchard	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	1 / 2 employees (maximum shift)
Fraternal Organization				S	S	S	S	S					S	S	•	•	•	•	•	•	•	1 space per 200 sq ft
Home for Aged, Residence (Assisted Living)			S	S	S	S	•	•	•				S	S	S	S	S					1/6 beds, +1/1000 sq ft of outdoor uses
Hospital, Acute Care					S	S	S	S						S	S	S	S	S	S			1 space per 2 beds or examination rooms
Hospital, Chronic Care							S	S					S	S	S	S	S	S	S			1 space per 2 beds or examination rooms
Household Care Facility			S	S	S	S	S	S	S													1 space per 6 beds
Institution for Alcoholic, Narcotic, or Psychiatric Patients													S	S	•	•	•	•	•	•		1 space per 2 beds or examination rooms

**4.03b - Educational, Institutional and Special Uses (2 of 2)**

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Institution of Religious or Philanthropic Nature			S	S	S	S	S	S					•	•	•	•	•	•	•			10 spaces plus 1 per employee
Jail or Prison																		S	S	S		1/2 emp (maximum shift), + 1/350 sf intake, +1
Juvenile Detention Center															S		S	S	S	S		1 / 2 employees (maximum shift)
Kindergarten or Nursery School, Private			S	S	S	S	S	S	S				S	S	•	•	S	S	S	S		1 /10 pupils, + 1/teacher, + 1/bus/van
Private Recreation Facility	S	S	S	S	S	S	S	S	S				S	S	•	•	•	•	•	•	•	10, + 1/500 sf over 5000 sf of building and rec
Public Community Center		•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•		10, + 1/500 sf over 5000 sf of building and rec
Rehabilitation Care Facility or Halfway House															S		S					1 / 2 employees (maximum shift)
Residential Home for Adults with Intellectual and Developmental Disabilities							S	S														1 space per 6 beds
School, Private		S	S	S	S	S	S	S	S				S	S	S	S	S	S	S	S		K-6: 1/15 st; 7-8: 1/12 st; 9-12: 1/3 st, and staff
School, Public	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•		K-6: 1/15 st; 7-8: 1/12 st; 9-12: 1/3 st, and staff
School, Vocational															•	S	•	•	S	S	S	1 space per 3 day students
Skilled Nursing Facility															S	S	S	S	S	S	S	1 / 6 beds, + 1 / 1000 sq ft of lot area

4.03c - Commercial and Retail Type Uses (1 of 6)

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Airport		S	S	S	S	S	S	S	S				S	S	S		S	•	•	•	•	Hangar:1/1000 sf; Office:1/300 sf
Alternative Financial Services																	S	S	S	S		1 space per 200 sq ft
Ambulance Service																	S	•	•	•	•	1/ 1000 sf or 1 / 2 emp, whichever is greater
Amusement, Indoor										•		•			•	•	•	•	•	•	•	1 space per 100 sq ft
Amusement, Outdoor															•	•	•	•	•	S		10, + 1/500 sf over 5000 sf of building and rec
Animal Hospital or Kennel, Indoor Pens		S											•	•	•	•	•	•	•	•	•	1 space per 300 sq ft
Animal Hospital or Kennel, Outdoor Pens		S													S	S	•	S				1 space per 300 sq ft
Animal Pound																	S	•	•	•		1 space per 300 sq ft
Antique Shop										•		•		S	•	•	•	•	•	•		1 space per 200 sq ft
Appliance Rental, Service or Repair															•	•	•					1 space per 200 sq ft
Arcade										•		•			S	S	•	•	•	•		1 / game table, + 1/amusement device
Auto Leasing and Rental															S		S	•	•	•	•	1 space per 1000 sq ft of the lot
Auto Parking Lot, Commercial										S		S	S	S	S	S	S	S	S	S	S	Per office requirements
Auto Parking Lot, Trucks and Trailers																	S	S	S	S		Per office requirements
Auto Parts and Accessory Sales												•			S		•	•	•	•	•	1 space per 500 sq ft
Auto Racing or Go-Cart Track																		S	S	S		10 spaces, plus 1 space per
Auto Repair, Major																	S	•	•	•		1 space per 200 sq ft
Auto Repair, Minor or Automotive Care Center															S		•	•	•	•	S	1 space per 200 sq ft
Auto Sales, New															•		•	•	•	•	•	1/500 sf or 1/1,000 sf lot, which is greater
Auto Sales, Used															S	S	S	•	•	•		1/500 sf or 1/1,000 sf lot, which is greater

4.03c - Commercial and Retail Type Uses (2 of 6)

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Auto Storage or Auto Auction																				S		1 space per 1,000 sq ft of lot area
Auto Wrecking Yard																				S		1 space per 1,000 sq ft of lot area
Bail Bond Agency																S	S					1 space per 200 sq ft
Bakery, Commercial																S	•	•	•		•	1 space per 250 sq ft
Bakery, Retail										•		•	•	•	•	•	•	•			•	1 space per 200 sq ft
Bank or Credit Union										•		•	•	•	•	•	•	•	•	•	•	1 space per 200 sq ft, plus required stacking
Boat Sales																	S	•	•	•		1 space per 200 sq ft
Building Materials and Hardware Sales, Indoor													S	S	•	•	•				S	2 + 1 / 300 sq ft over 1,000 sq ft
Building Materials and Hardware Sales, Outdoor															S	S	•	•	•	•	S	2 + 1 / 300 sq ft over 1,000 sq ft
Bus Station or Terminal															S	S	•	•	•	•		1/ 1000 sf or 1 / 2 emp, whichever is greater
Cabinet or Upholstery Shop																S	•	•	•	•	S	1 space per 250 sq ft
Car Wash															S		•	•	•	•		Self Service: 1/bay; Full Service: 1/150 sq ft
Clinic, Dental, Medical, or Chiropractic										•		•	•	•	•	•	•	•	•	•	•	1 space per 200 sq ft
Convenience Store										S		S	S	S	S	S	S	S	S	S		1 space per 200 sq ft
Copy or Print Shop										•		•		S	•	•	•	•	•	•	•	1 space per 200 sq ft
Country Club, Private		•	S	S	S	S	S	S	S				•	•	•	•	•	•	•	•	•	4 /hole + 1 / 2 emp
Custom Personal Service Shop										•		•	S	•	•	•	•	•	•	•	•	1 space per 200 sq ft
Drive-Through Establishment													S	S	S	S	S	S	S	S		See stacking requirements
Dry Cleaning Establishment, Off-Site										•		•					•	•	•	•		1 space per 250 sq ft
Dry Cleaning Establishment, On-Site																	S	•	•	•		1 space per 250 sq ft

4.03c - Commercial and Retail Type Uses (3 of 6)

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Feed and Grain Store																S	•	•	•	•		1 space per 250 sq ft
Flea Market or Farmers Market																	S	•	•	•		1 space per 200 sq ft of floor or sales area
Funeral Home or Mortuary															•	•	•	•	•	•	•	1 space per 200 sq ft
Furniture Manufacture and Refinishing Shop																S	•	•	•	•		1/ 1000 sf or 1 / 2 emp, whichever is less
Gasoline Sales										S		S			S	S	S	S	S	S		1/3 gas pumps, up to 8 nozzles on 2 sides
Golf Course		S	S	S	S	S	S	S	S				S		S	•	•	•	•	•	•	4 /hole + 1 / 2 emp
Greenhouse, Nursery, Florist or Garden Shop										•		•	S	S	S	•	•	•	•	•	•	1 space per 200 sq ft
Hauling, Storage, or Motor Freight Terminal																	S	S	S	S	S	1/ 1000 sf or 1 / 2 emp, whichever is less
Heating and Air Conditioning Sales																S	•	•	•	•		1 space per 500 sq ft
Heavy Machinery and Equipment, Rental, Sales or Storage																	S	S	S	S		1 space per 500 sq ft
Helistop													S	S	S	S	S	S	S	S	•	2 spaces
Household Appliance Service or Repair															•	•	•					2 + 1 / 300 sq ft over 1,000 sq ft
HUD Code Manufactured Home Display or Sales																		•	•	•		1 space per 250 sq ft
Kiosk										S		S	S	S	S	S	S	S			S	Per zoning (SUP)
Laboratory, Medical or Dental										S		S				S	S	S	S	S	S	1 space per 300 sq ft
Laboratory, Scientific or Research										S		S				S	•	•	•	•	•	1 / 2 employees (maximum shift)
Landscape Sales and Installation															S	S	•	•	•	•	S	1 space oer 250 sq ft
Laundromat														•	•	•	•					1 space per 300 sq ft
Massage Establishment													•	•	•	•	•	•	•	•	•	1 space per 200 sq ft
Massage Parlor																	S	S	S	S	S	1 space per 200 sq ft

4.03c - Commercial and Retail Type Uses (4 of 6)

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Medical Appliance Fitting or Retail Sales													S		•	•	•	•	S	S	•	
Medical Facilities										S		S	S	S	S	S	S	S	S	S	S	1 space per 200 sq ft
Metal Recycling Center															S	S	S	S	S	S	S	1 space per 500 sq ft
Micro-Brewery										S		S	S	S	S	S	S	•	•	•	•	1/2 emp + 1 / 4 seats
Mini-Warehouse or Self-Storage Facility															S		S	•	•	•	S	4 min. + 1 / 10,000 sf storage
Motel or Hotel (Less than 75 Rooms)										•		•		S	•	•	•	•	•	•	•	1/sleeping room, + for retail or office
Motel or Hotel (More than 75 Rooms)										•		•			•	•	•	•	•	•	•	1 space per sleeping room plus accessory
Office, Professional and Administrative										•		•	•	•	•	•	•	•	•	•	•	1 space per 300 sq ft
Outside Display										S		S			S	S	S	S	S	S	S	1 space per 600 sq ft of open sales/display
Outside Storage										S		S			S	S	S	S	S	S	S	1 space per 600 sq ft of open sales/display
Park or Playground, Private		S	•	•	•	•	•	•	•	S		S	S	S	S	S	S	S	S	S		1 space per 3 seats
Pawn Shop															S	S	•	•	•	•		1 space per 200 sq ft
Pet Shop and Grooming										•		•		S	•	•	•	•	•	•	•	1 space per 200 sq ft
Pharmacy										•		•	S	•	•	•	•				S	1 space per 200 sq ft
Playfield or Stadium, Public		S	S	S	S	S	S	S	S				S	S	S	•	•	•	•	•		1 space per 3 seats
Portable Building Sales															S		S	S	S	S		1 space per 300 sq ft
Private Club										S		S	S		S	S	S	S	S	S	S	1 space per 100 sq ft
Railroad Freight Depot																	S	•	•	•	•	1/ 1000 sf or 1 / 2 emp, whichever is less

4.03c - Commercial and Retail Type Uses (5 of 6)

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Restaurant										•		•	•	•	•	•	•	•	•	•		1 space per 100 sq ft of seating or waiting area
Retail Stores and Shops										•		•		•	•	•	•	•	•	•		1 space per 200 sq ft
RV Sales																	S	S	S	S		1 space per 200 sq ft
Screen Printing Shop															•		•					1 space per 200 sq ft
Sexually Oriented Business																				•		1 space per 100 sq ft
Small Engine Repair Shop																		•	•	•	•	1 space per 200 sq ft
Specialty Paraphernalia																	S	S	S	S		1 space per 300 sq ft
Stables, Public		S															S	S	S	S		1 space per 3 seats
Studio										•		•	S	•	•	•	•	•	•		•	1 space per 300 sq ft
Surgical Outpatient Facility										S		S	S	S	S	S	S	S	S	S	S	1 space per 200 sq ft
Swimming Pool, Commercial													S	S	S	S	•	•	•	•	•	1 / 100 sq. ft. of gross water surface and deck area
Tattoo or Body Piercing Shop																	•					1/200 sq ft or 1.5/artist chair which is greater
Tavern										S		S		S	S	S	S	S	S	S		1 space per 100 sq ft
Theater, Indoor										•		•	S	S	•	•	•	•	•	•	•	1 space per 4 seating spaces
Tire Installation or Repair										S		•			S	•	•	•	•	•	•	1 space per 200 sq ft
Tool and Equipment Rental															•	•	•	•	•	•	•	1 space per 300 sq ft
Trailer and Heavy Load Vehicle Repair																		S	S	S		1 space per 500 sq ft, min 5 spaces
Trailer or Truck Sales or Rental																		S	S	S		1 space per 200 sq ft
Truck Stop																	S	S	S	S		1 truck /10,000 sf site, + 1 /200 sf of building
Winery										S		S	S	S	•	•	•					1 space per 100 sq ft of seating or waiting area

4.03c - Commercial and Retail Type Uses (6 of 6)

<ul style="list-style-type: none"> <li>• - Permitted Use</li> <li>S - Use may be approved via SUP</li> <li>□ - Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Zoo, Private		S																				10 + 1 / 500 sq ft over 5000 sq ft
Zoo, Public		S															S	S	S			10 + 1 / 500 sq ft over 5000 sq ft

**4.03d - Industrial and Utility Uses (1 of 2)**

• – Permitted Use S – Use may be approved via SUP □ – Prohibited Use	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Animal Production Facility																			S	S		1 / 1,000 sq ft or 1 space per 2 emp
Antenna, Non-Commercial	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Batch Plant (Permanent Facility)																		S	S	S		1 / 1,000 sq ft or 1 space per 2 emp
Chemical Plant																				S		1 / 1,000 sq ft or 1 space per 2 emp
Electrical Generating Plant	S	S							S				S	S	S	S	S	S	S	S	S	1 / 1,000 sq ft or 1 space per 2 emp
Equipment Sales, New or Used																		S	S	S		1 space per 500 sq ft
Food Manufacturing or Processing Plant																S	S	S	S	S	S	1 / 1,000 sq ft or 1 space per 2 emp
Franchised Private Utility (Not Listed)	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S	S	1 / 1,000 sq ft or 1 space per 2 emp
Heavy Manufacturing, Fully Indoor																		S	S	S	S	1 / 1,000 sq ft or 1 space per 2 emp
Heavy Manufacturing, Outdoor																				S		1 / 1,000 sq ft or 1 space per 2 emp
Landfill																				S		1 / 300 sq ft of office
Light Manufacturing												S					•	•	•	•	•	1 / 1,000 sq ft or 1 space per 2 emp
Local Utility Lines	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Machine Shop or Welding Shop																		•	•	•		1 / 1,000 sq ft or 1 space per 2 emp
Medium Manufacturing, Fully Indoor																		•	•	•	•	1 / 1,000 sq ft or 1 space per 2 emp
Medium Manufacturing, Outdoor																		S	S	S	S	1 / 1,000 sq ft or 1 space per 2 emp
Municipally-Owned Facilities and Uses	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	1 / 1,000 sq ft or 1 space per 2 emp
Noxious Uses																		S	S	S	S	1 / 1,000 sq ft or 1 space per 2 emp
Portable Storage Structure or Temporary Building	•	•	•	•	•	•	•	•	•	•			•	•	•	•	•	•	•	•	•	1/2000 sq ft + main use
Public Building, Shop, or Yard of a Local, State, or Federal Agency	S	S													S		•	•	•	•	•	1 / 1,000 sq ft or 1 space per 2 emp

**4.03d -Industrial and Utility Uses (2 of 2)**

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Public or Private Utility Shop or Storage																		•	•	•	•	1 / 1,000 sq ft or 1 space per 2 emp
Railroad Track	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Sand, Gravel, Stone or Petroleum Extraction																		S	S	S		1 / 1,000 sq ft or 1 space per 2 emp
Storage Warehouse																S	•	•	•	•	S	1 / 1,000 sq ft or 1 space per 2 emp

4.03e - Accessory, Incidental and Sign Uses (1 of 2)

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Awning Sign										•		•	•	•	•		•	•	S	•	•	
Canopy Sign										•		•			•		•	•	S	•	•	
Development Sign		•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Directional Sign (On-Site)							•	•	•				•	•	•	•	•	•	•	•	•	
Electronic Message Sign										S		S	S	S	S	S	S	S	S	S	S	
Garage Sale Sign	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	
Informational Sign	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	
Institutional Sign	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	
Model Home Sign			•	•	•	•	•	•	•													
Monument Sign							•	•	•	•		•	•	•	•		•	•	•	•	•	
Name Plate	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	
Off-Street Parking Incidental to Main Use	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Pole Sign																	S	S	S			
Portable Sign							•	•					•	•	•		•	•	•			
Real Estate Sign	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	
Searchlights															•	•	•	•	•			
Small Wind System	S		S	S	S													S	S	S		
Solar Panel Farm	S																			S		
Solar Panel System, Large In-Ground	S	S															S	S	S	•		

4.03e - Accessory, Incidental and Sign Uses (2 of 2)

<ul style="list-style-type: none"> <li>• – Permitted Use</li> <li>S – Use may be approved via SUP</li> <li>□ – Prohibited Use</li> </ul>	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Solar Panel System, Rooftop	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	
Solar Panel System, Small In-Ground	S	S	S	S	S	S	S	S	S				S	S	S	S	S	S	S	•		
Unified Lot Sign	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	
Wall Sign										•		•	•	•	•	•	•	•	•			
Window Sign										•		•	•	•	•	•	•	•	•			

## Article V. DEVELOPMENT STANDARDS

### Section 5.01 Exterior construction requirements.

- (a) Definitions. For the purpose of this section, the following definitions shall apply:
- (i) Masonry Construction - This term means that form of exterior construction materials including brick, stone, granite, marble, decorative concrete block or tile, other similar building units or materials, or a combination of these materials laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include hard-fired brick, kiln-fired clay or slate materials; stone, including naturally-occurring granite, marble, limestone, slate, river rock, or other similar hard and durable all-weather stone; decorative concrete block; concrete pre-cast or tilt-wall panels; glass blocks or tiles; or stucco. See the definition of Masonry construction for further information.
  - (ii) The following materials shall not qualify nor be defined as Masonry Construction in meeting the minimum requirements for the exterior construction of buildings, unless specifically approved by the City's Building Official for single-family or duplex residential structures, or by the City Council on an approved Concept Plan or Detailed Site Plan for single-family attached, multi-family, or non-residential structures:
    - 1) Adobe or mortar wash surface material;
    - 2) Exterior insulation and finish system (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
    - 3) Cementitious fiberboard siding;
    - 4) Aluminum, PVC or other plastic-based siding material;
    - 5) Lightweight or featherweight concrete blocks or cinder blocks; or
    - 6) Any other cementitious product not listed above.
  - (iii) Historic Overlay District - That area generally inclusive of the downtown area that is generally thought of as the City's original development and business area. Certain standards specifically cited within the Zoning Ordinance, and possibly within other applicable City Codes, may differ from those required in newly developing areas of the City due to the original downtown's unique character and history. See the CA zoning district for other development and redevelopment standards.

- (b) Minimum masonry exterior construction standards. The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within the City or as otherwise required in this ordinance for changes of use, expansions of non-conformities, or other applicable building modifications.
  - (i) Application Requirements: Any application for the use of masonry materials that is not otherwise permitted by this Zoning Ordinance shall require the following:
    - 1) Site Plan. All requests for the use of masonry materials shall be submitted to the City in writing on an application form available in the Building and Community Services Department office, and shall be noted and described on an Administrative Site Plan. See site plan detail requirements in Section 7.01 of this Ordinance. A building permit shall be required for any development wherein the use of masonry materials is proposed in accordance with this section of the Zoning Ordinance.
    - 2) Building Façade Plan. The architectural style and scale of a proposed single-family or two-family dwelling unit shall be submitted in the form of scaled drawings with proposed four façade elevations. This submission shall be submitted with and shall be a component of the Administrative Site Plan or building permit application.
      - a) If the proposed use of masonry materials is for more than one dwelling unit, the applicant shall provide at least six (6) façade drawings that are representative of the overall style and scale of the dwelling units within the development. If the use of masonry materials is approved, these drawings will serve as examples of what the City anticipates for the overall development, and the applicant shall be expected to meet a similar level of quality in the design of single-family homes and/or townhomes that are not individually represented in the examples.
      - b) The Building and Community Services Department may require actual samples of any proposed masonry products and the actual colors to be used. Such samples shall be submitted as part of the Building Façade Plan.
    - 3) Quality Control. Any question as to whether the durability or installation of the masonry materials is in accordance with this section of the Zoning Ordinance, and/or with the City's Building Code, shall be determined by the City's Building Official. The appropriateness of the application in terms of quality shall be determined as part of Administrative Site Plan or Building Façade Plan approval.

- a) If the Building Official deems the installation insufficient to meet the City's Building Code or the manufacturer's written specifications and requirements (including spirit and intent) of these regulations, then no Certificate of Occupancy shall be issued unless and until the installation is deemed satisfactory. Any appeal of this decision may be made to the Planning and Zoning Commission. If denied by the Planning and Zoning Commission, may be further appealed to the City Council.
  - b) The method of painting or color application, including the type of paint and materials to be used, must be approved as part of the Administrative Site Plan and related Building Façade Plan.
- (ii) Single-Family and Duplex Residential:
- 1) All residential buildings and structures located in a residential zoning district, except RR, shall be constructed in such manner to include Masonry Construction covering at least seventy-five (75) percent of the total exterior walls above grade level, including roof overhang, excluding doors and windows. All construction shall also be performed in accordance with the City's building code and fire prevention code. Strict adherence to this rule shall not be such as to prevent architectural creativity. Cementitious planks, panels, fiberboards, PVC or plastic siding, exterior insulation and finish systems (EIFS), and similar wood or non-wood materials shall not be allowed to count toward the seventy-five (75) percent Masonry Construction requirement, except as outlined in Section 5.01 (c). Stucco, if applied in accordance with industry standards as approved by the Building Official, may qualify as brick or masonry.
  - 2) Concrete, concrete block, or metal exterior construction is not permitted on any single-family or duplex residential structure.
  - 3) Roof materials for a single-family or duplex structure shall be comprised of one of the following:
    - a) Laminated, three-dimensional appearance composition architectural shingle with a thirty (30) year minimum;
    - b) Flat pan standing seam metal roofing with only a factory baked-on muted color finish. No bright colors or natural-colored metal roofing is allowed.; or
    - c) Terra cotta or slate tile in muted colors.
  - 4) Front Entry Walkways:
    - a) A hard surface walkway with a minimum improved width of three (3) feet must be constructed from the sidewalk or driveway to the front door of each primary structure.

- b) Walkways may be surfaced with concrete, pavers, laid bricks, or any other such material and in accordance with City standards.
- 5) Front Covered Porches:
- a) Front covered porches shall be required for seventy-five (75) percent of all dwelling units within each subdivision.
  - b) These covered porches must meet the following minimum criteria:
    - i) A front covered porch that is permanently attached to, and is an integral part of the primary structure, shall be constructed of like and similar materials to those of the primary structure. Alternative materials, i.e., cedar or other complimentary products, may be approved by the Building and Community Services Department through this Building Façade Plan review process.
    - ii) Each front covered porch must include a minimum usable area of forty (40) square feet with a minimum depth of five (5) feet from the primary structure, as measured perpendicular to the front door.
    - iii) For existing subdivisions the remaining unbuilt lots and phases will be counted for the application of this requirement.
- 6) Garages:
- a) Detached garages shall be constructed of like and similar exterior materials to those used for the primary structure.
  - b) All garage structures are to be located twenty-five (25) feet from front property lines and may not constitute more than fifty (50) percent of the total width of the house. If the width of the lot allows, fifty (50) percent of all dwellings shall have garages with at least one of the following designs:
    - i) Rear entry;
    - ii) J-Swing Drives (front entry); or
    - iii) Front entry garage greater than or equal to three (3) feet behind the front building face and not more than five (5) feet forward from the front building face.
- 7) Each dwelling unit shall be designed with the following minimum Architectural Requirements:
- a) Architectural Relief:
    - i) The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.

- ii) There shall be no uninterrupted wall length of twelve (12) feet or more on any façade that is visible from a public right-of-way or open space. This standard applies to the front façade on the interior of the lot or the front and side façade facing a street or open space on a corner lot. An interrupted wall can be achieved through a window, brick detail, or offset in the building face, or similar element that breaks the massing of the façade.
  - iii) A minimum of sixty (60) percent of total area on first floor of all two-story homes is required.
  - iv) Minimum roof pitch shall be at least 7:12, unless otherwise stated in the applicable zoning district or PD ordinance or increased to meet the design elements in Section 5.01 (b)(ii) 7) c).
  - v) Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building façade to the soffit unless the roof pitch is 8:12 or greater.
- b) Minimum Number of Elevations:
- i) No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
  - ii) Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- c) Minimum Number of Design Elements: A minimum of six (6) of the elements identified below in must be incorporated into the design of each dwelling unit unless the house has incorporated a porch extending the full width of the front building face or the garage is a J-Swing Drive or rear entry. If the house design has incorporated a porch extending the full width of the front building face, then four (4) elements are required and if the garage is a J-Swing Drive or rear entry, then two (2) elements are required.
- i) Multiple pane, divided light, or simulated divided light windows;
  - ii) Decorative columns that are a minimum of six (6) inches in diameter;
  - iii) Gable with window or other decorative feature;
  - iv) Dormer;
  - v) Bay windows with a minimum projection of twenty-four (24) inches;
  - vi) 8:12 roof pitch;
  - vii) Two (2) or more exterior masonry materials with each material covering at least twenty-five (25) percent of the exterior surface;
  - viii) Split garage doors with a separate door for each vehicle bay);

- ix) Bull nosed gable;
  - x) Permanently affixed awning;
  - xi) Articulated garage doors, e.g., windows, paneling, other high quality detailing;
  - xii) Accentuated brick detailing around garage door with a rowlock or similar detailing;
  - xiii) Transom or arch style windows; or
  - xiv) Elevated hip roof.
  - d) The front building face must contain a minimum of thirty (30) percent of the wall area in windows or doors.
  - e) Rooftop Solar Panel Systems:
    - i) Must be installed to leave no greater than six (6) inches between rooftops.
    - ii) Must match the roof pitch on a pitched roof.
    - iii) Screening is required on flat roofs.
    - iv) Panels shall not be installed on elevations facing a right-of-way.
- (iii) Multi-Family and Single-Family Attached Residential:
- 1) All principal buildings and structures located in an MF Zoning District or located within another Zoning District and constructed for Multi-Family use, shall be constructed in such manner to include Masonry Construction covering at least seventy-five (75) percent of the total exterior walls, excluding doors and windows. All construction shall also be performed in accordance with the city's building code and fire prevention code.
  - 2) Concrete, concrete block, or metal exterior construction is not permitted on any multi-family or single-family attached residential structure.
  - 3) Roof materials for a multi-family or single-family attached structure shall be comprised of one of the following:
    - a) Laminated, three-dimensional appearance composition shingle with a 30-year minimum;
    - b) Flat pan standing seam metal roofing with only a factory baked-on muted color finish. No bright colors or natural-colored metal roofing are allowed.; or
    - c) Terra cotta or slate tile in muted colors.
  - 4) Roofing:
    - a) Minimum roof pitch shall be at least 7:12, unless otherwise stated in the applicable zoning district or PD ordinance.

- b) Santa Fe style roofs, with a flat roof and highly articulated parapet that conceals the roof and any roof-mounted equipment, may be acceptable.
  - c) Texas Ranch-House style, with low pitched roofs, large eaves/overhangs, rambling design, or other uniquely styled architecture, may be acceptable.
- (iv) Nonresidential and Institutional Buildings:
- 1) All non-residential and institutional buildings in any Zoning District, except FD, LI1, LI2, HI, and AP, shall have a minimum of ninety (90) percent Masonry Construction below the first floor ceiling plate.
    - a) The minimum Masonry Construction required above the first floor ceiling plate is eighty (80) percent.
    - b) The Masonry Construction shall be equally distributed around all sides of the building.
  - 2) In the FD, LI1, LI2, HI, and AP Zoning Districts:
    - a) Any exterior façade of a building that faces, or is visible from, a public street shall meet the same Masonry Construction requirements as the front building plane.
    - b) All other façades that are not facing, or visible from, a right-of-way shall consist of not less than fifty (50) percent Masonry Construction for all stories.
  - 3) Areas of a façade that are devoted to windows, doors, covered porches, stoops, breezeways, or courtyards shall not be counted as “wall surface” when calculating the Masonry Construction requirement.
  - 4) Metal exterior construction is not allowed on any non-residential or institutional structure located within any Zoning District except FD, LI1, LI2, HI, or AP.
    - a) The building façade containing the metal construction must not face or be visible from an existing or planned public right-of-way, as identified on the City’s Thoroughfare Plan or plat records.
    - b) As exceptions to Section 5.01 (b) (iv) 4):
      - i) If the structure is located on a through lot that both fronts and backs onto a right-of-way, and if the structure's rear façade is located more than 1,000 feet from the right-of-way, then the rear façade can be of metal exterior construction.
      - ii) If the structure is on a corner lot, which fronts and sides onto two rights-of-way, the front and side façades cannot be metal exterior construction unless approved on the site plan.

- c) The use of any type of metal for exterior building construction, such as profiled panels, deep ribbed panels, concealed fastener system panels, or similar materials, shall be clearly shown on the Administrative Site Plan, and shall only be allowed with site plan approval.
  - i) The exterior finish of metal used in exterior construction shall be of a permanent, maintenance-free nature such as a baked-on finish.
  - ii) The use of corrugated, galvanized, aluminum-coated, zinc-coated, unfinished, or similar metal surfaces shall be prohibited, unless approved on the site plan for a restaurant that uses such materials as part of its “signature design aesthetic,” in which case a maximum of ten (10) percent of any wall façade may be devoted to such materials.
- 5) Roof materials for any non-residential or institutional structures that are visible from a right-of-way shall be comprised of the following:
  - a) Laminated, three-dimensional architectural composition shingle with a 30-year minimum;
  - b) Flat pan standing seam metal roofing with only a factory baked-on muted color finish. No bright colors or natural-colored metal roofing is allowed; or
  - c) Terra cotta or slate tile in muted colors.
  - d) Minimum roof pitch shall be at least 6:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.
  - e) Rooftop solar panel systems
    - i) Must be installed to leave no greater than six (6) inches between rooftops.
    - ii) Must match the roof pitch on a pitched roof.
    - iii) Screening is required on flat roofs.
    - iv) Panels shall not be installed on elevations facing a right-of-way.
- 6) Applicable to all non-residential development:
  - a) Horizontal Articulation. No building wall shall extend for a distance equal to three (3) times the wall's height without having an off-set equal to twenty-five (25) percent of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of the first plane.
  - b) Vertical Articulation. No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of twenty-five (25) percent of the wall's height.

- 7) Applicable to all commercial and retail settings and uses:
- a) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle, and top.
  - b) External Façade Materials: In addition to the minimum Masonry Construction requirement, the following specific materials shall be used to construct all exterior walls of buildings and parking structures that are visible from a right-of-way, public walkway, or open space:
    - i) Ground floor: Excluding windows, doors, and other openings, the exterior façade(s) shall be constructed of 100 percent brick, natural stone, or cast stone.
    - ii) Overall: A minimum of ninety (90) percent of entire exterior façade(s), excluding windows, doors, and other openings, shall be constructed of brick, natural stone, or cast stone. The brick, natural stone, or cast stone shall continue around corners a minimum of eight (8) feet. Portland cement stucco may account for up thirty (30) percent of this requirement.
    - iii) EIFS shall be used only for architectural features or embellishments that are not subject to pedestrian contact.
    - iv) Unpainted metal or metal subject to ordinary rusting, shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by administrative approval.
    - v) Windows and glazing shall be a minimum of thirty (30) percent and up to a maximum of seventy (70) percent of each building elevation.
    - vi) A variation of up to fifteen (15) percent of the standards above, and the material type may be approved administratively via an Administrative Site Plan or building permit, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.
  - (v) Exemptions: The following structures are exempt from the masonry construction requirements outlined within this subsection:
    - 1) Barns on property of two (2) or more acres, provided that such barns are used solely for agricultural purposes and not used for commercial purposes;
    - 2) Legally nonconforming Mobile homes and HUD-Code manufactured homes;
    - 3) Historic structures;

- 4) Any Planned Development (PD) that specifies requirements that are a specific architectural style or one that specifically calls out requirements that would not be applicable within the PD boundaries;
- 5) Accessory buildings within RR, SF1, SF2, SF3, and 2F zoning districts that do not exceed 500 square feet of floor area;
- 6) Accessory buildings (of any size) in the FD zoning district, or in the RR, SF1, SF2, SF3, or 2F zoning districts and located within the City's Historic Overlay area. Any such building shall be constructed of the same materials, colors, and finishes as the main building on the lot, tract, or site;
- 7) Temporary construction buildings, field offices, sales offices and temporary classroom or storage buildings for a public school only (provided that such facilities are legally permitted by the City for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first);
- 8) Structures legally in existence as of May 21, 2018, or any additions to such structures that do not cumulatively exceed twenty (20) percent of the building size as it existed on May 20, 2018. Such additions shall be allowed to be constructed of the same exterior materials as the original building; and
- 9) Any residential dwelling constructed on a lot that is located within a blockface consisting of a majority of wood-sided homes. In addition, a special architectural style for a specific location of individual residences may be approved by the City Manager or designated representative.
- 10) Accessory Buildings:
  - i) In the FD Zoning District or the RR, SF1, SF2, SF3, and 2F districts within the City's Historic Overlay District.
  - ii) In the RR, SF1, SF2, SF3, and 2F zoning districts, but not within the City's Historic Overlay District; accessory buildings exceeding 500 square feet of floor area shall conform to the minimum exterior construction standards for the main building on the lot or tract and shall be compatible in exterior finishes and colors as the main building.
  - iii) In the MUR, DN, MUNR, MF1, MF2, O, NS, GR, CA, C, LI1, LI2, HI, and AP Zoning Districts, accessory buildings of any size shall conform to the minimum exterior construction standards for the main building on the lot or tract shall be architecturally compatible in design and constructed of the same exterior finishes and colors as the main building.

- (vi) Considerations for Approval: In addition to the minimum standards above, consideration for the use of masonry materials shall also be based on the following:
  - 1) The architectural design and creativity of the dwelling units proposed;
  - 2) The quality and creativity of the overall development proposed; and
  - 3) Compatibility of the dwelling units proposed with surrounding developed properties and structures.
- (vii) Approval Process:
  - 1) Building and Community Services Department Action: The City Manager or designated representative shall approve or deny any site plan and related Building Façade Plan submitted that involves the proposed use of non-masonry materials.
  - 2) Planning and Zoning Commission and City Council Appeal: If the site plan is denied by the City Manager or designated representative, the applicant may appeal the decision to the Planning & Zoning Commission and City Council.
- (c) Minimum non-masonry exterior construction standards for Single-Family Dwellings and Duplexes.
  - (i) Purpose and Applicability:
    - 1) Purpose. Design standards within this section are set forth to allow for the use of non-masonry materials. These standards are intended to incorporate high quality requirements for residential developments using non-masonry materials to ensure that the resulting dwelling unit positively contributes to Waxahachie's community image. These homes may be associated with new development concepts such as New Urbanism and Traditional Neighborhood Development (TND) or historic homes.
    - 2) Applicability. Non-masonry materials may be used in accordance with the regulations herein, and upon approval in accordance with the approval process outlined below.
  - (ii) Quality of Installation:
    - 1) Quality. Non-masonry materials shall be similar in terms of durability to that of a traditional masonry product such as brick. It shall be the applicant's responsibility to demonstrate that the non-masonry materials that are intended to be used exhibits such durability.
    - 2) Installation. Any installation of non-masonry materials shall be installed properly according to the manufacturer's specifications and the City's building code.
  - (iii) Application Requirements: Any application for the use of non-masonry materials that is not otherwise permitted by this Zoning Ordinance shall require the following:

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

- 1) Required Standards: The use of non-masonry materials shall only be approved in accordance with the integration of the Design Standards listed within this section.
- 2) Front Entry Walkways:
  - a) A hard surface walkway with a minimum improved width of three (3) feet must be constructed from the sidewalk or driveway to the front door of each primary structure.
  - b) Walkways may be surfaced with concrete, pavers, laid bricks, or any other such material and in accordance with City standards.
- 3) Front Covered Porches:
  - a) Front covered porches shall be required for each dwelling unit proposing non-masonry construction.
  - b) These covered porches must meet the following minimum criteria:
    - i) A front covered porch that is permanently attached to and is an integral part of the primary structure shall be constructed of like and similar materials to those of the primary structure. Alternative materials, i.e., cedar or other complimentary products, may be approved by the Building and Community Services Department through this Building Façade Plan review process.
    - ii) Each front covered porch must include a minimum usable area of forty (40) square feet with a minimum depth of five (5) feet from the primary structure, as measured perpendicular to the front door.
- 4) Garages:
  - a) Detached garages shall be constructed of like and similar exterior materials to those used for the primary structure.
  - b) All garage structures are to be located twenty-five (25) feet from front property lines and may not constitute more than fifty (50) percent of the total width of the house. If the width of the lot allows, fifty (50) percent of all dwellings shall have garages with at least one of the following designs:
    - i) Rear entry;
    - ii) J-Swing Drives (front entry); or
    - iii) Front entry garage greater than or equal to three (3) feet behind the front building face or not more than five (5) feet forward from the front building face.
- 5) Each dwelling unit shall be designed with the following minimum Architectural Requirements:
  - a) Architectural Relief:

- i) The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.
  - ii) There shall be no uninterrupted wall length of twelve (12) feet or more on any façade that is visible from a public right-of-way or open space. This standard applies to the front façade on the interior of the lot or the front and side façade facing a street or open space on a corner lot.
  - iii) A minimum of sixty (60) percent of total area on first floor of all two-story homes is required.
- b) Minimum Number of Elevations:
- i) No single building elevation shall be duplicated within six (6) lots or tracts on the same blockface.
  - ii) Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- c) Minimum Number of Design Elements: A minimum of six (6) of the elements identified in Section 5.01 (b)(ii) 7) c) must be incorporated into the design of each dwelling unit unless the house has incorporated a porch or the garage is a J-Swing Drive or rear entry. If the house design has incorporated a porch, then four (4) elements are required and if the garage is a J-Swing Drive or rear entry, then two (2) elements are required.
- d) The front building face must contain a minimum of thirty (30) percent of the wall area in windows or doors.
- e) Roof Design:
- i) A minimum 7:12 roof pitch is required for each dwelling unit.
  - ii) Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building façade to the soffit. Unless the roof pitch is 8:12 or greater.
- 6) Examples: [see Article IX] The illustrations of dwelling units shall serve as examples of the type of architectural design that may be acceptable and unacceptable in considering whether to approve or deny requests to use non-masonry materials.
- (v) Considerations for Approval: In addition to the minimum standards above, consideration for the use of non-masonry materials shall also be based on the following:
- 1) The architectural design and creativity of the dwelling units proposed;
  - 2) The quality and creativity of the overall development proposed; and

- 3) Compatibility of the dwelling units proposed with surrounding developed properties and structures.
- (vi) Approval Process:
- 1) Building and Community Services Department Action: The City Manager or designated representative shall approve or deny any site plan and related Building Façade Plan submitted that involves the proposed use of non-masonry materials.
  - 2) Planning and Zoning Commission and City Council Appeal: If the site plan is denied by the City Manager or designated representative , the applicant may appeal the decision to the Planning & Zoning Commission and City Council.
- (d) Exceptions to minimum exterior construction standards.
- (i) All requests for exceptions to any exterior construction requirement as provided herein shall be submitted to the Building and Community Services Department in writing, and shall be clearly noted and described in detail on a full set of to-scale color façade plans (i.e., that shows all building elevations) that is submitted along with the site plan if one is required by the City for the proposed building/development (for multi-family, single-family attached and non-residential structures only, and for the use of non-masonry materials as provided herein). The City may require submission of an actual sample(s) of the proposed exterior finish material(s) along with the façade plan and the site plan. The Building and Community Services Department will review the request for an exception(s), and shall schedule the request for consideration by the Planning and Zoning Commission within thirty (30) days following receipt of the request.
  - (ii) The Planning and Zoning Commission may recommend, and the City Council may approve, a request for an exception(s) to any exterior construction requirement, including the use of an alternative exterior construction material(s) if it is determined to be equivalent or better than the exterior materials otherwise required by this Subsection and by the City's Building Code (this process shall be part of the site plan approval process for multi-family, single-family attached and non-residential structures only — consideration and approval for the use of non-masonry materials shall be as provided herein).
  - (iii) Consideration for exceptions to any exterior construction requirement shall be based only upon the following:
    - 1) Architectural design, creativity and innovation; and
    - 2) Compatibility of the dwelling units proposed with surrounding developed properties and structures.

- (iv) EIFS is not permitted for Single-Family, Duplex or Multi-Family construction in any Zoning District.

## Section 5.02 Off-street parking and loading requirements.

- (a) Purpose: To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land; minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.
- (b) Off-Street Parking Provisions, Residential Zoning Districts:
  - (i) Required off-street parking shall be provided on the same site as the use, business, or structure it serves.
  - (ii) Required parking shall be allowed only on a paved concrete parking space, except all-weather surfaces may be permissible in the RR and FD Zoning Districts. All driveways and approaches to parking spaces shall be similarly paved except in the FD, RR, or SF1 Zoning Districts on lots that are three (3) acres or larger.
  - (iii) No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any Heavy Load Vehicle.
    - 1) In the RR, SF1, SF2, SF3, and 2F Zoning Districts, Hauling Trailers, Travel or Camping Trailers, boats, Recreational Vehicles may be parked or stored within the residential premises on an improved surface only within that portion of the residential lot located to the rear of the required Front Yard.
- (c) Off-Street Parking and Driveway Provisions, Single-Family Attached (Townhouse or Townhome) Developments:
  - (i) Garages shall be situated so that they are not the predominant design feature of the dwelling based on the following standards: Garages shall be situated so that they are not the predominant design feature of the dwelling based on the following standards:
    - 1) Front loading, front facing garages shall not project out from the front façade of the building.
    - 2) Front loading, front facing garages shall not constitute more than sixty (60) percent of the total width of the dwelling.
    - 3) All front-loading, front facing garages shall incorporate at least two (2) different architectural elements. However, if the garage is recessed less than seven (7) feet from the front façade or flush with the front façade, it is required to incorporate enhanced driveway paving and three (3) different architectural elements. Architectural elements may include balconies or other decorative overhangs above

doors, columns flanking doors, decorative banding or moldings, multiple panel door designs or other architectural detailing with larger decorative brackets, windows/openings on garage doors, arches, decorative vent covers on a gable above the garage, sconce lighting, or similar elements.

- 4) Two-car garages shall have a separate door for each bay. Doors shall be separated by a masonry column.
- (d) Driveways should be deep enough to provide sufficient room for vehicles to park without encroaching into the sidewalk to allow pedestrians and others to use the sidewalk.
- (i) The driveway length of front loading, front facing garages shall be no less than twenty (20) feet from the front property line. In case of communities with private streets, the 20-foot distance shall be measured from the edge of the sidewalk farthest away from the street and parallel to the street.
  - (ii) Parking facilities shall not exceed sixty (60) percent of the area between the property line and required setback on all street frontages. The driveway length of front loading, front facing garages shall be no less than twenty (20) feet from the front property line. In case of communities with private streets, the 20-foot distance shall be measured from the edge of the sidewalk farthest away from the street and parallel to the street.
- b. Parking facilities shall not exceed sixty (60) percent of the area between the property line and required setback on all street frontages.
- (e) Off-Street Parking Provisions, Nonresidential and MF Zoning Districts:
- (i) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established herein.
  - (ii) For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided. All adjacent parking areas shall provide mutual vehicular access from one parking area to the next, which access shall be established by permanent and irrevocable mutual access easement on the plat (or by separate instrument only in instances where the adjacent property has already been previously platted), without requiring an exit onto a public street.
  - (iii) All required off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the City's parking lot paving requirements.
- 1) Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods.

- 2) Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- (f) Off-Street Parking Provisions, O, NS, GR, C Zoning Districts
    - (i) To promote smart growth, improve walkability, and create more attractive, livable spaces, the City encourages developments to place no more than twenty (20) percent of the required vehicle parking spaces before the front building plane.
      - 1) Developments that situate eighty (80) percent or more of their required parking behind the front building plane of their buildings are eligible for a ten (10) percent reduction in the number of parking spaces required.
  - (g) Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Article IX for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
    - (i) Standard: Nine (9) feet by eighteen (18) feet .
    - (ii) Compact: Nine (9) feet by sixteen (16) feet .
    - (iii) Parallel: Eight (8) feet by twenty-two (22) feet .
  - (h) All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, and to prevent any parked vehicle from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three (3) foot minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
    - (i) The perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
    - (j) Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading.
    - (k) Handicap parking space(s) shall be provided according to State and Federal regulations.

- (l) Designated parking and loading areas shall not be used for the repair, storage, dismantling, or servicing of vehicles or equipment, except for normal maintenance of a private vehicle; or for the storage of materials or supplies; or for any other use in conflict with the designated parking and loading areas, such as advertising or open storage of raw materials.
- (m) To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operations, or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Director of Planning.
- (n) Off-street stacking requirements for Drive-Through Establishments.
  - (i) A stacking space shall be an area on a site measuring eight (8) feet by twenty (20) feet with direct forward access to a service window or station that does not constitute space for any other circulation driveway, parking space, or maneuvering area.
  - (ii) For Banks and Credit Unions, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
  - (iii) For each service window of a Drive-Through Establishment, a minimum of six (6) spaces shall be provided from the location of the order window.
  - (iv) For Kiosks, a minimum of two (2) stacking spaces for each service window in addition to the service window shall be provided.
  - (v) For each full-service Car Wash, a minimum of seven (7) stacking spaces shall be provided.
  - (vi) For each self-service drive-through Car Wash bay, a minimum of three (3) stacking spaces in addition to the wash bay shall be provided.
  - (vii) For each open self-service Car Wash bay, a minimum of two (2) stacking spaces in addition to the wash bay shall be provided.
  - (viii) For Auto Repair, Minor, or Automotive Car Care facilities, a minimum of three (3) stacking spaces in addition to the service bay shall be provided.
- (o) Off-Street Loading Provisions - All Zoning Districts:

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

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

- (ii) Along major thoroughfares, loading docks or overhead rolling steel doors shall not be constructed facing the Front Lot Line, unless such loading dock or overhead rolling steel doors are set back a minimum of seventy-five (75) feet from the right-of-way line of the street or highway on which said loading dock fronts and is visually screened from “line of sight” measured from a vertical height of six (6) feet from such major thoroughfare. Screening shall be subject to the following standards:
- 1) Screening shall be equivalent to a brick masonry wall six (6) feet in height.
  - 2) A living screen or living screen and berm of equal height may be substituted upon recommendation from the Planning and Zoning Commission and approval by the City Council. Living screen materials shall be in accordance with the City of Waxahachie's approved plant list.
  - 3) Screening shall be provided for a linear distance equal to the length of the area where the loading docks are exposed to the public street.

- (iii) Loading docks on streets other than major thoroughfares shall not be constructed facing the Front Lot Line, unless a minimum setback of seventy-five (75) feet is provided from the right-of-way line of the street or highway on which said loading dock fronts (see Article IX).
- (iv) Loading docks for any establishment that customarily receives goods between the hours of 9:00 p.m. until 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.
- (v) Private Schools, Public Schools, Kindergarten or Nursery Schools, Child Daycare Centers, and similar child training or care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through circular or semi-circular drive with a pass-by lane for each ten (10) students cared for, excluding Family Home Child Care use.
- (p) Parking Access from a Public Street - All Zoning Districts:
  - (i) In the approval of a Site Plan, design consideration shall be given to providing entrance or exit drives that extend into the site to provide adequate queuing of vehicles on the site.
  - (ii) In all Zoning Districts, except SF1, SF2, SF3, and 2F, building plans shall provide for entrance and exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Director of Public Works, or designated representative.
    - 1) Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
    - 2) The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
  - (iii) Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.
  - (iv) Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Article IX.
- (q) Parking Requirements Based on Use:

- (i) In all Zoning Districts, off-street parking spaces shall be provided at the time any building or structure is erected or structurally altered. In addition to automobile parking, refer to Section 5.02 (v) for minimum bicycle parking requirements.
- (r) Rules for computing number of parking spaces: In computing the number of parking spaces required for each of the above uses, the following rules shall govern:
  - (i) Floor Area means the gross floor area of the specific use.
  - (ii) Parking space requirements shall be rounded up to the next whole number when any calculation results in a fractional total.
  - (iii) The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Director of Planning in accordance with the requirements for the most closely related use specified in this section.
  - (iv) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, and creates a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
  - (v) For buildings which have mixed uses within the same structure, e.g., retail and office, the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 40,000 square feet.
  - (vi) Shared parking may be allowed in the case of mixed uses under the following conditions.
    - 1) Up to fifty (50) percent of the parking spaces required for a theater or other place of evening entertainment after 6:00 p.m., or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours.
    - 2) Shared parking must be on the same parking lot.
    - 3) Reduction due to shared parking shall be determined by the Director of Planning.
    - 4) To assure retention of the shared parking spaces, the parties concerned shall properly draw and execute a document expressing the same and shall file this agreement with the Planning Department of the City of Waxahachie.

- 5) Off-street parking for churches existing prior to January 1, 1988 shall be provided on the same lot or tract occupied by the main use or on a non-contiguous lot or tract sufficient to assure the specified ratio of vehicle spaces are available in close proximity to the church facilities. Off-street parking provided on a separate lot or tract shall be:
  - a) Church related and dedicated to parking use by an instrument filed with the Director of Planning and consolidated with the main use under one Certificate of Occupancy, and Compliance;
  - b) Located in the same zoning district as the main use or in a district which allows a commercial parking lot or garage; and
  - c) Located within 200 feet, inclusive of the distance for any streets and alleys, of the property upon which the main church building is located. The distance measured is the shortest distance between the two (2) lots or tracts.
- (vii) Compact Car Spaces - In the O, NS, GR, LI1, LI2 and HI Districts, compact car parking spaces may be permitted when approved as part of an Administrative Site Plan by the Planning Department, providing the following conditions apply:
  - 1) Where it is necessary to preserve the natural landscape and native trees, a maximum of ten (10) percent of required parking may be designed for compact cars.
  - 2) On parking lots larger than fifty (50) spaces involving large industrial buildings or large offices and where there is only one tenant, a maximum of twenty-five (25) percent of the required parking may be for compact cars.
  - 3) The size meets the requirements of Section 5.02 (g).
- (s) Location of parking spaces: Required off-street parking shall be provided on the same site as the use, business, or structure it serves, except as follows:
  - (i) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located up to 600 feet from any nonresidential building served.
  - (ii) Where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:
    - 1) Off-site parking may be permitted on a contiguous lot or tract, or on a lot or tract within one hundred fifty (150) feet of such building or structure if:

- a) A permanent easement of the parking facilities in favor of the premises to be benefitted is dedicated and recorded as a condition of such use; or
  - b) A long-term Remote Parking Lease Agreement is provided upon approval by the City as a condition of such use.
- (t) Use of required parking spaces, non-residential districts: Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.
- (u) Fire lanes:
- (i) Fire lanes shall be provided in all multi-family and nonresidential areas as required by the adopted Fire Code of the City.
- (v) Bicycle parking:
- (i) Bicycle parking will be required whenever any new use is established or and existing use is enlarged for which more than ten (10) automobile parking spaces are required.
  - (ii) Bicycle parking shall be the equivalent of ten (10) percent of required automobile parking by actual numbers of spaces required.
    - 1) A minimum of two (2) and a maximum of twenty (20) stalls shall be provided.
    - 2) All bicycle parking stalls shall be located within 100 feet of the primary use or as close as the closest auto space.
    - 3) A bicycle stall shall include a delineated and safe parking area, and an appropriate structure to which bicycles can be locked.
    - 4) Appropriate structure means a stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein. Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position. Racks that support a bike primarily by a wheel such as standard "wire racks" are damaging to wheels and thus are not acceptable.
    - 5) Bicycle racks must be securely anchored to the ground or structure.

### Section 5.03 Fencing, walls, and screening requirements.

- (a) Purpose: To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.
- (b) Fences in FD-2F Zoning Districts:
  - (i) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight (8) feet in height above the grade of the adjacent property.

- (ii) In FD and RR, Fencing within the front yard shall not exceed six (6) feet in height, inclusive of posts) and fences shall not exceed twenty-five (25) percent opacity, i.e., it must be at least seventy-five (75) percent open.
- (iii) Except as provided herein, no fence or wall shall be permitted in front of any single-family or duplex structure, except platted lots within the FD and RR Zoning Districts where the fence may be constructed to the front property line. No residential fence shall be closer than fifteen (15) feet to a public right-of-way except in cases where the side or rear building line of the yards on contiguous corner lots adjoin, the fence may be constructed out to the property line of said side yard.
- (iv) In SF1 through 2F Zoning Districts, privacy fences shall consist of a minimum thirteen (13) gauge (0.095mm) metal support posts at least every eight (8) feet, or with a minimum fifteen (15) gauge (0.070mm) metal support post at least every six (6) feet, with metal brackets and metal caps. The fencing materials shall comprise 2"x4" pressure-treated or chemically-treated cross members. Fence pickets shall consist of finished wood. Cedar is an acceptable material for cross members and/or fence pickets.
- (v) Decorative fences with openings not less than fifty (50) percent of the fence area and not exceeding three (3) feet in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.
- (vi) All fences require permits.
- (vii) Electrical, barbed, or razor wire fences are prohibited, except when used for the containment of farm animals on lots or parcels three (3) acres or larger.
- (viii) Gates designed for vehicular access shall be set back from the property line a minimum of twenty (20) feet.
- (ix) Fences around swimming pools shall comply with the City of Waxahachie's adopted building code.
- (x) See Section 7.07 for sight visibility requirements.
- (xi) Special fencing, such as fencing around tennis courts, is permitted.
- (xii) All fence materials shall be new or designed to be used as fence material. The use of used materials or material not designed for use as fence material is prohibited.
- (xiii) Fences more than twenty (20) degrees off vertical alignment must be repaired.
- (xiv) If ten (10) percent or more of fence pickets are missing or damaged, they must be repaired to like-new status.

(c) Fences for Single-Family Attached (Townhouse or Townhome) Developments

(i) Front yard fencing

1) Townhouse Block with Rear-Loaded Garages

- a) Ornamental metal rail fences up to four feet in height shall be allowed along the front property line. The metal rail fence shall be used in combination with masonry columns, which shall not exceed the height of the fence by more than six (6) inches. Such fences shall provide at least seventy-five (75) percent transparency.

2) Townhouse Block with Front-Loaded Garages

- a) Ornamental metal rail fences up to four feet in height shall be allowed beginning at a point of at least eight (8) feet from the front lot line, in order to maintain visibility at drive approaches. The metal rail fence shall be used in combination with masonry columns, which shall not exceed the height of the fence by more than six (6) inches. Such fences shall provide at least seventy-five (75) percent transparency.

- (ii) Rear yard fencing requirements to comprise privacy fences that shall consist a minimum thirteen (13) gauge (0.095mm) metal support posts at least every eight (8) feet, or with a minimum fifteen (15) gauge (0.070mm) metal support post at least every six (6) feet, with metal brackets and metal caps. The fencing materials shall include 2"x4" pressure-treated or chemically-treated cross members. Fence pickets shall consist of pressure-treated or chemically-treated wood.

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

- (iv) No residential fence shall be closer than fifteen (15) feet to a public right-of-way except in cases where the side or rear building line of the yards on contiguous corner lots adjoin, the fence may be constructed out to the property line of said side yard.

- (v) All fences require permits.

- (vi) Electrical, barbed, or razor wire fences are prohibited, except when used for the containment of farm animals on lots or parcels three (3) acres or larger.

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

- (viii) Fences around swimming pools shall comply with the City of Waxahachie's adopted building code.

- (ix) See Section 7.07 for sight visibility requirements.

- (x) Special fencing, such as fencing around tennis courts, is permitted.

- (xi) All fence materials shall be new or designed to be used as fence material. The use of used materials or material not designed for use as fence material is prohibited.
  - (xii) Fences more than twenty (20) degrees off vertical alignment must be repaired.
  - (xiii) If ten (10) percent or more of fence pickets are missing or damaged, they must be repaired to like-new status.
- (d) Fences in Nonresidential Zoning Districts:
- (i) Chain-link fencing is approved as a replacement for existing chain-link fencing provided the percent of the fence to be replaced is less than fifty (50) percent of the total fence length.
  - (ii) Fences more than twenty (20) degrees off vertical alignment must be repaired.
  - (iii) Fence sections greater than fifty (50) feet in length should incorporate at least one of the following design features that are proportionate to the fence length:
    - 1) A minimum one (1) foot change in fence plane and height for at least ten (10) feet, spaced at least every twenty (20) feet;
    - 2) A minimum eighteen (18) inch raised planter at least eight (8) feet long, spaced at least every thirty-five (35) feet;
    - 3) Use of columns at thirty-five (35) foot intervals; or
      - a) Any other feature, approved by the Director of Planning that provides adequate relief from the monotony of a continuous fence.
- (e) Screening of Single-Family Residential Developments
- (i) Single-Family residential developments' required screening walls shall meet the following requirements.
    - 1) Height. Six (6) feet minimum and eight (8) feet maximum, measured from the highest adjacent grade within ten (10) feet of the fence. In order to create variation in the design of the fence, at certain locations for no more than ten (10) percent of the total linear length of the fence, the height may be increased to ten (10) feet with approval from the Director of Planning.
    - 2) Approved Materials. 100 percent masonry (limited to brick or stone), with more than 30-year life expectancy to give a long lasting, aesthetically pleasing appearance. Materials should preferably have a low maintenance factor and be complemented with landscaping, where appropriate. Ornamental metal rail fencing may be used to provide at least seventy-five (75) percent transparency for the portions of the subdivision abutting an internal park/open space or to emphasize the landscaping at the entrance. The screening walls shall be laid up unit by unit and set in mortar.

- 3) Design. Adjacent to major thoroughfares, the fence should be curved or angled at corner locations to accommodate appropriate visibility and add variety. Wall sections greater than fifty (50) feet in length should incorporate at least one of the following design features that are proportionate to the fence length:
  - a) A minimum one (1) foot change in fence plane and height for at least ten (10) feet, after at least every twenty (20) feet;
  - b) A minimum eighteen (18)-inch raised planter at least eight (8) feet long, after at least every thirty-five (35) feet;
  - c) Use of columns at thirty-five (35) foot intervals;
  - d) Any other feature, approved by the Director of Planning or designee that provides adequate relief from the monotony of a continuous fence.
- 4) Construction Standard. It is intended that all fences erected pursuant to this section be constructed in such a manner to last thirty (30) years with minimal maintenance required during said period. As such, all screening walls required by this section shall conform to the following minimum standards:
  - a) The Director of Planning shall approve plans and specifications for screening walls and foundations. Such plans and specifications are to be submitted at the same time as construction plans for other subdivision infrastructure improvements are required.
  - b) Screening walls shall be located on or within the private property and outside of the public right-of-way. Screening walls may be in an offset configuration as long as there is no encroachment into the right of way.
  - c) The material, color, and design of screening walls shall be uniform within an approved preliminary plat, unless otherwise approved by the Director of Planning.
  - d) All screening walls shall be placed at least five feet from any existing or proposed City water line. Where necessary for compliance, the developer shall be required to provide additional right-of-way.
  - e) It shall be the responsibility of any person, firm, corporation or other entity who shall own or occupy any lot or lots on which a screening wall was constructed pursuant to the terms of this section to adequately maintain the screening wall and to prevent it from becoming dilapidated or unsightly, unless otherwise specified as the responsibility of a mandatory homeowners association or public improvement district.
- (f) Screening of nonresidential, multi-family areas and manufactured home parks:

- (i) In the event that multi-family, non-residential uses, or manufactured home parks side or back upon an SF, 2F, or Residential PD District, or in the event that any non-residential district sides or backs to a MF District, a solid brick or masonry screening wall of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.
- (ii) The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district. This construction requirement applies only when multi-family is adjacent to residential uses.
- (iii) When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
- (iv) Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
- (v) Alternative equivalent screening may be approved through the Administrative Site Plan approval process.
- (vi) All required screening walls shall be equally finished on both sides of the wall. All materials shall be new or designed to be used as fence material. The use of used materials or material not designed for use as fence material is prohibited.
- (vii) Open storage of materials, commodities, or equipment shall be screened with a minimum six (6) foot fence or wall. This wall shall be screened by evergreen shrubs at least three (3) feet in height.
- (viii) In all districts screening shall be required for those areas used for Outside Storage. A six (6) foot fence, wall, or equivalent alternative screening shall be provided and maintained at the property line adjacent to the area to be screened. This wall shall be screened by evergreen shrubs at least three (3) feet in height. Alternative equivalent screening may be approved through the site plan approval process.

- (ix) Refuse storage areas, not within a screened rear service area, which are visible from a public right-of-way, for all nonresidential, multifamily and manufactured home park uses shall be visually screened by a six (6) foot masonry wall on all sides except the side used for garbage pickup service, such side shall provide a gate, see Article IX for gate design. This wall shall be screened by evergreen shrubs at least three (3) feet in height. Alternate equivalent screening methods may be approved through the site plan approval process.
- (x) All nonresidential uses shall screen all mechanical, heating, and air conditioning equipment from public view and adjacent residential property. Public view is determined if the equipment can be seen from a public right-of-way.

#### Section 5.04 Landscape requirements.

- (a) Purpose and intent: The purpose of this Ordinance is to provide for the orderly and aesthetic development of the City and to promote the health, safety and general welfare of the community.
- (b) Landscape and irrigation requirements.
  - (i) The requirements herein shall apply to all new non-residential construction and multi-family construction other than duplex uses.
  - (ii) The requirements for landscaping shall combine the buffer yard requirements, minimum landscape areas on the interior portion of the lot, and minimum landscape areas for parking areas.
  - (iii) Existing buildings: Buildings in existence on the effective date of this Ordinance shall be considered legally nonconforming as it pertains to this Ordinance. New construction greater in size than thirty (30) percent of the existing building or greater than 5,000 square feet shall require compliance with this Ordinance as it applies to the entire square footage of the existing building and proposed addition. New construction intended to increase the square footage by less than thirty (30) percent of the existing building or less than 5,000 square feet shall be required to meet the requirements herein only as it pertains to the square footage of the new construction.
  - (iv) Pad site developments: Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the interior landscape requirements herein.
  - (v) Expansions or Reconfiguration of Paved Areas: Any expansion or reconfiguration of paved areas shall comply with the regulations contained herein.
- (c) Landscape requirements for Residential Zoning Districts

- (i) All required trees shall be planted prior to any request for final building inspection and no certificate of occupancy shall be issued until such plant materials have been installed except that the Planning Director may provide temporary relief from this provision.
  - (ii) A minimum of eighteen (18) ornamental understory plants with a combined planting size of forty-five (45) gallons is required per dwelling unit.
  - (iii) Authorized plant materials shall be those indicated in Section 5.04 (A).
  - (iv) For SF1 Zoning District. A minimum of three (3) canopy trees with a minimum caliper of two (2) inches per tree shall be required for each dwelling unit.
  - (v) For SF2 and SF3 Zoning Districts. A minimum of one (1) canopy tree with a minimum caliper of two (2) inches per tree shall be required for each dwelling unit.
- (d) Landscape and Irrigation Plan Requirements:
- (i) Qualification to prepare plans: For all nonresidential lots greater than 30,000 square feet, Landscape Plans shall be prepared by a Registered Landscape Architect. For nonresidential lots less than 30,000 square feet, a Landscape Designer or Landscape Contractor, knowledgeable in plant materials and landscape design may also prepare the landscape plan. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect. The Landscape Administrator may reject plans if deemed of insufficient quality or completeness and require that plans be prepared by a Registered Landscape Architect or other qualified professional.
  - (ii) Landscape plan requirements: The following items shall be provided on the required landscape plan.
    - 1) Sheet size 22" x 34", or as otherwise approved by the Director of Planning.
    - 2) Acceptable scale.
    - 3) North arrow with a graphic scale and written scale in close proximity.
    - 4) Appropriate title.
    - 5) Title block that includes street address, lot and block, subdivision name, city, state, and date of preparation.
    - 6) Name and address of owner.
    - 7) Name, address, and phone of firm preparing plan.
    - 8) Boundary shown with dimensions.
    - 9) Any existing or proposed easements.
    - 10) Width and type of buffer yards labeled on all sides.

- 11) Location, caliper size, and name of all existing trees that are six (6) caliper inches or greater and will be preserved.
  - 12) Location, quantity, size, and name of all proposed plant materials.
  - 13) Maintenance note that states, "The property owner, tenant, or agent shall be responsible for the maintenance of all required landscaping in a healthy, neat, orderly, and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials not a part of the landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size."
  - 14) Provide standard buffer yard and Interior Landscape Calculation Chart.
  - 15) Visibility triangles shown.
  - 16) Landscape Architect seal signed and dated.
  - 17) Plant list shown with format similar to Section 5.04(a).
  - 18) Location and footprint of proposed or existing buildings and parking lots.
  - 19) Any berms delineated with one (1) foot contour intervals.
  - 20) Any proposed or existing sidewalks.
- (iii) Irrigation plan requirements: The following items shall be provided on the required irrigation plan:
- 1) Sheet size 22" x 34", or as otherwise approved by the Director of Planning.
  - 2) Acceptable scale.
  - 3) North arrow with a graphic scale and written scale in close proximity.
  - 4) Appropriate title.
  - 5) Title block that includes street address, lot and block, subdivision name, city, state, and date of preparation.
  - 6) Name and address of owner.
  - 7) Name, address, and phone of firm preparing plan.
  - 8) Boundary shown with dimensions.
  - 9) Location of all existing trees that are six (6) caliper inches or greater and will be preserved.
  - 10) All pipes labeled as to size.
  - 11) All heads labeled as to type (legend is acceptable).
  - 12) Backflow prevention labeled with type and size.
  - 13) Connection to water service shown after meter.

- 14) Second meter and sizes shown, if intended.
  - 15) Any existing or proposed easements.
  - 16) Note on plan: "All backflow installations and connections to city water lines must be permitted separately by the City inspection staff."
  - 17) Maintenance note that states "The property owner, tenant, or agent shall be responsible for the maintenance of all required landscaping in a healthy, neat, orderly, and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials not a part of the landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size."
  - 18) Plan sealed, signed, and dated by qualified professional as authorized by State law.
  - 19) Location and footprint of proposed or existing buildings and parking lots.
  - 20) Any proposed or existing sidewalks.
- (e) Interior landscape area requirements:
- (i) The amount of landscape area required on the interior of the lot, excluding buffer yards, shall be based on the square footage of the proposed buildings.
  - (ii) The square footage of the building for the purposes of this Ordinance will be the square footage of the first floor or the square footage of the largest floor, whichever is greater.
  - (iii) The required landscape area for each Zoning District shall be based on the percentage of the floor area as determined above in accordance with the regulations contained herein.
    - 1) MF1, MF2, MH, O, NS, and GR: Fifty (50) percent;
    - 2) C: Forty (40) percent;
    - 3) Buildings less the 10,000 square feet within LI1, LI2, HI, and AP: Twenty (20) percent; and
    - 4) Building 10,000 square feet or greater within LI1, LI2, HI, and AP: Fifteen (15) percent.
  - (iv) Planting Requirements:
    - 1) The following plants shall be required, at a minimum, within the required interior landscape areas at the ratio indicated:
      - a) 1 Canopy Tree per 500 square feet
      - b) 1 Understory Tree per 250 square feet
      - c) 1 Shrub per 70 square feet

- d) Ground Cover - 15% of required area
  - e) Seasonal Color - 2% of required area
- 2) Example: Three story office building and each floor contains 4,000 square feet.
- a) First Floor = 4,000
  - b) Second Floor = 0
  - c) Third Floor = 0
  - d) Effective Floor area 4,000
  - e) Times 50% x .50 = Required Landscape area 2,000 sq. ft.
  - f) Required Canopy Trees @ 1/500 sq. ft. = 4
  - g) Required Understory Trees @ 1/250 sq. ft. = 8
  - h) Required Shrubs @ 1/40 sq. ft. = 50
  - i) Required Ground Color area @ 15% = 300 sq. ft.
  - j) Required Seasonal Color @ 2% = 40 sq. ft.
- (v) Location Requirements: A minimum of seventy-five (75) percent of all required interior landscape area(s) and plant material within the interior landscape areas shall be in the front and along either side of the building between the building and the interior edge of the required buffer yards and a portion thereof shall be placed adjacent to the building where practical.
- (vi) Water Conservation Credits: Where systems in accordance with Article IX, Section 8.119 herein are utilized in at least seventy-five (75) percent of all shrub beds, the required landscape area may be reduced by five (5) percent.
- (f) Parking Lot Landscaping:
- (i) Surface parking lots serving non-residential, mixed use and multifamily uses must include landscaped areas as detailed in this Section. Landscaping requirements for structured parking will be established during the Detailed Site Plan approval process.
  - (ii) Parking lot landscaping is in addition to the landscaping requirements required in these Development Standards.
  - (iii) Parking lot landscaping must meet the City's traffic safety standards as adopted for maintaining visibility at intersections, driveways and access easements.
  - (iv) All off-street parking areas must supply at least thirteen (13) square feet of parking lot landscaping per parking space. Additional parking lot landscaping is required based on the percentage of required parking located between the building façade and the street right-of-way.

- 1) Less than twenty-five (25) percent: fifteen (15) square feet;
  - 2) Twenty-five (25) to seventy-five (75) percent: twenty (20) square feet; and
  - 3) More than seventy-five (75) percent: thirty (30) square feet.
- (v) In addition to the required landscaping per parking space above, one (1) linear landscaping island with a minimum width of ten (10) feet is required for every two (2) parking bays. The intent is to prevent the massing of a large number of parking spaces and to address safety issues concerning the flow of traffic in the parking lot.
- (vi) Two (2), four (4) inch caliper trees and ten (10) shrubs must be planted for each 500 square feet of required parking lot landscape area, or portion thereof.
- (vii) All new trees within a parking lot must be planted in a pervious area of at least 100 square feet and have a minimum interior dimension of eight and one-half (8½) feet wide.
- (viii) To reduce the thermal impact of unshaded parking lots, the required landscaping must be planted throughout parking lots so that no portion of a parking space is more than sixty-four (64) feet away from the trunk of a tree.
- (ix) For parking lots and drive-throughs, screening shrubs must be planted that are at least two (2) feet in height. These must be evergreen.
- (g) Additional Landscape Requirements
- (i) Buffer yard:
    - 1) For all nonresidential and multifamily parcels with less than 250 feet of frontage adjacent to a dedicated public right-of-way, at least fifteen (15) percent of the street yard shall be permanent landscape area.
    - 2) Nonresidential and multifamily parcels having 250 feet or more of frontage shall have at least twenty (20) percent of the street yard in permanent landscape area.
  - (ii) Landscape buffer:
    - 1) Adjacent to right-of-way of any street is required.
    - 2) If the lot is a corner lot, two frontages shall be required to observe the ten (10) foot buffer.
    - 3) If more than two frontages exist, then the other right-of-way frontages shall be required to have no more than seven and one-half (7½) feet of landscaped area.
    - 4) Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of street frontage.
    - 5) Trees may be grouped or clustered to facilitate site design.

(iii) Visibility triangle:

- 1) No requirements herein shall be deemed to require plantings which would conflict with the visibility triangle at the intersection of public right-of-way as defined in the Supplemental Regulations and Subdivision Ordinance.
- 2) Consideration should also be given to visibility at the intersection of major driveways with the public right-of-way

(iv) Irrigation requirements:

- 1) All required landscape areas shall be irrigated by an automatic irrigation system designed by a Licensed Irrigator, Landscape Architect, or other professional authorized by the State to design such systems.
- 2) Natural meadows of wildflowers or other native habitat shall not be required to be irrigated.

(v) Water Conservation:

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

(vi) Street trees;

- 1) All development fronting on public or private rights-of-way, except alleys, is required to plant street trees in accordance with the following standards.
- 2) Street trees must be located in the planting strip within the right-of-way as shown on the typical street cross section diagrams, except that up to twenty (20) percent of street trees on a block may be planted between the sidewalk and the primary building.
- 3) Trees must be a minimum of four (4) caliper inches measured at DBH above finished grade immediately after planting. Trees must be selected from the City of Waxahachie Preferred Plant List in the City of Waxahachie's Zoning Ordinance, and any future amendments thereof. Preference must be given to tree species native to the region.

- 4) Street trees must be planted at the average rate of one (1) tree for every thirty (30) feet of street frontage. Where poor soil conditions or other factors require additional flexibility in planting, the Director of Planning or his or her designee may approve alternative spacing of trees, but not reduction in the number of required trees.
  - 5) Existing trees at the required planting locations detailed above that meet these standards may be credited as street trees.
- (h) Xeriscaping
- (i) Recognizing the need to reduce or eliminate the need for supplemental water from irrigation, the City seeks to encourage the implementation of water-efficient landscaping. This would require seven basic principles, namely good design; thorough soil preparation; limiting of irrigated shrub and lawn areas; adapted, low water demand plants; effective and efficient water methods; and proper landscape maintenance.
  - (ii) The City adheres to the principles advocated by Texas SmartScape. These principles can be found on their website, located at <http://www.txsmartscape.com/index.php>.
  - (iii) Any proposed xeriscape must include ornamental and shade trees that are classified as Native to Texas by Texas SmartScape.
  - (iv) A maximum of ten (10) percent of the landscape buffer or bed area can consist of natural grasses.
- (i) Plant material:
- (i) Quality standard: All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current addition of the American Standard for Nursery Stock.
  - (ii) Recommended plants: Shown in Section 5.04(a) is a list of recommended plants within each plant material type. The applicant may propose plants other than those listed if the plant seems appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material. The City reserves the right to approve or disapprove required plants and planting through the Landscape Administrator or City appointed Landscape Architect, horticulturist, or other person so qualified.
  - (iii) Size requirements when planted: All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used but use of such plants shall not decrease the size requirements of other proposed plants.

- 1) Tree measurement: Canopy and understory trees with single trunks shall be measured at DBH. Multi-Trunk trees shall be measured by the height of the tree.
- 2) Minimum Sizes: Minimum plant size when planted shall be as follows:

<b>Plant Material</b>	<b>Type</b>	<b>Minimum Size</b>
Canopy Tree	Single Trunk	50% 2" caliper, 50% 4" caliper
Multi-Trunk	Clump	8 feet (height)
Understory Tree		6 feet (height)
Shrub		3 gallon
Groundcover		4" containers

- 3) The Landscape Administrator may approve smaller sized shrubs based on unusual growing circumstances and/or on a specific design which reflects the overall intent of this Ordinance.
- (j) Improvements in public right-of-way and easements:
- (i) General: A developer shall be required to provide grass and irrigation in all unpaved areas of the public right-of-way. A maximum of ten (10) percent of the required interior plant material may be placed within the right-of-way parkway. Should the applicant elect to provide plantings in the public right-of-way.
  - (ii) Replacement responsibilities: The City shall endeavor to require replacement of all landscape/irrigation improvements as a part of contracts to install public utilities within public right-of-way and/or public easements. The City and owner shall not be responsible for replacing these improvements. In the event the City anticipates utility improvements conflicting with intended landscape/irrigation improvements, the City may require that the applicant wait to install said improvements until after the public improvements have been installed or under certain circumstances, the City may prohibit landscape improvements within the right-of-way.
  - (iii) General: The Owner shall be responsible for the continued maintenance in perpetuity of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, keeping beds mulched in accordance with standard horticultural practices or as recommended by the Landscape Administrator and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter; weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. All irrigation heads or lines which are broken and flow water shall be replaced/repared immediately to prevent the waste of water.

Plant material replacement: The Owner shall be responsible for replacing all required plant material which shows dead branching over seventy-five (75) percent or more of the normal branching pattern during the time of a normal growing season and repair of irrigation system requirements set herein in perpetuity. Plant materials which die shall be replaced with plant material of similar variety and similar initial size. Upon notification by the City of such replacements, the Owner shall have thirty (30) days to comply with these requirements. Plant materials which die shall be replaced with plant material of similar variety and size, within thirty (30) days. Trees with a trunk diameter in excess of six (6) inches measured twenty-four (24) inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three (3) inches measured twenty-four (24) inches above ground. However, if said landscape areas are above the minimum required landscape provisions, death of a plant or plant material which may still result in the requirements of the minimum standards being met does not necessitate replacement, except as required to maintain the integrity of the landscaping design. A time extension may be granted by the Director of Planning if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

(iv) Failure to maintain any landscape area in compliance with this section is considered a violation of this Section and may be subject to penalties of Section 8.03.

(k) Enforcement:

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

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

1) Temporary Certificate of Occupancy: In any case in which a Temporary Certificate of Occupancy (T.C.O.) is issued because of a delay of the required landscape installation, it shall be in accordance with Section 2.05 herein.

- (iii) Deferral of required landscape installation: In any case in which a C.O. is sought or plant replacement is required at a season of the year in which the Landscape Administrator determines that it would be impractical to install plantings as required herein, a deferral of the required plant replacement may be given for a period not to exceed six (6) months. The applicant shall be required to provide a letter of credit, or escrow deposit in an amount sufficient to cover the installation of the landscape and irrigation requirements herein, plus a ten (10) percent contingency. Such amount shall be evidenced by an itemized bid prepared by a qualified contractor. Upon the failure of the applicant to complete the installation requirements, the City shall have the right to draw upon the letter of credit or escrow deposit to complete the installation of the requirements herein. Any funds in excess of those required to complete the installation shall be retained by the City to offset administrative costs.
- (l) Conflicting ordinances. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the city; and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.
- (m) This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

Section 5.04 (A) Recommended plant list.

<b>Canopy Trees</b>		
<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>	<b><u>Height &amp; Width</u></b>
Bur Oak	Quercus macrocarpa	60' x 60'
Live Oak	Quercus virginiana	40' x 75'
Shumard Oak	Quercus shumardii	50' x 50'
Texas Red Oak	Quercus texana	30' x 30'
Chinkapin Oak	Quercus muehlenbergii	50' x 45'
Cedar Elm	Ulms crassifolia	50' x 45'
Pecan	Carya illinoensis	60' x 50'
Southern Magnolia	Magnolia grandiflora	60' x 50'
Chinese Pistache	Pistacia chinensis	50' x 50'
Dawn Redwood	Metasequoia glyptostroboides	70' x 40'

<b>Accent Trees</b>		
<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>	<b><u>Height &amp; Width</u></b>
Eastern Red Cedar	Juniperus virginiana	30' x 20'
Oakland Holly	Ilex hybrid	18' x 15'
Vitex	Vitex agnus-castus 'Shoal Creek'	15' x 12'
Possumhaw Holly	Ilex decidua	15' x 15'
Yaupon Holly	Ilex vomitoria	18' x 20'
Nellie R Stevens Holly	Ilex x "Nellie R Stevens'	20' x 12'
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'	20' x 15'
Shantung Maple	Acer truncatum	30' x 25'
Mexican Plum	Prunus mexicana	25' x 25'
Red Bud	Cercis canadensis	30' x 30'
Desert Willow	Chilopsis linearis	20' x 15'
Mexican Buckeye	Ungnadia speciosa	15' x 15'
Goldenrain Tree	Koelreuteria paniculata	25' x 30'
Rusty Blackhaw Viburnum	Viburnum rufidulum	25' x 20'
Crape Myrtle	Lagerstroemia indica	25' x 15'
Eve's Necklace	Sophora affinis	30' x 20'
Japanese Maple	Acer palmatum	Varies, Shade only

<b>Shrubs</b>		
<u>Common Name</u>	<u>Botanical Name</u>	<u>Height &amp; Width</u>
Dwarf Burford Holly	Ilex burfordii 'nana'	5' x 5'
Carissa Holly	Ilex cornuta 'Carissa'	3'.5 x 3'.5
Nellie R. Stevens Holly	Ilex x 'Nellie R. Stevens'	20' x 12'
Dwarf Yaupon	Ilex vomitoria 'Stokes'	3' x 4'
Oakleaf Hydrangea	Hydrangea quercifolia	5' x 6'
Spiraea	Spiraea spp.	6' x 7'
Eleagnus	Eleagnus ebbengii	10' x 10'
Abelia	Abelia spp.	3-8' x 4-6'
Bar Harbor	Juniperus horizontalis	1' x 6'
Cleyera	Ternstroemia gymnanthera	6' x 6'
Texas Sage	Leucophyllum frutescens 'ThunderCloud'	4' x 4'
Mahonia	Mahonia eurybracteata 'Soft Caress'	3' x 3.5'
Yucca	Yucca spp.	3' x 5'
Forsythia	Forsythia x intermedia 'Lynwood Gold'	6-9' x 6-9'
Miniature, Dwarf, CrapeMyrtle	Lagerstroemia spp.	1'-12' x 8'
Waxleaf Ligustrum	Ligustrum japonicum 'Texanum'	9' x 6'
Sunshine Ligustrum	Ligustrum sinense 'Sunshine'	5' x 4'
Nandina	Nandina (cultivars)	Varies
Coralberry	Symphoricarpos orbiculatus	4' x 4'
American Beautyberry	Callicarpa americana	5' x 5'
Wintergreen Boxwood	Buxus sinica var. insularis 'Wintergreen'	2-4' x 3-5'

<b>Groundcovers</b>		
<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>	<b><u>Characteristics</u></b>
Creeping Juniper	Juniperus horizontalis 'Wiltonii'	.5' x 7'
Japanese Garden Juniper	Juniperus procumbens 'Nana'	1' x 5'
Liriope	Liriope muscari (cultivars)	Different sized cultivars
Dwarf Fountain Grass	Pennisetum spp. 'Little Bunny', 'Hameln'	2.5' x 2.5'
Miscanthus Grass	Miscanthus spp. (cultivars)	Different sized cultivars
Asiatic Jasmine	Trachelospermum asiaticum	Sun & shade tolerant
Winter Creeper	Euonymus fortunei	Sun & shade tolerant
Cast Iron Plant	Aspidistra elatior	Shade tolerant
Coralberry	Symphoricarpos orbiculatus	Shade tolerant
Mondo Grass	Ophiopogon japonicum (cultivars)	Shade tolerant
Periwinkle	Vinca major & minor	Shade tolerant
Virginia Creeper	Parthenocissus quinquefolia	Sun & Shade tolerant
Turk's Cap	Malvaviscus arboreus	Sun & shade tolerant

## Section 5.04 (B) Existing tree preservation.

### (n) Tree Preservation, Tree Credits and Calculation, and Tree Replacement:

- (i) One of the City's greatest assets is the existence of many specimen quality native trees. One objective of this Ordinance is the preservation of these trees while allowing quality development to take place.
- (ii) Credits shall only be granted if the tree(s) are in healthy condition and all requirements of the Tree Preservation Ordinance have been met as determined by the Landscape Administrator at the time of inspection for a Permanent Certificate of Occupancy.
- (iii) Existing trees which are saved in landscape areas and have at least seventy-five (75) of the "Critical Root Zone" within that area may be granted credits.
- (iv) The credits are awarded at a rate of one (1) credit toward reducing the required plantings for trees six (6) to twelve (12) inches DBH and two (2) credits for trees greater than twelve (12) inches DBH.
- (v) If the existing plants that were given credit toward reducing the required plantings decline within two (2) growing seasons, the owner shall replace that plant with quality plant material equal to the amount of the declined plant.

## Section 5.05 MF development standards.

### (a) Area regulations:

#### (i) Building Separation

##### 1) Between buildings without openings (windows or doors):

- a) One (1) story, fifteen (15) feet
- b) Two (2) stories, twenty (20) feet

##### 2) Between buildings with openings:

- a) One (1) story, twenty-five (25) feet
- b) Two (2) stories, thirty-five (35) feet

#### (ii) All areas adjacent to a street shall be deemed front yards.

#### (iii) Efficiency unit apartments cannot comprise more than twenty-five (25) percent of the total number of dwelling units.

#### (iv) Parking Regulations

- 1) At least one half of the required minimum off-street spaces shall be provided in attached fully enclosed garages.
- 2) The garage may be part of the dwelling structure.
- 3) Garage doors may not face public street.

- 4) Garages shall be set back a minimum of eight (8) feet from the circulation aisle.
  - 5) The garage shall not be used for storage, thereby prohibiting the parking of an inoperable vehicle.
- (b) Refuse facilities:
- (i) Every multi-family dwelling unit shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty (30) feet to any adjacent single-family property.
  - (ii) Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque wall of masonry not less than six (6) feet, nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall have a gate and be located so as to provide safe and convenient pickup by refuse collection agencies. (See Article IX for gate design).
- (c) Special considerations
- (i) Outside storage is prohibited.
  - (ii) A site plan with façade elevations is required for all multi-family developments in this district.
  - (iii) The front door of each apartment unit shall be no more than 150 feet from a fire lane (measured by an unobstructed straight line).
  - (iv) A paved walkway shall connect the front door of each ground floor unit to a parking area.
  - (v) Each multi-family complex shall provide recreational facilities designed for use by the tenants of the complex.
  - (vi) Buildings shall not exceed 200 feet in length.
  - (vii) All multi-family dwelling units shall have roof slopes with a minimum of 7:12 pitch.
  - (viii) Buildings with façades that are longer than fifty (50) feet shall have their façades broken up into smaller areas through the use of varying façade setbacks, arcades, architectural features such as recessed vestibules, columns, canopies, or other acceptable means.

- (ix) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversized parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be in view from a public street.
- (x) All buildings containing residential units shall provide a sign, visible from the entrances and/or the street or drive aisle, identifying the unit numbers within the building.
- (xi) All mechanical, heating and air-conditioning units shall be screened or hidden from view.
- (xii) Usable Open Space - Each lot or parcel of land, which is used for multiple-family residences, shall provide on the same lot or parcel of land, usable open space (as defined below) in accordance with the following requirements:
  - 1) Calculations
    - a) For efficiency and 1-bed apartments, 600 sq ft is required per apartment
    - b) For apartments with two (2) or more bedrooms, an additional 300 sq ft is required per additional bedroom
  - 2) An area of common usable open space shall have a slope not exceeding ten (10) percent , shall have no dimension of less than ten (10) feet, and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains. Usable open space shall not include: rooftops; accessory buildings; parking areas; driveways; turnaround areas; or the right-of-way or easement for streets or alleys.
- (xiii) At the time of Site Plan Approval, the Planning and Zoning Commission may recommend and the City Council may approve credit for usable open space requirements under the following conditions:
  - 1) Up to three (3) square feet for each one (1) square foot of area provided for the following recreational facilities:
    - a) Swimming pools, tennis courts, racquetball courts, or similar facilities.
    - b) Decks, patios or lounge areas adjacent to or within ten (10) feet of swimming pools.
    - c) Children's play areas developed with play equipment.
    - d) Usable portions of recreational buildings.

- 2) Partial or full credit may be given for on-site open space that exceeds the minimum slope as defined above, if it is determined that such areas are environmentally or aesthetically significant and their preservation would enhance the development and community. In determining environmental and aesthetic significance, the Planning and Zoning Commission and City Council will consider:
    - a) Preservation of significant trees or other natural vegetation.
    - b) Contribution to on-site retention of storm water or natural control of drainage.
    - c) Preservation of vistas and other qualities.
    - d) Buffer or transition between the multi-family use and other uses.
  - 3) Available off-site open space may be credited for up to one-third (1/3) of the usable open space requirement if:
    - a) Fifteen (15) percent or more of the site's boundary is adjacent to public park land.
    - b) There are defined pedestrian connections between the multi-family development and park land.
    - c) Permanent usable open space is within 100 feet of the development that is available for use by the general public.
    - d) The design of the development provides a significant visual and pedestrian connection to public park land.
  - 4) The combined credit for areas calculated at a three-to-one basis and off-site parks or usable open space shall not exceed fifty (50) percent of the total usable open space requirement for each multi-family development.
- (xiv) All stairs (except entry stairs and stoops to individual units and shared hallways) and elevated walkways shall be screened with architectural features to avoid a direct view of a stairwell from public streets and open space.
  - (xv) Except for decorative windows, bay windows, transoms, and side lights, all residential windows shall be operable. The windows in living areas and bedrooms, except for dormer windows shall be a minimum of fifteen (15) square feet in size.
  - (xvi) The exterior surface of all structures including screening walls, wing walls, gables, and columns shall be constructed of at least ninety (90) percent masonry construction materials.
  - (xvii) All chimneys and fireplaces on external wall surfaces shall be constructed of 100 percent masonry construction.
  - (xviii) All Multifamily buildings must use four (4) or more of the following architectural features:

- 1) Awnings/Canopies.
  - 2) Balconies.
  - 3) Dormers.
  - 4) Offsets within each building (minimum of twenty (20) feet to receive credit).
  - 5) Patio.
  - 6) Porches.
  - 7) Stoop.
  - 8) Mixture of Stone and Brick Construction.
  - 9) Varied roof height (minimum ten (10) foot difference).
  - 10) Others approved by city staff.
- (xix) A minimum of four (4) of the following amenities will be incorporated into each Multifamily development:
- 1) Day Care (on-site) (would require Specific Use Permit).
  - 2) Exercise Facility.
  - 3) Gazebo.
  - 4) Improved picnic areas.
  - 5) Jogging trail.
  - 6) Lake with constant water level.
  - 7) Playground tot lot.
  - 8) Putting green.
  - 9) Sports court and fields.
  - 10) Swimming pool.
  - 11) Theater.
  - 12) All units provided with enclosed garages.
  - 13) Others as approved by city staff.

## Section 5.06 MH development standards.

### (a) Parking

- (i) Tenant Parking: Each parking space shall be concrete in accordance with city standards and located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (see Section 5.06).
- (ii) Visitor and Supplemental Parking: In addition to parking spaces required for each manufactured home unit, there shall be parking provided for the manufactured home community in general (see Section 5.06).

- 1) One (1) visitor parking space for every three (3) manufactured home spaces; and
  - 2) One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured home spaces
- (iii) Supplemental spaces may be located anywhere within the manufactured home community provided that no manufactured home space shall be situated further than 150 feet from a visitor space
- (iv) Each parking space will be not less than nine (9) feet by eighteen (18) feet (9' × 18'), which is not to be included in the lot size.
- (b) Access: Each manufactured home community shall have direct access from a public street or an internal street.
- (i) Where an internal private street provides access, the same shall be concrete in accordance with city standards dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety services.
    - 1) Each emergency access easement shall have a clear unobstructed width of twenty-four (24) feet , shall connect to a dedicated public street, and shall have a turning area and radii a minimum of fifty (50) feet to permit free movement of emergency vehicles.
    - 2) Dead end streets are not allowed.
    - 3) Cul-de-sac streets shall not exceed 400 feet in length.
    - 4) Fire lane easements shall be maintained by the manufactured home park.
- (c) Walkways: Designated concrete walkways four (4) feet in width will be provided on both sides of roadways or streets.
- (d) Street Names and Signs: Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be approved by the City Manager's designated representative.
- (e) Other Signs: Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the Director of Public Works.

- (f) Intersections: Internal streets shall intersect adjoining public streets at approximately ninety (90) degrees and at locations which will eliminate or minimize interference with traffic on those public streets.
- (g) Street Lighting: Street lighting within the manufactured home park shall be provided and maintained by the owners of the manufactured home park.
- (h) Electric, Telephone and Cable TV Service: All electrical distribution lines, cables, and all telephone lines shall be underground except the primary service lines to the Park.
- (i) Drainage and Soil Protection: The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.
- (j) Firefighting:
  - (i) Approaches to all manufactured homes shall be kept clear for firefighting.
  - (ii) The owner or agent of a manufactured home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard city fire hydrants located within 250 feet of all manufactured home spaces, measured along the drive or street.
  - (iii) The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves, and weeds in excess of twelve (12) inches in height.
- (k) Refuse Handling and Collection: The owner or agent of a manufactured home park shall provide an adequate system of collection and safe disposal of rubbish, as approved by the City. Storage, collection and handling of refuse shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Every dwelling unit shall be located within 250 feet of a refuse facility measured along the designated pedestrian or vehicular travelway. There shall be available at least six (6) cubic yards of refuse containers per thirty (30) units. If trash dumpsters are used, they shall be screened.
- (l) Anchorage of Manufactured Homes: To insure against natural hazards such as tornados, high winds, and electrical storms, anchorage at each manufactured home shall be provided according to the Bureau of Labor Standards and other applicable State laws.
- (m) Skirting:

- (i) All manufactured home units not attached to a permanent ground level foundation shall provide weather resistant skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
- (ii) All required skirting shall be of a texture and color similar to the materials used in the construction of the manufactured home unit.

#### Section 5.07 Accessory structures and accessory uses.

- (a) In the FD, RR, SF1, SF2, SF3, 2F, and MH Zoning Districts, an accessory structure is a subordinate or incidental structure detached from the main building and not used for commercial purposes and not rented.
- (b) In MF1, MF2, and all other Zoning Districts not listed in above, an accessory structure is a subordinate structure, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence.
- (c) Accessory structures used as a dwelling unit (Accessory Dwelling Unit(s) or ADUs) within an FD, RR or SF1 Zoning District are allowed only as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:
  - (i) Must be constructed to the rear of the main dwelling, separate from the main dwelling. Each lot must have a minimum of one (1) acre upon which a detached accessory dwelling unit may be constructed.
  - (ii) May be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
  - (iii) May not be sold separately from sale of the entire property, including the main dwelling unit, shall not have a separate electric meter, and shall not be sublet.
  - (iv) Setback requirements shall be the same as for the main structure.
  - (v) Not permitted without a main or primary structure.
  - (vi) If equal to or greater than 700 square feet shall only be permissible by a Specific Use Permit (SUP).
- (d) Regulations for accessory structures in FD, RR, SF1, SF2, SF3 Zoning Districts
  - (i) Accessory structures, including a private garage, shall not occupy more than fifty (50) percent of the minimum required rear yard. When the accessory structure is attached to the main building, it is considered an integral part of the main building and must comply with building expansion requirements contained in this ordinance.

- (ii) Detached garages and living quarters above a detached garage, or other accessory structures such as barns, sheds, and other structures are permitted.
- (iii) Detached servants quarters without a garage shall be permitted by SUP.
  - 1) No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member.
  - 2) The structure shall in any case not be leased or sold and shall not be separately metered.
- (e) Regulations for accessory structures in MH zoning districts
  - (i) Accessory structures and uses customarily incidental to the residential MH uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
    - 1) Temporary metal buildings less than 200 square feet which are used for tool and supply storage are permitted.
    - 2) A detached private garage or an attached private garage, in a compartment as a part of the main building.
- (f) Regulations for accessory structures in FD, RR, SF1, SF2, SF3, 2F, and MH Zoning Districts:
  - (i) Size of Yards:
    - 1) Front Yard: Accessory structures shall not be located closer to the front property line than the main building or the front yard setback requirement for that zoning district, whichever is greater.
    - 2) Rear Yard: When the accessory structure is a garage with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory structures including carports shall not be located closer than three (3) feet to the rear property line.
    - 3) Side Yard: Accessory structures shall not be closer than five (5) feet to the side property line when the accessory structure is located behind the main building. When the accessory structure is located in the side yard, the setback for the accessory structure will be the same as the setback requirement for the main building.
  - (ii) Carports shall be measured from the posts supporting the roof nearest to the right-of-way or alley. See Article IX.

- (iii) Accessory structures are not permitted without a main building.
- (iv) Accessory structures 700 square feet or greater may only be permitted by Specific Use Permit and shall meet all of the Development Standards set forth for the main structure.
- (v) Accessory structures shall not exceed one story in height.
- (g) Regulations for accessory structures in MF1 and MF2 Zoning Districts
  - (i) Permitted structures
    - 1) Leasing offices for the apartment complex.
    - 2) Accessory structures and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
      - a) The term accessory use shall include customary home occupations as herein defined.
      - b) Accessory structures, including a private garage, shall not occupy more than sixty (60) percent of the minimum required rear yard. When the accessory structure is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory structure is attached to the main building by a breezeway, the breezeway is considered a part of the accessory structure. Accessory structures greater than five hundred (500) square feet require a specific use permit.
      - c) Covered parking areas.
      - d) Antennas (amateur or CB radio) and/or satellite dish antennas, as specified in Section 7.08.
    - 3) Common open space, community center, recreational building(s), and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
- (h) A Garage ADU is permitted by Specific Use Permit (SUP) in accordance with Section 7.03 and shall not exceed the height of the main structure.
  - (i) In the FD, RR and SF1 Zoning Districts, they can be up to two (2) stories.
  - (ii) In other Zoning Districts, they can be up to two (2) stories if permitted by an SUP if it is determined that there is no adverse impact of adjacent properties.
- (i) Metal accessory structures, other than those covered in this Section, that are less than five hundred (500) square feet in floor area are permitted; however, said building shall not be used as an enclosed parking area or garage.

- (j) Other Structures: Accessory structures, other than carports, shall not be located within five (5) feet of any other structure.
  - (i) Real estate sales offices during the development of residential subdivisions in which the office is located until eighty (80) percent of the building permits of the platted lots in the subdivision are issued.
  - (ii) Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Manager or designated representative. Specific time allowed and location shall be specified by the City Manager or designated representative.
- (k) Portable Storage Structures and Temporary Buildings
  - (i) The use of portable storage structures are allowed in all districts under the following conditions when granted a temporary permit.
  - (ii) There must be no more than one (1) portable storage structure per property.
  - (iii) A portable storage structure must not remain at a property in any zoning district in excess of thirty (30) consecutive days, and must not be placed at any one (1) property in a zoning district in excess of thirty (30) days in any calendar year.
  - (iv) The portable storage structure must be set back a minimum of five (5) feet from all property lines and from the nearest wall of a building.
  - (v) The portable storage structure must be placed on a concrete surface.
  - (vi) Portable storage structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction.
- (l) Accessory Uses
  - (i) A mix of uses on the same lot can be permissible per Section 7.01 and in accordance with any applicable development standards contained within this ordinance.

### Section 5.08 Sign regulations.

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

- 1) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
  - 2) Do not obstruct firefighting or police surveillance; and
  - 3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs or emergency vehicles.
- (ii) Communication Efficiency: To promote the efficient transfer of information in sign messages by providing that:
- 1) Those signs which provide messages and information most needed and sought by the public are given priorities;
  - 2) Businesses and services may identify themselves;
  - 3) Customers and other persons may locate a business or service;
  - 4) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
  - 5) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (iii) Landscape Quality and Preservation: To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:
- 1) Do not interfere with scenic views;
  - 2) Do not create a nuisance to persons using the public rights-of-way;
  - 3) Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
  - 4) Are not detrimental to land or property values.
- (b) Administration:
- (i) The provisions of this Section shall be administered and enforced by the City Manager or designated representative of the City of Waxahachie.
  - (ii) The permittee, owner, agent, person or persons having the beneficial use of the sign, the owner of the land or structure upon which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Section.
- (c) Permit procedures and fees:
- (i) Requirements: It shall be unlawful for any person to erect, replace, enlarge or relocate any sign within the city without first obtaining a permit to do so, except as may be hereinafter provided. All sign construction shall conform to the adopted Building Code.

- (ii) Applications for Permits: All applications for permits shall include a drawing to scale of the proposed sign (including size, colors and design) and all existing signs maintained on the premises and visible from the right-of-way, a drawing(s) of the lot plan and/or building façade indicating the proposed location(s) of the sign, and sign specifications. Applications shall be made on forms provided by the City. If a site plan is required, the sign location shall also be shown on the site plan drawing.
- (iii) Fee Required: Fees for a permit to erect, alter, replace or relocate a sign shall be as provided by separate ordinance.
- (iv) Repair Permit (Nonconforming Signs): It shall be unlawful for any person to repair or make alterations to any nonconforming sign without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be as provided by separate ordinance.
- (v) Permit Revocable: The Building Official may suspend or revoke any permit issued under the provisions of this Section whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this Section or any other ordinance of the City of Waxahachie or the laws of this State or of the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located. Any sign installed under a revoked permit shall be removed by the permit holder, sign owner or property owner within fifteen (15) days of written notice of the revocation.
- (vi) Inspections:
  - 1) All signs for which a permit is required shall be subject to inspection by the Building Official.
  - 2) Footing inspections shall be required by the Building Official for all signs having footings prior to the erection of a sign.
  - 3) All signs containing electrical wiring shall be subject to the provisions of the governing Electrical Code, and the electrical components used shall bear the label of an approved testing agency.
  - 4) The Building Official may order the revocation of any sign permit and/or the removal of any sign that is not maintained in accordance with the provisions of any City ordinance.

- 5) The Building Official may inspect annually, or at such other times as he deems necessary, each sign regulated by this Section for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.
- (vii) Investigation Fee: When a sign is erected, placed or maintained, or work started thereon before obtaining a sign permit, it shall be subject to an investigation fee as specified by separate ordinance. The investigation fee does not excuse full compliance with the provisions of this Section.
- (viii) Electrical Permit: Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to insure compliance with the Electrical Code of the City. No sign shall be erected in violation of the Electrical Code. However, the sign contractor may tie the sign to an existing power source or power provided by an electrician that has permitted the job. The electrical power supply for a sign must be placed underground within an acceptable type of conduit, and shall be concealed from view (i.e., it cannot be strung as an overhead line). No temporary electrical service for signs shall be allowed.
- (d) Regulations for specific types of signs:
  - (i) The definitions of general terms used within this Section may be found in Appendix A-3 of the Zoning Ordinance.
  - (ii) The following regulations generally pertain to specific types of signs.
    - 1) Awning Sign: The sign copy on an awning sign shall not exceed the area and size dimensions permissible for a wall sign on the wall upon which it is attached, and the sign copy shall not be illuminated. The total area of wall signs and awning signs on any wall surface shall not exceed the area and size allowed for a single wall sign. Any awning sign shall not exceed seventy-five (75) percent of the awning's surface area. An awning sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Maximum Height	Not applicable
Maximum Size/Area	Not to exceed seventy-five (75) percent of the awning's surface area
Zoning Permitted	In all nonresidential districts
Placement	On an architectural projection (i.e., awning) which provides weather protection, identity, or decoration, and supported by the building to which the awning is attached
Maximum Number	Not applicable
Duration	No limit

- 2) Banner: A banner generally exhibits a text message or a symbol(s) for the business located on the property or for a product or service provided by said business. Banner signs shall not be utilized as permanent wall signs. National, State, or local government flags are not considered banners and are included in the definition of Flag.
- 3) Canopy Sign: The sign may consist of only the name, logo, or both of the business at the location of the canopy. An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third (1/3) of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face upon which a sign or illuminated stripe is permitted. A canopy sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

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

- 4) **Construction Sign:** Construction signs may be erected in non-residential and residential zoning districts, and shall not exceed thirty-two (32) square feet in size and a maximum height of fifteen (15) feet. The required setback for a construction sign shall be twenty (20) feet from the front property line, and construction signs are limited to one (1) per street front. A construction sign shall be removed prior to the issuance of a Certificate of Occupancy or, in the case of a residential dwelling, prior to the final building inspection.
- 5) **Development Signs:** Development signs may be erected in non-residential and residential zoning districts, and shall not exceed 100 square feet in size and a maximum height of twenty (20) feet. Such signs must relate only to the property on which they are located. The required setback for a development sign shall be thirty (30) feet or the required building setback line if less than thirty (30) feet. Each development may have one (1) such sign for each portion of fifty (50) acres of total project size. A development sign shall be removed when the project is ninety (90) percent complete. In the case of a commercial project, the ninety (90) percent complete threshold is reached when a Certificate of Compliance is issued for a shell building. For a residential project, the ninety (90) percent complete threshold is reached when ninety (90) percent of the subdivision is permitted.
- 6) **Directional Sign (On-Site):** Directional signs shall not show advertising, such as company names or logos or advertised specials of any type. Examples include, but are not limited to, signs with or without a directional arrow and wording such as Entrance, Exit, Visitor Parking, Customer Service Department, One Way, and Leasing Office This Way.
- 7) **Directory/Informational Sign (On-Site):** Directory or Informational signs shall not show any advertising (such as corporate logos, advertised specials, etc.) other than the names of occupants/businesses and arrows directing traffic to those locations.
- 8) **Electronic Message Sign:**
  - a) Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
  - b) Electronic message signs may be allowed in any Zoning District by Specific Use Permit (SUP) in accordance with Section 7.03.
  - c) A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.

- d) Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.
  - e) Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.
  - f) Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
  - g) These shall be restricted to the form of monument signs.
  - h) Additional requirements may be set forth by the Planning and Zoning Commission and/or City Council.
- 9) Flag: A fabric, banner, or bunting containing distinctive colors, patterns, words, or insignia that symbolize a government, political subdivision, or some other professional, religious, educational, or nonprofit entity. A Flag may only be displayed for noncommercial or not-for-profit purposes.
- 10) Garage Sale Sign: Off-premises garage sale signs are permitted, provided they have the address of the sale upon them, they are self-supporting, they are not placed within public rights-of-way, and they are not mounted upon trees, fences, public utility structures, telephone poles, street light standards, street sign poles, or public buildings. A fine may be assessed for each off-site garage sale sign that is erected in violation of these regulations.

Maximum Height	Three (3) feet
Maximum Size/Area	Four (4) square feet
Zoning Permitted	In all districts
Placement	On private property; however, off-premises signs require the property owner's permission
Maximum Number	One (1) on the property having the sale, no more than five (5) off-site
Duration	From 5 P.M. the day before the sale until 8:00 A.M. the day after the sale

- 11) Kiosk Sign: The City Council, by duly executed license agreement, shall grant the exclusive right to design, erect, and maintain kiosk signs within the City of Waxahachie.
- a) Kiosk signs must be designed and constructed according to the specifications contained in the license agreement approved by the City Council.
  - b) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the City for approval.
  - c) Kiosk signs shall include breakaway design features as required for traffic signs in the street rights-of-way.
  - d) Price information is prohibited on kiosk signs.
  - e) No signs, pennants, flags, or other devices for visual attention of other appurtenances shall be attached to kiosk signs.
  - f) Kiosk signs shall not be illuminated.
  - g) Individual sign panels on kiosk signs shall have a uniform design and color.
  - h) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike trails, or hiking trails; shall not obstruct the visibility of motorist, pedestrians, or traffic control signs; shall not be installed in the immediate vicinity of street intersections and shall comply with the any visibility triangle as dictated by the City of Waxahachie.
  - i) No kiosk sign plaza or sign panel shall be installed within the right-of-way of a state highway without written authorization from the Texas Department of Public Transportation.
  - j) All kiosk signs shall be maintained in like-new condition and shall be free of grass and weeds in surrounding vicinity.
  - k) The agreed upon license shall be consistent and comply with this ordinance.
- 12) Model Home Sign: Model home signs may be erected in residential zoning districts, and shall not exceed sixteen (16) square feet with a maximum height of six (6) feet. Required setback shall be fifty (50) percent of the distance between the front property line and the building, but no less than ten (10) feet from the front property line. Model home signs are limited to one (1) per premises. Each builder within the subdivision may have one (1) model home sign and the permit for such sign shall be granted for a period of time to coincide with the validity of the model home's Certificate of Occupancy.

13) Monument Sign: Monument signs shall have a low profile and must be made of stone, concrete, brick, or other similar materials. A monument sign shall be solid from the ground up and all pole(s) or supports shall be concealed.

Multiple Tenants

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

Maximum Size	125 square feet
Maximum Height	Ten (10) feet measured from grade
Setbacks:	Fifteen (15) feet from street right-of-way Fifteen (15) feet from property lines other than those property lines fronting the street right-of-way 250 feet from any other Monument Sign on the same property, measured along the right-of-way

Single Tenants

Businesses located on individually platted land including individual pad sites.

Within a shopping center, apartments, schools, model homes and other nonresidential uses located on residential zoned property are permitted to erect Monument Signs that comply with the following regulations:

Maximum Size	Eighty (80) square feet
Maximum Height	Eight (8) feet
Setbacks	Fifteen (15) feet from street right-of-way Fifteen (15) feet from property lines other than those property lines fronting the street right-of-way 250 feet from any other monument sign on the same property, measured along the right-of-way
Zoning Permitted	Refer to Section 4.03
Duration	Permanent

14) Name Plate: A nameplate shall not exceed four (4) square feet in size.

15) Pole Sign and Pylon Sign:

Maximum Height	Signs taller than ten (10) feet in height shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive a dead load as required in the Building Code or other codes/ordinances of the City. All signs shall be placed in concrete bases or footings, and the plans for such signs and their bases/footings shall be sealed by a licensed structural engineer. No sign shall be constructed to exceed the maximum building height permitted in the specific zoning district where the sign is located except within shopping centers or similar commercial/office centers containing six (6) acres or more. All such high-rise signs shall comply with the Building Code and with other applicable codes/ordinances of the City of Waxahachie which pertain to design and construction. All signs must be supported by a single or dual freestanding support with masonry columns without guy wires and braces and provide a landscaped, stone-base feature. All signs greater than twenty-five (25) feet in height shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds 25 feet, from all property lines. No sign shall exceed seventy-five (75) feet.
Maximum Size Area	200 square feet for up to fifty (50) feet tall. Signs between fifty-one (51) and seventy-five (75) feet may be 300 square feet
Only allowed on Interstate Highway 35E and U.S. Hwy 287 bypass.	
Zoning Permitted	Allowed only by SUP by the amending ordinance establishing a PD.

Placement	For signs up to twenty-five (25) feet in height, setback shall be fifteen (15) feet from property lines adjacent to a street and ten (10) feet from side or rear property lines.
	For signs greater than twenty-five (25) feet in height, setback shall be twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds 25 feet up to fifty (50) feet, from all property lines.
	350 feet from any other pole or pylon sign on the same property, measured along the street frontage.
Maximum Number	One (1) per every fractional 350 feet of street frontage.
Duration	Permanent

- 16) Political Sign: Political signs are allowed on private property with the permission of the property owner in any Zoning District. Political signs are prohibited within rights-of-way and may not be posted on trees, fences, public property, public utility structures, telephone poles, street light standards, street sign poles, or public buildings. Political signs may be placed no more than 120 days prior to the election for which the sign is applicable and must be removed no later than fifteen (15) days after the applicable election has taken place. Political signs placed on property which is zoned residential may be no greater than thirty-two (32) square feet in area. Political signs placed within or on any prohibited area may be removed and disposed of by City of Waxahachie (or applicable utility company) personnel, and removal costs, fines, or both may be assessed for removal of the signs and/or noncompliance with this Section of the Zoning Ordinance.
- 17) Projecting Sign: Projecting signs shall have a minimum clearance of eight (8) feet above any sidewalk or other pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.
- 18) Promotional Flags or Pennants: Promotional flags or pennants may or may not exhibit a text message or symbol of any kind, and may be a single color or several colors. For the purposes of this Section, a string of multiple pennants or streamers, of whatever length, shall also constitute a Promotional Pennant. See Promotional Signage for additional information.

- 19) Promotional Signage: Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs and devices, or any other legal types of signs allowed by this Section. A searchlight may be used provided it complies with all other provisions of this Section .
- a) Promotional signage is allowed for up to two (2), fourteen (14) day periods each calendar year per legal business, which equates to a maximum annual total of twenty-eight (28) days. These time periods must be separated by at least thirty (30) days. A legal business shall include any retail, commercial, industrial or institutional use for which the Building and Community Services Department has issued a Certificate of Occupancy.
  - b) The promotional signage shall be limited to a maximum of fifty (50) square feet in area per sign.
  - c) The number of signs permitted is dependent on street frontage. One (1) sign is permitted for every 100 feet of frontage.
  - d) A separate permit is required for each sign each two-week period promotional signage will be used. If any device described as promotional signage is installed prior to issuance of a permit, fines for noncompliance with this Ordinance may be assessed in addition to the permit fee.
  - e) Promotional signage shall be contained on the property of the legal business which it advertises, and shall not extend into the City right-of-way or onto other adjacent property(s). Signage shall not be located in any sight visibility triangle/area, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.
  - f) A sign announcing the grand opening of a legal business shall be allowed for a maximum of fourteen (14) days. This sign permitted in the front yard of the business and shall be limited to a maximum of 150 square feet in area. One (1) sign is permitted per legal business. After a grand opening sign's permit lapses, the business must wait thirty (30) days before applying for a promotional sign, which will be regulated as shown above.
- 20) Real Estate Sign: Real estate signs may be erected in nonresidential and residential Zoning Districts, and shall not exceed thirty-two (32) square feet with a maximum height of fifteen (15) feet. The required setback shall be eight (8) feet from any front, side, or rear property line, and signs are limited to one (1) per street front. A real estate sign shall be removed upon the sale or rental of the property.
- 21) Sandwich Board Sign:

Maximum Size Area	Eight (8) square feet, one per lease space
	Signs may not exceed two (2) feet in width
	Chalkboards or whiteboards may be used for daily changing of messages. No readerboards may be used
Placement	Permitted only on sidewalks along streets and internal driveways
	A minimum of four (4) feet of sidewalk shall remain clear
	Must be within the limits of the storefront for which the sign is advertising
	If deemed to cause an obstruction to pedestrian traffic, it may be required to be removed or relocated.
Duration	Sign shall be removed every day after the business is closed

- 22) Searchlights: Searchlights may be permitted in accordance with any other applicable City regulations, and may include traditional searchlight devices or laser-type devices. A permit for use of an advertising searchlight may be granted under the following additional regulations:
- a) A searchlight shall be located a minimum distance of fifty (50) feet from any public right-of-way and from side or rear property lines, and shall be positioned so as to project all beams at minimum angle of thirty (30) degrees upward from grade level. No searchlight beam may project onto adjacent property or onto property or buildings not owned/operated by the business utilizing the searchlight.
  - b) The maximum light intensity generated by searchlights on any premises may not exceed a total of one thousand, six hundred (1,600) million foot-candle power. No more than four (4) beams of light may be projected from any premises at any point in time.
  - c) All searchlights must be designed and maintained so as to prevent beam rays of light or laser beams from being directed at any portion of the traveled ways. No light shall be of such intensity or brilliance as to cause glare, to impair the vision of the driver of any vehicle, to create any other type of traffic hazard, or to be such an unusual, eye-catching display that would distract the attention of motorists.

- d) No advertising searchlight may be operated between the hours of 11:00 p.m. until 7:00 a.m.
  - e) No advertising searchlight may be operated on a premises for more than seven (7) consecutive days, nor for more than fourteen (14) days within any calendar year. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the last six (6) months preceding the date of the permit application.
- 23) Unified-Lot Sign: Unified lot signs must meet all requirements of a monument sign, and may be placed on a premises consisting of two (2) or more contiguous lots where each lot owner has entered into a binding agreement through an easement to treat their separate lots as one (1) lot for the limited purpose of signage. The agreement shall contain a legal description of the properties subject to the agreement; the agreement is a covenant running with the land to be filed and made a part of the Deed Records of Ellis County, Texas; and that the agreement cannot be amended or terminated without the consent of City of Waxahachie. Unified-lot sign may be allowed by Specific Use Permit (SUP). Additional requirements may be set forth by the Planning and Zoning Commission and/or City Council.
- 24) Wall Sign: Neon (or other gaseous) tubing attached directly to a wall surface shall be considered a Wall Sign when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols, or pictorial designs.
- a) Unless otherwise specifically provided, the regulations set forth in this Section shall be applicable to all attached signs that are allowed under this Ordinance.
  - b) Installation Requirements. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve (12) inches from that surface, except for Projecting Signs. Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs.

Maximum Sign Area	Wall signs shall not exceed the following area schedules:
	An attached sign located at a height of thirty-six (36) feet or less is limited to one (1) square foot of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed 250 square feet, and a minimum of twenty five (25) square feet.
	An attached sign located above a height of thirty-six (36) feet shall be permitted an increase in maximum effective area. Such increases shall not exceed four (4) square feet in effective area for each additional one (1) foot of height above thirty-six (36) feet measured from the base of the sign.
	Signs may be increased hereunder to a maximum size of 350 square feet. Attached signs may be located on any façade except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. The sum of the effective area of all attached signs shall not exceed the allowable effective area specified above, whichever paragraph is applicable. Signs on a single façade shall not exceed the sign area allowed above.
Attached Signs may only be illuminated utilizing internal lighting. Exterior letters with exposed neon lighting are allowed.	
Zoning Permitted	Permitted in GR, CA, C, LI1, LI2, HI and AP zoning districts. May be allowed by SUP in O, and NS. May be allowed by the amending ordinance establishing a PD.

Placement	Upon the wall of the building, painted or attached directly to the surface.
Maximum Number	Four (4) per building
Duration	Permanent

c) Window Sign:

Maximum Height	Not applicable
Maximum Size Area	Forty (40) percent of the total window area, except for a civic, governmental, or charitable organization(s).
Zoning Permitted	In all nonresidential Zoning Districts except LI1, LI2, and HI
Placement	Interior or exterior surface of the window
Maximum Number	Not applicable
Duration	No Limit

(e) General provisions for signs:

(i) Removal of Signs:

- 1) Removal of Obsolete Signs - Any sign which the Building Official determines no longer serves a bona fide use conforming to this Section, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within fifteen (15) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.
- 2) Removal or Repair of Unsafe Signs - If the Building Official shall determine that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the sign permit holder, owner, agent or person having the beneficial use of the premises and/or the sign fails to remove or repair the sign within (15) days after such notice, such sign may be removed by the Building Official at the expense of the permit holder, sign owner, or owner of the property upon which the sign is located. The Building Official may cause any sign which is deemed to be an immediate hazard to persons to be removed summarily and without notice.

- 3) Removal Expenses - Upon failure of the sign permit holder, owner, agent or person responsible for a sign to remove it upon fifteen (15) day notice to do so by the Building Official, the Building Official is hereby authorized to enter the property upon which such sign is located, and to cause the removal of such sign. The owner of the land, building or structure to which such sign is attached and upon which it is erected and/or the owner/permit holder of such sign are jointly and severably liable for any expense incurred in removal of the sign.
- (ii) Maintenance of Signs: All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of appearance and preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Any sign which the Building Official determines is in an unacceptable, deteriorated condition shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within fifteen (15) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.
- (iii) Signs in a Planned Development (PD) District: In a PD district, the sign standards shall be as specified in this Section of the Zoning Ordinance, unless specifically cited otherwise in the amending ordinance that establishes the PD zoning district.
- (iv) Sign Heights and Setbacks: Unless otherwise stipulated for the specific sign type or in the amending ordinance establishing a PD zoning district, no sign shall be constructed to exceed the maximum building height permitted in the specific zoning district where the sign is located except within shopping centers or similar commercial/office centers containing six (6) acres or more. Within highway service oriented retail, commercial or industrial districts (i.e., districts located adjacent to a highway), a pylon or major identification sign not to exceed fifty (50) feet in height may be erected when set back from all property lines a distance equal to the height of the sign. All such high-rise signs shall comply with the Building Code and with other applicable codes/ordinances of the City of Waxahachie which pertain to design and construction. All signs twenty-five (25) feet in height and greater shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet, from all property lines.

- (v) **Noninterference with Traffic:** No sign shall be located or constructed as to interfere with or confuse the flow or control of traffic on the public streets, and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination, such sign may interfere with vehicular or pedestrian traffic. Further, it shall be unlawful to erect or maintain any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words, "Stop", "Go", "Look", "Slow", "Danger", or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion to or otherwise interfere with, vehicular or pedestrian traffic.
- (vi) **Signs Projecting into Rights-of-Way:** No sign shall be erected so as to project into the public right-of-way of any street or alley, except in the Central Area (CA) zoning district. In the CA district, projecting signs shall not extend outward from any building façade into the public right-of-way for a distance of more than ten (10) feet or to within eighteen (18) inches of the street curb, whichever is more restrictive. Projecting signs shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface (including rights-of-way).
- (vii) **Number of Sign Face Panels/Surfaces:** No sign structure shall contain more than two (2) sign face panels facing (i.e., exposed; readable) in the same direction.
- (viii) **Flags:** American, State of Texas, or local government flags less than sixty (60) square feet shall be exempt from this Section, except only one (1) of each type shall be permitted per lot or business. Any flag over sixty (60) square feet shall be classified as a general business sign.
- (ix) **Wind Pressure and Dead Load Requirements:** All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive dead loads as required by the Building Code.
- (x) **Illegal Signs:** Owners with/of illegal (either conforming or nonconforming) signs must obtain a permit from the Building and Community Services Department of the City of Waxahachie prior to any expansion of an existing sign.

- (xi) Nonconforming Signs: A sign which does not conform to the regulations prescribed in this Section and which existed lawfully on the date of adoption (i.e., on the effective date) of this Section, or amendment hereto, shall be deemed a nonconforming sign. A nonconforming sign shall be allowed to remain as is in the same location wherein it existed on the effective date of this Section unless/until one or more of the conditions stated in subsection 1. below exists/occurs.
- 1) The right to continue all nonconforming signs shall cease and such sign shall be removed within fifteen (15) days whenever:
    - a) A change of property ownership and/or business occupancy occurs;
    - b) A sign is altered, moved or relocated without a permit pursuant to the provisions of this Section;
    - c) A sign is damaged, defaced or destroyed and the cost to repair it exceeds sixty (60) percent of the replacement/repair cost of the sign on the date of damage (if an existing nonconforming sign is already in a dilapidated/deteriorated condition or if it represents a public safety hazard as of the effective date of this Section, then it must either be repaired/refinished to a reasonable state of repair or removed at the owner's expense);
    - d) A sign which is normally perpendicular (90 degrees) to the ground leans such that an angle between the sign and the ground is seventy-five (75) degrees; or less (or, for a sign that was purposefully placed at an angle upon installation, its angle to the ground decreases by fifteen (15) degrees; or more; no sign, regardless of its original installation angle, shall be allowed to exist at less than a forty-five (45) degree angle to the ground for public safety reasons); or
    - e) A property ownership and/or business occupancy change occurs, and an off-premises or on-premises wall sign is on the property.
  - 2) Any sign designated by official action of the City as having special historic or architectural significance is exempt from the provisions of this Section.
  - 3) A nonconforming sign situated on a property acquisition initiated by the City may be temporarily relocated on-site provided the sign is later removed or rebuilt to conform to this Section (and any other applicable Waxahachie codes/ordinances) within twenty-four (24) months following relocation of the sign. Relocation is limited to the same physical sign with no increase in height, area or change in other physical attributes. For the purposes of this provision, "a property acquisition initiated by the City" does not include right-of-way dedicated in the subdivision platting process.
  - 4) Illegal Nonconforming Signs:

- a) Owners with/of illegal nonconforming signs which require a permit and which have been in place less than (3) months prior to notification of violation must apply for a permit and must upgrade the sign to conforming within thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within sixty (60) days of original notification.
  - b) Owners with/of illegal nonconforming signs which require a permit and which have been in place for longer than three (3) months prior to notification of violation must apply for a permit and upgrade the sign to conforming within thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within three (3) months of original notification.
  - c) In the case of painted wall signs, such signs shall be removed or painted over within thirty (30) days of original notification of violation.
- (xii) Signs Exempt From Permit: A permit shall not be required for the following signs provided, however, such signs shall otherwise comply with all other applicable provisions of this Sections of the Zoning Ordinance and with any other applicable City code/ordinance:
- 1) One temporary wall sign not exceeding eight (8) square feet in area, which advertises the sale, rental or lease of the premises upon which such sign is located.
  - 2) Memorial plaques, building identification signs and building cornerstones when cut or carved into the masonry, surface or when made of noncombustible material and made an integral part of the building or structure. These signs shall not exceed four (4) square feet in area.
  - 3) On-site directional and directory/informational signs not exceeding eight (8) square feet in area and three (3) feet in height, provided that such directional or directory/informational signs do not contain advertising and are not used as such. On-site directional and directory/informational signs are only permitted behind the front building line.
  - 4) Political sign in or upon a motor vehicle if such sign does not exceed six (6) square feet in area and does not project from the front, side, rear or top surfaces of such vehicle. Said sign shall not be illuminated, and shall not be placed thereon sooner than thirty (30) days prior to the election the sign pertains to, and must be removed within five (5) days after the election.

- 5) Traffic or other municipal signs, legal notices, danger and such emergency, temporary or non-advertising signs as may be approved by the City Council or the City Manager or his authorized representative, when placed in compliance with the “Uniform Manual of Traffic Control Devices” and with applicable City codes/ordinances.
  - 6) Temporary special occasion announcement signs on residential lots for a maximum time limit of five (5) days.
  - 7) Religious emblems when installed in compliance with this Section and with other applicable City codes/ordinances.
  - 8) Seasonal decorations for a maximum of sixty (60) days, provided traffic visibility is not affected.
- (xiii) Prohibited Signs and Activities:
- 1) Traffic - A sign shall not be erected in a manner that would confuse motorists, or that would obstruct the view or interpretation of any official traffic sign, signal or device.
  - 2) Obscene, indecent and immoral matter - It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.
  - 3) All billboard and signs advertising off-premises sale, service or activity.
  - 4) Advertising matter placed or suspend from buildings, poles, sidewalks and the like.
    - a) No person shall place or suspend from any building, light pole, utility pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising or display of such items other than a sign, as defined, regulated and permitted by this Section.
    - b) No cloth, paper, banner, flag, device or other similar advertising matter shall be permitted to be attached to, suspended from or be allowed to hang from, any sign, building or structure, when the same shall create a public menace or danger.
  - 5) Painting, marking or otherwise inscribing streets, sidewalks, utility poles, and the like - No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.
  - 6) Attaching advertising matter to fences, utility poles, and the like; scattering advertising matter on streets and sidewalks.
  - 7) No person, firm, corporation, association or person, shall paste, stick, stack, nail, or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon.

- 8) No lighted sign shall be erected within 150 feet of a residential district unless the lighting is shielded from view of the residential district.
  - 9) Roof sign prohibited - Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.
  - 10) Balloons and other inflatable devices - No person shall erect, maintain or permit the erection of any balloon or other similar inflatable/floating device anchored to the ground or to any other structure within the City.
  - 11) No signs attached to a trailer, skid, or similar mobile structure, where the primary use of such structure is for sign purposes, will be permitted. This provision does not restrict the identification signing on vehicles used for delivery service, interstate commerce, or any *bona fide* transportation activity.
  - 12) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product. Vehicles operating under a City franchise shall be excluded from this provisions.
- (xiv) Illegal Signs - Owners with/of illegal conforming signs must obtain a permit from the Building and Community Services Department of the City of Waxahachie within fifteen (15) days of notification of noncompliance. If the owner has not obtained a permit for the illegal conforming sign by the sixteenth (16th) day following notification, the owner will be cited for noncompliance.
- (xv) Historic Overlay District - Signs within the Historic Overlay District shall be approved by the Heritage Preservation Committee. Signs approved by the Heritage Preservation Committee will still be required to obtain a sign permit and any necessary engineering.

**Section 5.09 Single-Family attached (Townhouse or townhome)**

- (a) Special considerations
  - (i) Must be platted on individual lots
  - (ii) Outside storage is prohibited
- (b) Design standards
  - (i) Masonry construction
    - 1) Minimum seventy-five (75) percent in CA or DN zoning districts
    - 2) Minimum twenty-five (25) percent in MF1 or MF2 zoning districts
  - (ii) Roof pitch must either be flat, or with a minimum roof pitch 7:12
    - 1) A pitched roof must incorporate the use of laminated, three-dimensional appearance composition architectural shingles with a thirty (30) year minimum
  - (iii) Landscaping to match SF3 landscaping requirements
  - (iv) Entry Features
    - 1) A dwelling shall include a covered front porch, stoop, recessed entry, or front courtyard at main entrances. An entry feature designed in accordance with the style of the dwelling unit is also acceptable.
    - 2) The minimum area of a porch, stoop landing, recessed entry, or courtyard shall be twenty (20) square feet.
    - 3) No primary entrance of a dwelling unit shall be located on the second story of a structure.

Height Regulations	
	3 stories in DN, MF1 or MF2, 4 stories in CA for main building. All accessory buildings (excluding recreational buildings) shall be limited to 1 story in height
Area Regulations	
Minimum Lot Area	3,630 SF per dwelling unit, not to exceed 12 dwelling units per acre (calculated on gross acreage). The minimum lot size shall be 10,890 SF
Minimum DUA	1,000 SF
Minimum Front Yard	15'
Minimum Side Yard	0' (25' if adjacent to SF detached)
Minimum Rear Yard	10' (25' if adjacent to SF detached)
Maximum Lot Coverage	50% by main and accessory buildings.
Parking Regulations	2 behind front building plane, at least 1 enclosed

- 4) The height of the main entry feature shall be scaled appropriately for the individual dwelling. On two-story homes, the roof eave of the entry feature shall not extend up to or above the highest roof eave of the structure. The roof ridge of the entry feature shall not extend up to or above the highest roof ridge of the structure.
  - 5) In order to increase its prominence, the entry shall have at least one (1) of the following: sidelights; a glass transom; decorative detailing on the front door such as raised/recessed panels, arches, glazing, or wrought iron details; or similar features.
  - 6) In order to increase its prominence, the entry shall have at least one (1) of the following: sidelights; a glass transom; decorative detailing on the front door such as raised/recessed panels, arches, glazing, or wrought iron details; or similar features.
- (c) Anti-Monotony Standards
- (i) Variation in front elevations adds character and interest to communities. In order to avoid monotony, different floor plans and façade treatments should be utilized to give residences their own identity. While some common elements may be shared, aspects such as color, material, detailing, and landscaping can be used to differentiate homes. Compliance with the requirements listed below shall be reviewed as part of a required site plan before any building permit application is submitted. Townhouses shall incorporate variation to any façade of a building that faces a public road or private road by utilizing the following elements.
  - (ii) Variation in Building/Garage Placement
    - 1) The façade shall satisfy at least one (1) of the following:
      - a) After at least every thirty (30) feet of frontage, all façades shall incorporate wall offsets that have a differential in horizontal plane of at least two feet. The wall offsets may be in the form of projections or recesses. An offset is also required whenever there is a change in building material.
      - b) For at least twenty-five (25) percent of the dwelling units, garages shall be oriented either to the side or to rear of the building.
  - (iii) Roof Variation
    - 1) The façade shall satisfy at least one (1) of the following:
      - a) Changes in the roofline at intervals not exceeding forty (40) continuous feet in length, such as variations in roof pitch, overhangs, projections, exaggerated cornices, dormers, vegetated terraces, trellises, and extended eaves.
      - b) The gross floor area of upper story is smaller than the gross floor area of the lower story.

(iv) Architectural Design Features

- 1) The façade shall satisfy at least one of the following:
  - a) Distinctive window patterns that are not repeated within groupings of up to four dwelling units.
  - b) Balconies, bays, box-outs, faux balconies, window overhangs, or secondary roof eaves with exaggerated projections and decorative supporting rafter beams.
  - c) Other architectural elements that the Director of Planning determines accomplish the objective of visually dividing the structure into smaller identifiable sections.

Section 5.10 Patio homes (Zero lot line homes).

(a) General Purpose and Description:  
 Patio homes allow for development of detached "zero lot line" homes in a modified residential district which encourages greater use of the side yard areas. Clustered lot patterns with a common usable open space system can be incorporated as an integral part of the development.

- (i) No roof overhang, gutter or extension from a wall will be allowed to extend into a neighboring property.
- (ii) The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property.
- (iii) Each adjacent lot shall provide an access or use easement, a minimum of three (3) feet , adjacent to the "zero" (one-foot) side or there must be a three (3) foot setback from the adjacent "zero" side to allow the property owner access for maintenance of his dwelling.
- (iv) The majority of one side of the structure shall be located within three (3) feet of one side lot line. The building wall which faces the "zero" side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings.

Height Regulations	
Maximum Height	2 ½ stories for the main structure; 1 story for accessory buildings.
Area Regulations	
Minimum Lot Area	5,000 square feet
Minimum Lot Width	Fifty (50) feet
Minimum Lot Depth	Ninety (90) feet
Maximum Lot Coverage	Fifty (50) percent total, including main and accessory buildings.
Minimum Area of Dwelling Unit	Each unit shall have a minimum floor area of 1,450 square feet.
Minimum Front Yard	25 feet
Minimum Side Yard	Side yard setbacks shall be 1 foot maximum on one side and a minimum of 9 feet on the opposite side. The dwelling shall be no closer than 10 feet between the face of exterior walls of neighboring dwelling units.
	The minimum side yard Setback Adjacent to a street ROW shall be 15 feet and 25 feet from a garage door to a side or rear street or alley ROW line
Minimum Rear Yard	12 feet; 25 feet from a garage door to a side or rear street or alley right-of-way line.
Maximum Lot Coverage	50 percent total, including main and accessory buildings.
Parking Regulations	2 enclosed spaces on the same lot as the main structure.

## Section 5.11 Hotel standards.

### (a) Special considerations

- (i) Must be constructed of 100 percent masonry, with the ground floor exterior construction materials restricted to brick or stone
- (ii) Façade improvements required on all exteriors of all buildings, regardless of visibility from a right-of-way
- (iii) Must provide either a restaurant, or a coffee shop or food shop that is staffed during daylight hours
- (iv) If a restaurant is not provided, in addition to the staffed coffee or food shop, a breakfast area that opens to a seating area of no less than 500 square feet must be provided
- (v) Must provide a boardroom, meeting room, or hospitality room of no less than 1,000 square feet
- (vi) Must provide a swimming pool, interior or exterior, of no less than 1,000 square feet of water surface area
- (vii) Must include a covered Porte Cochère
- (viii) Extended stay hotels stays restricted to a maximum of thirty (30) days
- (ix) These requirements do not apply in the CA zoning district.

## Article VI. PERFORMANCE STANDARDS

### Section 6.01 Conformance required generally.

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

### Section 6.02 Federal and state requirements.

- (a) All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

### Section 6.03 Lighting and glare standards.

- (a) Purpose: Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.
- (b) Nonresidential site lighting and glare standards:
  - (i) Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.
  - (ii) All off-street parking areas for nonresidential uses in nonresidential districts which are used after dark shall be illuminated beginning one-half ( $\frac{1}{2}$ ) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting shall be directed or shielded in such a manner as to not interfere with traffic movement or adjacent streets. Lighting within the parking areas shall meet the following minimum requirements:
    - (iii) Intensity:

- 1) Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.
  - 2) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.
- (iv) Height:
- 1) On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty (30) feet .
  - 2) On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty (20) feet.
  - 3) Special lighting or lighting higher than thirty (30) feet may be approved as specifically noted on a site plan.
- (c) Residential lighting and glare standards:
- (i) Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
    - 1) Direct lighting over ten (10) feet in height is shielded from adjacent property.
    - 2) No light source shall exceed thirty (30) feet in height. Street lights and other traffic safety lighting are exempt from this standard.
    - 3) Lighting shall not directly shine on adjacent dwellings.
  - (d) Luminaires: Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires, installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting as provided in 6.03(e).
  - (e) Special or temporary lighting: low wattage: Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

## Article VII.SUPPLEMENTAL REGULATION

### Section 7.01 Site plan review.

(a) Site plan review:

- (i) Purpose - This section establishes a site plan review process for proposed developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- (ii) Applicability - Site plan review and approval shall be required for the following:
  - 1) Any nonresidential development.
  - 2) Any multi-family development or manufactured home park.
  - 3) Any development with two (2) or more buildings per platted lot.
  - 4) Any Planned Development or Specific Use Permit. (Public hearings may also be required, see Sections 7.02 and/or 7.03).
  - 5) No building permit shall be issued for any of the above developments unless a site plan is first approved by the City. No certificate of occupancy shall be issued unless all construction and development conform to the site plan as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a Planned Development or S.U.P.
- (iii) Exemptions and exceptions - Site plan review shall be conducted through the Building Inspection Department for any detached one or two dwelling unit buildings or any accessory uses incidental thereto, except as provided above.
- (iv) Site plan details - The site plan shall contain sufficient information relative to site design considerations, including but not limited to the following:
  - 1) Location of proposed building(s) and structures.
  - 2) On- and off-site circulation (including truck loading and pickup areas) and fire lanes.
  - 3) Parking.
  - 4) Grading.
  - 5) Landscaping design.
  - 6) Placement of utilities.
  - 7) Screening.
  - 8) Engineering for streets and utilities.

- 9) Drainage.
  - 10) Building elevations.
  - 11) Freestanding signs (not mounted on buildings).
  - 12) Lighting poles and fixtures (not mounted on buildings).
- (v) Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate site plan information, the City is hereby empowered to maintain and distribute a list of specific requirements for site plan review applications. Upon periodic review, the Director of Planning and/or Building Official shall have the authority to update such requirements for minor site plan details.
- (vi) Supplemental requirements - The staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based on such information.
- (vii) Principles and standards for site plan review - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development in the City of Waxahachie. The City staff shall review the site plan for compliance with all applicable Ordinances and the Plan; for harmony with surrounding uses and the overall plan for development of the City of Waxahachie; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.
- (viii) Based upon its review, the staff may approve, conditionally approve, request modifications, or deny the site plan based on evaluation of the site plan details with respect to:
- 1) The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Waxahachie including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
  - 2) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

- 3) The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and negative impacts.
  - 4) The provision of a safe and efficient vehicular and pedestrian circulation system.
  - 5) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
  - 6) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
  - 7) The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Waxahachie.
  - 8) The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and (2) to complement the design and location of buildings and be integrated into the overall site design.
  - 9) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties.
  - 10) The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
  - 11) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
  - 12) Protection and conservation of water courses and areas subject to flooding.
  - 13) The adequacy of water, drainage, sewerage facilities, garbage disposal, and other utilities necessary for essential services to residents and occupants.
- (b) Approval process:
- (i) The Director and Planning and/or Building Official shall review and approve, approve with conditions, or deny all site plans except for PD, SUP or other districts requiring public hearings. Any decision on a site plan with which the applicant disagrees may be appealed to the Planning and Zoning Commission.

- (ii) If a site plan is denied by the Director and Planning and/or Building Official the city staff shall place the site plan on the regular agenda of the Planning and Zoning Commission within thirty (30) days after the request for appeal. If recommended for approval by the Planning and Zoning Commission, the site plan shall be deemed approved by the City. If the site plan is recommended for denial by the Planning and Zoning Commission, the applicant may appeal the decision and may request the site plan be placed on the City Council's agenda. The City Council shall have final approval or disapproval on all site plans which are appealed.
- (iii) Effect of site plan approval - If development of a lot with an approved site plan has not commenced within one (1) year of the date of final approval of the site plan, the site plan shall be deemed to have expired. Said review and approval shall be evaluated according to the standards set forth above, taking into account all changes to applicable ordinances which have occurred subsequent to the prior approval of the site plan.
- (iv) It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Director and Planning and/or Building Official shall have the authority to approve minor modifications of an approved site plan, provided that such modifications do not materially change the circulation and building location on the site, or any conditions specifically attached as part of a City Council approval.

#### Section 7.02 Overlay district for planned development (PD) districts.

- (a) General Purpose and Description
  - (i) Any initial request for a PD zoning change shall follow the procedures outlined in Section 2.04 of this Ordinance.
  - (ii) The PD is a zoning district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance.
  - (iii) A PD may be created as an overlay district that combines with any other underlying base district except the FD Zoning District. The boundaries of each base zoning district shall be designated on the Concept Plan.

- (iv) A PD for residential use may also be created as a Freestanding PD under prescribed circumstances.
  - 1) The ordinance approving an amendment to the zoning ordinance may establish multiple PD overlay districts, or one or more PD overlay districts together with a Freestanding PD, provided that the proposed development is integrated in purpose and design.
  - 2) A Freestanding PD for residential use must establish complete zoning district development standards for the subject property zoned under the PD.
    - a) No base or underlying zoning district is required since the Freestanding PD will not default to an underlying zone.
    - b) In the event a Freestanding PD is created, the zoning map shall identify FPD as the abbreviated designation and the approving ordinance number must be included within the official text and map references.
    - c) The Freestanding PD ordinance must either include a use chart or reference which zoning district use chart will be followed.
    - d) The Freestanding PD ordinance shall include a table showing the types and numbers of units by lot size, and the acreage and density of each type of dwelling unit or lot size group. The ordinance also shall identify the type and quantity of open space and amenities and the time and manner of providing such open space and amenities.
- (b) Permitted uses: An application for a PD shall specify the use or the combination of uses proposed. Unless otherwise expressly provided in the ordinance establishing the PD, uses permitted in a PD are limited to those allowed in the base districts in Section 33. The ordinance establishing the PD may restrict uses otherwise allowed in the base district or may provide for uses not otherwise allowed in the base district, provided such uses are compatible with adjacent land uses and are consistent with the purpose of the PD. Uses allowed by Specific Use Permits (SUP) in a base zoning district are allowed in a PD only if specifically identified in the ordinance establishing the PD. When a Freestanding PD is created, the uses allowed in the PD District shall be limited to those specified in the ordinance establishing the District.
- (c) Planned Development (PD) Zoning District requirements:

- (i) Development requirements for each separate PD shall be set forth in the Ordinance establishing the PD and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
  - (ii) Each PD shall consist of two (2) parts.
    - 1) A Concept Plan; and
    - 2) A Detailed Site Plan.
  - (iii) The Ordinance establishing the PD shall identify a base zoning district, unless created as a Freestanding PD. Development within the PD shall conform to the standards and regulations of the base zoning district and the Development Standards in the Zoning Ordinance, unless otherwise expressly stated in the ordinance establishing the PD. Any variations from standards in the base district or the Development Standards in the Zoning Ordinance shall be expressly stated in the ordinance establishing the PD.
  - (iv) The Ordinance creating a PD shall include a statement as to the purpose and intent of the planned development granted therein.
  - (v) No minimum shall apply to nonresidential planned developments.
  - (vi) The City Council, upon the recommendation of the Planning and Zoning Commission, may defer one or more requirements applicable to the Concept Plan, or specification of standards for the PD, or variations from standards in the base district or from the Development Standards in the Zoning Ordinance, until the time of approval of a Detailed Site Plan, provided that such Detailed Site Plan shall be considered an amendment to the PD, which shall be approved in accordance with the procedures for approval of a zoning amendment in Section 2.04 of the Zoning Ordinance.
- (d) Concept Plans and Detailed Site Plans:
- (i) Concept Plan. Every PD application shall be accompanied by a Concept Plan. The Concept Plan shall show, in a graphic manner, a schematic layout for the development and include language pertaining to the specific request identifying the zoning conditions, uses, and development standards requested for the subject property. The Concept Plan shall be reviewed and approved as part of the ordinance establishing the PD District.
    - 1) Residential Concept Plan.

- a) A Concept Plan for residential land use shall show the general location of all use, thoroughfares, preliminary lot or residential street layout arrangements, parks, open space and proposed amenities.
  - b) For multi-family residential development, the Concept Plan shall set forth the size, type and location of buildings, access, density, building height, fire lanes, screening, parking areas, landscaped areas, project scheduling, and other pertinent development data, in addition to the general location of thoroughfares, parks, open space and proposed amenities.
- 2) Nonresidential Concept Plan.
- a) A Concept Plan for uses other than residential uses shall set forth the general location and arrangement of proposed land uses, thoroughfares, open space and amenities in a manner to adequately illustrate the type and nature of the proposed development.
  - b) Information which may be submitted by the applicant, or required by the Planning and Zoning Commission or City Council to be shown on the Concept Plan, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, project scheduling and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the Detailed Site Plan.
- (ii) Detailed Site Plan. This plan shall set forth the final plans for development of the PD. Approval of the Detailed Site Plan shall be the basis for issuance of a building permit but does not relieve the applicant of the responsibility to submit plans to the Building Official for a building permit.
- 1) Detailed Site Plans for multi-family or non-residential PDs shall include:
- a) A site inventory analysis including a scale drawing showing major existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas. Any man made physical features shall also be shown.

- b) A scale drawing showing any proposed public or private streets and alleys; lot boundary lines; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with a topographical contour interval of not more than two (2) feet.
  - c) A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines, and alley lines. Also, to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
  - d) A landscape plan showing turf areas, screening walls, ornamental planting, wooded areas and trees to be planted.
  - e) An architectural plan (elevations, etc.) showing elevations and signage style to be used throughout the development in all districts except single-family and two-family districts may be required by the Planning and Zoning Commission or City Council.
- 2) For a residential PD comprised of more than four (4) lots, other than for multi-family residential development, a preliminary plat shall qualify as the Detailed Site Plan. In such event, the Planning and Zoning Commission and City Council shall each approve the Preliminary Plat in accordance with procedures in the City's Subdivision Regulations and in conformance with the criteria for approval in this section. For a single-family residential PD comprised of four (4) or fewer lots, the building permit for each dwelling shall qualify as the Detailed Site Plan.
- 3) The Detailed Site Plan may be submitted for the total area of the PD, or for any sections or phases shown on the approved Concept Plan or, for single-family or duplex residential developments, for any phase of the approved preliminary plat.
- (iii) A Detailed Site Plan may be submitted and approved in lieu of a Concept Plan if the Detailed Site Plan meets all the requirements for both plans.

- (iv) Changes of detail on the Detailed Site Plan, which differ from the original Concept Plan, but do not alter the basic relationship of the proposed development to adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or do not significantly alter the landscape plans as indicated on the approved Concept Plan may be authorized by the City Manager or designated representative.
- (e) Approval process:
  - (i) Establishment of a PD shall be deemed an amendment to the zoning ordinance and shall be subject to the procedures for zoning amendments as set forth in Section 2.04.
    - 1) The initial ordinance establishing the PD may include only the Concept Plan or both the Concept Plan and Detailed Site Plan.
      - a) If approved for Concept Plan only, then a Detailed Site Plan will be required as a separate application that will be reviewed and approved.
      - b) If approved for both plans, then any materialistic changes to the development will require a new or modifying ordinance.
    - 2) A Detailed Site Plan in lieu of a Concept Plan, shall be incorporated within the ordinance establishing the PD.
  - (ii) Detailed Site Plan
    - 1) A PD Ordinance approved with only a Concept Plan for the development requires a Detailed Site Plan to complete the PD.
      - a) The Detailed Site Plan shall meet all requirements of Section 7.01.
      - b) A Detailed Site Plan that materialistically complies with the Concept Plan may be reviewed and approved by the City Manager or designated representative.
      - c) A Detailed Site Plan that does not materialistically comply with the Concept Plan requires a new PD Ordinance.
  - (iii) A new PD Ordinance modifying the Concept Plan still requires a Detailed Site Plan.
    - 1) The new PD Ordinance may incorporate the Detailed Site Plan.
  - (iv) A PD Ordinance approved with both a Concept Plan and Detailed Site Plan requires a new ordinance to modify any details contained in either the Concept Plan or Detailed Site Plan. If the modifications do not significantly alter the approved ordinance, then the review and approval may be authorized by the City Manager or designated representative.

- (v) The Planning and Zoning Commission shall use the following criteria in recommending and the Council in deciding whether to approve, approve with modifications or conditions, or deny a request for establishment of a PD.
  - 1) The extent to which the proposed PD District furthers the policies of the Comprehensive Plan;
  - 2) The extent to which the proposed PD District will result in a superior development than could be achieved through conventional zoning classifications;
  - 3) The extent to which the proposed PD District will resolve or mitigate any compatibility issues with surrounding development;
  - 4) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;
  - 5) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans;
  - 6) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally; and
  - 7) For residential planned developments, the extent to which the proposed Concept Plan provides for and integrates open space and amenities into the plan for development.
- (vi) The Ordinance establishing the PD shall not be approved until the Concept Plan or Detailed Site Plan is approved.
  - 1) A Detailed Site Plan may be approved for the entire PD or in sections. When a Detailed Site Plan is approved in sections, then separate approvals will be required. In acting on the application, the approval shall determine whether the Detailed Site Plan conforms to the standards and conditions in the ordinance establishing the PD and to the approved Concept Plan.
  - 2) A Detailed Site Plan shall be submitted for approval for within one (1) year from the approval of the ordinance establishing the PD for some portion of the Concept Plan unless a different time is specified in the ordinance. If the land is to be developed in phases, each subsequent Detailed Site Plan shall be approved within one year of the last approved Site Plan, or as otherwise may be provided in a phasing schedule.

- 3) If a Detailed Site Plan is not submitted within such one (1) year period or as provided by a phasing schedule, the authority to submit a Detail Site Plan and all subsequent Detail Site Plans for the PD shall be suspended. Following suspension of the right to submit a Detailed Site Plan, the Planning and Zoning Commission shall consider and recommend to the City Council whether the right to submit a Detailed Site Plan should be reinstated, or whether the undeveloped land within the PD should be changed to another zoning district classification.
- 4) The City Council, following a public hearing, shall determine whether the right to submit the Detailed Site Plan application should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the City Council shall consider the following factors:
  - a) Whether the PD remains consistent with the Comprehensive Plan;
  - b) Whether the uses authorized in the PD are compatible with existing and planned land uses adjacent to the site;
  - c) Whether there are extenuating circumstances justifying the failure to submit a Detail Site Plan during the applicable time period; and
  - d) Whether rezoning the property to another classification would constitute confiscation of a vested property right or deprive the owner of the economically viable use of the land.
- 5) The City Council may take the following actions:
  - a) Reinstatement of the right to submit the Detailed Site Plan application within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD;
  - b) Modify the PD regulations applicable to the property in accordance with procedures in Section 2.04 of the Zoning Ordinance; or
  - c) Repeal the PD for the affected portions of the property and zone the property to another zoning district classification, in accordance with procedures in Section 2.04 of the Zoning Ordinance.
- (f) Zoning district map: All PDs approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map.
- (g) Planned development ordinances to be continued: Prior to adoption of this Ordinance, the City Council has established various Planned Development Zoning Districts, some of which are to be continued in full force and effect.

- (h) Uses allowed only by PD: Because of the uniqueness of the following uses in Waxahachie, they shall be permitted within a PD combining with the SF2 or SF3 districts or within a Freestanding PD.
  - (i) Patio Homes/Zero-Lot Line Homes.

### Section 7.03 Specific use permits. SUP or "S"

- (a) Specific uses: The purpose of this district is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.
  - (i) The City Council by an affirmative vote may authorize certain uses by a Specific Use Permit, after proper notice to all parties affected and a Public Hearing, and after recommendations from the Planning and Zoning Commission indicating that the proposed uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safeguards as are necessary to protect adjoining property.
  - (ii) Application shall be accompanied by a site plan (see Section 7.01) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The City shall make available application forms specifying drawing requirements. The City Manager, Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.
- (b) Specific use permit regulations:
  - (i) In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider the following:

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;
  - 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;
  - 3) The nature of the use is reasonable;
  - 4) Any negative impact on the surrounding area has been mitigated;
  - 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.
- (ii) In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be in written form as approved by the City Council and made a part of the Certificate of Occupancy.
- (iii) No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and reviewed by the Planning and Zoning Commission and approved by the City Council.
- (iv) A building permit or certificate of occupancy shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension. After six (6) months has elapsed following approval of a Specific Use Permit, and if a building permit or a Certificate of Occupancy has not been issued, the site plan shall be considered invalid, null and void. If the site plan is determined to be invalid, the property owner(s) must submit a new or revised site plan for approval (in accordance with Section 7.01 of this Ordinance) prior to any construction or application for building permit for the area designated for the Specific Use Permit. A public hearing is required for consideration of the new site plan.
- (v) No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Specific Use Permit is granted for such enlargement, modification, structural alteration, or change.
- (vi) Minor changes or alterations may be approved by the Building Official.

- (vii) The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.
- (viii) When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation.
- (c) Use regulations:
  - (i) Uses permitted by SUP are specified in the Use Charts.
  - (d) Prior SUP ordinances remaining in effect: Prior to adoption of this Ordinance, the City Council had established various Specific Use Permits, some of which are to be continued in full force and effect. The permits or parts of permits approved prior to this Ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Specific Use Permits shown on the Zoning Map at the date of adoption of this Ordinance.

#### Section 7.04 Alternative compliance.

- (a) General Purpose
  - (i) Alternative compliance is a procedure that allows development to meet the intent of the design-related provisions of this Zoning Ordinance through an alternative design. An alternative compliance approach is intended to provide flexibility in order to respond to unique conditions or abutting/surrounding uses, and must not result in reductions in the amount or quality of the particular standard. Alternative compliance shall not be granted to relieve a self-created or personal hardship, nor shall it be based on economic gain or loss.
- (b) Applicability
  - (i) The alternative compliance procedure shall not be used to:
    - 1) Modify the required dimensional standard of a lot;
    - 2) Authorize a land use that is prohibited in the underlying zoning district;
    - 3) Modify the density established for a zoning district;
    - 4) Grant a variance to a requirement that is assigned to the authority of the Zoning Board of Adjustment; or,
    - 5) Authorize a sign type that is not permitted in the underlying zoning district.
- (c) Pre-Application Meeting
  - (i) An applicant proposing to use alternative compliance under this section shall submit an application the Director of Planning.

(d) Approval Procedures

(i) Action by the Director of Planning

- 1) The Director of Planning shall review the request with the criteria and approve, approve with conditions, or deny the request for alternative compliance.
  - a) If denied, the applicant has the option to appeal to the City Manager.

(ii) Appeal Process

- 1) The City Manager (or designee) shall review the request with the criteria and approve, approve with conditions, or deny the request for alternative compliance.
  - a) If denied, the applicant may apply for a planned development, as outlined in Section 7.02.

(e) Criteria

(i) To grant a request for alternative compliance, the Director of Planning shall find that the following criteria are met:

- 1) The proposed alternative design is original, innovative, or exceptional, and achieves the intent of the subject design standard to the same or better degree than the subject standard;
- 2) The proposed alternative design achieves the goals and objectives of the Comprehensive Plan, other relevant plans, and this Code to the same or better degree than the subject standard;
- 3) The proposed alternative design addresses unique aspects of the site or building, such as infill development or operational characteristics;
- 4) The proposed alternative design results in benefits to the community that are equivalent to or better than compliance with the subject design standard; and
- 5) The proposed alternative design imposes no greater effects on adjacent properties than would occur through compliance with specific requirements of Article V.

(ii) The burden of evidence shall be upon the applicant to prove that the alternative design matches or exceeds City standards.

(f) Scope of Approval

- (i) Alternative compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of future requests.

(ii) Written approval does not authorize any development activity, but rather authorizes the applicant to prepare an administrative site plan or building permit application that incorporates the approved alternative compliance and authorizes the decision-making body to review the administrative site plan or building permit application for compliance with the approved alternative.

1) City Council retains the right to reject any approval for alternative compliance.

(g) Expiration

(i) An approved alternative compliance plan shall expire if one (1) year passes following its approval and an application for a permit that would that would implement the plan has not been issued.

### Section 7.05 Home occupation regulations.

- (a) The home occupation shall be conducted in the house by a resident of the primary dwelling.
- (b) The business or service located within the dwelling shall not exceed twenty-five (25) percent of the floor area.
- (c) Activities are limited to the living portion of a house or its attached garage.
- (d) Accessory buildings or detached structures cannot be used in conjunction with a home-based business
- (e) The home occupation shall cause no change in the external appearance of the existing buildings and structures on the property.
- (f) All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so that a casual observer or a person of normal sensibilities will not be able to detect any sign of the premises being used as a home occupation. No vehicle larger than one ton shall be kept on the premises.
- (g) Parking of vehicles to accommodate off-site employees or permitted customers shall be limited to the driveway of such premises or along the curb immediately adjacent to such premises.
- (h) There shall be no advertising devices on the property other than potential advertising located on vehicles owned by the resident.
- (i) The property shall contain no outdoor display of goods or services that are associated with the home occupation. Outside storage is prohibited. For the purpose of this section, the parking of one trailer in a driveway or along the street curb is not considered outside storage.
- (j) Wholesale or retail sales of goods shall not occur on the premises.

- (k) The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- (l) The following uses, because of their effects on the surrounding residential area, shall not be permitted as home occupation: dance, music, or other types of tutoring instruction where more than four students are being instructed at one time; dental offices; medical offices; the painting of vehicles, trailers, or boats; private schools with organized classes; motor vehicle towing operation; welding shops; nursing homes; bed and breakfast facility or any other such transient lodging; tea room or restaurant; rest home or clinic; child care center; or cabinet, metal, or auto repair shop.
  - (i) Barber or beauty shop uses shall be permitted, though restricted to one (1) chair if a Certificate of Occupancy is obtained from the Building and Community Services Department.

#### Section 7.06 Setbacks.

- (a) Setback measurements: All setback measurements shall be made in accordance with Article IX.
- (b) Front yard:
  - (i) On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard (see Article IX).
  - (ii) Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Article IX).
  - (iii) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet, and subsurface structures, platforms or slabs may not project into the front yard greater than thirty (30) inches above the average grade of the yard (see Article IX).

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

<b>Zoning District</b>	<b>Minimum Lot Width (Measured at the Front Building Line)</b>
FD	270'
RR	160'
SF1	80'
SF2	70'
SF3	55'
Duplex (2F)	85'
PD	As specified in the PD Ordinance

- (v) Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the property line adjacent to a public right-of-way. Pump islands for a gasoline filling station may extend beyond the front building line but shall not be closer than fifteen (15) feet to any property line not adjacent to a public right-of-way provided that other requirements of this Ordinance are met.
    - 1) Canopy supports for gasoline service stations must be constructed of brick and located on the outside of the pump.
  - (vi) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.
- (c) Side yards:
- (i) On a corner lot used for one- or two-family dwellings, both street exposures shall be treated as front yards, except that where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line shall be designated on an approved plat with a minimum side yard of fifteen (15) feet or more. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
  - (ii) Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed one (1) foot into the required side yard, and roof eaves projecting not to exceed three (3) feet into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
  - (iii) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.
- (d) Swimming pools:
- (i) Swimming pools must be setback a minimum of three (3) feet from all property lines, outside of easements. This is measured to the water's edge.

#### Section 7.07 Sight visibility regulations.

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

- (i) At a street intersection, clear vision must be maintained for a minimum of twenty-five (25) feet across any lot measured from the corner of the property line in both directions (see Article IX).
- (ii) At an intersection with an alley, this clearance must be maintained for ten (10) feet (see Article IX).
- (iii) Shrubs and hedges three (3) feet or less in height, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

#### Section 7.08 Communications antennas and support structures/towers.

- (a) Commercial Antennas and Antenna Support Structures are prohibited within the FD, RR, SF1, SF2, SF3, 2F, MF1, MF2 and MH Zoning Districts, except as specified within this section.
  - (i) A Commercial Antenna may be attached to a utility structure, electrical transmission or distribution tower, or elevated water storage tank exceeding fifty (50) feet in height, provided that the Commercial Antenna does not extend more than ten (10) feet above the height of the utility structure.
  - (ii) A Commercial Antenna may be placed wholly within any building permitted in the zoning district. A Commercial Antenna may be mounted flush to the exterior of a structure if it is painted or disguised to integrate into the overall architectural design and is not readily visible or identifiable as an antenna from public rights-of-way or neighboring residential properties.
- (b) Commercial Antennas and Antenna Support Structures are allowed within the O, NS, GR, CA, C, LI1, LI2, HI and AP Zoning Districts, as follows:
  - (i) Commercial Antenna and Antenna Support Structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP). In all nonresidential zoning districts, Antenna Support Structures must meet the setback requirements from residential districts.
  - (ii) A Commercial Antenna may be attached to a utility structure, electrical transmission or distribution tower, or elevated water storage tank exceeding fifty (50) feet in height, provided that the Commercial Antenna does not extend more than ten (10) feet above the height of the utility structure.

- (iii) A Commercial Antenna may be placed wholly within any building permitted in the zoning district. A Commercial Antenna may be mounted flush to the exterior of a structure if it is painted or disguised to integrate into the overall architectural design and is not readily visible or identifiable as an antenna from public roadways or neighboring residential properties.
- (iv) No Commercial Antenna or Antenna Support Structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennas attached to utility structures exceeding fifty (50) feet in height, or to antennas placed wholly within or mounted upon a building.
- (v) No Antenna, Antenna Support Structure, microwave reflector, or associated foundations, support wires, or appurtenances shall be located within any required setback area for a front, side, or rear yard (see Article IX).
- (vi) Antennas, both commercial and non-commercial, shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.
- (vii) Satellite dishes and other similar antennas shall be permitted on the roof of a building as long as satellite dishes do not exceed three (3) feet in diameter and antennas do not extend over twelve (12) feet above the roof of the building. Any parabolic or satellite dish antenna over three (3) feet in diameter but not exceeding twelve (12) feet in diameter may be mounted on the roof if a letter stating its structural stability is written by a registered architect or engineer and submitted to the Building Official. Roof-mounted antennas that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.
- (viii) Only one satellite dish shall be permitted per residential lot or primary structure. Satellite dishes in any residential district shall not exceed twelve (12) feet in diameter and must be permitted through the Building Inspection Department.
- (ix) All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.

- (x) Publicly owned public safety communications, antennas, or antenna support structures shall be permitted in any district.

#### Section 7.09 Minimum dwelling unit area (Minimum DUA).

- (a) Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports, and accessory buildings.

#### Section 7.10 Alternative financial services.

- (a) A lot containing an alternative financial service shall be located at least 1,000 feet from any lot containing another alternative financial service, as measured in a straight line between the nearest points of one lot to the other lot.
- (b) A lot containing an alternative financial service shall be located at least 200 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one lot to the other lot.
- (c) No lot containing an alternative financial service shall be located within 500 feet of the rights-of-way of US Highway 77, Elm Street, Ferris Avenue, or Main Street.
- (d) No alternative financial service shall be permitted within the Central Area District.
- (e) Alternative financial services shall be situated only within a freestanding building.

#### Section 7.11 Bed and breakfast facilities.

- (a) Bed and breakfast facilities are defined in Definitions of this ordinance and further are permitted in accordance with the Use Charts of this ordinance. These facilities are subject to the following standards:
  - (i) In all allowable districts:
    - 1) A specific use permit granted by the City Council is required for the establishment of a bed and breakfast facility.
      - a) An application for an SUP for a Bed and Breakfast facility shall be filed with the City's Planning Department in accordance with Section 7.03 of the Zoning Ordinance who shall prepare a written report for review and consideration by the Planning and Zoning Commission and by the City Council.
      - b) Issuance of an SUP by the City Council is conditional on the basis that the following items have been satisfied:
        - i) The proposed facility will be compatible to adjacent land uses;
        - ii) The proposed facility will not endanger the public, safety, or welfare;
        - iii) The proposed facility complies with all other zoning regulations stated herein; and
        - iv) The Council will consider proximity to other Bed and Breakfast SUPs in granting new SUPs.

- 2) Number of Guest Rooms: The maximum number of guest rooms shall be determined and regulated through the SUP granted for the facility. The definition of a Bed and Breakfast Inn or Facility specifically limits this to a maximum of five (5) guest rooms.
- 3) Length of Stay: The maximum length of stay for each guest shall be limited to fourteen (14) consecutive days within any thirty-day period.
- 4) Signs shall conform to Section 5.08 of the Zoning Ordinance.
- 5) All health considerations shall be regulated by the City's Building and Community Services Department.
- 6) Building considerations:
  - a) The owner of the Bed and Breakfast facility must obtain a Certificate of Occupancy from the City's Building and Community Services Department after the issuance of the Specific Use Permit.
  - b) The structure(s) must conform to all City and State Building Codes for existing or new construction (as the situation dictates).
- 7) Fire considerations:
  - a) The City Fire Marshal or a representative shall inspect all Bed and Breakfast facilities after the issuance of the Specific Use Permit by City Council, and on an annual basis.
  - b) Each Bed and Breakfast facility must comply with the appropriate section on "Lodging and Rooming Houses" contained in NFPA 101 Life Safety Code.
  - c) Each facility must have at least one (1) battery operated or regular hard-wired smoke detector in all guest rooms, stairwells, and/or corridors on each floor of the structure.
  - d) An approved and operational fire extinguisher shall be provided in close proximity to the guest units on each floor.
- (ii) In Residential Districts. The following additional regulations are applicable to all Bed and Breakfast facilities located within residentially-zoned districts (SF1 thru MF2):
  - 1) Events for non-guests in exchange for compensation of any type, including required rental of all or any rooms, are granted with a temporary permit, up to six (6) a year; provided the permit details; and the city staff approval of off-street parking, security, and any possible catering issues.

#### Section 7.12 Drive-through sales of prepackaged beverages.

- (a) An establishment may not offer drive-in, drive-up, drive-through or walk up sales or services of prepackaged, sealed beverages.
- (b) For purposes of this section the term "drive-in," "drive-up," "drive-through," and "walk-up," does not prohibit the service of food or beverages to customers:

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

#### Section 7.13 Temporary offices in residential zoning districts.

- (a) Real estate sales offices are permitted during the development of residential subdivisions in which the office is located until eighty (80) percent of the building permits of the platted lots in the subdivision are issued.
- (b) Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Manager or designated representative. Specific time allowed and location shall be specified by the City Manager or designated representative.
- (c) Temporary parking lots during the development of residential subdivisions are permitted with the approval of an Administrative Site Plan submitted to the Planning Department. They can remain in place until ninety (90) percent of the platted lots in the residential subdivision have obtained Certificates of Occupancy.

#### Section 7.14 Industrialized housing.

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

#### Section 7.15 Open storage areas.

- (a) Open storage of materials, commodities or equipment shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to Outside Display uses.

#### Section 7.16 Special height regulations.

- (a) In the districts where the height of buildings is restricted to two (2) or two and one-half (2½) stories, cooling towers may extend for an additional height not to exceed fifty (50) feet above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories.

#### Section 7.17 Standalone third-car garages.

- (a) If a residence has a standalone garage for a third car, located along the front façade, this additional garage must be set behind the front building plane a minimum of three (3) feet.

## Article VIII. PENALTIES AND NONCONFORMITIES

### Section 8.01 Effect of interpretation.

- (a) In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, provided; however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, the height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

### Section 8.02 Preserving rights in pending litigation and violations under existing ordinances.

- (a) By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

### Section 8.03 Penalty for violations.

- (a) Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding 2,000 dollars and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof, and to obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

### Section 8.04 Validity.

- (a) If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

## Article IX. Illustrations

PASSED AND APPROVED by the City Council of the City of Waxahachie, Texas on the 21st day of May, 2018.

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MAYOR

ATTEST:

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City Secretary