

CITY OF LORENA

ZONING ORDINANCE

Ordinance No.2018-1210-01

Repealing Ordinance No. 2013-1021-01, As Amended and

Ordinance No. 03-0421, As Amended

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Article 1 - Authority

Section 1.1 Title

The regulations in this and the following articles constitute the Zoning Code of the City of Lorena, which shall be designated "The Zoning Ordinance of the City of Lorena, Texas," and may be so cited. References, herein, shall be as, "this Ordinance".

This Ordinance replaces and supersedes entirely the Zoning Ordinance, as amended, of the City of Lorena, Texas as approved on November 17, 2014, providing that same shall continue to apply as to the enforcement of violations which occurred thereunder and violations otherwise not subject to the enforcement of the provisions of this ordinance. All violations of the provisions of this ordinance occurring after its effective date shall be prosecuted or subject to enforcement as provided, herein, regardless of whether or not such conduct would have been in violation of any prior ordinances.

Under the laws of the State of Texas authority is conferred upon the City of Lorena to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, morals, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code.

Section 1.2 Purpose and Intent

The Zoning Ordinance of the City of Lorena, Texas is intended to promote the health, safety, morals and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the City.

To accomplish these ends, the ordinance is designed to achieve the following goals and objectives:

- A. To promote the health, safety, morals and general welfare of the citizens of the City of Lorena and to create and maintain conditions under which the citizens and their environment can exist in productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations.
- B. Ensure that all new developments are in general agreement and conformance with the Comprehensive Plan to ensure a harmonious pattern of development.
- C. Ensure that new development will be adequately served by streets, utilities, schools, parks and other community facilities and that older developed areas can be maintained as healthy neighborhoods.
- D. Ensure that appropriate allocations of various land uses will be provided to meet future population levels and types.
- E. To create quality zoning controls that allow some flexibility for superb creative development.
- F. Promote infill development of various types in appropriate areas to reduce urban sprawl and duplication of public services thereby saving tax dollars and preserving agricultural land.
- G. Protect residential areas from conflicting land uses by providing adequately landscaped buffer zones between conflicting areas.

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- H. Higher types of commercial, industrial and high-density development are to locate at the most economic and environmentally desirable locations.
- I. Ensure that industrial activity does not deplete the resources and quality of the land intended for current and future generations.
- J. Promote a quality of development both within the City and within the City's extraterritorial jurisdiction to direct orderly and systematic growth.

Section 1.3 **Definition Reference**

Article 13 contains certain definitions used throughout this Ordinance. Other definitions are contained in the specific provisions to which the terms relate. Undefined words are given their commonly understood meaning in the context used.

Section 1.4 **Rules of Language and Statutory Construction**

The following general rules of statutory construction apply when interpreting this Ordinance unless otherwise indicated.

- A. Words in the present tense include the future. The reverse is also true.
- B. Words in the singular number include the plural number. The reverse is also true.
- C. The word "building" includes the word "structure."
- D. The word "lot" includes the words "plot" or "tract."
- E. The words "must" and "may not" are mandatory and the word "may" is permissive.
- F. The word "district" means zoning district.
- G. The word "City" means the City of Lorena, Texas.
- H. The text material of this Code controls over illustrative material.
- I. Unless the context clearly requires otherwise, the use of terms such as "including," "such as," or similar language are intended to provide examples, and not intended to be exhaustive lists of all possibilities.
- J. All references to other city, county, state or federal regulations in this Ordinance refer to the most current version, or as may be amended, and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
- K. All references to "days" are to be deemed working days unless otherwise expressly stated. The time in which an act must be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by the City, that day is excluded. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be deemed to have been received the following day.
- L. Wherever a provision appears requiring the head of a department or another official or employee of the City to perform an act or duty, that provision is construed as authorizing the department head or official to delegate that responsibility to a designee.

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In construing this Ordinance, all provisions are given equal weight, unless the context clearly demands otherwise.

Section 1.5 Preexisting Regulations

The City adopts Chapter 245 of the Texas Local Government Code by reference, including any future amendments to Chapter 245 that the Texas Legislature adopts, and declares Chapter 245 a part of this Ordinance as fully as if the Chapter was incorporated into this Ordinance in its entirety. In an application required under this Ordinance, an applicant shall identify the preexisting regulations relied upon or the factual information demonstrating that the applicant's project was in progress and not dormant. Should Chapter 245 be repealed by the Texas Legislature, this Section remains in effect for one year from the date of such repeal. During such time, the City Council may take action it deems appropriate to provide that an application or project in progress may continue.

Section 1.6 Severability

Should any article, section or any provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

Section 1.7 Conflicting Ordinances

Whenever any provision of this ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or any other City ordinance or regulation, the provision of this ordinance shall control. Whenever any provision of any State or Federal statute or other City ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such State or Federal statute or other City ordinance or regulation shall control. .

Section 1.8 Enforcement and Penalty for Violation

1.8.1 COMPLIANCE REQUIRED

- A. No person may use, occupy, or develop land, buildings, or other structures, or authorize or permit the use, occupancy, or development of land, buildings, or other structures under the control of the person except in accordance with all applicable provisions of this Ordinance. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.
- B. The owner of any building or land, or part thereof, where anything in violation of this Ordinance is placed or used, and any architect, builder, contractor, agent, or any other person employed in connection therewith, who may have assisted or contributed to the commission of any such violation, shall each be deemed guilty of a violation of this Ordinance.
- C. The City shall not issue a Building Permit or Certificate of Occupancy required by this Chapter for any land located within the jurisdiction of the City to which this Chapter applies, until and unless there is compliance with this Chapter.
- D. The City shall not connect City water, sewer or electricity to any property to which the provisions of this Chapter apply, unless and until there is compliance with the provisions of this Chapter.

1.8.2 **PENALTY**

- A. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the corporate limits of the City of Lorena shall be guilty of a misdemeanor and upon conviction shall be fined with the maximum fine in the amount of two thousand dollars (\$2,000) for a violation of any provision governing the public health, safety, morals and welfare and shall be fined with the maximum fine in the amount of five hundred dollars (\$500) for any other violation.
- B. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- C. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the extraterritorial jurisdiction of the City, outside the corporate limits, shall not be guilty of a misdemeanor; however, the City may institute any appropriate action or proceeding in the District Court to enjoin the violation of this Ordinance.
- D. The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction may be exercised in enforcing this Ordinance whether or not there has been a criminal complaint filed.

Section 1.9 **Effective Date**

This Ordinance was adopted on _____ (date) and became effective as the Zoning Ordinance of the City of Lorena, Texas on _____ (date).

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Article 2 - Administration

Section 2.1 Purpose and Intent

No building or structure hereafter shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted within the assigned zoning districts and specific provisions of this Ordinance. This Article describes the organization and roles of review bodies under this Ordinance.

Section 2.2 Prior Approvals

Nothing in this Ordinance shall be deemed to require any change to the plans, plats, lots or buildings that was previously approved prior to the effective date of this Ordinance, unless allowed by law.

Section 2.3 City Council

2.3.1 POWERS AND DUTIES

In addition to any authority granted to the City Council by state law, or other City Ordinance, the City Council may:

- A. Adopt, make modifications to, and implement the comprehensive plan and supporting studies;
- B. Amend, supplement, or change the regulations established in this Ordinance;
- C. Amend, supplement, or change the zoning district boundaries;
- D. Annex land into the corporate limits of the City according to Texas Local Government Code Chapter 43, as amended.
- E. Establish fees for processing development applications, zoning verification letters, zoning maps, or other applications required by this Article.
- F. Grant, deny, or impose conditions for a Conditional Use Permit consistent with the purposes stated in Section 3.2.
- G. Appoint and remove members of the Planning and Zoning Commission, and Zoning Board of Adjustment.

Section 2.4 Planning and Zoning Commission

2.4.1 ESTABLISHMENT

The Planning and Zoning Commission is established in accordance with the provisions of Chapter 211 of the Local Government Code.

2.4.2 POWERS AND DUTIES

In addition to any authority granted to the Planning and Zoning Commission by state law, or other Ordinances of the City, the Planning and Zoning Commission may:

- A. Make recommendations to the City Council about adoption, modification, and implementation of the comprehensive plan and supporting studies;

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- B. Make recommendations to the City Council concerning amendments to this Ordinance and the creation or modification of zoning districts;
- C. Make recommendations to the City Council concerning the rezoning of land and approval of certain applications specified in this Ordinance;
- D. Make recommendations to the City Council about adopting or amending the Comprehensive Plan, and the Thoroughfare Master Plan;
- E. Consider and report to the City Council about new public ways, lands, buildings, bridges, extensions, or street openings and their relation to the comprehensive plan;
- F. Conduct related business and make other recommendations on matters that are specifically requested, assigned, or required by the City Council or Zoning Administrator.

2.4.3 MEMBERSHIP AND APPOINTMENT

- A. Membership: The Planning and Zoning Commission shall consist of seven (7) members. Each member shall reside in the City of Lorena, Texas, and shall have qualifications as determined by the City Council. All members shall serve without pay and until their successor is duly appointed and qualified.
- B. Appointment and Removal: The City Council shall appoint the Planning and Zoning Commission. Each of the seven (7) seats for the Planning and Zoning Commission shall serve at the will and pleasure of the City Council and may be removed by the City Council
- C. Each Commissioner shall be appointed for a two-(2) year term and may be reappointed by the Council for additional terms.
- D. Officers: The members of the Planning and Zoning Commission shall organize and elect their own officers.
- E. Vacancies: The City Council shall fill any vacancies for the unexpired term. The appointment procedure for vacancies is the same as for an original appointment.

2.4.4 MEETINGS, HEARINGS, AND PROCEDURES

- A. General
 - 1. All meetings and hearings of the Planning and Zoning Commission are subject to state laws governing open meetings.
 - 2. The Planning and Zoning Commission is authorized to conduct public hearings jointly with the City Council or separately as a Planning and Zoning Commission as deemed necessary and as allowed by law.

Section 2.5 Zoning Board of Adjustment

2.5.1 ESTABLISHMENT

A Zoning Board of Adjustment is established in accordance with the provisions of Chapter 211 of the Local Government Code.

2.5.2 BOARD ACTION

- A. The Zoning Board of Adjustment may:

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1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of state law regarding zoning or this Ordinance;
2. Hear and decide Special Exceptions to the terms of a Zoning Ordinance when the Ordinance requires the Zoning Board of Adjustment to do so;
3. Authorize in specific cases a variance from the terms of a Zoning Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done; and
4. Hear and decide other matters authorized by an Ordinance adopted under state law.

B. In exercising its authority under Subsection A.1, the Zoning Board of Adjustment 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, and for that purpose the Zoning Board of Adjustment has the same authority as the administrative official

C. The concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to:

1. Reverse an order, requirement, decision, or determination of an administrative official;
2. Decide in favor of an applicant on a matter on which the Zoning Board of Adjustment is required to pass under this Zoning Ordinance; or
3. Authorize a variation from the terms of this Zoning Ordinance.

2.5.3 MEMBERSHIP

A. Appointment and Term

1. For the purposes of this Section, except as otherwise indicated, the terms "member" and "alternate" are synonymous.
2. The Zoning Board of Adjustment consists of five (5) members and up to four (4) alternates, each to be appointed by resolution of the City Council for a term of two (2) years. Vacancies are filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Each member reappointed or each new appointee must serve for a full term of two (2) years unless removed as provided below.

B. Removal

1. Members are removable for cause by the City Council upon written charges and after public hearing.

2.5.4 PROCEEDINGS

A. Chair of the Board and Vice-Chair

The Chair of the Zoning Board of Adjustment, or in the absence of the Chair, the Vice-Chair, may administer oaths and compel the attendance of witnesses. The Chair must vote and meetings of

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the Zoning Board of Adjustment may be held at the call of the Chair and at such other times as members of the Zoning Board of Adjustment may determine.

B. Meetings

All meetings of the Board are open to the public.

C. Quorum

A minimum of four (4) of the members of the Zoning Board of Adjustment must hear each case.

D. Rules of Proceeding

The Zoning Board of Adjustment must adopt rules to govern its proceedings provided that such rules are not inconsistent with this Ordinance or statutes of the State of Texas. Board meetings are subject to the Open Meetings Act.

E. Minutes

The Zoning Board of Adjustment must keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and must keep records of its examinations and other official actions, all of which must be immediately filed with the Zoning Board of Adjustment and are a public record. The City Secretary is the permanent secretary and regular technical advisor to the Zoning Board of Adjustment and must prepare written staff reports on each case that the Zoning Board of Adjustment hears.

Article 3 - Processes and Procedures

Section 3.1 Zoning Processes

3.1.1 INITIATION OF ZONING AMENDMENTS AND CHANGES

The City Council may, from time to time, amend, supplement, or change by Ordinance, the text of this Ordinance, the zoning district boundaries of the Official Zoning Map or the zoning district classification of property whenever the public necessity, convenience, general welfare or good zoning practice requires.

Any such amendment may be initiated by:

- A. City Council on its own motion;
- B. Recommendation by the Planning and Zoning Commission to the City Council;
- C. Petition of the owner(s), contract purchaser with the owner's written consent or the owner's agent with owner's written consent, of the property which is the subject of the proposed amendment.
- D. Any person may petition the City Council for a change or amendment to the provisions of the Ordinance.

3.1.2 REQUIREMENTS FOR ZONING AMENDMENT APPLICATION

- A. Commission hearings for zoning changes that do not affect specific property. These changes are usually associated with textual changes to this Ordinance. When any proposed amendment, supplement, or change of zoning map or text of this Ordinance does not affect specific property, notice of public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than ten (10) days prior to the public hearing.
- B. Each application for zoning or for an amendment or change to the existing provisions of this Ordinance shall be made in writing on a form suitable to the Zoning Administrator and shall be filed with the Zoning Administrator of the City of Lorena, Texas and shall be accompanied by payment of the appropriate fee to be charged by the City of Lorena, Texas, for administering the zoning application.
- C. The zoning application shall contain sufficient information relative to the amendment requested. To ensure the submission of adequate information, the Zoning Administrator is empowered to maintain and distribute a list of specific requirements for zoning applications. Upon periodic review, the Zoning Administrator shall have the authority to update such requirements for zoning application details.
- D. Upon receipt of a complete written application for zoning or for a change or an amendment to an existing provision of this Ordinance, the Zoning Administrator will set a date for a public hearing before the Planning and Zoning Commission.
- E. Written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the

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property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

- F. The Planning and Zoning Commission shall hold a public hearing on any application for any amendments or change prior to making its recommendation and report to the City Council. The Planning and Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing, as they may deem necessary.
- G. Following the public hearing, the Planning and Zoning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. When an application is denied by the Planning and Zoning Commission, the Planning and Zoning Commission should offer reasons to the applicant for such denial.
- H. After a public hearing before the Planning and Zoning Commission, the City Secretary and the City Council shall be notified of any action taken by the Planning and Zoning Commission on the application, and if the application is recommended for approval, including denials in part, by the Planning and Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding the application to be held before the City Council.
- I. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Lorena stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. The Planning and Zoning Commission and City Council may hold a joint meeting.
- J. Notice of hearings on proposed changes in the text of this Ordinance shall be accomplished by one (1) publication not less than fifteen (15) days prior to the public hearing in the official newspaper of the City. Changes in the ordinance text which do not change zoning regulations and/or zoning district boundaries do not require written notification to individual property owners.
- K. After a public hearing is held before the City Council regarding the zoning application, the City Council may approve a change in zoning as appropriate within the context of the public notice provided. If the proposed amendment, supplement or change fails to receive a favorable report and recommendation by the Planning and Zoning Commission or if there is a protest filed with the City Secretary against such proposed amendment, supplement or change, duly signed by the owners of twenty (20) percent or more, either of the area of the lots included in such change, or of those within two hundred (200) feet from the property boundary of such opposite lots, such proposed amendment, supplement or change shall not become effective except by a three-fourths ($\frac{3}{4}$) vote of all the members of the City Council.
- L. If the City Council fails to pass an ordinance approving such proposed amendment, supplement or change, then in that event, a new application for such proposed amendment, supplement or change to the zoning ordinance shall not again be considered until after the expiration of six (6) months from the date such proposed amendment, supplement or change was rejected; provided, however, that such application may be reconsidered within the above mentioned six (6) month period, if it be shown to the City that a substantial change in conditions has taken place in the vicinity of the property sought to be rezoned.

3.1.3 WITHDRAWAL

Any proposal or application may be withdrawn by the applicant after the Planning and Zoning Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a

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period of time must pass before a new application is considered. If such proposal is withdrawn, the City Council will not consider it. Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority's discretion.

Section 3.2 Conditional Use Permits

Conditional Use Permits are authorized under the terms of this Section to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by only the application of the underlying zoning district regulations. Further, Conditional Permit Uses are those uses, which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a Conditional Use Permit by City Council, these uses may be allowed to be located or expanded within given designated zoning districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this Ordinance.

- A. All provisions of Section 3.3 Site Plan Requirements shall apply to applications for Conditional Use Permits.
- B. All applications for Conditional Use Permits shall be reviewed using the following criteria:
 1. The proposed use shall be:
 - a. In harmony with the adopted Comprehensive Plan;
 - b. In harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and
 - c. In harmony with the character of adjacent properties and the surrounding neighborhoods and with existing and proposed development.
 2. The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.
 3. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.
 4. The proposed use shall be designated, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

3.2.1 SPECIAL CONDITIONS

In granting any Conditional Use Permit, the City Council may impose special conditions necessary to assure that the proposed use will conform to the requirements of this Section and will continue to do so. The City Council may take all necessary actions to ensure compliance with the conditions imposed.

- A. The City Council may impose reasonable standards as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:
 1. More restrictive sign standards.
 2. Additional open space, landscaping or screening requirements.
 3. Additional setback requirements.
 4. Special lighting requirements.

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5. Time limitations on hours of operation.
6. Additional off-street parking and loading requirements.
7. Additional utility, drainage and public facility requirements.
8. Additional right of way and public access requirements.
9. Additional requirements to ensure compatibility with the Comprehensive Plan.
10. Conditions for renewal, extension, expiration and/or revocation of the Conditional Use Permit.

B. The City Council may specify time limits or expiration dates for a Conditional Use Permit, including provisions for periodic review and renewal.

3.2.2 APPLICATION REQUIREMENTS FOR A CONDITIONAL USE PERMIT:

- A. An application for a Conditional Use Permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Zoning Administrator, and shall be accompanied by the filing fee.
- B. If the request for a Conditional Use Permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within six (6) months of the date of denial.
- C. The application shall include the following information:
 1. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 2. A written statement of the proposed project compatibility with the following:
 - a. The Comprehensive Plan.
 - b. The applicable zoning district.
 - c. The surrounding properties.
 - d. Current and future neighborhood conditions.
 - e. Pedestrian and vehicular traffic patterns, on-site and off-site.
 - f. Adequate public facilities.
 - g. When requested by the Zoning Administrator, the Planning and Zoning Commission or the City Council, the following information shall be provided by the applicant:
 - (1). The architectural elevations and floor plans of proposed building(s).
 - (2). Parking and site circulation analysis.
 - (3). Photographs of property and surrounding area.

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3.2.3 ACTION BY PLANNING AND ZONING COMMISSION AND CITY COUNCIL

- A. The process by which a Conditional Use Permit is acted upon shall be the same process for a zoning amendment as directed by Section 3.1 of this Ordinance.

3.2.4 EXTENSION

A. Extension

1. If the City Council approves a Conditional Use Permit with a time limit or expiration date, the property owner may initiate a request for an extension. The Zoning Administrator may grant one (1) extension not to exceed one (1) year from the date of the expiration or time limit.

B. Expiration

1. Whenever a Conditional Use Permit is approved by the City Council, the conditional use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the City Council may have specified within the permit, or, if no such time has been specified, then within one (1) year from the approval date of such permit.
2. If the conditional use or construction has not commenced in accordance with the above provisions, then the Conditional Use Permit shall automatically expire without notice and become null and void and a new application for a Conditional Use Permit must be applied for and approved for the Conditional Use

C. Revocation

1. Unless a time limit is specified for a Conditional Use Permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of one (1) year or more, the Conditional Use Permit shall automatically terminate without notice and become null and void and a new application for a Conditional Use Permit must be applied for and approved for the Conditional Use.
2. The approval of a new Conditional Use Permit shall be required prior to any subsequent reinstatement of the Conditional Use.
3. A Conditional Use Permit is subject to [Section 1.8](#), Enforcement and Penalty for Violation, for failure to comply with the terms of the Conditional Use Permit.

Section 3.3 Site Plan

3.3.1 SITE PLAN APPLICATION

The standards of this Section shall apply to those developments that are in zoning districts that require compliance with design standards and meet the following thresholds:

- A. Any building containing multifamily dwelling units
- B. All new non-residential structures
- C. Any increase in an existing non-residential structure that is greater than 25% of the gross floor area of the existing structure

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- D. The conversion of a residential structure to a non-residential structure
- E. The creation or expansion of a parking lot for multi-family or non-residential uses

3.3.2 PROCEDURE

- A. A site plan review application is required for any development that is required to meet the requirements of this Section.
- B. All developments requiring a site plan as defined above shall be reviewed by the Zoning Administrator or their designee and any other City Staff, which will have pertinent purview over the design standards required by this Ordinance. Such site plan may be approved administratively by City Staff.
- C. Any process described by this Ordinance such as a Conditional Use Permit, or a Planned Development District which requires the submittal of a site plan, shall follow the review and approval process as designated by the requirements of the Conditional Use Permit or Planned Development District

3.3.3 SITE PLAN REQUIRED

The following information shall be required for all developments requiring a site plan. It may be submitted in one or several maps and written material, as deemed complete by the Zoning Administrator.

- A. A site plan containing the following:
 - 1. Project name
 - 2. Vicinity map
 - 3. Scale, no less than one (1) inch equals fifty (50) feet
 - 4. North arrow
 - 5. Date
 - 6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks and bikeways.
 - 7. Lot layout with dimensions for all lot lines.
 - 8. Zoning designations of the proposed development
 - 9. Zoning designations adjacent to the proposed development
 - 10. Location and use of all proposed and existing buildings, fences and structures within the proposed development and within two hundred (200) feet of the proposed development, including any right of way or public utility easements. Indicate which buildings are to remain and which are to be removed.
 - 11. Location and size of all existing and proposed public utilities in and adjacent to the proposed development with the locations shown of:
 - 12. Water lines and diameters
 - 13. Sewers, manholes and cleanouts
 - 14. Storm drains and inlets

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15. Electric and gas
16. Telecommunication
17. The proposed location of:
 - a. Connection the City water system
 - b. Connection to the City sewer system
 - c. The proposed method of drainage of the site
 - d. The proposed method of erosion and sedimentation control
 - e. The extent of clearing and grading
18. Location, size and use of contemplated and existing public areas within the proposed development.
19. Fire hydrants proposed to be located within the site.
20. A topographic map of the site and the area adjacent within two hundred (200) feet at a contour interval of no more than two (2) feet.
21. Location of all parking areas and all parking spaces, ingress and egress on the site, including proposed drive approaches, fire lanes and on-site circulation.
22. Use designations for all areas not covered by buildings, parking or landscaping.
23. Locations of all significant landscape features including, but not limited to, any existing healthy trees greater than six inches and larger, and generally forested areas, and creeks, wetlands, one hundred (100) year floodplains, or ponds existing on the site and fifty (50) feet outside the site boundary. Indicate any planned modifications to a natural feature.
24. A landscape plan showing in detail the location, type and size of the proposed landscaping and plantings as required by Article 8.
25. A tree preservation plan detailing which trees are to be preserved, procedures to protect the trees during development and post construction maintenance plan.
26. The elevations, surface area in square feet, illumination type, height and construction (material and style) and locations of all proposed signs for the development.
27. Architectural elevations for all buildings proposed on the property. Such plans shall indicate the material, color, texture, windows, doors and other design features of the building, including all visible mechanical equipment, such as for heating and cooling. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet or greater or a comparable scale.
28. Photometric plan of the site.
29. Tree preservation plan as indicated by Section 8.6.4.
30. A written summary showing the following:
 - a. For commercial developments:

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- (1). The total area contained in the area proposed to be developed.
- (2). The area and percentage of the lot covered by structures.
- (3). The area and percentage of the lot covered by other impervious surfaces.
- (4). The total number of parking spaces.
- (5). The total area of all landscaped open space areas.
- (6). The total area covered by tree canopy at maturity of the trees.

b. For residential developments:

- (1). The total gross area in the development.
- (2). The number of dwelling units in the development.
- (3). Area and percentage of lot covered by:
 - (a). Structures
 - (b). Streets, roads and alleys
 - (c). Sidewalks
 - (d). Recreation areas
 - (e). Landscaping
 - (f). The total area covered by tree canopy at maturity of the trees
 - (g). Parking areas
 - (h). Impervious surfaces

3.3.4 CRITERIA FOR APPROVAL

The following criteria shall be used to approve or deny a site plan:

- A. All applicable City of Lorena ordinances have been met and will be met by the proposed development.
- B. All requirements of the Site Plan Section 3.3 have been met.
- C. That adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity and adequate public facilities for transportation can and will be provided to and through the subject property.

3.3.5 MINOR AMENDMENTS

Upon request of the applicant, the Zoning Administrator or their designee may authorize minor amendments to a site plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved site plan. For purposes of this provision, a “substantial change” shall mean a change which will increase the number of proposed dwelling units, increase the floor to area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, or setback size, decrease the amount of required off-street parking

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spaces, change types of buildings, setbacks, street access points, or lots, increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The Zoning Administrator or their designee shall make such authorization only in writing and such document shall be placed in the file governing the specific plan.

3.3.6 **CONDITIONAL MODIFICATION TO SITE PLANS**

When approving an application for a site plan associated with a Conditional Use Permit or Planned Development District, the Planning and Zoning Commission may include any or all of the following conditions if they find it necessary to meet the intent and purpose and the criteria for approval of this Section:

- A. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.
- B. Require the modification or revision of the placement, design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the standards of this Ordinance.
- C. Require the type and placement of shielding of lights for outdoor circulation and parking.
- D. Require new developments which produce more than 1,000 vehicle trips per day to provide a Traffic Impact Analysis (TIA) to determine traffic mitigation by means of traffic signals, traffic controls and turning islands, landscaping or any other means necessary to insure the viability, safety and integrity of the major street as a through corridor.
- E. Require pedestrian access, separate pedestrian access ways and sidewalks in new developments.

Section 3.4 Variance

3.4.1 **APPLICABILITY AND LIMITATIONS**

In accordance with the provisions of Chapter 211 of the Local Government Code, the Zoning Board of Adjustment (ZBA) has the authority to hear and take final action on requests for a variance from the literal terms of the zoning regulations. Matters that may be the subject matter of variances include but are not limited to: height restrictions, setback requirements, landscaping requirements, area, parking regulations, or other matters that may require a variance from the literal terms of this Ordinance.

The Zoning Board of Adjustment may not grant a variance if the effect of the variance would be to authorize a use other than a use permitted in the district for which the variance is sought, and, therefore, such is not a proper subject matter of a request for a variance.

The Zoning Board of Adjustment may not grant a variance to lot frontage requirements and, therefore, such is not a proper subject matter of a request for a variance.

3.4.2 **APPLICATION AND REVIEW PROCESS**

- A. Application. An application for a variance must be filed with the Zoning Administrator.
- B. Zoning Administrator Review. The Zoning Administrator must review the submitted application and make a recommendation to the Zoning Board of Adjustment.
- C. Zoning Board of Adjustment Final Action. Following notice in accordance with Sec. 3.4.3, the Zoning Board of Adjustment must hold a public hearing and approve, approve with conditions, or deny the variance.

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The concurring vote of seventy-five (75) percent of the members of the board is necessary to approve a variance.

3.4.3 PUBLIC NOTICE AND PUBLIC HEARING

A. Mailed Notice

A proposed variance requires notice of the public hearing of the Zoning Board of Adjustment by mail to all owners of real property as shown in the latest approved tax roll, lying within two hundred (200) feet of the property on which the variance is requested. Such notice must be mailed a minimum of fifteen (15) days before the date of the public hearing.

B. Posted Notice

A proposed variance requires notice of the public hearing of the Zoning Board of Adjustment by posting on the City's website. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be posted a minimum of fifteen (15) days before the date of the public hearing.

3.4.4 VARIANCES

A. In order to grant a variance from this Ordinance, the Board of Adjustment must make written findings that the variance creates undue hardship, using the following criteria:

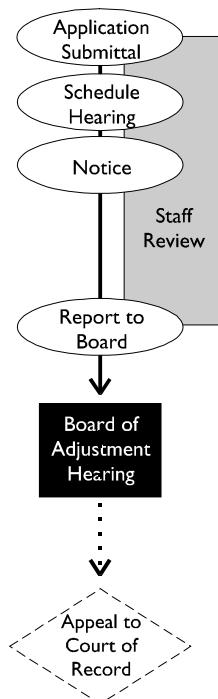
1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of this Ordinance.

B. 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.

C. The applicant bears the burden of proof in establishing the facts justifying a variance.

3.4.5 LIMITATION ON RESUBMITTAL

An applicant may not apply to the Zoning Board of Adjustment for the same variance on the same piece of property prior to the expiration of two (2) years from a previous ruling of the Zoning Board of Adjustment unless other property in the immediate vicinity within the two (2) year period has been changed or the Zoning Board of Adjustment or City Council has acted upon the property so as to alter the facts and conditions on which the previous Zoning Board of Adjustment action was based. Such change of circumstances permits the rehearing of a variance request prior to the expiration of a two (2) year period.



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but such conditions shall not require the Zoning Board of Adjustment, after a hearing, to grant a subsequent variance. Such subsequent variance request must be considered entirely on its merits and on the peculiar and specific conditions related to the property on which the application is applied for..

Section 3.5 Appeal of Administrative Decision

3.5.1 APPLICABILITY

Pursuant to the authority granted to the City in Chapter 211 of the Texas Local Government Code, the Zoning Board of Adjustment may hear and decide appeals where it is alleged there is error in any final order, requirement, decision or determination made by any administrative official responsible for administration, interpretation, or enforcement of this Ordinance. In exercising its authority under this subsection, the Zoning Board of Adjustment 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, and for that purpose the Zoning Board of Adjustment has the same authority as the administrative official. Only determinations relating to administration of zoning laws and the zoning ordinance are proper subjects of an appeal.

3.5.2 REVIEW PROCESS

A. Initiation

An Appeal of Administrative Decision must be taken within fifteen (15) days after the decision has been rendered by filing a notice of appeal specifying the grounds of the appeal with the Zoning Administrator. Following initiation of the appeal, the Zoning Administrator must immediately transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action that is appealed was taken.

B. Effect of Appeal

An appeal stays all proceedings of the action that is appealed unless the administrative official from whom the appeal is taken certifies to the Zoning Board of Adjustment, in writing, facts supporting the opinion that a stay would cause imminent peril to life or property. In such case, proceedings may only be stayed by a restraining order that the Zoning Board of Adjustment or a court of record may grant after notice to the administrative official from whom the appeal is taken and on due cause shown.

C. Zoning Board of Adjustment Final Action

1. Following notice and a hearing, the Zoning Board of Adjustment shall reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination of the administrative official.
2. The Zoning Board of Adjustment must promptly set a hearing on the appeal once received. Notice of the hearing must be published in a newspaper of general circulation at least ten (10) calendar days before the hearing, and the appellant must be sent notice of the hearing at least ten (10) calendar days before the hearing.
3. In exercising its final decision, the Zoning Board of Adjustment has the same authority as the administrative official.
4. At the appeal hearing any party may appear in person or by agent or by attorney. The Board shall render its decision at the hearing, or not later than five (5) business days after the hearing.

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5. The concurring vote of seventy-five (75) percent of the Board members is necessary to reverse a decision of the administrative official.

Section 3.6 Special Exceptions

A Special Exception is an exception to a requirement of this Ordinance that is specifically allowed for in this Ordinance if certain criteria and/or conditions are met. The Zoning Board of Adjustment is authorized to grant Special Exceptions, but only as specifically provided for in this Ordinance and when the provisions of this Ordinance require the Zoning Board of Adjustment to do so.

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Article 4 - Nonconformities

Section 4.1 Nonconforming Lots, Uses & Structures

4.1.1 **PURPOSE AND INTENT**

A structure, lot of record, use of land, or other such use or structure that was lawful when commenced but which is contrary to the regulations set forth in this Ordinance because of amendments to this Ordinance, annexation into the City, or eminent domain shall be deemed a nonconforming use. Such nonconformities are deemed to be incompatible with permitted uses and structures in the applicable zoning district and are contrary to the stated purposes of this Ordinance. With due regard for the property rights of the persons affected when considered in light of the public welfare and in view of protecting the use and enjoyment of adjacent conforming properties, it is the declared purpose of this Section that nonconformities be eliminated and be required to conform to the regulations in this Ordinance. Notwithstanding the above, such nonconformities may be continued subject to the conditions and limitations set forth in this Ordinance.

4.1.2 **NONCONFORMING LOTS OF RECORD**

Structures may be erected on a nonconforming single lot of record, provided such lot has access from a street in accordance with the Subdivision Ordinance or other applicable ordinances. This provision shall apply even though such lot fails to meet the minimum requirements for area, width, depth, or other requirements for lots set forth in the applicable zoning district regulations; however, unless elsewhere provided for in this Section, all other provisions of the applicable zoning district regulations shall apply. Any building or structure constructed on a nonconforming lot of record shall meet all development regulations in the zoning district unless the Zoning Board of Adjustment grants a variance(s). No building or structure shall be constructed on multiple lots. Whenever construction is desired on multiple lots, the property owner or the property owner's agent shall replat the property into a single lot.

4.1.3 **NONCONFORMING USES OF LAND**

A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Alteration in Size of Nonconforming Use. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time it became nonconforming.
- B. Moving a Nonconforming Use. No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the time it became nonconforming.
- C. Exceptions. A nonconforming use of land may be expanded or extended to provide off street loading or off-street parking space facilities.
- D. Intensification of Nonconforming Use. A nonconforming use of land may not be intensified from the date at which it became nonconforming. Evidence of the intensification of the use of the land includes, but is not limited to:
 1. Adding new building or structure(s) or expanding existing buildings or structures on the land;
 2. Adding any equipment on the land; or
 3. Adding impervious cover on the land.

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4.1.4 NONCONFORMING STRUCTURES

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Alteration in Size of Structure. No such nonconforming structure may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity, but any structure or portion thereof may be repaired or altered to decrease its nonconformity or to comply with city building codes.
- B. Moving a Nonconforming Structure. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the zoning district in which it is located after it is moved.

4.1.5 ADDITIONAL LIMITATIONS AND PROVISIONS

- A. Change to a Conforming Structure or Use. Any nonconformity may be changed to a conforming structure or use, and once such change is made, the structure or use shall not thereafter be changed back to a nonconforming structure or use.
- B. Accessory Structure or Use. No nonconforming accessory structure or use shall continue after the principal structure or use shall have ceased or terminated unless the accessory structure or use shall thereafter conform to the provisions of the zoning district in which the accessory structure or use is located.
- C. Structure or Use Already Permitted. Nothing contained in this Section shall require any change in the plans, construction, or designated use of a structure or use for which a building permit was lawfully issued no more than six (6) months prior to the date the structure or use became nonconforming, provided, that such construction shall have been started at the time such structure or use became nonconforming and shall have been diligently prosecuted to completion.
- D. Expansion of Nonconforming Structure upon Approval of the Board. The Zoning Board of Adjustment may permit an expansion of a nonconforming structure not to exceed twenty-five percent (25%) of the existing area of the structure actually being occupied by the nonconformity, subject to the development regulations applicable in the zoning district, provided that no structures are constructed that are not allowed in the existing zoning district and provided the Zoning Board of Adjustment finds that the proposed structure will be compatible with the surrounding area, will not have a harmful effect on surrounding land uses, will not adversely affect the health, safety, and welfare of the citizens, and will not damage surrounding property values or the character of surrounding neighborhoods. Nonconforming Single-family residential structures that were in existence prior to the effective date of this ordinance shall be allowed to expand the structure up to 25% of the gross floor area of the original structure and may be constructed of the same material as the original structure without Zoning Board of Adjustment approval.

4.1.6 DESTRUCTION OF NONCONFORMITY

- A. If a nonconformity is destroyed, damaged or deteriorated to the extent that the cost to reconstruct or rebuild such nonconformity exceeds fifty (50%) percent of its replacement cost, the nonconformity may not be reconstructed or rebuilt except to conform with the provisions of this Ordinance.

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- B. If the owner of a nonconformity fails to begin reconstruction of the damaged, destroyed, or deteriorated structure, if permitted by this Section, within one (1) year of the date of destruction, damage, or deterioration, or approval by the Zoning Board of Adjustment, the nonconformity shall be deemed to be discontinued or abandoned as provided in Section 4.1.7, below.
- C. Notwithstanding anything herein to the contrary, a nonconforming single-family residence which is damaged, or destroyed, shall be permitted to be reconstructed without the approval of the Zoning Board of Adjustment regardless of the extent of damage, or destruction, and may be reconstructed of the same material as the structure that was damaged, or destroyed, provided the footprint of the building may not be altered; and, provided that the construction complies with all current building codes and is commenced within one (1) year after the date of damage, or destruction. The failure of the owner to start such reconstruction one (1) year shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance with this Ordinance.

4.1.7 DISCONTINUANCE OR ABANDONMENT

A nonconformity, when discontinued or abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this Section. Discontinuance or abandonment shall be defined when:

- A. The owner or occupant ceases to use the nonconformity in the same bona fide manner as previously used for six (6) consecutive months, regardless of whether the owner intended or consented to the cessation of such nonconformity. Evidence that a nonconformity is not used in the same bona fide manner may include, without limitation, the following:
 - 1. The structure becomes vacant;
 - 2. The use changes or is moved from the premises;
 - 3. The equipment and furnishings are removed from the premises;
 - 4. Utility service to the premises is terminated;
 - 5. The owner or occupant expresses an intent, through actions or statements, to discontinue or change the use; or
 - 6. The structure housing the nonconforming use is destroyed by the intentional act of the owner.
- B. The owner or occupant of a nonconformity that is only on a seasonal basis ceases to use the nonconformity in the same bona fide manner as previously used during the season in which it is customarily used.
- C. A nonconformity is replaced with or reconstructed to become a conforming use or structure.
- D. When a nonconformity is abandoned or discontinued, all nonconforming rights shall cease and the nonconformity shall thereafter conform to this Ordinance.
- E. Mobile Homes
 - 1. Mobile homes are not permitted within the City except within Manufactured Housing Parks and are considered legal non-conforming uses within the district subject to the following requirements:
 - a. The removal of a mobile home will constitute abandonment of the nonconforming use.

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- b. The disuse or a mobile home for a period of one hundred sixty (160) days will constitute abandonment of the nonconforming use and the unit must be removed within thirty (30) days.
2. A mobile home may be replaced once by a HUD-Code manufactured home, and a HUD-Code manufactured home may be replaced once with a newer and same-sized or larger HUD-Code manufactured home.

4.1.8 AMORTIZATION

The City Council may request that the Zoning Board of Adjustment establish a compliance date for discontinuance of a nonconformity in accordance with this Section.

In determining whether to initiate an amortization proceeding, the Zoning Board of Adjustment may consider the character of the surrounding area, the degree of incompatibility of the nonconformity to the zoning district in which it is located, the effect of the nonconformity on the surrounding area, the effect of cessation of the nonconformity on the area, any other danger or nuisance to the public caused by the nonconformity, and any other factors the Zoning Board of Adjustment considers relevant. If the Zoning Board of Adjustment determines that there is no public necessity for establishing a compliance date, the Zoning Board of Adjustment shall request that the City Council initiate rezoning of the property to bring the nonconformity into compliance with applicable zoning regulations.

Written notice of the hearing shall be mailed to the owner of the use and the owner of the property at least thirty (30) days before the hearing.

The compliance date for discontinuance of a nonconformity shall be prescribed by the Zoning Board of Adjustment at a public hearing, after hearing testimony from the owner, the operator, neighboring property owners, community organizations and other interested parties. In prescribing a reasonable amortization period for the nonconformity to give the property owner an opportunity to recover his investment from the time the nonconformity commenced, as allowed by law, the Zoning Board of Adjustment shall consider the following factors:

- A. The owner's capital investment in structures, fixed equipment and other assets (excluding the land and any inventory and other assets that may be feasibly transferred to another site) on the property before the time the nonconformity commenced. Any such investment made after the nonconformity commenced shall not be included;
- B. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
- C. Any return on investment since inception of the nonconformity, including net income and depreciation;
- D. The anticipated annual recovery of investment, including net income and depreciation; and
- E. Other costs and expenses attributable to the establishment of a termination date.
- F. If the Zoning Board of Adjustment establishes a termination date for a nonconforming use, the nonconforming use must cease operations on that date and the owner may not operate the nonconforming use after that date, unless the nonconforming use becomes conforming.

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Article 5 - Permitted Uses

Section 5.1 Use of Structures

5.1.1 USES PERMITTED BY DISTRICT

Land and structures in each of the zoning districts may be used for any of the uses indicated in the City of Lorena use tables in each district. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses as specified herein.



- Permitted Use



- Conditional Use Permit

Section 5.2 Classification of New and Unlisted Uses

In order to evaluate a proposal for a land use not contained in the Use Tables for each zoning district in Article 6, a determination of the appropriate classification of any new or unlisted land use must occur as follows.

- A. The Zoning Administrator may interpret any similar or “like uses” as found in the permitted use tables within each zoning district. If similar or “like use” is not available, then the Zoning Administrator will refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation of the appropriate zoning classification for such a use.
- B. The Zoning Administrator must submit to the Planning and Zoning Commission a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product produced, amount and nature of storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and wastewater.
- C. The Planning and Zoning Commission must consider the nature and described performance of the proposed use; its compatibility with the uses permitted in the various districts, and amend the Use Tables in accordance with the Ordinance Text Amendment procedures set forth in Section 3.1.

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Section 5.3 Accessory Structures

5.3.1 ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS

- A. Accessory structures shall include, but not be limited to, storage buildings, hobby shops, detached garages, farm accessory structures, pool houses, cabanas, and swimming pools but excludes pergolas, arbors, and trellis.

5.3.2 LOCATIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

- A. Unless otherwise provided herein, no accessory structure, other than Farm Accessory Structures, shall be located in a front or side setback, except fences and walls. Accessory structures shall be located behind the primary structure.
- B. No accessory structure may be placed within the limits of a recorded easement, alley or required fire lane.
- C. All accessory structures shall require a building permit regardless of the square footage of the structure.
- D. Accessory structures may be constructed in a rear setback provided such accessory structure does not occupy more than twenty (20) percent of the area of the required rear setback and provided it is not located closer than five (5) feet to any lot line.
- E. Swimming pools may occupy a required rear or side setback, provided that such pools are not located closer than ten (10) feet to a rear lot line or ten (10) feet to an interior or side lot line. Swimming pools are not permitted in the front yard. A pedestrian space of at least three (3) feet in width shall be provided between pool walls and the protective fences or barrier walls of the pool. Swimming pools shall be fenced in accordance with the adopted building codes.

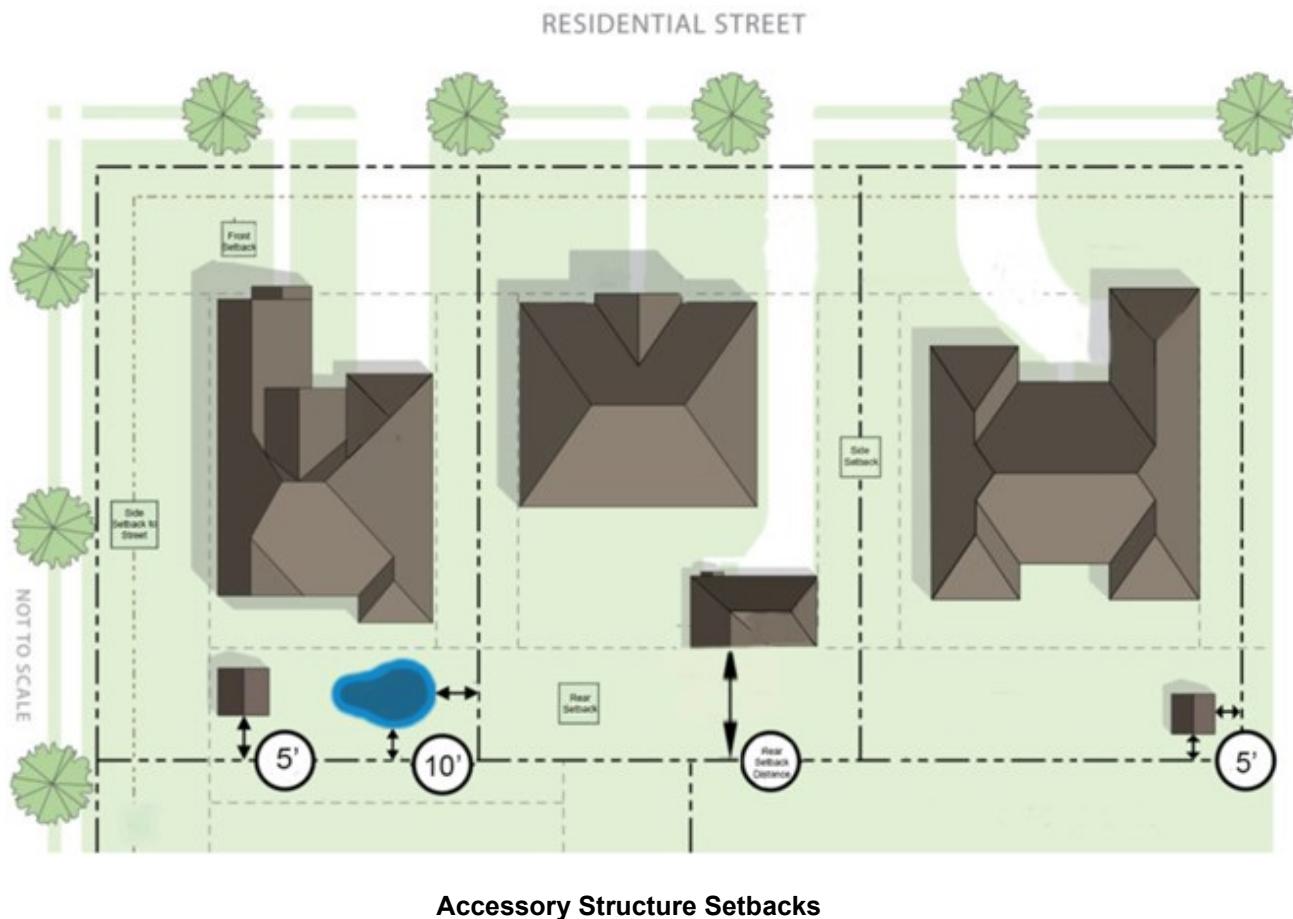
5.3.3 CONSTRUCTION STANDARDS

- A. Accessory Structures excluding Farm Accessory Structures, greater than two hundred (200) square feet shall be constructed with the same or similar materials as the primary structure and shall not have a roof pitch of less than 3:12. Roofs shall be of the same material as the primary structure.
- B. Accessory Structures less than one hundred, twenty (120) square feet may be constructed of metal only when commercially designed and constructed such as, but not limited to, types of buildings offered at home improvement stores. Accessory Structures over one hundred, twenty (120) square feet may not be constructed of metal unless said accessory structure cannot be seen from public view.
- C. Detached carports constructed entirely out of metal are not permitted. Columns and roof structure must be compatible with materials on the primary structure.
- D. Accessory structures other than garages and farm accessory structures shall not exceed sixteen (16) feet in height. Detached garages may be as tall as thirty (30) feet in height provided that the garage shall meet the primary structure's side setback requirement and the height of the detached garage shall not exceed the height of the primary structure. Barns and other farm accessory structures shall not exceed the zoning district height requirements.

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5.3.4 NON-RESIDENTIAL ACCESSORY STRUCTURES

- A. All non-residential accessory structures shall conform to the setback and height standards of the zoning district and shall not be located in front of the primary structure.
- B. Unless otherwise provided for herein, all non-residential accessory structures shall conform to the design standards of the primary structure.
- C. Portable structures shall be prohibited. Metal structures shall be prohibited, if seen from public view.
- D. Accessory structures shall be placed or constructed on an engineered permanent foundation of concrete or of pier and beam.



ZONING ORDINANCE**5.3.5 ACCESSORY STRUCTURE SUMMARY TABLE**

Accessory Structure	Residential Setbacks	Non Residential Setbacks	Height	Notes
Storage Building or Hobby Shop	Behind primary structure. Five (5) feet from property lines. Not in side setbacks	Setback distance as set by district. Within the rear setback of site.	Sixteen (16) feet Farm Accessory Structures shall not exceed zoning district height standard.	Requires permit. Structures less than one hundred twenty (120) square feet may be of metal as long as they are designed and constructed as buildings offered and home improvement stores. Otherwise, they must be made of same or similar materials as primary building unless it is a Farm Accessory Structure.
Garages	Behind primary structure. Five (5) feet from property lines. Not in side setbacks Additional height requires meeting district setbacks.	Setback distance as set by district. Within the rear setback of site.	May be as tall as thirty (30) feet in height if garage meets primary structure side setback. Height may not exceed primary structure.	Requires permit and foundation. Must be made of same or similar materials as primary building unless it is a Farm Accessory Structure.
Carports	Behind primary structure. Five (5) feet from property lines. Not in side setbacks	Meet all setbacks. Located at the rear of the primary structure.	Sixteen (16) feet.	Columns and roof structure must be compatible with materials on the primary structure
Swimming Pool	May be located in rear or side yard. Ten (10) feet from property lines.		NA	Three (3) foot minimum walkway on all sides. Pools must be fenced.

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Section 5.4 Accessory Dwellings

Accessory Dwellings may be maintained within single family residential zoning districts including the ARR Agricultural-Rural district and single family uses within the Old Town district under the following conditions:

- A. Accessory dwellings shall be in accordance with the Adopted International Building Codes.
- B. Live/work units associated with commercial uses are only allowed within the Old Town District.
- C. The principal dwelling shall be owner/occupied during the occupancy of the accessory dwelling.
- D. The floor area of an accessory dwelling shall not exceed twenty-five (25%) percent of the floor area of the principal structure up to eight hundred (800) square feet.
- E. The accessory dwelling shall contain a bathroom and may contain only one (1) bedroom.
- F. The accessory dwelling shall be exclusively occupied by not more than two (2) persons.
- G. Off street parking shall be as required for a one (1) bedroom apartment as stated in Article 7.
- H. Accessory dwelling shall be water metered according to TCEQ utility rules under Chapter 291. Options include either a separate meter from the primary structure or a submeter.
- I. No accessory dwelling is allowed on lots less than 12,000 square feet, except in the Old Town District.
- J. Accessory dwellings shall match the primary structure exterior. No metal is allowed.

Section 5.5 Additional Conditions for Certain Accessory Uses

Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district. Walls and fences are regulated separately.

5.5.1 FOOD TRUCKS

Food Trucks are subject to the following regulations:

- A. Location
 1. All food trucks must be located on a parcel, which is appropriately zoned for commercial development.
 2. Food trucks shall be located on an individual private parcel, where an existing permanent business operates in a building with a certificate of occupancy.
 3. Food trucks shall provide the City with a copy of written permission from the property owner on an annual basis to allow the operation of a food truck and to allow the food truck and their customers access to a commercially plumbed public restroom on-site.
 4. A food truck shall submit a site plan depicting the location of the food truck on the property; shall secure a current food handler cards from McLennan County, providing copies of these documents to the City of Lorena.
 5. Food trucks shall be located within 500 feet of an entrance of a primary building that holds the certificate of occupancy.

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6. No food trucks shall be located on a vacant lot.
7. No food trucks their merchandise, advertising, or seating shall obscure traffic sight visibility.
8. No food trucks operating under this regulation shall be allowed to sell or service food on any public street, sidewalk, or other public right-of-way unless approved in writing by the City of Lorena.
9. Food trucks shall not operate in driveways or fire lanes.
10. Food trucks, including any applicable seating may operate in parking spaces in a commercially zoned individual property, parcel, tract or platted lot, if the required parking for the center remains in compliance with the parking code located in Article 7. A site plan indicating the specific location is required.
11. Food trucks shall be removed from the parcel on a daily basis and may only operate during the business hours of the primary business and may not be parked longer than twelve (12) hours.

B. Licensing. All food trucks shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, a Texas Sales Tax Permit and meet all other state law licensing requirements.

C. Operational Issues

1. A drive-through is not permitted in conjunction with the food truck and shall not provide a drive-through service of any kind.
2. Food trucks shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the food truck use by the patrons of the truck. The area around the food truck shall be kept clean and free from litter, garbage, and debris.
3. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Lorena.
4. Except as otherwise limited by the City of Lorena Code of Ordinances, or other City codes, a food truck may utilize outside seating consisting of a portable table and a seating capacity of not to exceed four (4).

5.5.2 OPEN AIR VENDING

In all Districts which allow Open Air Vending:

A. Open air vendor means any person who offers, for sale or lease, goods, wares or merchandise from a stand, trailer, vehicle, tent, table or other area that is not completely enclosed by a permanent structure, on real property owned, controlled, or leased by another person or entity

1. A certificate of occupancy shall be issued by the City upon a finding:
 - a. That such vending will not endanger the health, safety or general welfare of the public, and specifically, that said vending will not unreasonably increase congestion upon the public roadways in and about said vending location so as to endanger the safety of drivers and pedestrians; and,

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- b. That the vendor applicant shall comply with all other ordinances and laws applicable to said commercial activity, and have obtained all other necessary permits.
- B. Seasonal Vendor means any Open-Air Vendor, whose goods, wares or merchandise held for sale are seasonally themed or related to seasonal celebrations and occurrences, including but not limited to Summer Vacation, Christmas, Valentine's Day, Halloween, Thanksgiving, New Year's, or the Fourth of July. Such goods, wares, or merchandise may include but shall not be limited to snow cones, Christmas trees and wreaths, flowers, roses, costumes, and other holiday themed décor.
 - 1. Seasonal vendors shall be subject to the same application and permitting requirements as all open-air vendors, but, in addition to such requirements, shall be further subject to the following regulations:
 - a. Seasonal vendors shall be required to acquire a seasonal vending permit, which permit shall be obtained in the same manner as an Open-Air Vendor Permit.
 - b. A seasonal vendor permit, once granted, shall be valid for only thirty (30) days from the date appearing on the face of the permit. A seasonal vendor may apply for a specified start date for such permit if the vendor submits his or her application sufficiently in advance of such date. Otherwise, the date of issuance shall be the date appearing on the face of the permit.
 - c. A seasonal vendor may only receive a maximum of three (3) seasonal vending permits within a twelve (12) month period.
 - d. No more than three (3) seasonal vending permits may be issued for a single parcel of land within a twelve (12) month period.

Section 5.6 Home Based Businesses

A home-based business may be permitted as accessory to any principal dwelling unit in all residential districts, subject to the following standards:

- A. The activity shall employ only members of the immediate family of the resident of the dwelling unit.
- B. There shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of business.
- C. Said home-based business shall not have a separate entrance for the business and shall not include continual visits by the general public.
- D. No occupational use shall be made of garage facilities serving the principal use, whether attached or detached.
- E. No open storage shall be allowed.
- F. Home based businesses must be registered with the City of Lorena.

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G. A business, occupation or profession conducted within the principal dwelling unit and any activity conducted within the principal dwelling unit which does not meet the Requirements of this Section shall be subject to Section 1.8 Enforcement and Penalty for Violation.

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Article 6 - **Zoning Districts**

Section 6.1 **Zoning Districts Established**

The City of Lorena, Texas shall be divided into classes of residential, office, commercial, industrial and special zoning districts as presented in this Article. The location and boundaries of the zoning districts established by this ordinance are as indicated on the map entitled "Official Zoning Map of the City of Lorena, Texas," as approved by the City Council as part of this ordinance and filed in the office of the Zoning Administrator.

Abbreviated Designation	Zoning District Name
ARR	Agricultural Rural Residential
SF	Single Family Residential
D	Duplex Residential
MF	Multi-Family Residential
MH	Manufactured Home Subdivision District
2F	Duplex Residential District
NC	Neighborhood Center District
IC	Interstate 35 Planned Corridor District
OT	Old Town District
P	Public Use District
BP	Business Park District
PD	Planned Development District

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Section 6.2 Zoning District Map

- A. The boundaries of the zoning districts established in Section. 6.1 are delineated upon the official Zoning District Map of the City. The Zoning District Map is hereby adopted by reference and declared a part of this Ordinance as fully as if set forth in detail.
- B. The official Zoning District Map is available on the City's website. The Zoning Administrator must post all amendments to the map as soon as possible after the effective date of the Zoning District Map amendment.
- C. Reproductions for information purposes may, from time to time, be made of the official Zoning District Map.

Section 6.3 Zoning District Boundaries

The district boundary lines shown on the Zoning District Map are usually along existing and proposed streets, alleys or property lines. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules apply.

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys are construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits are construed as following City limits.
- D. Boundaries indicated as following railroad lines are construed to follow the centerline of the tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in A through D above are so construed. The scale of the map determines distances not specifically indicated on the original Zoning District Map.
- F. Whenever the City Council vacates a street, alley or other public street right-of-way or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way is automatically extended to the centerline of such vacated public street right-of-way and all areas so involved become subject to all regulations of the extended districts.
- G. Where physical features on the ground vary from information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and the application of this Section cannot resolve such question the property must be considered as classified ARR - Agricultural Rural Residential zoning district, temporarily in the same manner as provided for newly annexed territory and the issuance of a Building Permit and the determination of permanent zoning must be in accordance with the provisions provided in Section 6.5.

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Section 6.4 Zoning Annexed Territory

- A. All territory annexed to the City shall be classified as ARR Agricultural-Rural zoning district. The procedure for establishing zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations in Section 3.1.
- B. The City Council or petitioners for annexation may request alternative zoning classifications in an area being considered for annexation. The City Council and Planning and Zoning Commission may hold public hearings on annexation and zoning simultaneously, and the City Council may approve the zoning of a newly annexed area at the time of annexation.
- C. In an area classified as ARR Agricultural-Rural zoning district:
 1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure, or add to any building or structure, or cause the same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy.
 2. No permit for construction of a building or use of land shall be issued by City other than a permit which will allow the construction of a building permitted in the ARR Agricultural-Rural zoning district.

Section 6.5 Interpretation of District Regulations

- A. Permitted uses and Conditionally Permitted Uses are listed for the various zoning districts governed by this Ordinance. Any use not specifically permitted in a specified district or districts as a use by right or a Conditional Permitted Use shall be prohibited.
- B. No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a use by right or a Conditional Use Permit as regulated by the provisions for such use and the applicable district requirements of this Ordinance.
- C. No use of a structure or land that is designated as a Conditionally Permitted Use in any district shall be established or hereafter changed to another use designated as a conditional use, unless a Conditional Use Permit has been secured from the City Council.
- D. No fence, wall, accessory use or structure or home-based business shall be hereafter established, altered or enlarged unless in accordance with the provisions of this Ordinance.
- E. Within each zoning district there are additional regulations referenced that are directly applicable to uses permitted in the district.

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Section 6.6 ARR Agricultural – Rural Residential District

6.6.1 GENERAL PURPOSE & DESCRIPTION

The purpose of the ARR – Agricultural –Rural Residential District is to maintain an area of rural use within the City of Lorena, to stabilize and protect single-family characteristics of the district, and to promote and encourage a suitable environment for living. Application of the zoning requirements will ensure that the farm and scenic values, as well as the single-family residential character, of these areas are protected from incompatible development that could result in a degradation of their values.

6.6.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – Three (3) acres.
2. **Minimum Lot Width** – 200 feet.
3. **Minimum Lot Depth** – 200 feet.

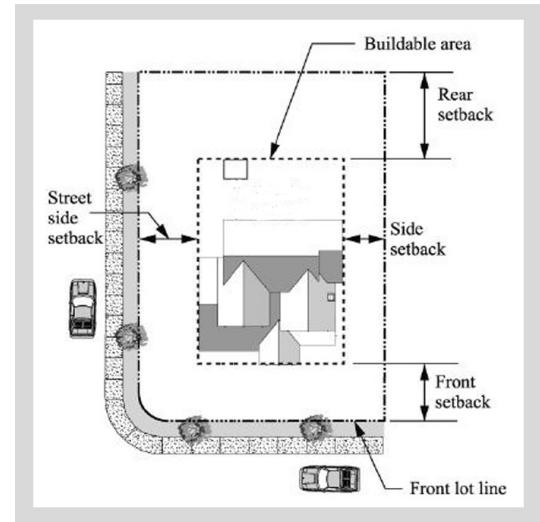
B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet
2. **Minimum Side Setback** – 15 feet from an interior lot and from a side street.
3. **Minimum Rear Setback** – 25 feet

C. **Maximum Lot Coverage** – 25% excluding Farm Accessory Structures.

D. **Minimum Dwelling Size** – 1,500 square feet.

E. **Maximum Building Height** - 35 feet for the primary structure and not to exceed 65 feet for Farm Accessory Structures.



6.6.3 PARKING REQUIREMENTS

- A. Single Family Dwelling Unit - Two (2) enclosed spaces (garage).
- B. Non-residential uses shall provide parking as per Article 7 – Parking Requirements.

6.6.4 LANDSCAPING REQUIREMENTS

- A. Single Family Residential lots shall contain a minimum of two (2) canopy trees planted within the front yard and two (2) trees planted in the back yard of each lot. Trees shall be a minimum of three (3) inch caliper at planting. Trees shall not be planted in public rights-of-way and shall be planted between the property line and the single-family residential structure. Property owners are encouraged to plant trees outside of utility easements.
- B. Additional landscaping regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.6.5 DESIGN STANDARDS

A. Fence Standards

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1. **Front Setback.** A fence, wall, screen, enclosure or similar barrier erected in the front setback of a single-family dwelling must not exceed thirty-six (36) inches in height above the adjacent grade and shall not obstruct the view of traffic.
2. Chain linked fencing is prohibited within the front setback area.
3. **Behind Front Setback.** A fence, wall, screen enclosure or similar barrier behind the front setback of a single-family dwelling must not exceed eight (8) feet in height above the adjacent grade. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards.
4. An electric fence is allowed in the ARR-Agricultural- Rural Residential zoning district, or on property greater than twenty (20) acres in size and being used for agricultural purposes, with proof submitted to the electrical inspector that the fence will be designed to retain animals, be inaccessible to the general public and not pose a hazard to life.
5. **Barbed Wire Fences.** Barbed wire fences and other structures composed or partially composed of barbed wire are allowed only in the ARR- Agricultural- Rural Residential zoning district or on property that is being used for agricultural purposes, with proof submitted to the building inspector that the fence will be designed to retain animals. A fence permit is required. Security fencing for utility facilities such as electrical substations and water and sewer pumping stations may be topped with barbed wire that is not closer than six (6) feet to the ground.

B. Materials and Construction

1. All single-family structures shall be of exterior fire-resistant construction, and shall have a minimum of seventy-five (75%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%) percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor. Masonry materials shall include hard fired brick, stone, decorative concrete block, concrete pre-cast or tilt-wall panels or glass blocks or tiles.
2. Prohibited materials, unless specifically approved by the City Council as per Article 10, Design Standards, shall include, stucco, exterior plaster, adobe, or mortar wash, exterior insulation and finish systems, acrylic matrix, synthetic plaster, PVC or other plastic based siding materials, lightweight or featherweight concrete blocks, cinder blocks or other lightweight based masonry units or any other cementitious product not listed above.
3. Areas of a single-family structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of four (4) feet deep and eight (8) feet wide (thirty-two [32] square feet), chimneys, breezeways, or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.

C. Roof materials. Roof materials for a single-family structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat panel standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shales, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are

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muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.

- D. *Alternative Materials* - The use of alternative materials shall follow the process as outlined in Section 10.2.4.
- E. *Chimney Stacks*. All chimney stacks for single family structures shall be of one hundred (100%) percent masonry construction.
- F. *Elevation articulation*. The elevation of a single-family structure, including garages facing the street shall contain at least one section of at least twenty (20%) percent of the total street elevation that is offset at least two (2') feet from the remainder of the street elevation.
- G. *Newly Constructed Single-Family Dwelling Required Architectural Features*. All newly constructed single-family dwellings are required to comply with the following architectural features:
 - 1. Unless otherwise provided herein, garage spaces for a minimum of two (2) vehicles shall be attached to the primary structure and shall be located behind the required building setback lines. Detached garages may be allowed provided they are located behind the primary structure and meet all required building setbacks;
 - 2. Wood or stained fiberglass or metal simulated wood grain front door;
 - 3. No Façade may be repeated within any adjacent lots or across the street from those lots within groupings of five (5) homes;
 - 4. Concealed HVAC units, trash storage and utility meters;
 - 5. If brick is used, brick shall be properly detailed. Brick shall be coursed exactly to the top and bottom of all wall openings;
 - 6. Windows shall be single hung, double hung, triple hung, or casement;
 - 7. Flush mounted windows are prohibited;
 - 8. Windows are to be placed on each wall elevation with a wall to window ratio that meets the light and air requirements of the building code;
 - 9. If shutters are used, shutters shall be one-half the width of, and the same height of the associated opening. All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building. Shutters do not need to be operable;
 - 10. Gutters shall be copper, galvanized steel, aluminum or painted if exposed;
 - 11. Dormers shall not use siding as window jamb material;
 - 12. The body of a single-window dormer shall be vertically proportioned or square;
 - 13. If chimneys are visible, they shall have a projecting cap;
 - 14. If chimneys are located on a street facing wall, they shall extend to the ground;
 - 15. If a porch is used, the porch column base shall not protrude beyond the bottom edge of the porch flooring.

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H. *Additional Architectural Features.* All newly constructed single-family dwellings shall contain at least four (4) of the following architectural features:

1. Stoop and portico at the front door
2. Front porch
3. Front porch or front stoop steps and railing
4. Front porch roof
5. Decorative or architectural porch railing
6. Second story porch
7. If brick or stucco is used, a stone base below first floor window shall be installed
8. Trim at gable rake
9. Decorative roof finials or ornamentation
10. Decorative attic or gable feature greater than 3 SF in size
11. Trim at windows and doors of the street façade
12. Arched window head or heads (depending on architectural style) on street façade
13. Dormer with window
14. Window shutters on street façade
15. Divided light windows
16. Decorative concrete driveway

6.6.6 ARR AGRICULTURAL – RURAL PERMITTED USE TABLE

P = Permitted Uses CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Accessory Dwelling	P
Agriculture	P
Animal Kennel	CUP
Bed and Breakfast	CUP
Church	CUP
Community Buildings	P
Dwelling – Single Family (Detached)	P
Electrical Energy Generating Plant	CUP
Electrical Substation	P
Electrical Transmission Line	P
Equestrian Facility	P
Farm Accessory Structure	P
Fire Station	P
Gas Line and Regulation Stations	P

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Use	CUP or P
Golf Course	P
Grain Elevator	P
Greenhouse, Commercial	CUP
Group Homes	P
Home Based Business	P
Library	CUP
Livestock	P
Playground	P
Produce Stand, Outdoor	CUP
Public Building	CUP
Public Park	P
Real Estate Office Temporary Building	P
Riding Academy/Stables	P
Sale of Products Grown on Site	P
School, Private	CUP
School, Public, Primary or Secondary	P
Sewage Pumping Station	CUP
Sewage Treatment Plant	CUP
Telephone Exchange, Switching Relay or Transmitting Station	P
Utility Line	P
Utility Shops or Storage Yards or Buildings (not associated with residential use)	CUP
Water Reservoir, Well or Pumping Station	P
Water Standpipe or Elevated Water Storage	P
Water Treatment Plant	CUP

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Section 6.7 SF - Single Family Residential District

6.7.1 GENERAL PURPOSE & DESCRIPTION

The purpose of the SF Single Family Residential district is to stabilize and protect the owner-occupied housing characteristics of the district and to promote and encourage a suitable environment for living

6.7.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 8,700 square feet.
2. **Minimum Lot Width** – 85 feet.
3. **Minimum Lot Depth** – 110 feet.

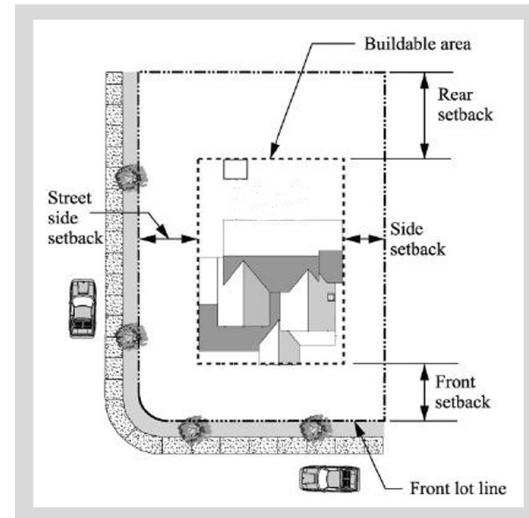
B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – 10 feet from an interior lot or from a side street.
3. **Minimum Rear Setback** – 25 feet.

C. **Maximum Lot Coverage** – 50 percent excluding Farm Accessory Structures.

D. **Minimum Dwelling Unit Area** – 1,500 square feet.

E. **Maximum Height** – 35 feet.



6.7.3 PARKING REQUIREMENTS

- A. Single Family Dwelling Unit - Two (2) enclosed spaces.
- B. Non-residential uses shall provide parking as per Article 7 – Parking Requirements.

6.7.4 LANDSCAPING REQUIREMENTS

- A. Single Family Residential lots shall contain a minimum of two (2) canopy trees planted within the front yard and two (2) trees planted in the back yard of each lot. Trees shall be a minimum of three (3) inch caliper at planting. Trees shall not be planted in public rights-of-way and shall be planted between the property line and the single-family residential structure. Property owners are encouraged to plant trees outside of utility easements.
- B. Additional landscaping regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.7.5 DESIGN STANDARDS

A. Fence Standards

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1. **Front Setback.** A fence, wall, screen, enclosure or similar barrier erected in the front setback of a single-family dwelling must not exceed thirty-six (36) inches in height above the adjacent grade and shall not obstruct the view of traffic.
2. Chain linked fencing is prohibited within the front setback area.
3. **Behind Front Setback.** A fence, wall, screen enclosure or similar barrier behind the front setback of a single-family dwelling must not exceed eight (8) feet in height above the adjacent grade. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards.

B. Materials and Construction

1. All single-family structures shall be of exterior fire-resistant construction, and shall have a minimum of seventy-five (75%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%) percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor. Masonry materials shall include hard fired brick, stone, decorative concrete block, concrete pre-cast or tilt-wall panels or glass blocks or tiles.
2. Prohibited materials, unless specifically approved by the City Council as per Article 10, shall include, stucco, exterior plaster, adobe, or mortar wash, exterior insulation and finish systems, acrylic matrix, synthetic plaster, PVC or other plastic based siding materials, lightweight or featherweight concrete blocks, cinder blocks or other lightweight based masonry units or any other cementitious product not listed above.
3. Areas of a single-family structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of four (4) feet deep and eight (8) feet wide (thirty-two [32] square feet), chimneys, breezeways, or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.

C. *Roof materials.* Roof materials for a single-family structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat panel standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.

D. *Alternative Materials -* The use of alternative materials shall follow the process as outlined in Section 10.2.4.

E. *Chimney Stacks.* All chimney stacks for single family structures shall be of one hundred (100%) percent masonry construction.

F. *Elevation articulation.* The elevation of a single-family structure, including garages facing the street shall contain at least one section of at least twenty (20%) percent of the total street elevation that is offset at least two (2') feet from the remainder of the street elevation.

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G. Newly Constructed Single-Family Dwelling Required Architectural Features. All newly constructed single-family dwellings are required to comply with the following architectural features:

1. Unless otherwise provided herein, garage spaces for a minimum of two (2) vehicles shall be attached to the primary structure and shall be located behind the required building setback lines. Detached garages may be allowed provided they are located behind the primary structure and meet all required building setbacks;
2. Wood or stained fiberglass or metal simulated wood grain front door;
3. No Façade may be repeated within any adjacent lots or across the street from those lots within groupings of five (5) homes;
4. Concealed HVAC units, trash storage and utility meters;
5. If brick is used, brick shall be properly detailed. Brick shall be coursed exactly to the top and bottom of all wall openings;
6. Windows shall be single hung, double hung, triple hung, or casement;
7. Flush mounted windows are prohibited;
8. Windows are to be placed on each wall elevation with a wall to window ratio that meets the light and air requirements of the building code;
9. If shutters are used, shutters shall be one-half the width of, and the same height of the associated opening. All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building. Shutters do not need to be operable;
10. Gutters shall be copper, galvanized steel, aluminum or painted if exposed;
11. Dormers shall not use siding as window jamb material;
12. The body of a single-window dormer shall be vertically proportioned or square;
13. If chimneys are visible, they shall have a projecting cap;
14. If chimneys are located on a street facing wall, they shall extend to the ground;
15. If a porch is used, the porch column base shall not protrude beyond the bottom edge of the porch flooring.

H. Additional Architectural Features. All newly constructed single-family dwellings shall contain at least four (4) of the following architectural features:

1. Stoop and portico at the front door
2. Front porch
3. Front porch or front stoop steps and railing
4. Front porch roof
5. Decorative or architectural porch railing
6. Second story porch

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7. If brick or stucco is used, a stone base below first floor window shall be installed
8. Trim at gable rake
9. Decorative roof finials or ornamentation
10. Decorative attic or gable feature greater than 3 SF in size
11. Trim at windows and doors of the street façade
12. Arched window head or heads (depending on architectural style) on street façade
13. Dormer with window
14. Window shutters on street façade
15. Divided light windows
16. Decorative concrete driveway

6.7.6 SF – SINGLE FAMILY RESIDENTIAL PERMITTED USE TABLE

P = Permitted Uses CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Accessory Dwelling	P
Agriculture (Only allowed on properties greater than ten (10) acres in size)	P
Child Care Center, Nursery or Kindergarten	CUP
Church	CUP
Community Building	P
Dwelling – Single Family (Detached)	P
Electrical Substation	CUP
Electrical Transmission Line	P
Farm Accessory Structure	P
Fire Station	P
Gas Line and Regulation Stations	P
Golf Course	P
Group Homes	P
Home Based Business	P
Library	CUP
Livestock	P
Playground	P
Public Building	P
Public Park	P
Real Estate Office Temporary Building	P
School, Private	CUP
School, Public, Primary or Secondary	P
Sewage Pumping Station	CUP
Telephone Exchange, Switching Relay or Transmitting Station	P

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Use	CUP or P
Utility Line	P
Water Reservoir, Well or Pumping Station	P
Water Standpipe or Elevated Water Storage	P

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Section 6.8 D- Duplex Residential District

6.8.1 GENERAL PURPOSE & DESCRIPTION

The D Duplex Residential district is the most restrictive of the multiple family districts and is intended for two (2) family duplex uses. This district is intended for zones of transition from the single-family residential zoning district to higher density multiple family or nonresidential zoning districts.

6.8.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 8,500 square feet.
2. **Minimum Lot Width** – 70 feet.
3. **Minimum Lot Depth** – 100 feet.



B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – 10 feet from an interior lot and 15 feet from a side street.

C. Maximum Lot Coverage – 50% percent.

D. Minimum Dwelling Unit Size – 900 square feet livable floor space exclusive of garages, porches, breezeways, and incidental storage, per unit.

E. Maximum Height – 35 feet.

6.8.3 PARKING REQUIREMENTS

- A. Duplex Dwelling Unit - Two (2) enclosed spaces (garage) on the same lot as the main structure.
- B. Non-residential uses shall provide parking as per Article 7 – Parking Requirements.

6.8.4 LANDSCAPING REQUIREMENTS

- A. Duplex Residential lots shall contain a minimum of two (2) canopy trees planted within the front yard and two (2) trees planted in the back yard of each lot. Trees shall be a minimum of three (3) inch caliper at planting. Trees shall not be planted in public rights-of-way and shall be planted between the property line and the single-family residential structure. Property owners are encouraged to plant trees outside of utility easements.
- B. Additional landscaping regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.8.5 DESIGN STANDARDS

A. Fence Standards

1. **Front Setback.** A fence, wall, screen, enclosure or similar barrier erected in the front setback of a duplex dwelling must not exceed thirty-six (36) inches in height above the adjacent grade and shall not obstruct the view of traffic.

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2. Chain linked fencing is prohibited within the front setback area.
3. Behind Front Setback. A fence, wall, screen enclosure or similar barrier behind the front setback of a duplex dwelling must not exceed eight (8) feet in height above the adjacent grade. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards.

B. Materials and Construction

1. All duplex structures shall be of exterior fire-resistant construction, and shall have a minimum of seventy-five (75%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%) percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor. Masonry materials shall include hard fired brick, stone, decorative concrete block, concrete pre-cast or tilt-wall panels or glass blocks or tiles.
2. Prohibited materials, unless specifically approved by the City Council as per Article 10, Design Standards, shall include, stucco, exterior plaster, adobe, or mortar wash, exterior insulation and finish systems, acrylic matrix, synthetic plaster, PVC or other plastic based siding materials, lightweight or featherweight concrete blocks, cinder blocks or other lightweight based masonry units or any other cementitious product not listed above.
3. Areas of a duplex structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of four (4) feet deep and eight (8) feet wide (thirty-two [32] square feet), chimneys, breezeways, or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.

C. *Roof materials.* Roof materials for a single-family structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat panel standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.

D. *Alternative Materials* - The use of alternative materials shall follow the process as outlined in Section 10.2.4.

E. *Chimney Stacks.* All chimney stacks for single family structures shall be of one hundred (100%) percent masonry construction.

F. *Elevation articulation.* The elevation of a single-family structure, including garages facing the street shall contain at least one section of at least twenty (20%) percent of the total street elevation that is offset at least two (2') feet from the remainder of the street elevation.

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6.8.6 D- DUPLEX PERMITTED USE TABLE

P = Permitted Uses CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Church	CUP
Dwelling – Two Family (Duplex)	P
Group Homes	P
Home Based Business	P
Playground	P
Public Park	P
School, Private	CUP
School, Public, Primary or Secondary	CUP
Telephone Exchange, Switching Relay or Transmitting Station	CUP

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Section 6.9 MF - Multiple Family Residential District

6.9.1 GENERAL PURPOSE & DESCRIPTION

The MF Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than twelve (12) units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between single-family residential development and non-residential development or high-traffic roadways.

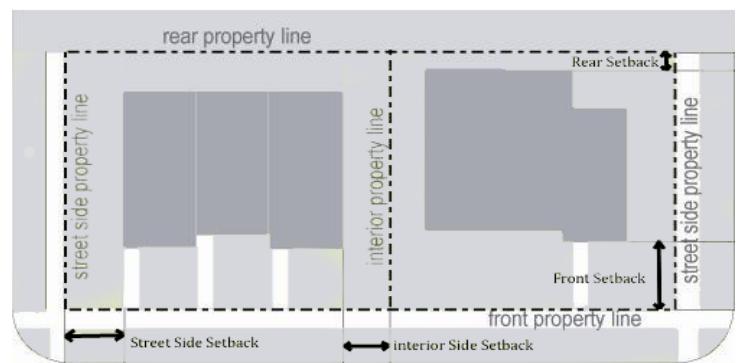
6.9.2 AREA REGULATIONS

A. Size of Lots

1. **Maximum Lot Area** – 10 acres.
2. **Minimum Lot Width** – 50 feet.
3. **Minimum Lot Depth** – 100feet.

B. Size of Setbacks

1. **Minimum Front Setback** –25 feet.
2. **Minimum Side Setback** – 10 feet from an interior lot and 15 feet from a side street.
3. **Minimum Rear Setback** –25 feet.
4. **Balconies and Porches** – No balcony or porch or any portion of the structure may extend into such required side setback, except that a roof may overhang the side setback not more than four (4) feet.



C. Maximum Lot Coverage –75% percent.

D. Minimum Dwelling Size –

1. Efficiency – 700 square feet.
2. One Bedroom –800 square feet.
3. Two Bedroom - 900 square feet.
4. Three Bedroom –1,000 square feet.

E. Maximum Height – 35 feet.

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6.9.3 PARKING REQUIREMENTS

- A. One (1) space per each efficiency or one (1) bedroom unit; One and a half (1.5) spaces per each two (2) bedroom unit; Two (2) spaces per each three (3) bedroom unit; half (0.5) a space per each additional bedroom. All required parking spaces shall be in either an attached or detached garage structure.
- B. Non-residential use regulations may be found in Article 7 – Parking Requirements.

6.9.4 LANDSCAPING REQUIREMENTS

- A. Landscape regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.9.5 DESIGN STANDARDS

A. Fencing and Screening

1. Location. Continuous screening is required along the common boundary between multiple-family use/district and an agricultural or residential zoning district or use, except where a public street provides buffering. Screening is also required along the perimeter of a multiple-family use/district located across an alley from a residential zoning district or use. Screening must be a minimum of eight (8) feet in height and must be maintained by the property owner of the nonresidential or multi-family use.
2. Design. Screening must meet one or a combination of the following design standards:
 - a. Screening may consist of walls constructed of masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Screening must be eight (8) feet in height above the adjacent grade and must be designed and sealed by a professional engineer for structural integrity. Gates must be equal in height and screening characteristics to the wall in order to create a visual barrier.
 - b. Screening may consist of an eight (8) foot high wooden fence only in conjunction with a ten (10) foot buffer yard containing evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six (6) feet, placed on thirty-six (36)-inch centers. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards and must contain masonry columns no greater than twelve (12) feet on center. Gates must be equal in height and screening characteristics to the fence in order to create a visual barrier.
 - c. Alternative screening plans may be considered by the City Council upon recommendation of the Planning and Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and design above and beyond the existing regulations.
3. Materials for Fences, Walls, Screens and Enclosures
 - a. Allowed Materials for Fences
 - (1). Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);

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- (2). Fiberglass composite (manufactured for fencing);
- (3). Latticework that does not exceed two (2) feet in height and is anchored as a design element at the top of a six (6) foot tall fence;
- (4). Tubular aluminum;
- (5). Tubular steel;
- (6). Wrought iron or similar decorative metal;
- (7). Wood planks;
- (8). Support poles made of metal or wood;

b. Allowed Materials for Screening Walls:

- (1). Fired brick;
- (2). Natural stone;
- (3). Pre-cast concrete;
- (4). Split faced block;
- (5). Smooth faced block; or,
- (6). Stucco.

c. Prohibited Materials. Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets, vinyl panels or pickets or fiberglass.

B. Materials and Construction

1. All multi-family and single-family attached residential structures shall be of exterior fire-resistant construction and shall have a minimum of eighty (80%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%) percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor.
2. Areas of a multi-family structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of (4') feet deep and eight (8') feet wide (thirty [32] square feet), chimneys, breezeways, or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.

C. *Prohibited materials.* Concrete, concrete block, vinyl, plastic or metal exterior construction is not permitted on any multi-family or single-family attached structure.

D. *Roof materials.* Roof materials for a multi-family or single family attached structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color

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scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.

- E. *Alternative Materials* - The use of alternative materials shall follow the process as outlined in Section 10.2.4.
- F. *Accessory structures*. Accessory structures, regardless of size, within the MF- Multi-family Zoning District shall conform to the minimum exterior construction standards for the main building on the lot, tract, site, and shall be architecturally compatible with the main building.
- G. *Building Separation* - Multi-family dwellings shall provide a minimum side setback of fifteen (15) feet between any building wall containing windows, and any side lot line, except that any such building wall not exceeding thirty-five (35) feet in width may provide a minimum side setback of ten (10) feet. Where a building wall contains no windows, a minimum side setback of ten (10) feet shall be provided between the wall and the side lot line.

6.9.6 OUTDOOR LIGHTING

Outdoor lighting shall be provided in the parking lots and common areas. Lighting shall be shown with the submittal of the site plan. All exterior lighting designed for security, illumination, or parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties. Additional requirements are found in Article 11 Outdoor Lighting Requirements.

6.9.7 MF- MULTI-FAMILY RESIDENTIAL PERMITTED USE TABLE

P = Permitted CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Assisted Living (including Memory Care)	CUP
Child Care Center, Nursery or Kindergarten	P
Church	P
Dwelling – Condominium	P
Dwelling – Multiple Family (Apartments)	P
Dwelling – Single Family (Attached)	P
Exercise Facility as Part of the Multi-Family Use	P
Home Based Business	P
Playground	P
Public Park	P
School, Private	CUP
School, Public, Primary or Secondary	P
Telephone Exchange, Switching Relay or Transmitting Station	CUP
Utility Line	P

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Section 6.10 MH – Manufactured Home Subdivision District

6.10.1 GENERAL PURPOSE AND DESCRIPTION

The purpose of the MH Manufactured Home Subdivision district is to encourage the most appropriate use of land for manufactured housing development purposes, to encourage design standards which will create pleasing appearances, and to provide sufficient open space for light, air and recreation.

6.10.2 MH DISTRICTS ESTABLISHED BY PLANNED DEVELOPMENT

Regulations for each manufactured home subdivision shall be established by a Planned Development District ordinance adopted pursuant to Section 6.16, PD Planned Development District.

6.10.3 ADDITIONAL REGULATIONS OF THE MH MANUFACTURED HOME SUBDIVISION DISTRICT

- A. A manufactured housing development shall occupy a site of not less than ten (10) acres in size.
- B. Manufactured housing units shall meet all standards set by the U.S. Department of Housing and Urban Development.
- C. All manufactured homes shall provide skirting around the base of the home.
- D. All subdivision standards must be met as specified by the City of Lorena Subdivision Regulations.
- E. Additional regulations may be found in Article 7 – Parking Requirements.

6.10.4 LANDSCAPING REQUIREMENTS

- A. Minimum Landscape Requirements. Minimum of two (2) trees be planted within the front setback, and a minimum of two (2) trees to be planted in the rear setback.
- B. Additional regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

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6.10.5 MH – MANUFACTURED HOME SUBDIVISION DISTRICT PERMITTED USE TABLE

P = Permitted CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Child Care Center, Nursery or Kindergarten	CUP
Church	P
Community Building	P
Electrical Substation	CUP
Electrical Transmission Line	P
Fire Station	P
Gas Line and Regulation Stations	P
Golf Course	P
Home Based Business	P
Library	CUP
Playground	P
Public Park	P
School, Private	CUP
School, Public, Primary or Secondary	P
Sewage Pumping Station	CUP
Telephone Exchange, Switching Relay or Transmitting Station	CUP
Utility Line	P
Water Reservoir, Well or Pumping Station	P
Water Standpipe or Elevated Water Storage	P

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Section 6.11 NC – Neighborhood Center District

6.11.1 GENERAL PURPOSE & DESCRIPTION

The purpose of the NC Neighborhood Center district is to focus on the heart of the neighborhood and to encourage a mix of uses that support the surrounding residential neighborhood.

6.11.2 MAXIMUM HEIGHT

The maximum height is thirty-five (35) feet.

6.11.3 AREA REGULATIONS

- A. Size of Lots
 1. **Minimum Lot Area** – 1 Acre.
 2. **Minimum Lot Width** – 80 feet.
 3. **Minimum Lot Depth** – 80 feet.
- B. Size of Setbacks
 1. **Minimum Front Setback** – Ten (10) feet.
 2. **Minimum Side Setback** – 10 feet from an interior lot or from a side street.
 3. **Minimum Rear Setback** – 10 feet, plus 1 foot for each foot of building height above 20 feet.
- C. **Maximum Lot Coverage** – 60% percent.
- D. **Maximum Height** – 35 feet.

6.11.4 PARKING REQUIREMENTS

Parking regulations may be found in Article 7 – Parking Requirements.

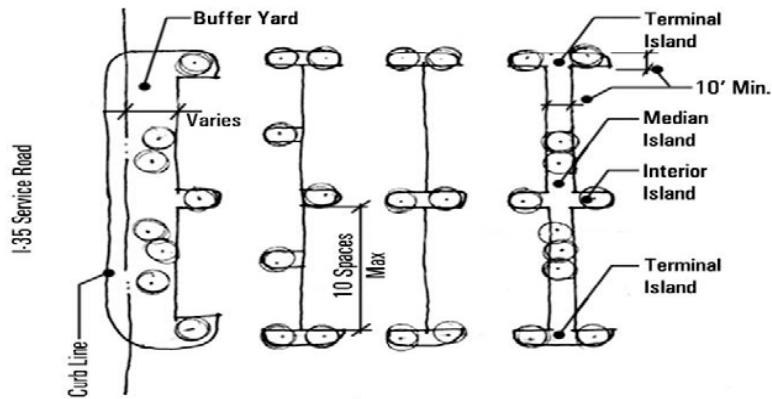
6.11.5 LANDSCAPING REQUIREMENTS

- A. Each site must provide a minimum of the following landscape elements. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List. Xeriscape landscape plants and materials may be considered as an alternative with drought-tolerant and native species. If decomposed/crushed granite, river rock or other similar material is used as ground cover, the number of plant materials shall be increased by fifteen (15) percent.
- B. A total of at least twenty (20) percent of each lot must be landscaped with living approved trees, shrubs and groundcovers. Such landscape areas must consist of approved plants and irrigation covering one hundred (100) percent of the required landscaped area. At least fifty (50) percent of the required overall 20% required landscaping shall be located within the required landscape bufferyard.
- C. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.

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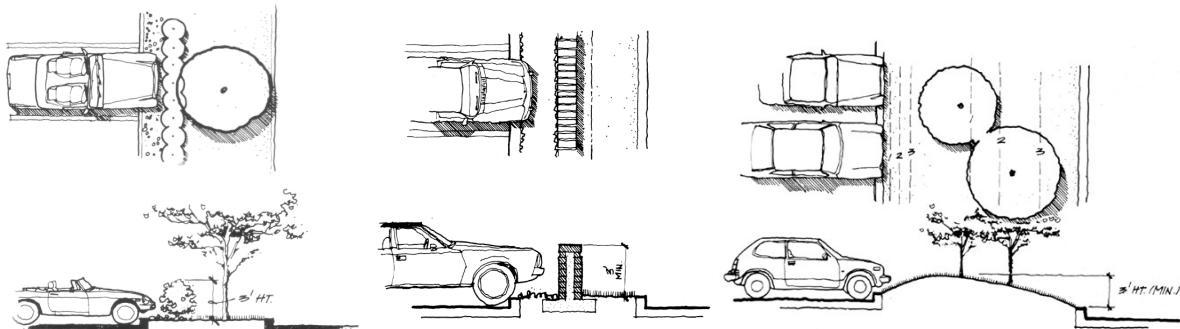
- D. Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five (5) gallon shrubs planted a minimum of thirty (30) inches on center.
- E. Foundation plantings are required within a planting area a minimum of six (6) feet in width along seventy (70) percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.
- F. All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.
- G. A fifteen (15) foot landscape bufferyard is required along all street frontages, unless properties abut the Interstate 35 rights-of-way. If properties are abutting Interstate 35 rights-of-way, the landscape bufferyard shall increase to thirty-five (35) feet in width. No parking shall be allowed within the required landscape bufferyard.
- H. Street trees shall be planted within the required landscape bufferyard at a ratio of one (1) tree planted per forty (40) linear feet of frontage. The Zoning Administrator may approve the clustering of trees within the required landscape bufferyard but the required number of trees shall not be reduced.
- I. Courtyards and Small spaces. Scaled appropriate landscaping shall be designed and planted in courtyards and in areas where space is limited near existing buildings. All new developments shall have foundation watering to reduce soils shifting and appropriately scaled plantings in front of the building and along any sides adjacent to public streets. The foundation planting area shall be a minimum of five (5) feet in width and contain a mixture of landscaping to provide seasonal interest and color.
- J. Parking lots shall contain a minimum of ten (10) percent landscaping. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area.
 - 1. *Interior Islands.* A curbed landscape island must be provided for every fifteen (15) parking spaces. Each island must be a minimum of one hundred seventy (170) square feet in area and ten (10) feet in width back-of-curb to back-of-curb. A minimum three (3) inch caliper tree is required in each island.
 - 2. *Terminal Islands.* All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of three hundred sixty (360) square feet in area and contain two (2) minimum three (3) inch caliper trees.
 - 3. *Median Islands.* A curbed median island a minimum of ten (10) feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island shall contain one (1) minimum three (3) inch caliper tree a minimum of every thirty (30) feet on center.

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4. All landscape areas must accent building features, entryways and driveways.
5. Properties located within the Business Park (BP) District are exempt from this provision.
6. Parking lots with six (6) or more spaces shall be screened from adjacent uses and from the street public right of way. In addition to the provisions set forth in Article 9, all nonresidential and multifamily uses shall provide parking lot screening which shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of three (3) feet. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts another nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened. See Figure below for examples of appropriate screening.

Parking Lot Buffering



7. Visibility - To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within ten (10) feet of a curb cut.

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8. Walkways and Driveways. Connecting walkways through parking lots shall have one (1) understory tree per forty (40) linear feet of such walkway planted in landscape areas within five (5) feet of such walkway.
9. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City.

K. Additional regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.11.6 DESIGN STANDARDS

A. Fencing and Screening

1. Location. Continuous screening is required along the common boundary between nonresidential use/district and an agricultural or residential zoning district or use, except where a public street provides buffering. Screening is also required along the perimeter of a nonresidential use/district located across an alley from a residential zoning district or use. Screening must be a minimum of eight (8) feet in height and must be maintained by the property owner of the nonresidential or multi-family use.
2. Design. Screening must meet one or a combination of the following design standards:
 - a. Screening may consist of walls constructed of masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Screening must be eight (8) feet in height above the adjacent grade and must be designed and sealed by a professional engineer for structural integrity. Gates must be equal in height and screening characteristics to the wall in order to create a visual barrier.
 - b. Screening may consist of an eight (8) foot high wooden fence only in conjunction with a ten (10) foot buffer yard containing evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six (6) feet, placed on thirty-six (36)-inch centers. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards and must contain masonry columns no greater than twelve (12) feet on center. Gates must be equal in height and screening characteristics to the fence in order to create a visual barrier.
 - c. Alternative screening plans may be considered by the City Council upon recommendation of the Planning and Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and design above and beyond the existing regulations.

B. Materials for Fences, Walls, Screens and Enclosures

1. Allowed Materials for Fences

- a. Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);
- b. Fiberglass composite (manufactured for fencing);
- c. Latticework that does not exceed two (2) feet in height and is anchored as a design element at the top of a six (6) foot tall fence;

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- d. Tubular aluminum;
e. Tubular steel;
f. Wrought iron or similar decorative metal;
g. Wood planks;
h. Support poles made of metal or wood;
2. Allowed Materials for Screening Walls:
 - a. Fired brick;
b. Natural stone;
c. Pre-cast concrete;
d. Split faced block;
e. Smooth faced block; or,
f. Stucco.
3. Prohibited Materials. Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets, vinyl panels or pickets or fiberglass.

C. Materials and Construction

1. All non-residential and institutional structures in any zoning district, shall have a minimum of seventy-five (75%) percent masonry construction, more -or-less equally distributed around all sides of the building, for the first story defined as below the first-floor ceiling plate, and a minimum of fifty (50%) for any story above.
2. Areas of a non-residential or institutional structure's façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
3. *Metal exterior material use.* Metal exterior construction is prohibited on any non-residential or institutional structure which is located within any zoning district, save and except the following:
 - a. Structures located on a through lot that both fronts and backs onto a public street. The rear façade, which must be located equal to or more than one thousand (1,000') feet from the public street, may use metal exterior construction upon approval of the Site Plan by the City Council, and;
 - b. Upon approval of the Site Plan by the City Council, non-residential and institutional structures within any the (NC) or (BP) zoning districts may use metal as an exterior material on up to twenty (20%) percent of the façade as an architectural accent.
 - c. The use of any type of metal for exterior building construction shall be clearly shown on the Site Plan and shall only be allowed with the Site Plan approval. The exterior finish of metal used in exterior construction shall be permanent,

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maintenance free nature such as a baked-on finish unless approved otherwise on the Site Plan. The use of corrugated, galvanized, aluminum-coated, zinc-coated unfinished, or similar metal surfaces shall be prohibited unless approved otherwise on the Site Plan.

4. *Roof materials.* Any roof materials for a non-residential or institutional structure that are visible from a public street shall be comprised of laminated, dimensional composition shingle (twenty-five [25] year minimum; flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Membrane roofing systems are required on all flat surfaced nonresidential roofs. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. For non-residential or institutional structures where the roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required. Non-residential or institutional structures with a flat-roof shall have highly articulated parapet that conceals the roof and any roof mounted mechanical equipment.

6.11.7 OUTDOOR LIGHTING

Outdoor lighting shall be provided in the parking lots and common areas. Lighting shall be shown with the submittal of the site plan. All exterior lighting designed for security, illumination, or parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties. Additional requirements are found in Article 11, Outdoor Lighting.

6.11.8 NC – NEIGHBORHOOD COMMERCIAL PERMITTED USE TABLE

P = Permitted CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Animal Clinic/Hospital	P
Animal Clinic/Hospital with outdoor Animal Kennels	CUP
Bakery	CUP
Bank	P
Barber or Beauty Shop	P
Bookstore (Not Adult)	P
Car Wash	CUP
Catering Service (Only when associated with an on-premise restaurant)	CUP
Child Care Center, Nursery or Kindergarten	CUP
Church	P
College or University	CUP
Community Building	P
Convenience Store with Fuel Sales	CUP
Day Spa or Salon	P

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Use	CUP or P
Discount Store	P
Drug Store	P
Electrical Substation	CUP
Electrical Transmission Line	P
Fire Station	P
Florist Shop	P
Food Trucks	P
Gas Line and Regulation Stations	P
Grocery/Supermarket	P
Laundry or Cleaners	P
Library	P
Locksmith	P
Medical Laboratory	P
Medical Office/Clinic	P
Offices, General and Professional	P
Open Air Vending	P
Photographer	P
Playground	P
Public Building	P
Public Park	P
Restaurant	P
Restaurant, Fast Food with Drive Thru	CUP
Retail Sales	P
Retail Shop, Apparel, Gift, Accessory	P
School, Business or Trade	P
School, Private	P
School, Public, Primary or Secondary	P
Sewage Pumping Station	CUP
Telephone Exchange, Switching Relay or Transmitting Station	P
Travel Agency	P
Utility Line	P
Water Reservoir, Well or Pumping Station	P
Water Standpipe or Elevated Water Storage	P

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Section 6.12 IC –Interstate Corridor District

6.12.1 GENERAL PURPOSE & DESCRIPTION

The purpose of the IC Interstate Corridor district is to create centers of activity including shopping, services, recreation, employment, housing and institutional facilities supported by and serving an entire region. It is intended for use on tracts directly adjacent to Interstate 35. The service area of this type of development exceeds the boundaries of the City and is essentially regional or sub-regional in nature. The unique characteristics of this development are its high concentration of activity requiring extensive planning and engineering for ingress and egress to the development site coupled with the need for extensive off-street parking, loading and maneuvering areas.

6.12.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 22,500 square feet.
2. **Minimum Lot Width** – 200 feet.
3. **Minimum Lot Depth** – 200 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 35 feet.
2. **Minimum Side Setback** – None for an interior lot. 15 feet for a street side setback. 15 feet plus 1 additional foot for each additional 1 foot in height above 15 feet for all properties abutting to a SF Single Family District.
3. **Minimum Rear Setback** – 10 feet. 25 feet if abutting to a SF Single Family District.

C. Maximum Lot Coverage – 75% percent.

D. Maximum Height – 65 feet.

6.12.3 SITE PLAN REVIEW

- A. A Site Plan must be submitted, reviewed and approved as per Section 3.3 Site Plan, prior to construction for all developments proposed on a tract of land within the IC Interstate Corridor district.
- B. The Site Plan must contain sufficient information demonstrating compliance with all of the applicable requirements of this overlay zoning district and any additional information required by the Zoning Administrator.
- C. In reviewing the Site Plan, the City may consider other factors that may be relevant to a particular application, which may include the following:
 - D. The relationship to neighboring properties;
 - E. The zoning and the uses of nearby properties;
 - F. The extent to which the proposed use would substantially harm the value of nearby properties;

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- G. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property;
- H. The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection are available and adequate to serve the proposed use;
- I. The conformance of the proposed use to the IC Interstate Corridor district, the Comprehensive Plan and other adopted planning policies; and
- J. The recommendation of the professional staff.

6.12.4 PARKING REQUIREMENTS

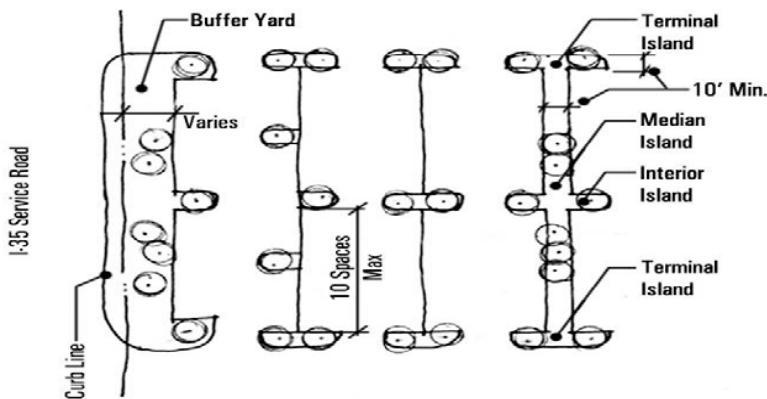
Parking regulations may be found in Article 7 – Parking Requirements.

6.12.5 LANDSCAPE REQUIREMENTS

- A. Each site must provide a minimum of the following landscape elements. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List. Xeriscape landscape plants and materials may be considered as an alternative with drought-tolerant and native species. If decomposed/crushed granite, river rock or other similar material is used as ground cover, the number of plant materials shall be increased by fifteen (15) percent.
- B. At least twenty (20) percent of each lot must be landscaped with living approved trees, shrubs and groundcovers. Such landscape areas must consist of approved plants and irrigation covering one hundred (100) percent of the required landscaped area. At least fifty (50) percent of the required overall 20% required landscaping shall be located within the required landscape bufferyard.
- C. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.
- D. Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five (5) gallon shrubs planted a minimum of thirty (30) inches on center.
- E. Foundation plantings are required within a planting area a minimum of six (6) feet in width along seventy (70) percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph A above.
- F. All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.
- G. A thirty-five (35) foot landscape bufferyard is required along all street frontages. No parking shall be allowed within the required landscape bufferyard.
- H. Street trees shall be planted within the required landscape bufferyard at a ratio of one (1) tree planted per forty (40) linear feet of frontage. The Zoning Administrator may approve the clustering of trees within the required landscape bufferyard but the required number of trees shall not be reduced.

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- I. Courtyards and Small spaces. Scaled appropriate landscaping shall be designed and planted in courtyards and in areas where space is limited near existing buildings. All new developments shall have foundation watering to reduce soils shifting and appropriately scaled plantings in front of the building and along any sides adjacent to public streets. The foundation planting area shall be a minimum of five (5) feet in width and contain a mixture of landscaping to provide seasonal interest and color.
- J. Parking lots shall contain a minimum of ten (10) percent landscaping. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area.
 1. *Interior Islands*. A curbed landscape island must be provided for every fifteen (15) parking spaces. Each island must be a minimum of one hundred seventy (170) square feet in area and ten (10) feet in width back-of-curb to back-of-curb. A minimum three (3) inch caliper tree is required in each island.
 2. *Terminal Islands*. All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of three hundred sixty (360) square feet in area and contain two (2) minimum three (3) inch caliper trees.
 3. *Median Islands*. A curbed median island a minimum of ten (10) feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island shall contain one (1) minimum three (3) inch caliper tree a minimum of every thirty (30) feet on center.

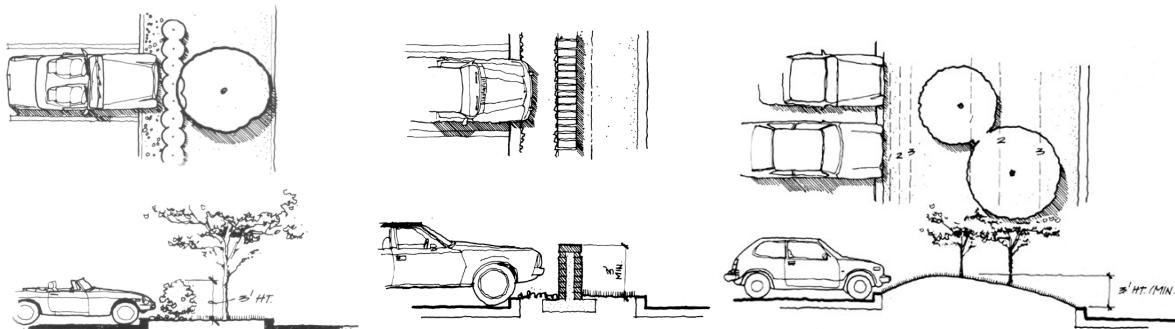


4. All landscape areas must accent building features, entryways and driveways.
5. Properties located within the Business Park (BP) District are exempt from this provision.
6. Parking lots with six (6) or more spaces shall be screened from adjacent uses and from the street public right of way. In addition to the provisions set forth in Article 9, all nonresidential and multifamily uses shall provide parking lot screening which shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of three (3) feet. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and seventy (70) percent of the length of any boundary of the parking lot that abuts another nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from

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the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened. See Figure below for examples of appropriate screening.

Parking Lot Buffering



7. Visibility - To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within ten (10) feet of a curb cut.
8. Walkways and Driveways. Connecting walkways through parking lots shall have one (1) understory tree per forty (40) linear feet of such walkway planted in landscape areas within five (5) feet of such walkway.
9. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City.

K. Additional regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.12.6 UTILITIES

All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

6.12.7 DESIGN STANDARDS

A. Fencing and Screening

1. Location. Continuous screening is required along the common boundary between nonresidential use/district and an agricultural or residential zoning district or use, except where a public street provides buffering. Screening is also required along the perimeter of a nonresidential use/district located across an alley from a residential zoning district or use. Screening must be a minimum of eight (8) feet in height and must be maintained by the property owner of the nonresidential or multi-family use.
2. Design. Screening must meet one or a combination of the following design standards:

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- a. Screening may consist of walls constructed of masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Screening must be eight (8) feet in height above the adjacent grade and must be designed and sealed by a professional engineer for structural integrity. Gates must be equal in height and screening characteristics to the wall in order to create a visual barrier.
- b. Screening may consist of an eight-foot (8') high wooden fence only in conjunction with a ten (10) foot buffer yard containing evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six (6') feet, placed on 36-inch centers. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards and must contain masonry columns no greater than twelve (12) feet on center. Gates must be equal in height and screening characteristics to the fence in order to create a visual barrier.
- c. Alternative screening plans may be considered by the City Council upon recommendation of the Planning and Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and design above and beyond the existing regulations.

3. All garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of I-35. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Zoning Administrator, but must be screened by a masonry wing wall matching the architectural style and color of the building or an opaque landscape screen containing three (3)-inch caliper hardwood canopy trees, and five (5) gallon shrubs.
4. Any public utility stations, such as lift stations and electric sub-stations, must be screened from public view with a masonry wall matching the architectural style and color of the building.
5. Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within one hundred (100) feet of any public street right-of-way, unless a masonry screening wall matching the architectural style and color of the building is used.
 - a. *Vehicle Loading and Unloading Zones and Service Areas.* Screening for vehicle loading and unloading zones must consist of a continuous solid masonry wall to match the color and style of the building, earthen berms or evergreen opaque landscaping a minimum of six feet (6) in height. Landscape screening must be solid and reach a minimum height of six (6) feet within two (2) years of the issue date of the Certificate of Occupancy for the building or change of use.
 - b. *Refuse Storage and Compactors.* Refuse storage and compactors must be enclosed on three (3) sides by a solid wall of wood or masonry to match the color and style of the building and be a minimum of one (1) foot taller than the equipment being screened. The enclosure must have a minimum eight (8) foot self-closing gate. The enclosure must be designed to contain all refuse

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generated on-site between solid waste collections. The refuse storage and compactors must not be located in required setbacks.

B. Materials for Fences, Walls, Screens

1. Allowed Materials for Fences

- a. Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);
- b. Fiberglass composite (manufactured for fencing);
- c. Latticework that does not exceed two (2) feet in height and is anchored as a design element at the top of a six (6) foot tall fence;
- d. Tubular aluminum;
- e. Tubular steel;
- f. Wrought iron or similar decorative metal;
- g. Wood planks;
- h. Support poles made of metal or wood;

2. Allowed Materials for Screening Walls:

- a. Fired brick;
- b. Natural stone;
- c. Pre-cast concrete;
- d. Split faced block;
- e. Smooth faced block; or,
- f. Stucco.

3. Prohibited Materials. Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets, vinyl panels or pickets or fiberglass.

C. Materials and Construction

1. All non-residential and institutional structures in any zoning district, shall have a minimum of seventy-five (75%) percent masonry construction, more -or-less equally distributed around all sides of the building, for the first story defined as below the first-floor ceiling plate, and a minimum of fifty (50%) for any story above.
2. Areas of a non-residential or institutional structure's façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
3. *Metal exterior material use.* Metal exterior construction is prohibited on any non-residential or institutional structure which is located within any zoning district, save and except the following:

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- a. Structures located on a through lot that both fronts and backs onto a public street. The rear façade, which must be located equal to or more than one thousand (1,000') feet from the public street, may use metal exterior construction upon approval of the Site Plan by the City Council, and;
- b. Upon approval of the Site Plan by the City Council, non-residential and institutional structures within any of the non-residential zoning districts may use metal as an exterior material on up to twenty (20%) percent of the façade as an architectural accent.
- c. The use of any type of metal for exterior building construction shall be clearly shown on the Site Plan and shall only be allowed with the Site Plan approval. The exterior finish of metal used in exterior construction shall be permanent, maintenance free nature such as a baked-on finish unless approved otherwise on the Site Plan. The use of corrugated, galvanized, aluminum-coated, zinc-coated unfinished, or similar metal surfaces shall be prohibited unless approved otherwise on the Site Plan.

D. *Roof materials.* Any roof materials for a non-residential or institutional structure that are visible from a public street shall be comprised of laminated, dimensional composition shingle (twenty-five [25] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Membrane roofing systems are required on all flat surfaced nonresidential roofs. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. For non-residential or institutional structures where the roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required. Non-residential or institutional structures with a flat-roof shall have highly articulated parapet that conceals the roof and any roof mounted mechanical equipment.

E. All buildings, including accessory buildings, must be architecturally finished on all sides with the same materials, detailing and features, with a higher level of finish on the primary facades.

F. Building entrances must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least six (6) feet. All buildings must be designed to incorporate no less than three (3) of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five (5) of the following elements. Buildings over 100,000 square feet must include a minimum of seven (7) of the following elements:

1. Canopies, awnings, or porticos;
2. Overhangs;
3. Recesses or projections;
4. Arcades;
5. Peaked roof forms;
6. Arches;

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7. Outdoor patios;
8. Display windows;
9. Architectural details (such as tile work or moldings) integrated into building facade;
10. Articulated ground floor levels or base;
11. Articulated cornice line;
12. Integrated planters or wing walls that incorporate landscape and sitting areas;
13. Offsets, reveals or projecting rib used to express architectural or structural bay; or
14. Accent materials (minimum ten (10) percent of exterior façade).

G. All buildings must be designed to be consistent with the purpose of the IC Interstate Corridor zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than two hundred (200) feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least six (6) feet deep. Projections and recesses must be at least twenty-five (25) percent of the length of the facade. No uninterrupted length of facade may exceed one hundred (100) feet in length.

H. Windows must be a minimum of twenty-five (25) percent up to a maximum of eighty (80) percent of each building elevation from public view.

6.12.8 OUTDOOR LIGHTING

Outdoor lighting shall be provided in the parking lots and common areas. Lighting shall be shown with the submittal of the site plan. All exterior lighting designed for security, illumination, or parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties. Additional requirements are found in Article 11, Outdoor Lighting.

6.12.9 IC – INTERSTATE CORRIDOR PERMITTED USE TABLE

P = Permitted CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Animal Clinic/Hospital	P
Animal Kennel	CUP
Arts and Crafts Stores	P
Art Gallery or Museum	P
Assisted Living (including Memory Care)	CUP
Auto Parts and Accessory Sales	P
Automobile and Motorcycle Sales (New)	CUP
Automobile and Motorcycle Sales (Used)	CUP
Automobile Repair, Major	CUP
Automobile Repair, Minor	CUP
Bakery	P
Bank (with or without drive through)	P

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Use	CUP or P
Bar or Tavern	CUP
Barber or Beauty Shop	P
Bingo Hall	CUP
Bookstore (Not Adult)	P
Bowling Alley	P
Building Materials Sales	CUP
Bus Station or Terminal	CUP
Car Wash	CUP
Catering Service (Only when associated with an on-premise restaurant)	P
Child Care Center, Nursery or Kindergarten	CUP
Church	P
Civic Clubs/Fratalnal Lodges	P
College or University	P
Commercial Amusements, Indoor	P
Commercial Amusements, Outdoor	CUP
Community Building	P
Convenience Store with Fuel Sales	CUP
Dance Hall or Night Club	CUP
Day Spa or Salon	P
Department Store	P
Discount Store	P
Drug Store	P
Dwelling – Condominium	P
Dwelling – Multiple Family (Apartments)	CUP
Dwelling – Single Family (Attached)	CUP
Electrical Energy Generating Plant	CUP
Electrical Substation	CUP
Electrical Transmission Line	P
Exercise Facility / Fitness Club	P
Fire Station	P
Florist Shop	P
Food Trucks	P
Furniture, Carpet or Appliance Store	P
Gas Line and Regulation Stations	P
Go-Cart Track (when combined with outdoor amusement)	CUP
Golf Course	P
Greenhouse, Commercial	CUP
Grocery/Supermarket	P

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Use	CUP or P
Home Based Business	P
Home Improvement Center	P
Hospital	P
Hotels (Including Extended Stay)	CUP
Janitorial Service	P
Laundry or Cleaners	P
Library	P
Liquor Store	P
Locksmith	P
Medical Appliance Sales	P
Medical Laboratory	P
Medical Office/Clinic	P
Movie Theater/Theater	P
Nail Salon	P
Office Equipment Sales and Repair	P
Offices, General and Professional	P
Open Air Vending	P
Optical Dispensary	P
Pawn Shop	CUP
Photocopies	P
Photographer	P
Piercing Studio	CUP
Plant Nursery	CUP
Playground	CUP
Printer (Small)	P
Produce Stand, Outdoor	CUP
Public Building	P
Public Park	P
Repair and Service Shop	P
Repair of Appliances	P
Restaurant	P
Restaurant, Fast Food with Drive Thru	P
Retail Pet Store including Food and Supplies	P
Retail Sales	P
Retail Sales, Apparel, Gift, Accessory (Greater than 2500 SF)	P
Roller or Ice-Skating Rink	P
School, Business or Trade	P
School, Private	P

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Use	CUP or P
School, Public, Primary or Secondary	P
Sewage Pumping Station	P
Shooting Range (Indoor)	CUP
Swimming Pool (Commercial)	P
Tattoo Parlor	CUP
Telemarketing Office	CUP
Telephone Exchange, Switching Relay or Transmitting Station	P
Tire Dealer	CUP
Tool and Light Vehicle Rental and Sales	P
Travel Agency	P
Truck Refueling Facility	CUP
Utility Line	P
Water Reservoir, Well or Pumping Station	P
Water Standpipe or Elevated Water Storage	P
Wedding Chapel	CUP
Wholesaling	CUP

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Section 6.13 OT – Old Town District

6.13.1 GENERAL PURPOSE & DESCRIPTION

The OT Old Town district is established to encourage the preservation of uses and structures that have been determined as being historically and culturally significant to the City. This district shall provide flexibility in land uses and regulations that will encourage the continuance of the historic character of this area.

6.13.2 DISTRICT LIMITS

The Old Town District (OT) is comprised of a defined area, as shown on the zoning district map for the City, as amended.

- A. Main Street Subdistrict: The physical limits of the Main Street subdistrict shall be defined as that area bounded by North and South Oak Streets, East Castro Street, North and South McBrayer Streets and Walter Street.
- B. Neighborhood Subdistrict shall include the parcels abutting North Bordon Street from East Castro Street to Autumn Villas Drive.

6.13.3 AREA REGULATIONS

- A. Lots platted prior to 1900 shall be exempt from the area and height regulations and parking requirements.
- B. Size of Lots
 1. **Minimum Lot Area** –5,000 square feet.
 2. **Minimum Lot Width** – 50 feet.
 3. **Minimum Lot Depth** – 50 feet.
- C. Size of Setbacks
 1. **Minimum Front Setback** – Ten (10) foot minimum which may be used for landscaping, pedestrian circulation, entry court, outdoor dining, and similar uses related to a pedestrian environment
 2. **Minimum Side Setback** – None on an interior setback. Fifteen (15) feet on a street side setback. Fifteen (15) feet adjacent to a SF Single Family Residential district.
 3. **Minimum Rear Setback** – None
- D. **Maximum Lot Coverage** – None.
- E. **Maximum Height** - 35 feet.

6.13.4 PARKING REQUIREMENTS

- A. Parking requirements for all uses shall be determined by Article 7, Parking Requirements, with the exceptions for joint-use parking as described below.
- B. OT Old Town District joint-use parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination in Old Town Lorena and that one parking space will be open and available for short-term parking to serve many different uses which may have different peak hours.

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C. The following categories of development shall be eligible to use joint-use parking standards to meet parking requirements:

1. Non-residential new construction on parcels of less than 20,000 square feet in size.
2. Existing non-residential buildings with uses or occupancies with a valid Certificate of Occupancy at the time of ordinance adoption, including additions to and rehabilitation of such buildings.
3. Ineligible Development. Properties within the Neighborhood Subdistrict are not eligible to use joint-use parking standards.

6.13.5 DESIGN STANDARDS MAIN STREET SUBDISTRICT

A. A commercial structure may contain a live/work unit concurrent with the commercial use, in accordance with the following restrictions:

1. One (1) live/work unit shall be permitted per commercial structure so long as it does not exceed sixty (60%) percent of the total square footage of the structure.

B. All outside storage and display areas shall be maintained free of garbage and other debris.

C. Merchandise must be freestanding and not be located in or on pallets, crates, stands, shelving, racks, or similar types of storage structures.

D. Only goods and merchandise associated with the existing on-site business use may be sold or displayed on premise.

E. Signs. Easels, A-frame or placard signs not to exceed eight (8) square feet per side with a maximum height of four (4) feet are permitted in the OT Old Town district as sidewalk signs, but shall not restrict the free movement of pedestrian traffic.

F. Outdoor seating. Amenities, such as permanent outdoor seating in public rights-of-way, which enhance the pedestrian nature of the area, will be developed. Uses such as restaurants located in the OT Old Town district, in public rights-of-way, may provide permanent outdoor seating on the sidewalks adjacent to their property under the following conditions:

1. The applicant must indicate on the site plan the location of all proposed outdoor seating areas.
2. The requirements for the Americans with Disabilities Act must be met.
3. The applicant must provide proof of general liability insurance coverage, not less than \$500,000.00 per occurrence with an aggregate limit of \$1,000,000.00, and name the City as an additional insured.

G. Landscaping, Lighting, Street Furniture and Sidewalks

1. Courtyards and Small Spaces. Scaled appropriate landscaping shall be designed and planted in courtyards and in areas where space is limited near existing buildings. All new developments shall have foundation watering to reduce soils shifting and appropriately scaled plantings in front of the building and along any sides adjacent to public streets. The foundation planting area shall be a minimum of five feet (5') in width and contain a mixture of landscaping to provide seasonal interest and color.

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2. Existing Building Surrounded by Paving. In lieu of foundation planting, landscaping may be provided in raised planters, pots or raised landscape beds in the front and sides of existing buildings that are surrounded by paving or to provide for an outdoor patio. The container landscaping chosen must provide near equivalent coverage as a five (5) foot foundation landscape bed. An automatic irrigation system must be provided to ensure adequate hydration of the selected landscaping.
3. Streetlights and Street Furniture. Decorative style streetlights, benches and trash receptacles of a style and color similar to those currently in place. Streetlights shall be installed on all street corners and at a spacing between street corners not to exceed sixty feet (60') in a uniform manner as each property is developed or redeveloped.
4. Lighting for off-street parking facilities shall be of the same height, style and color of the required streetlights mentioned above. Lighting fixtures attached to buildings shall be of a decorative or historic character that is compatible with the architecture of the buildings and the required streetlights.
5. Fencing and Screening. Masonry products in keeping with the OT common area style must be used to screen dumpsters. In areas where fencing is appropriate, materials and styles fitting the character of the neighborhood shall be used. If wood fencing is proposed, details including construction, footing design, specific materials proposed, and maintenance to maximize life must be included in the site plan and permit request.
6. Sidewalk patios are encouraged along the promenade. The design of the interior and immediate surroundings of a sidewalk patio should adhere to the following guidelines.
 - a. The clear height from grade level to any obstruction such as an overhead canopy should be a minimum of seven (7) feet.
 - b. The surface area of an outdoor patio may not exceed the interior floor area of the primary licensed establishment.
 - c. The path to the door of the primary licensed establishment shall be maintained at three (3) feet.
 - d. The patio shall extend to the building line when located between the primary licensed establishment and the street.
7. Awnings can be used to provide shade and weather protection for the patio as well as visual screening from adjacent uses.
 - a. Materials should be securely fastened to a frame, which is either retractable or demountable.
 - b. Sheltering material should be fabricated and finished to fit the supporting structure with no loose or unsecured edges.
 - c. Materials and colors should coordinate with the surrounding buildings and streetscape elements. They should generally contribute to the design theme of the street.
 - d. The awning should not extend into the public sidewalk adjacent to the patio.
 - e. The awning should attach to the building below the signage identifying the restaurant with a minimum height of seven (7) feet.

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- f. Lighting and other attachments to the awning should be securely fixed and integrated to the supporting structure.
 - g. A building permit is required for awnings.
 - h. Awnings shall be maintained in excellent condition at all times.
8. Outdoor lighting is important to the function and appearance of a patio as well as the safety and security of the public environment.
 - a. Exterior lighting should not spill into abutting private property or interfere with the public thoroughfare.
 - b. Lighting should be demountable with no exposed cables or energized fixtures.
 - c. Lighting design should coordinate with patio furnishings and streetscape design.
 - d. Lighting should not be attached to trees or shrubs on City property; however, string lighting to highlight deciduous trees within the patio area is permitted.
 - e. Lighting should be used to identify the entrance to a patio.
 - f. Pathways through a patio should be illuminated to ensure the safety of patrons and staff.
9. Plant Materials Plant materials contribute to our general comfort and enjoyment of the patio experience.
 - a. Planting of annuals, vines and container-grown vegetation is encouraged but should be easily removable from the site.
 - b. Planters should be integral with fence and deck structures to maintain a compatible design relationship.
 - c. Deciduous shade trees enhance the quality of the patio space with shade and screening.
 - d. Planting should be used along with spatial separation and structures to screen a patio from adjacent vehicle parking and circulation.
 - e. Planters must not obstruct the public right of way.

6.13.6 DESIGN STANDARDS NEIGHBORHOOD SUBDISTRICT

- A. In order that residential structures may be utilized for commercial/office uses the following conditions are applied to all residential conversions:
 1. The residential structure shall not be altered such that the bathrooms, kitchen, and garage facilities are removed or rendered unusable for a residential structure. The building must be able to be re-converted to residential if future demand warrants.
 2. Parking shall be located to the side or rear of the structure in order to preserve the residential style front yard of the original structure.
 3. Any and all signage shall be monument or nameplate type signs. In the event that the uses of the structure shall change from commercial to residential, all non-residential

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signage shall be removed and the original ground cover shall be returned to the original condition existing prior to placement of the sign.

- B. Size of Lot. Lots vary in size and dimension through the Neighborhood Subdistrict of OT. Many of the structures built were designed to fit on narrow lots. Lot and setback sizes should be suitable to fit the character of the area and maintain health and safety as defined in the current building and fire codes.
- C. Architectural Requirements. All new structures of the Neighborhood Subdistrict shall resemble the residential character and style of a Texas small town of the early to middle 1900's. Architectural styles considered appropriate include American foursquare, Craftsman, Bungalow, Minimal Traditional, and Ranch Style. Any buildings, in the form of new construction or being relocated from another location and having a non-residential-style architecture fitting the character of the district, may be considered in the Neighborhood Subdistrict on a case-by-case basis and approved by the City Council as an element of a site plan application.
- D. Landscaping, Lighting, and Sidewalk Requirements
 - 1. Street Trees A minimum of two (2) large canopy trees shall be planted at suitable spacing, based on the type of tree, to accommodate mature canopy spread on center within the required front yard centered between the building and the property line. All trees and landscaping must be provided with adequate and inconspicuous irrigation systems.
 - 2. Ornamental Trees and Shrubs Ornamental trees and shrubs shall be planted in courtyards and in areas where space is limited near existing buildings. All new developments shall have foundation plantings, either in ground, raised planters or pots, in front of the building and along any sides adjacent to public streets. The foundation planting area shall be a minimum of five (5) feet in width in ground, or of equal spacing if pots or raised beds are used, and contain a mixture of drought and heat tolerant ornamental trees, shrubs, and seasonal color.
 - 3. Streetlights, Parking Lot Lighting and Building Lighting. The streetlight, parking lot lighting, building lighting and street furniture requirements for the Neighborhood Subdistrict are the same as the requirements for the Main Street Subdistrict.
 - 4. Sidewalks New sidewalks in the Neighborhood Subdistrict shall be six (6) feet in width and constructed of concrete with a two (2) foot wide band of pavers spaced every ten (10) feet.

6.13.7 OT OLD TOWN PERMITTED USE TABLE

P = Permitted CUP = May Be Approved as Conditional Use Permit X = Not Permitted

Use	Neighborhood	Main Street
Accessory Dwelling	P	P
Antique Shop	CUP	P
Art Gallery or Museum	CUP	P
Arts and Crafts Store	CUP	P
Bakery Less than 3000 SF	CUP	P
Bank (No Drive Through)	CUP	P
Bar or Tavern	X	CUP
Bed and Breakfast	CUP	P
Bookstore (Not Adult)	CUP	P
Catering Service (Only when associated with an on-premise restaurant)	CUP	CUP

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Use	Neighborhood	Main Street
Church	CUP	P
Community Building	CUP	P
Day Spa or Salon	CUP	P
Drug Store (Less than 10,000 SF)	X	P
Dwelling – Single Family (Detached)	P	P
Farmers Market	X	P
Florist Shop	CUP	P
Food Trucks	X	P
Library (Private)	CUP	P
Live/Work Unit	CUP	P
Offices, General and Professional	CUP	P
Open Air Vending	X	P
Photographer	CUP	P
Playground	P	P
Printer (Small)	X	P
Public Park	P	P
Repair and Service Shop	X	P
Restaurant	CUP	P
Retail Sales, Apparel, Gift, Accessory (Less than 2,500 SF)	CUP	P
Short Term Rental (Air BNB)	CUP	CUP
Telephone Exchange, Switching Relay or Transmitting Station	CUP	CUP
Utility Line	P	P

6.13.8 OT OLD TOWN DISTRICT MAP



Section 6.14 P – Public and Institutional District

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6.14.1 GENERAL PURPOSE & DESCRIPTION

The purpose of the P Public and Institutional district is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities, state colleges and universities. The review of the location for public facilities is intended to facilitate the coordination of community services while minimizing the potential disruption of the uses of nearby properties. This district is intended for properties used, reserved, or intended to be used for a civic or public institutional purpose or for major public facilities.

6.14.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 7,000 square feet.
2. **Minimum Lot Width** – 50 feet for an internal lot; 60 feet for a corner lot.
3. **Minimum Lot Depth** – 100 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 10 feet.
2. **Minimum Side Setback** – 10 feet interior; 15 feet adjacent to a street; 25 feet if adjacent to SF Single Family District.
3. **Minimum Rear Setback** – 10 feet. 50 feet if adjacent to SF Single Family district.

C. Maximum Lot Coverage – 75% percent.

D. Maximum Height – 65 feet.

6.14.3 PARKING REQUIREMENTS

Parking regulations may be found in Article 7 – Parking Requirements.

6.14.4 LANDSCAPING REQUIREMENTS

- A. Each site must provide a minimum of the following landscape elements. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List. Xeriscape landscape plants and materials may be considered as an alternative with drought-tolerant and native species. If decomposed/crushed granite, river rock or other similar material is used as ground cover, the number of plant materials shall be increased by fifteen (15) percent.
- B. A total of at least twenty (20) percent of each lot must be landscaped with living approved trees, shrubs and groundcovers. Such landscape areas must consist of approved plants and irrigation covering one hundred (100) percent of the required landscaped area. At least fifty (50) percent of the required overall 20% required landscaping shall be located within the required landscape bufferyard.
- C. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.

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D. Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five (5) gallon shrubs planted a minimum of thirty (30) inches on center.

E. Foundation plantings are required within a planting area a minimum of six (6) feet in width along seventy (70) percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.

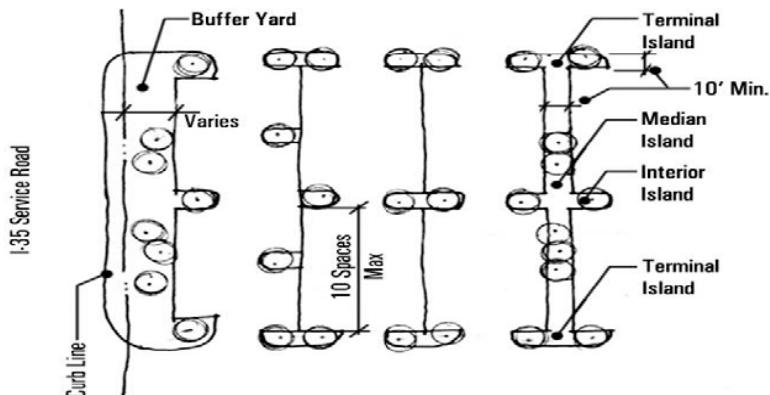
F. All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.

G. A fifteen (15) foot landscape bufferyard is required along all street frontages, unless properties abut the Interstate 35 rights-of-way. If properties are abutting Interstate 35 rights-of-way, the landscape bufferyard shall increase to thirty-five (35) feet in width. No parking shall be allowed within the required landscape bufferyard.

H. Street trees shall be planted within the required landscape bufferyard at a ratio of one (1) tree planted per forty (40) linear feet of frontage. The Zoning Administrator may approve the clustering of trees within the required landscape bufferyard but the required number of trees shall not be reduced.

I. Parking lots shall contain a minimum of ten (10) percent landscaping. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area.

1. *Interior Islands.* A curbed landscape island must be provided for every fifteen (15) parking spaces. Each island must be a minimum of one hundred seventy (170) square feet in area and ten (10) feet in width back-of-curb to back-of-curb. A minimum three (3) inch caliper tree is required in each island.
2. *Terminal Islands.* All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of three hundred sixty (360) square feet in area and contain two (2) minimum three (3) inch caliper trees.
3. *Median Islands.* A curbed median island a minimum of ten (10) feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island shall contain one (1) minimum three (3) inch caliper tree a minimum of every thirty (30) feet on center.

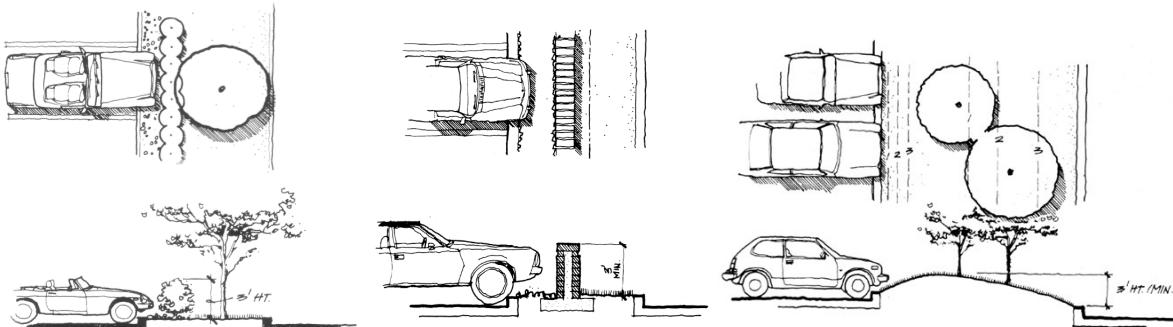


4. All landscape areas must accent building features, entryways and driveways.

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5. Parking lots with six (6) or more spaces shall be screened from adjacent uses and from the street public right of way. In addition to the provisions set forth in Article 9, all nonresidential and multifamily uses shall provide parking lot screening which shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of three (3) feet. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts another nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened. See Figure below for examples of appropriate screening.

Parking Lot Buffering



6. Visibility - To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within ten (10) feet of a curb cut.
7. Walkways and Driveways. Connecting walkways through parking lots, shall have one (1) understorey tree per forty (40) linear feet of such walkway planted in landscape areas within five (5) feet of such walkway.
8. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City.

J. Additional regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.14.5 DESIGN STANDARDS

A. Fencing and Screening

1. Location. Continuous screening is required along the common boundary between nonresidential use/district and an agricultural or residential zoning district or use, except where a public street provides buffering. Screening is also required along the perimeter of a nonresidential use/district located across an alley from a residential zoning district or use. Screening must be a minimum of eight (8) feet in height and must be maintained by the property owner of the nonresidential.

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2. Design. Screening must meet one or a combination of the following design standards:
 - a. Screening may consist of walls constructed of masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Screening must be eight (8) feet in height above the adjacent grade and must be designed and sealed by a professional engineer for structural integrity. Gates must be equal in height and screening characteristics to the wall in order to create a visual barrier.
 - b. Screening may consist of an eight (8) foot high wooden fence only in conjunction with a ten (10) foot buffer setback containing evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six (6) feet, placed on thirty-six (36)-inch centers. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards and must contain masonry columns no greater than twelve (12) feet on center. Gates must be equal in height and screening characteristics to the fence in order to create a visual barrier.
 - c. Alternative screening plans may be considered by the City Council upon recommendation of the Planning and Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and design above and beyond the existing regulations.

B. Materials for Fences, Walls, Screens

1. Allowed Materials for Fences

- a. Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);
- b. Fiberglass composite (manufactured for fencing);
- c. Latticework that does not exceed two (2) feet in height and is anchored as a design element at the top of a six (6) foot tall fence;
- d. Tubular aluminum;
- e. Tubular steel;
- f. Wrought iron or similar decorative metal;
- g. Wood planks;
- h. Support poles made of metal or wood;

2. Allowed Materials for Screening Walls:

- a. Fired brick;
- b. Natural stone;
- c. Pre-cast concrete;
- d. Split faced block;
- e. Smooth faced block; or,

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- f. Stucco.
3. Prohibited Materials. Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets, vinyl panels or pickets, or fiberglass.

C. Materials and Construction

1. All non-residential and institutional structures in any zoning district, shall have a minimum of seventy-five (75%) percent masonry construction, more -or-less equally distributed around all sides of the building, for the first story defined as below the first-floor ceiling plate, and a minimum of fifty (50%) for any story above. Any façade that faces, or is visible from a public street, shall have a minimum of seventy-five (75%) percent masonry construction, and all other façades shall be comprised of not less than fifty (50%) percent masonry construction.
2. Areas of a non-residential or institutional structure's façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
3. *Metal exterior material use.* Metal exterior construction is prohibited on any non-residential or institutional structure which is located within any zoning district, save and except the following:
 - a. Structures located on a through lot that both fronts and backs onto a public street. All facades, which must be located equal to or more than one thousand (1,000') feet from the public street, may use metal exterior construction upon approval of the Site Plan by the City Council, with additional landscaping the obscures the facades and;
 - b. Upon approval of the Site Plan by the City Council, non-residential and institutional structures within the P Public and Institutional Use zoning district may use metal as an exterior material on up to twenty (20%) percent of the façade as an architectural accent.
 - c. The use of any type of metal for exterior building construction shall be clearly shown on the Site Plan and shall only be allowed with the Site Plan approval. The exterior finish of metal used in exterior construction shall be permanent, maintenance free nature such as a baked-on finish unless approved otherwise on the Site Plan. The use of corrugated, galvanized, aluminum-coated, zinc-coated unfinished, or similar metal surfaces shall be prohibited unless approved otherwise on the Site Plan.
4. *Roof materials.* Any roof materials for a non-residential or institutional structure that are visible from a public street shall be comprised of laminated, dimensional composition shingle (twenty-five [25] year minimum; flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Membrane roofing systems are required on all flat surfaced nonresidential roofs. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone

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scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. For non-residential or institutional structures where the roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required. Non-residential or institutional structures with a flat-roof shall have highly articulated parapet that conceals the roof and any roof mounted mechanical equipment.

6.14.6 OUTDOOR LIGHTING

Outdoor lighting shall be provided in the parking lots and common areas. Lighting shall be shown with the submittal of the site plan. All exterior lighting designed for security, illumination, or parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties. Additional requirements are found in Article 11, Outdoor Lighting.

6.14.7 P. PUBLIC AND INSTITUTIONAL PERMITTED USE TABLE

P = Permitted CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Airport or Landing Field	P
Bus Station or Terminal	P
Church	P
Civic Clubs/FraternaLodges	P
Community Building	P
Electrical Energy Generating Plant	CUP
Electrical Substation	CUP
Electrical Transmission Line	CUP
Fire Station	P
Gas Line and Regulation Station	CUP
Golf Course	P
Library	P
Playground	P
Public Building	P
Public Park	P
Radio or Television Transmitting Station	CUP
Radio, Television, Wireless Phone or Microwave Tower	CUP
Railroad Freight Terminal	P
Railroad Yard	P
Research Facilities	P
Telephone Exchange, Switching Relay or Transmitting Station	CUP
Water Reservoir, Well or Pumping Station	P
Utility Line	P

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Section 6.15 BP – Business Park District

6.15.1 GENERAL PURPOSE & DESCRIPTION

The purpose of the BP Business Park district is to provide for a wide range of industrial uses which generate few objectionable conditions. Such uses include assembling, research and development, warehousing and distribution. The BP Business Park district also accommodates support services for industrial development such as office, commercial and professional services. Regulations are designed to ensure compatibility among the various uses allowed in the BP Business Park district and to protect adjacent non-industrial development from potentially incompatible uses and conditions.

6.15.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 22,500 square feet.
2. **Minimum Lot Width** – 200 feet.
3. **Minimum Lot Depth** – 200 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 30 feet.
2. **Minimum Side Setback** – 20 feet.
3. **Minimum Rear Setback** – 10 feet. 50 feet if adjacent to SF Single Family district.

C. **Maximum Lot Coverage** – 60% percent.

D. **Maximum Height** – 65 feet.

6.15.3 PARKING REQUIREMENTS

Parking regulations may be found in Article 7 – Parking Requirements.

6.15.4 LANDSCAPING REQUIREMENTS

- A. Each site must provide a minimum of the following landscape elements. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List. Xeriscape landscape plants and materials may be considered as an alternative with drought-tolerant and native species. If decomposed/crushed granite, river rock or other similar material is used as ground cover, the number of plant materials shall be increased by fifteen (15) percent.
- B. A total of at least twenty (20) percent of each lot must be landscaped with living approved trees, shrubs and groundcovers. Such landscape areas must consist of approved plants and irrigation covering one hundred (100) percent of the required landscaped area. At least fifty (50) percent of the required overall 20% required landscaping shall be located within the required landscape bufferyard.
- C. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.

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D. Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five (5) gallon shrubs planted a minimum of thirty (30) inches on center.

E. Foundation plantings are required within a planting area a minimum of six (6) feet in width along seventy (70) percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.

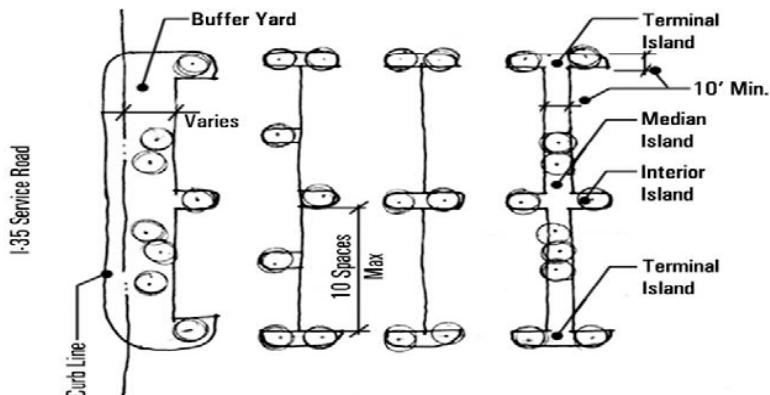
F. All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.

G. A fifteen (15) foot landscape bufferyard is required along all street frontages, unless properties abut the Interstate 35 rights-of-way. If properties are abutting Interstate 35 rights-of-way, the landscape bufferyard shall increase to thirty-five (35) feet in width. No parking shall be allowed within the required landscape bufferyard.

H. Street trees shall be planted within the required landscape bufferyard at a ratio of one (1) tree planted per forty (40) linear feet of frontage. The Zoning Administrator may approve the clustering of trees within the required landscape bufferyard but the required number of trees shall not be reduced.

I. Parking lots shall contain a minimum of ten (10) percent landscaping. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area.

1. *Interior Islands.* A curbed landscape island must be provided for every fifteen (15) parking spaces. Each island must be a minimum of one hundred seventy (170) square feet in area and ten (10) feet in width back-of-curb to back-of-curb. A minimum three (3) inch caliper tree is required in each island.
2. *Terminal Islands.* All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of three hundred sixty (360) square feet in area and contain two (2) minimum three (3) inch caliper trees.
3. *Median Islands.* A curbed median island a minimum of ten (10) feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island shall contain one (1) minimum three (3) inch caliper tree a minimum of every thirty (30) feet on center.

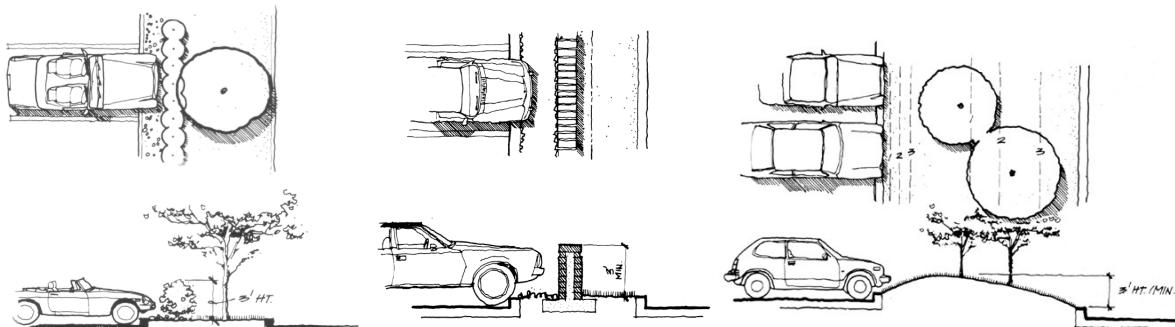


4. All landscape areas must accent building features, entryways and driveways.

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5. Properties located within the Business Park (BP) District are exempt from this provision.
6. Parking lots with six (6) or more spaces shall be screened from adjacent uses and from the street public right of way. In addition to the provisions set forth in Article 9, all nonresidential and multifamily uses shall provide parking lot screening which shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of three (3) feet. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts another nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened. See Figure below for examples of appropriate screening.

Parking Lot Buffering



7. Visibility - To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within ten (10) feet of a curb cut.
8. Walkways and Driveways. Connecting walkways through parking lots, shall have one (1) understory tree per forty (40) linear feet of such walkway planted in landscape areas within five (5) feet of such walkway.
9. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City.

J. Additional regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.15.5 DESIGN STANDARDS

A. Fencing and Screening

1. Location. Continuous screening is required along the common boundary between nonresidential use/district and an agricultural or residential zoning district or use, except where a public street provides buffering. Screening is also required along the perimeter of a nonresidential use/district located across an alley from a residential

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zoning district or use. Screening must be a minimum of eight (8) feet in height and must be maintained by the property owner of the nonresidential.

2. Design. Screening must meet one or a combination of the following design standards:

- a. Screening may consist of walls constructed of masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Screening must be eight (8) feet in height above the adjacent grade and must be designed and sealed by a professional engineer for structural integrity. Gates must be equal in height and screening characteristics to the wall in order to create a visual barrier.
- b. Screening may consist of an eight (8) foot high wooden fence only in conjunction with a ten (10) foot buffer setback containing evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six (6) feet, placed on thirty-six (36)-inch centers. Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards and must contain masonry columns no greater than twelve (12) feet on center. Gates must be equal in height and screening characteristics to the fence in order to create a visual barrier.
- c. Alternative screening plans may be considered by the City Council upon recommendation of the Planning and Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and design above and beyond the existing regulations.

B. Materials for Fences, Walls, Screens

1. Allowed Materials for Fences

- a. Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);
- b. Fiberglass composite (manufactured for fencing);
- c. Latticework that does not exceed two (2) feet in height and is anchored as a design element at the top of a six (6) foot tall fence;
- d. Tubular aluminum;
- e. Tubular steel;
- f. Wrought iron or similar decorative metal;
- g. Wood planks;
- h. Support poles made of metal or wood;

2. Allowed Materials for Screening Walls:

- a. Fired brick;
- b. Natural stone;
- c. Pre-cast concrete;
- d. Split faced block;

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- e. Smooth faced block; or,
 - f. Stucco.
3. Prohibited Materials. Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets, vinyl panels or pickets, or fiberglass.

C. Materials and Construction

1. All non-residential and institutional structures in any zoning district, shall have a minimum of seventy-five (75%) percent masonry construction, more -or-less equally distributed around all sides of the building, for the first story defined as below the first-floor ceiling plate, and a minimum of fifty (50%) for any story above. Any façade that faces, or is visible from a public street, shall have a minimum of seventy-five (75%) percent masonry construction, and all other façades shall be comprised of not less than fifty (50%) percent masonry construction.
2. Areas of a non-residential or institutional structure's façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
3. *Metal exterior material use.* Metal exterior construction is prohibited on any non-residential or institutional structure which is located within any zoning district, save and except the following:
 - a. Structures located on a through lot that both fronts and backs onto a public street. All facades, which must be located equal to or more than one thousand (1,000') feet from the public street, may use metal exterior construction upon approval of the Site Plan by the City Council, with additional landscaping that obscures the facades and;
 - b. Upon approval of the Site Plan by the City Council, non-residential and institutional structures within the BP Business Park zoning district may use metal as an exterior material on up to twenty (20%) percent of the façade as an architectural accent.
 - c. The use of any type of metal for exterior building construction shall be clearly shown on the Site Plan and shall only be allowed with the Site Plan approval. The exterior finish of metal used in exterior construction shall be permanent, maintenance free nature such as a baked-on finish unless approved otherwise on the Site Plan. The use of corrugated, galvanized, aluminum-coated, zinc-coated unfinished, or similar metal surfaces shall be prohibited unless approved otherwise on the Site Plan.
4. *Roof materials.* Any roof materials for a non-residential or institutional structure that are visible from a public street shall be comprised of laminated, dimensional composition shingle (twenty-five [25] year minimum; flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Membrane roofing systems are required on all flat surfaced nonresidential roofs. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a

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color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. For non-residential or institutional structures where the roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required. Non-residential or institutional structures with a flat-roof shall have highly articulated parapet that conceals the roof and any roof mounted mechanical equipment.

6.15.6 ADDITIONAL REQUIREMENTS

- A. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting or other suitable visual barrier.
- B. No industrial operation or use shall cause, create or allow the emission of air contaminants which at the emission point or within the bounds of the property are:
 1. In violation of the standards specified by the Texas Commission on Environmental Quality (TCEQ) including but not limited to those in Title 30 of the Texas Administrative Code or standards specified by the Texas Department of Health including but not limited to those in Title 25 of the Texas Administrative Code; or
 2. Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in 1) above, except that when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered in compliance with this Section of the Ordinance.
- C. The emission of particulate matter from all sources shall not exceed the level specified by TCEQ regulations including by not limited to those in Title 30 of the Texas Administrative Code or the regulation specified by the Texas Department of Health including but not limited to those in Title 25 of the Texas Administrative Code.
- D. Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line of the tract on which the use is located.
- E. Odorous Matter - No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be determined by observation. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials ASTMD 1391-57 entitled "Standard Method for Measuring Odor in Atmospheres" shall be used and is incorporated by reference.
- F. Combustible or Explosive and Hazardous Material - No commercial or industrial use involving the manufacture or storage of petrochemical compounds or products which decompose by detonation shall be permitted in the City of Lorena, except that chlorates, perchlorates,

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phosphorous, and similar substances and compounds in quantities of one (1) gallon or less for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Zoning Official and the Lorena Fire Department. The storage of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film solvents and petrochemical product for industrial purposes shall be allowed only after a Conditional Use Permits for such use has been granted in conformance with the terms of [Article 3](#) of this Ordinance.

- G. Toxic and Noxious Matter - No commercial or industrial operation or use permitted under the terms of this Ordinance shall emit toxic or noxious matter in concentrations across the boundary property line of the tract on which such operation or use is located.
- H. Vibration - No use permitted under the terms of this Ordinance shall at any time create earth borne vibration which when measured at the boundary property line of the source operation exceeds the limits of the displacement set forth in the table below:

Displacement Limits for Vibration

Frequency Cycles Per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0007
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

- I. Glare - No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of the adjacent property.

6.15.7 OUTDOOR LIGHTING

Outdoor lighting shall be provided in the parking lots and common areas. Lighting shall be shown with the submittal of the site plan. All exterior lighting designed for security, illumination, or parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties. Additional requirements are found in Article 11, Outdoor Lighting.

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P = Permitted CUP = May Be Approved as Conditional Use Permit

Use	CUP or P
Adult Entertainment	CUP
Airport or Landing Field	CUP
Athletic Stadium or Field, Public	CUP
Automobile and Motorcycle Sales (New)	P
Automobile and Motorcycle Sales (Used)	P
Automobile Repair, Major	P
Automobile Repair, Minor	P
Automobile Wrecking Yard	CUP
Bakery, Wholesale	P
Bank	P
Building Materials Sales	P
Bus Station or Terminal	CUP
Cabinet, Furniture, Upholstery Shop	P
Car Wash	P
Catering Service	P
Cemetery	CUP
Church	CUP
College or University	P
Community Building	P
Contractor's Shop and Storage Yard	P
Convenience Store with Fuel Sales	CUP
Detention Center	CUP
Distribution Center	P
Electrical Energy Generating Plant	CUP
Electrical Substation	CUP
Electrical Transmission Line	P
Fabrication	P
Fire Station	P
Food Trucks	P
Gas Line and Regulation Stations	P
Grain Elevator	P
Greenhouse, Commercial	P
Heavy Machinery Sales	P
Helipad	CUP
Home Improvement Center	P

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Use	CUP or P
Hospital	P
Janitorial Service	P
Laundry or Cleaners	P
Library	P
Light Fabrication and Assembly Processes	P
Light Industrial Uses	P
Liquor Store	P
Locksmith	P
Manufacturing of Pottery/Ceramic Products	P
Medical Laboratory	P
Medical Office/Clinic	P
Motor Freight Terminal	P
Movie Theater/Theater	P
Office Equipment Sales and Repair	P
Offices, General and Professional	P
Open Air Vending	P
Pawn Shop	CUP
Photocopies	P
Plant Nursery	P
Playground	P
Printer (Large)	P
Public Building	P
Public Park	P
Radio or Television Transmitting Station	CUP
Radio, Television, Wireless Phone or Microwave Tower	CUP
Railroad Freight Terminal	P
Railroad Yard	CUP
Recreational Vehicle Sales	P
Recycling Collection Facility	P
Repair of Appliances	P
Research Facilities	P
Restaurant	P
Restaurant, Fast Food with Drive Thru	P
School, Business or Trade	P
School, Private	P
School, Public, Primary or Secondary	P
Self-Storage	P
Septic Tank Service	P

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Use	CUP or P
Sewage Pumping Station	P
Sewage Treatment Plant	CUP
Shooting Range (Indoor)	CUP
Taxidermist	P
Telephone Exchange, Switching Relay or Transmitting Station	P
Tire Dealer	P
Tool and Light Vehicle Rental and Sales	P
Truck or Bus Washing	P
Truck Refueling Facility	CUP
Truck Stop	CUP
Utility Line	P
Warehousing	P
Water Reservoir, Well or Pumping Station	P
Water Standpipe or Elevated Water Storage	P
Water Treatment Plant	P
Welding or Machine Shop	P
Wholesaling	CUP
Wrecker Service	P

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Section 6.16 PD – Planned Development District

6.16.1 PURPOSE

- A. The PD Planned Development district is intended to provide for flexibility and encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, and circulation patterns and to best utilize special site features such as topography, size and shape. It is intended that the flexibility permitted by this zoning category extends to discretionary approval, through site plan review of items such as parking space requirements, building line setbacks, square footages of buildings and structures, protective screening, or sign placement and specifications in order to achieve the purposes and objectives stated in conformance with good planning practices and land utilization.
- B. While great flexibility is given to provide special restrictions, which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility.

6.16.2 PERMITTED USES

Any use shall be permitted if such use is specified in the ordinance granting the planned development district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this ordinance. Manufactured homes are permitted within manufactured home subdivisions shall be permitted only in the PD Planned Development district.

6.16.3 DEVELOPMENT REQUIREMENTS

- A. Development requirements for each separate PD Planned Development district shall be set forth in the ordinance granting the PD Planned Development district and shall include but not be limited to uses, density, lot area, lot width, lot depth, setback depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. The PD Planned Development district shall conform to all other sections of this Ordinance unless specifically excluded in the granting ordinance.
- C. The minimum acreage for a PD Planned Development district request shall be five (5) acres for non-residential development and ten (10) acres for residential development.
- D. For multi-family, recreational vehicle parks and manufactured housing park uses a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of 10% of the total land area devoted to the multi-family or manufactured housing park use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.

6.16.4 APPROVAL PROCESS

- A. In establishing a PD Planned Development district in accordance with this Section, the City Council shall approve as part of the amending ordinance, appropriate plans and standards for each PD Planned Development district. During the review and public hearing process, the

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Planning and Zoning Commission and City Council shall require a conceptual plan and/or a detailed plan.

6.16.5 CONCEPTUAL PLAN

This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed PD Planned Development district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.

- A. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. In addition, for residential development which does not propose more than one (1) platted lot, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
- B. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Factual information shall be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, shall include but is not limited to the types of use(s), topography and boundary of PD Planned Development area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building height and location, parking ratios, and other information to adequately describe the proposed development and to provide the factual information for approval of the final detailed plan.

6.16.6 DETAILED PLAN

This plan shall set forth the final plans for development of the PD Planned Development District and shall conform to the factual information presented and approved on the conceptual plan. A detailed plan may be submitted in lieu of a conceptual plan only if it includes the entire area being proposed as a PD Planned Development District. Approval of the detailed plan shall be the basis for issuance of a building permit. The detailed plan may be submitted for the total area of the PD Planned Development or for any section or part as approved on the conceptual plan. The detailed plan must be approved by the City Council upon recommendation of the Planning and Zoning Commission.

- A. The detailed plan shall include:
 1. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development; a vicinity map with a north arrow and scale graphic. This site inventory analysis shall include a delineation of any flood-prone areas.
 2. The plan shall also contain the name of the development, legal description, name and address of property owner, name and address of developer, and name and address of the preparer of the document.
 3. A land use plan delineating the specific areas to be devoted to various uses shall be required where multiple types of land uses are proposed.
 4. A scale drawing showing any proposed public or private streets and alleys, building sites or lots, 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

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cuts, and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract.

5. A site plan for proposed building complexes showing the location of 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.
6. A table shall be shown on the plan indicating the total amount of acreage; square footage for each building; maximum height of each building or structure; required and provided parking; maximum impervious surface coverage; maximum building coverage; and total open space required and provided.
7. A landscape plan showing screening walls, open space, buffer setbacks and all proposed landscaping. Said plan shall contain a table indicating required and proposed landscaping requirements such as number of trees, shrubs, open space, required and proposed buffer setback, and percentage of landscaping required and provided.
8. An architectural plan showing elevations and signage style to be used throughout the development for all uses except single-family and two-family may be required by the Planning and Zoning Commission or City Council, if deemed appropriate.
9. All pedestrian walks, malls, and open areas for use by tenants or the public; types of surfacing such as paving, or turf to be used at all locations on the site.
10. The location of all outside facilities for waste disposal; location and orientation for all external illumination facilities; and location, size, height and orientation of all signs.
11. Any or all of the required information may be incorporated on a single drawing if one (1) drawing is clear and can be evaluated by the City Manager or a designated representative; however, topographical information shall be shown on a separate drawing.

6.16.7 SUPPLEMENTAL DATA

All concept or detailed plans may have supplemental data describing standards, schedules, or other data pertinent to the development of the PD Planned Development district which is to be included in the text of the amending ordinance. Notes on the detailed plan shall include required offsite easements required by the development. Additional information needed to adequately analyze the development may be required by planning staff, the Planning and Zoning Commission or the City Council.

6.16.8 ESTABLISHMENT OF DISTRICT

Procedure for establishing a PD Planned Development district shall follow the procedure for zoning amendments as set forth in the code of ordinances. This procedure is further expanded as follows for approval of conceptual and detailed plans.

- A. Separate public hearings shall be held by the Planning and Zoning Commission and City Council for the approval of the conceptual plan and the detailed plan or any section of the detailed plan unless such requirement is waived by the City Council when it is determined a single public hearing is adequate. A single public hearing is adequate when:
 1. The applicant submits adequate factual information with the request for the PD Planned Development district to fulfill the requirements for both plans.

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2. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from the concept plan.
3. The requirement may be waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.

B. The ordinance establishing the PD Planned Development district shall not be approved until the conceptual plan is approved unless the requirement of the conceptual plan step is waived as provided for in Section 6.16.8.A.3.

C. If the detailed plan is approved in phases, a conceptual plan for the entire site shall be approved by the City Council upon recommendation of the Planning and Zoning Commission. When a detailed plan is approved in phases, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent phases shall be required.

6.16.9 STAFF REPORT

When a PD – Planned Development District is being considered, a written staff report shall be submitted to the Planning and Zoning Commission and City Council discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, drainage, and transportation.

6.16.10 ZONING MAP

All PD Planned Development districts, 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 and a list of said PD Planned Development districts shall be maintained in the appendix of this Ordinance.

6.16.11 MINOR AMENDMENTS TO A DETAILED PLAN

Upon request of the applicant, the Zoning Administrator or their designee may authorize minor amendments to a detailed plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved detailed plan. For purposes of this provision, a “substantial change” shall mean a change which will increase the number of proposed dwelling units, increase the floor to area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, or setback size, decrease the amount of required off-street parking spaces, change types of buildings, setbacks, street access points, or lots, increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The Zoning Administrator or their designee shall make such authorization only in writing and such document shall be placed in the ordinance file governing the specific plan.

6.16.12 PLANNED DEVELOPMENT ORDINANCES CONTINUED

Prior to adoption of this ordinance, the City Council had established various PD Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances 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 PD Planned Development districts shown on the zoning map at the date of adoption of this Ordinance.

6.16.13 LANDSCAPE REQUIREMENTS

PD Planned Development districts landscaping will be determined by the Zoning Administrator or their designee through the concept and detailed plan process and configured based on the types of uses contained within the PD Planned Development district.

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Article 7 - **Parking Requirements**

Section 7.1 **Purpose and Intent**

The purpose of these off-street parking requirements is to minimize traffic congestion associated with the layout of parking facilities and the access to uses, to minimize any negative effect of off-street parking areas on adjacent properties; and to assure the proper and adequate development of off-street parking areas throughout the City. The standards contained in this Section are minimum standards and should not be regarded as optimum standards.

Section 7.2 **Applicability**

- A. 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, or public sidewalk.
- B. 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 parking, backing or maneuvering into or from a parking space.

Section 7.3 **Off Street Stacking Requirements for Drive Through Facilities**

- A. 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 of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. The following stacking requirements may be used as a guide but may be modified at the time of site plan review based on use and design of this facility:
 1. For financial institutions with drive-through facilities, each teller window or station, human or mechanical five (5) stacking spaces.
 2. For each service window of a drive-through restaurant, a minimum of six (6) spaces.
 3. For kiosks, a minimum of two (2) stacking spaces for each service window.
 4. For each full-service car wash, vacuum or gas pump lane, a minimum of seven (7) stacking spaces.
 5. For each self-service (drive-through/automated) wash bay, a minimum of three (3) stacking spaces in addition to the wash bay.
 6. For each self-service (open bay), a minimum of two (2) stacking spaces in addition to the wash bay.
 7. For automobile quick lube facilities, a minimum of three (3) stacking spaces in addition to the service bay.
 8. Off Street Loading Spaces – All Districts
- C. All retail, commercial, and industrial structures, on an as needed basis, shall provide and maintain an off-street area for the loading and unloading of merchandise and goods at a ratio

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of at least one (1) space for the first twenty thousand (20,000) square feet of gross floor area and one (1) space for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof. A loading space shall consist of an area of a minimum of twelve (12) by thirty (30) feet. 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 maneuvering area for trucks. These requirements may be modified based on use at the time of site plan review.

- D. All loading areas and service bay doors shall be designed where loading doors or docking areas are not directly visible from streets. These areas shall be fully screened with a screening wall. Live landscaping may be allowed based on use or location.
- E. All loading areas shall be designed to minimize the impact on adjacent uses. If loading areas are adjacent to residential (single-family, duplex, or multi-family) developments or zoning districts, loading and unloading hours shall be restricted to 6:00 A.M. to 10:00 P.M.
- F. Garage doors or service bays for auto/boat motor vehicle related uses shall not face a Street, unless it is fully screened with live landscaping or a screening wall.

Section 7.4 Design Standards

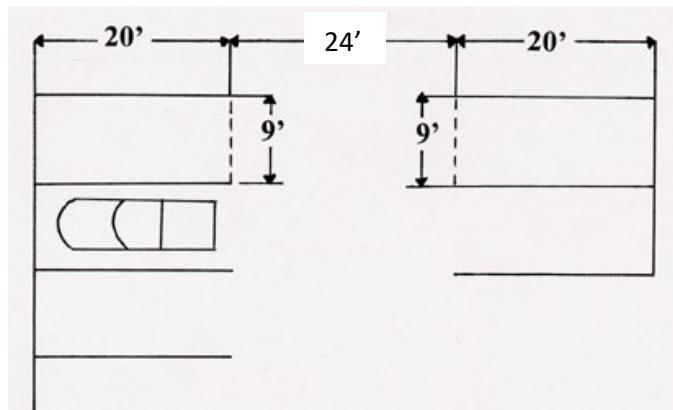
A. Parking Space Dimensions

1. Head-in and Angled parking spaces - Each off-street parking space shall be no less than nine (9) feet in width by twenty (20) feet in depth exclusive of all access drive, alley or aisle, and shall be of usable shape and condition. An eighteen (18) foot depth may be utilized if two (2) feet of unobstructed area is provided for the vehicle to overhang. This space may be any space other than a sidewalk, public right of way, or adjacent property.
2. Parallel parking spaces - Each on street or off-street parallel parking space shall be no less than eight (8) feet in width by twenty-two (22) feet in depth.

B. Aisle Dimension

1. Head-In, ninety (90) Degree Parking - The circulation aisles within head-in, ninety (90) degree, off-street parking facilities must have a double isle that shall measure no less than twenty-four (24) feet wide.

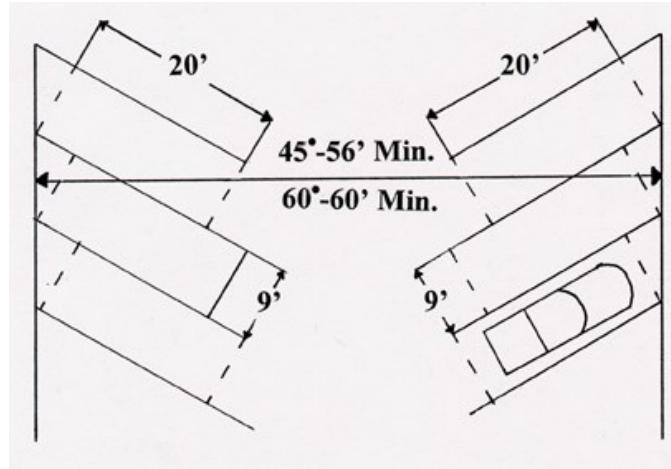
Aisle Dimensions, Ninety Degree



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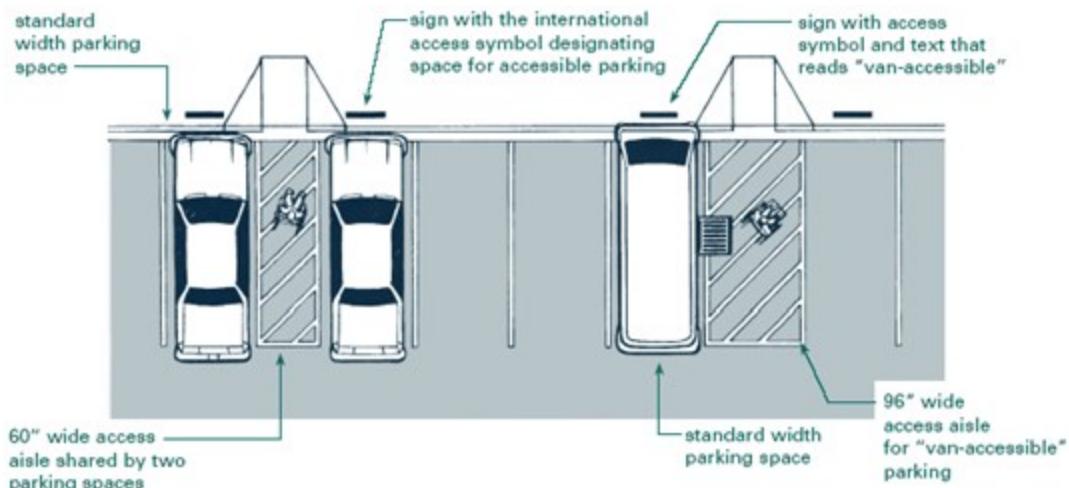
2. Angled Parking – The one-way circulation aisles within off-street angled parking facilities must be sixty (60) feet wide for parking spaces at a sixty-degree angle, and fifty-six (56) feet wide for parking spaces at a forty-five (45) degree angle (measures from head of parking space to head of parking space).

Aisle Dimensions, Forty-five Degree



C. Handicap Accessible Parking

1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act as amended. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty (60) inch wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six (96) inches to accommodate a wheelchair lift and vertical clearance to accommodate van height.



Accessible Parking Spaces

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Minimum Number of Handicap Accessible Parking Spaces			
ADA Design Standards 4.1.2(5)			
Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces (60" and 96" aisles)	Van Accessible parking spaces with min. 96" wide access aisles	Accessible parking spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 for each 100 over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

D. Location

1. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
2. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three (3) feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
3. Accessible parking spaces may be clustered in one (1) or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight (98) inch minimum vertical height requirement).
4. Signage - A sign with the international symbol of accessibility must be mounted at such a height at least sixty (60) inches above the ground surface so that the sign is not

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obscured by the parked vehicle or other obstruction. Van accessible spaces must have a sign with “van accessible” on it in addition to the international symbol of accessibility.

Section 7.5 Parking Requirements

- A. At the time any building or structure in any district is erected, structurally altered, or changes use needing additional parking, there shall be provided off street parking spaces in accordance with the following requirements. Any parking space(s) necessary to meet the requirements of the Americans with Disabilities Act (ADA) do not count toward the fulfillment of the parking requirements of this Code. The below requirements may be modified at the time of site plan review on a case by case basis.
 1. Assisted Living (Including Memory Care)- One (1) space per two (2) units.
 2. Art Gallery or Museum - Three (3) spaces per one thousand (1000) square feet of gross floor area.
 3. Auto Parts and Accessory Sales- One (1) space per four hundred (400) square feet of floor area.
 4. Automobile and Motorcycle Sales (New or Used) - One (1) space per five hundred (500) square feet of floor area.
 5. Bank, Credit Union, or similar institution - One (1) space per three hundred (300) square feet of gross floor area.
 6. Bed and Breakfast - One (1) space per guest room in addition to the requirements for a normal residential use.
 7. Bus or Truck Repair, parking, storage area, or garage - One (1) space for each five hundred (500) square feet of floor area or repair garage with a minimum of five (5) spaces.
 8. Business or Professional Office -
 - a. Gross Floor Area (sq. ft.) Parking Requirements
 - (1). less than 10,000 sq. ft. 1 per 330 sq. ft.
 - (2). 10,000 to 75,000 sq. ft. 1 per 400 sq. ft.
 - (3). 75,000 sq. ft. & over 1 per 450 sq. ft.
 9. Car wash (self-service) - One (1) space per washing bay and one (1) space per vacuum cleaner bay.
 10. Car wash (full-service) - One (1) space per one hundred fifty (150) square feet of floor area.
 11. Church, Rectory, or other Place of Worship - One (1) parking space for each three (3) seats in the main auditorium.
 12. College or University - Four (4) spaces per one-thousand (1000) square feet of gross floor area.

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13. Community Building- Three (3) spaces per one-thousand (1000) square feet of gross floor area.
14. Commercial Amusement (Indoor) - Three (3) spaces per one-thousand (1000) square feet of gross floor area, or as follows:
 - a. Billiard - Five (5) spaces per thousand (1000) square feet of gross floor area.
 - b. Bowling - Four (4) spaces for each alley or lane.
 - c. Bingo - One (1) space for three (3) seats (design capacity) or one (1) per one hundred (100) square feet of total floor area, whichever is greater.
 - d. Gymnasium - Five (5) spaces per thousand (1000) square feet of gross floor area.
 - e. Movie Theater – One (1) for every three (3) seats.
 - f. Racquetball - Two (2) spaces for each court
 - g. Roller skating or Ice-Skating Rink Five (5) spaces per thousand (1000) square feet of gross floor area.
 - h. Soccer Complex – Thirty-eight (38) spaces per field.
 - i. Swimming pool - Five (5) spaces per thousand (1000) square feet of gross floor area.
 - j. Weight Lifting - Five (5) spaces per thousand (1000) square feet of gross floor area.
 - k. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.
15. Commercial Amusement (Outdoor) - Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5000) square feet or as follows:
 - a. Golf course - Twelve (12) spaces per hole.
 - b. Water park – Seventy-eight (78) spaces for each acre.
16. Commercial wedding/event center - One (1) space for three (3) persons (design capacity).
17. Condominium – One and a half (1.5) space per unit.
18. Convenience store (with Fuel Sales) - One (1) space per one hundred forty (140) square feet of floor area plus one (1) space for each three (3) gasoline pump units (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces in pump areas qualify as spaces for the parking requirement.
19. Convenience store (without Fuel Sales) - One (1) space per three hundred (300) square feet of gross floor area.
20. Convention center - One (1) space for three (3) persons (design capacity).

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21. Copy or print shop - One (1) space per three hundred thirty (330) square feet of floor area.
22. Child Care - One (1) space for four (4) students (design capacity).
23. Dry cleaner - One (1) space per three hundred (300) square feet of floor area.
24. Dance Hall, Aerobics, Assembly or Exhibition Hall Without Fixed Seats - One (1) space for three (3) persons (design capacity).
25. Flea Market - One (1) space for each five hundred (500) square feet of site area. Dirt or gravel parking lots are not permitted.
26. Fraternity, Sorority, or Dormitory - One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two beds in off campus projects.
27. Furniture or Appliance Store, Wholesale Establishments, Clothing or Shoe Repair or Service - Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
28. Grocery/Supermarket – Three and eight tenths (3.8) spaces per thousand (1,000) gross floor area.
29. Hardware or Home Improvement Store - Two (2) parking spaces plus one (1) additional parking space for each five hundred (500) square feet of floor area over one thousand (1,000).
30. Hospital – Two and a half (2.5) spaces per one thousand (1,000) square feet of gross floor area.
31. Hotel - One (1) per room for the first two hundred fifty (250) rooms and .85 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats, plus one (1) space per three hundred (300) square feet of meeting/conference areas.
32. Industrial Uses - One (1) space for each one thousand (1000) square feet of gross floor area.
33. Library – Three and a half (3.5) spaces per thousand (1,000) square feet of gross floor area.
34. Lodge or Fraternal Organization - One (1) space per two hundred (200) square feet of gross floor area.
35. Machinery or Heavy Equipment Sales - One (1) space per five hundred (500) square feet of gross floor area.
36. Manufacturing – One and one-third (1.3) spaces per one thousand (1,000) square feet of gross floor area.
37. Medical or Dental Office - One (1) space per two hundred (200) square feet of gross floor area. Facilities over 100,000 square feet shall use the parking standards set forth for hospitals.
38. Mini-Warehouse - One (1) space per five thousand (5,000) square feet of gross storage area plus one (1) space per three hundred (300) square feet of gross floor area.

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39. Mobile Home or Mobile Home Park - Two (2) spaces for each mobile home plus additional spaces as required herein for accessory uses.
40. Mortuary or Funeral Home - One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
41. Multi-family – One (1) space per each efficiency or one (1) bedroom unit; One and a half (1.5) spaces per each two (2) bedroom unit; Two (2) spaces per each three (3) bedroom unit; half (0.5) a space per each additional bedroom
42. Office, general – One (1) space per three hundred fifty (350) square feet of gross floor area.
43. Office, government – One (1) space per two hundred fifty (250) square feet of gross floor area.
44. Pharmacy without drive-thru - One (1) space per three hundred fifty (350) square feet of gross floor area.
45. Pharmacy with drive-thru - One (1) space per four hundred fifty (450) square feet of gross floor area.
46. Places of Public Assembly Not Listed - One (1) space for each three (3) seats provided.
47. Race track, horses or dogs - One (1) for each three (3) seats plus one (1) space for each employee. Stable areas shall provide storage areas for horse trailers.
48. Retail or Personal Service Establishment, Except as Otherwise Specified Herein - One (1) space per two hundred (200) square feet of gross floor area.
49. Restaurant (Full-Service), Private Club, Night Club, or Cafe - One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
50. Restaurant (Fast-food or Drive-In Type) - One (1) parking space for each one hundred (100) square feet of seating and waiting area.
51. Rooming or Boarding House - One (1) parking space for each sleeping room.
52. School, Elementary (grades K-6) - One (1) parking space for each five (5) students (design capacity).
53. School, Secondary, or Middle (grades 7-8) - One (1) parking space for each ten (10) students (design capacity).
54. School, High School (grades 9-12) - One space for each two (2) students, faculty and staff (design capacity).
55. Theater, Indoor or Outdoor (live performances), Sports Arena, Stadium, Gymnasium or Auditorium (except school auditorium) - One (1) parking space for each three (3) seats or bench seating spaces.
56. Townhouse, Patio Home, or Single Family Residential – Two (2) spaces per dwelling unit.

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57. Truck stops - One (1) truck parking space for each ten thousand (10,000) square feet of site area plus one (1) vehicle parking space per two hundred (200) square feet of building area.
58. Veterinarian Clinic - One and three quarters (1.75) space per thousand (1000) square feet of gross floor space.
59. Warehouse or Wholesale Type Uses - One (1) space for two thousand (2,000) square feet of gross floor area.

Section 7.6 Shared Parking

- A. Off-street parking facilities for different buildings, structures, uses or mixed uses, may be provided and used collectively or jointly in any zoning district upon approval of site plan.
- B. Provisions required for shared parking
- C. Legal documentation providing for the perpetual joint use of the required common parking for the combination of uses or buildings.
- D. Up to sixty (60) percent of the parking spaces provided by for a theater or other place of evening entertainment, or for a church, may be provided and used jointly with banks, offices, retailers and similar uses, that are not normally open or used during evening hours.
- E. In cases where residential use is mixed with other uses such as office or retail, a minimum of two (2) spaces per residential unit should be reserved for residential use.

Section 7.7 Parking Lot Islands

- A. All parking lot islands shall be raised at least six (6) inches and curbed according to City engineering standards. Uses located in the Business Park District are exempt from this provision.
- B. End Islands – Each interior-parking row and periphery-parking row, independent of its length, shall have an end island placed at each end that shall not be less than two hundred (200) square feet in total area.
- C. Interior Islands – The parking lot may be configured in any way so as to provide for orderly and safe parking of vehicles. The islands may be grouped to form larger spaces and sidewalks may run through interior islands.

Section 7.8 Parking Lot Development and Maintenance

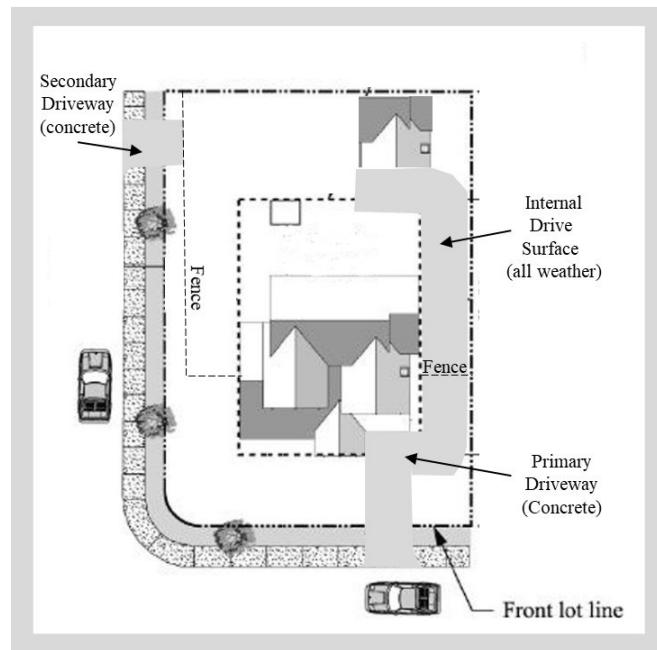
- A. Every parcel of land used as a parking area, loading or unloading area, driveway or maneuvering aisle must be developed and maintained to the requirements of this Section. All areas must remain in good repair, free of potholes and other deterioration.
- B. All parking spaces provided, with the exception of single-family residential dwellings, shall be permanently and clearly marked by stripes. All nonpermanent striping, such as paint, shall be maintained as to guarantee continuous identification of the space.
- C. Surface Materials for Nonresidential Driveways

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1. Asphalt Surfacing – All off-street parking facilities shall be constructed with a minimum of one and one half (1 ½) inches of asphalt pavement on top of six (6) inches of limestone or suitable base material as approved by the City Engineer.
2. Concrete Surfacing – All concrete areas shall be six (6) inches thick. Reinforcement shall be with number four (4) bars, twelve (12) inches on center.
- D. All off-street parking areas shall be required to have a six (6) inch raised concrete curb around the entire perimeter and shall be graded to drain adequately, per an approved drainage plan, as determined by the City's Engineer.
- E. The parking facility shall be maintained so as to dispose of any surface water accumulated in the facility.
- F. Non-Public Drive Standards – All single-family residential and two-family residential driveways shall be paved with concrete four (4) inches thick. Reinforcement shall be with number three (3) bars, twelve (12) inches on center.
- G. Non-Public Drive Exceptions –
 1. For the purposes of the following exceptions, all-weather surface shall mean these materials: concrete, bitumen, asphalt, concrete or brick pavers, as defined below. These materials and their installation techniques shall be reviewed and approved by the City Manager or his/her designee with the advice from the Public Works Department, Engineering Department, Fire Department or other City Official which may provide pertinent information.
 - a. All Weather Surfacing – May include concrete and;
 - b. Asphalt Surfacing - Asphalt shall be constructed with a minimum of one and one half (1 ½) inches of asphalt pavement on top of six (6) inches of limestone or suitable base material as approved by the City Engineer
 - c. Concrete with Decorative Aggregate - – Six inch (6") thick pavement with twelve (12") inch on center, No. 4 rebar for reinforcement. Aggregate is mixed into concrete base with high pressure hose to expose aggregate after mix is poured. Surface is then buffed and sealed with clear coat for durability.
 - d. Chip Seal (bitumen) – Chip seals are constructed by evenly distributing a thin base of hot tar, bitumen or asphalt onto an existing pavement and then embedding finely graded aggregate into it. The aggregate is evenly distributed over the hot seal spray, then rolled into the bitumen using heavy rubber tired rollers creating a paved surface. A chip-seal-surfaced pavement can optionally be sealed with a top layer, which is referred to as a fog seal or enrichment. All chip seal driveways shall be constructed with a minimum of six (6) inches of limestone or suitable base material as approved by the City Engineer.
 - e. Pavers – Concrete or brick, pavers allow permeability with a stabilized base. Four (4") inch to six (6") inch base material should be graded and compacted. A ¼" crushed material four (4") inches thick should then be screed across the top and pavers placed on top with additional fill in the joints. Long-term maintenance is required to keep edges straight and to replace any broken pavers over time.

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2. ARR Agricultural-Rural Residential District – driveways must be of an all-weather surface which may include a gravel drive as an acceptable material.
3. Internal Single-Family Drive Surface– any single family residential lot which has a drive surface internal to the property, separate from the primary driveway from a public right of way, may be constructed with the following conditions:
 - a. The internal drive surface is completely located out of the front setback of the single-family residence. It may only be located in the side setback or rear setback of the lot.
 - b. The internal drive surface shall be located behind a screening fence.
 - c. The internal drive surface may be constructed as an all-weather surface as defined herein.
 - d. If an internal drive surface is connected to a public right-of-way as a second driveway to the lot, then the driveway will be constructed as concrete as required by Paragraph F above.



Non-Public Driveways and Drive Surfaces

4. Single-Family or Two-Family Residential Homes with an existing gravel driveway – The existing gravel driveway may be maintained and repaired over time. The existing gravel driveway may not be extended or widened from its original installation. If an existing gravel driveway is to be extended or widened, the driveway will be required to meet the standards of new driveway installation as per Paragraph F above. Pre-existing gravel driveways may be replaced with an approved all-weather surface upon approval of the City Manager or his/her designee with the advice from the Public Works

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Department, Engineering Department, Fire Department or other City Official which may provide pertinent information.

Section 7.9 Recreational Vehicle and Heavy Load Vehicle Parking

- A. Except as necessary for ongoing construction activity, the storage or overnight parking of buses or Heavy Load Vehicle rated over two and one half 2 ½ tons or with duel rear axle is prohibited in any residentially used property containing less than three (3) acres of land and with a minimum lot width of one hundred fifty (150) feet.
- B. In residentially used properties containing less than three (3) acres of land, no motor homes, recreational vehicles, trailers or boats shall be parked on the street right of way. No more than two (2) of any combination of the above cited vehicles shall be parked on a residential lot. No parking of any of the above cited vehicles shall be permitted in a front yard of a residential lot. The above cited vehicles may be parked within the required side yard provided the lot has a minimum width of one hundred fifty (150) feet. No such vehicle shall be used for any form of habitation on a residential lot. The above cited vehicles shall be parked on a solid surface.

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Article 8 - **Landscape, Open Space and Tree Preservation**

Section 8.1 **Purpose**

The purpose of this Landscape Article is to improve and protect the public health, safety and welfare by improving the design, quality and character of new development, ensuring that development proposals are sensitive to natural areas and features, ensure significant canopy shading to reduce glare and heat build-up, and enhance outdoor spaces, reduce erosion and storm water runoff, and mitigate air pollution.

Section 8.2 **Administration and Enforcement**

- A. The Zoning Administrator is hereby empowered to inspect and examine any tract of land and to order in writing the remedying of any condition found to exist in violation of any provision of this Landscape Article. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order.
- B. The standards and criteria contained within this Article are deemed to be minimum standards and shall apply to all new, altered, or repaired construction occurring within municipal boundaries of Lorena, Texas. Additionally, any use requiring a Conditional Use Permit, must comply with these landscape standards. The provisions of this Article for altered or repaired construction shall be administered and enforced by the Zoning Administrator.
- C. If, due to site constraints or other similar development limitations, specific requirements of this Article cannot be met by the property owner or developer, the City may consider an alternative landscape design and plan which would meet or exceeds intent of the Article. A financial hardship shall not be considered as a developmental limitation to meeting the requirements of this Article. An example of development limitation may be the location of existing utility lines. In this case, the Zoning Administrator would have the authority to consider an alternative landscape design as to the locational requirements of the plant material; however, the Zoning Administrator shall not have the authority to reduce the amount of required landscape area or plant material.
- D. If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in non-conformance to the standards and criteria of this Article, the Zoning Administrator shall issue notice to the owner, citing the violation and describing what action is required to comply with this Article. The owner, tenant or agent shall have thirty (30) days from the date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Ordinance.

Section 8.3 **Certificate of Occupancy**

- A. No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved. These provisions shall not apply to the regular maintenance and repaving of an existing parking area. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan. All permits shall be issued in conformance with the provisions of this Landscape Article and shall be valid for a period of time not exceeding one (1) year from the date of issuance. A change of ownership requiring the issuance of a new certificate of occupancy shall not require any property to be brought into compliance with current landscape standards.

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B. In any case in which a certificate of occupancy is sought at a season of the year in which the Zoning Administrator determines that drought or other seasonal weather conditions make it impractical to plant trees, shrubs, grass, or to lay turf, a temporary certificate of occupancy may be issued provided the applicant has proof that a landscape installation company has been retained to install the required landscaping when the planting season is appropriate. Such temporary permit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six (6) months of the date of the approval of the landscape plan.

Section 8.4 Landscape Plan Requirement

- A. Prior to the issuance of a building, paving, grading or construction permit for any use other than single family detached dwellings, a landscape plan shall be submitted for approval.
- B. Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g. landscape architect, landscape contractor or landscape designer) and shall contain the minimum following information:
- C. Minimum scale of one (1) inch equals fifty (50) feet.
- D. Location, size and species of all trees to be preserved indicating size measured at twenty-four (24) inches above ground level.
- E. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
- F. Species of all plant material to be used, including common names.
- G. Size of all plant material to be used at time of planting.
- H. Spacing of plant material where appropriate.
- I. Layout and description of irrigation, sprinkler, or water systems including placement of water sources.
- J. Description of maintenance provision.
- K. Person(s) responsible for the preparation of the landscape plan and contact information.
- L. North arrow.
- M. Date of the landscape plan.

Section 8.5 Maintenance

The property owner, tenant or agent, if any, shall be jointly and severally 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, which die, shall be replaced with plant materials of similar variety and size according to these regulations.

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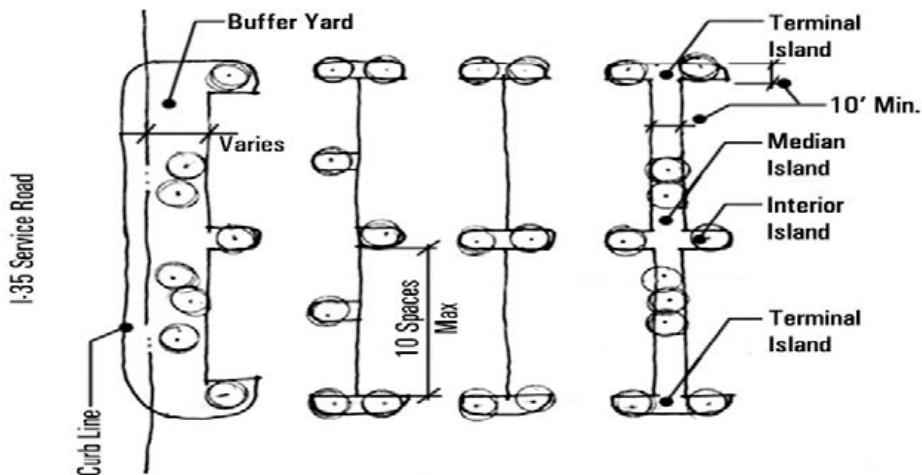
Section 8.6 General Standards

8.6.1 NONRESIDENTIAL AND MULTIFAMILY ZONING DISTRICTS

- A. Each site must provide a minimum of the following landscape elements. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List. Xeriscape landscape plants and materials may be considered as an alternative with drought-tolerant and native species. If decomposed/crushed granite, river rock or other similar material is used as ground cover, the number of plant materials shall be increased by fifteen (15) percent.
- B. A total of at least twenty (20) percent of each lot must be landscaped with living approved trees, shrubs and groundcovers. Such landscape areas must consist of approved plants and irrigation covering one hundred (100) percent of the required landscaped area. At least fifty (50) percent of the required overall 20% required landscaping shall be located within the required landscape bufferyard.
- C. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.
- D. Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five (5) gallon shrubs planted a minimum of thirty (30) inches on center.
- E. Foundation plantings are required within a planting area a minimum of six (6) feet in width along seventy (70) percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph A above.
- F. All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.
- G. A fifteen (15) foot landscape bufferyard is required along all street frontages, unless properties abut the Interstate 35 rights-of-way. If properties are abutting Interstate 35 rights-of-way, the landscape bufferyard shall increase to thirty-five (35) feet in width. Bufferyards in the IC Interstate Corridor district shall follow the regulations of that district. No parking shall be allowed within the required landscape bufferyard.
- H. Street trees shall be planted within the required landscape bufferyard at a ratio of one (1) tree planted per forty (40) linear feet of frontage. The Zoning Administrator may approve the clustering of trees within the required landscape bufferyard but the required number of trees shall not be reduced.
- I. Parking lots shall contain a minimum of ten (10) percent landscaping. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area.
 - 1. *Interior Islands.* A curbed landscape island must be provided for every fifteen (15) parking spaces. Each island must be a minimum of one hundred seventy (170) square feet in area and ten (10) feet in width back-of-curb to back-of-curb. A minimum three (3) inch caliper tree is required in each island.

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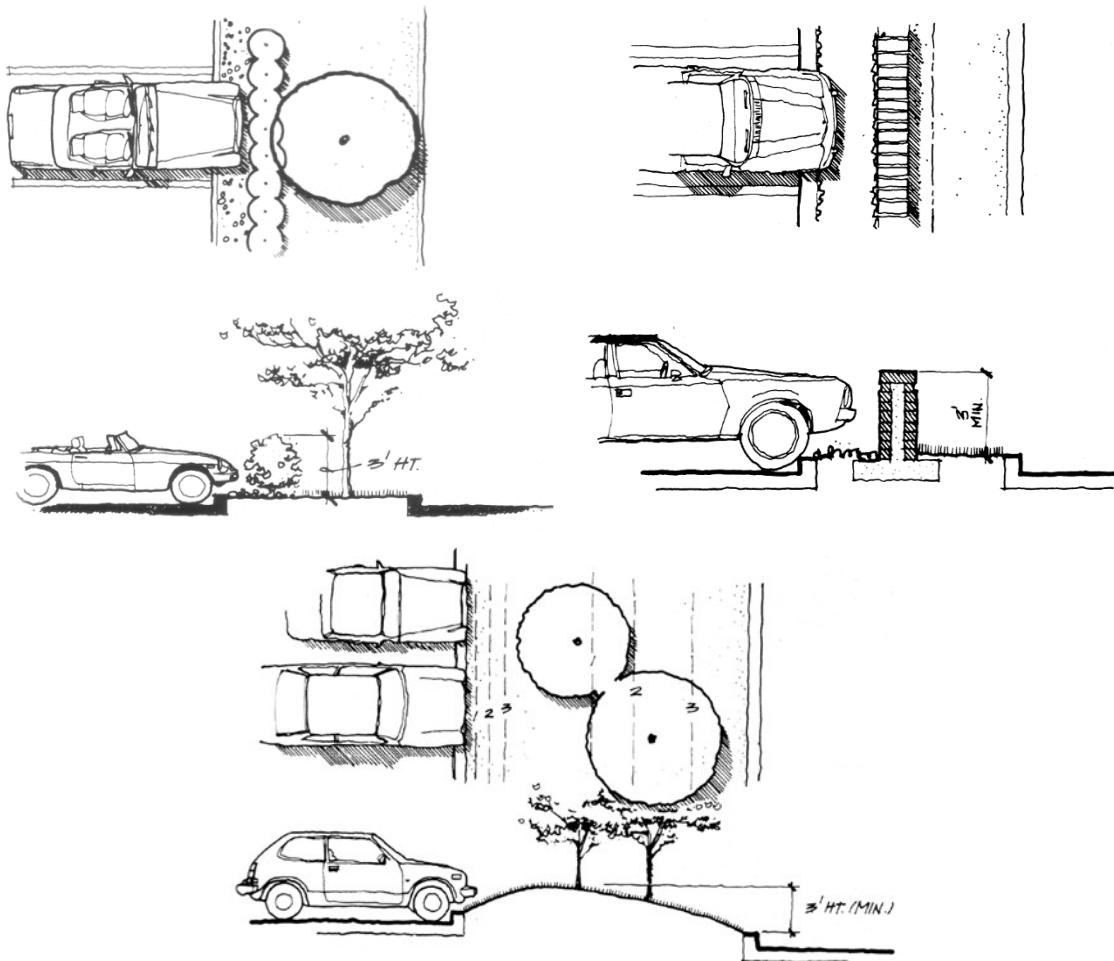
2. *Terminal Islands.* All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of three hundred sixty (360) square feet in area and contain two (2) minimum three (3) inch caliper trees.
3. *Median Islands.* A curbed median island a minimum of ten (10) feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island shall contain one (1) minimum three (3) inch caliper tree a minimum of every thirty (30) feet on center.



4. All landscape areas must accent building features, entryways and driveways.
5. Properties located within the Business Park (BP) District are exempt from this provision.
6. Parking lots with six (6) or more spaces shall be screened from adjacent uses and from the street public right of way. In addition to the provisions set forth in [Article 9](#), all nonresidential and multifamily uses shall provide parking lot screening which shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of three (3) feet. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts another nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened. See Figure below for examples of appropriate screening.

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Parking Lot Buffering



7. Visibility - To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within ten (10) feet of a curb cut.
8. Walkways and Driveways. Connecting walkways through parking lots, shall have one (1) understory tree per forty (40) linear feet of such walkway planted in landscape areas within five (5) feet of such walkway.
9. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City.

8.6.2 SINGLE FAMILY RESIDENTIAL, TOWNHOMES, AND DUPLEX ZONING DISTRICTS

- A. Single family residential subdivisions containing more than fifteen (15) lots shall provide entrance features into the development from a public street which identifies the development. The perimeter of each development shall have a screening wall or fence consisting of a minimum six (6) foot tall masonry wall or fence meeting the standards as set forth in [Article 9](#), as well as a fifteen (15) foot landscaped bufferyard along any perimeter adjacent to public rights-of-ways. The perimeter screening wall or fence shall be located within a five (5) foot

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maintenance easement and this maintenance easement along with the required landscape bufferyard shall be within the ownership of a Homeowner's Association and maintained by the HOA. This information shall be shown on the approved plan as part of a Planned Development District and on the preliminary and final plat document of the subdivision.

- B. Single Family Residential and Townhouse Residential Subdivisions. Street Trees shall be provided at a ratio of one (1) three (3) inch caliper canopy tree planted every forty (40) linear feet of street frontage. Tree planting locations shall be coordinated with the Zoning Administrator so as to not conflict with underground utilities.
- C. Single Family Residential lots shall contain a minimum of two (2) canopy trees planted within the front yard and two (2) trees planted in the back yard of each lot. Trees shall be a minimum of three (3) inch caliper at planting. Trees shall not be planted in public rights-of-way and shall be planted between the property line and the single-family residential structure. Required trees shall not be located within utility easements.

8.6.3 PLANT LIST

The following plants are recommended for use in the City of Lorena. Other plant materials may be substituted if approved by the Zoning Administrator.

Common Name	Scientific Name
Canopy Trees	
Ash, Green	<i>Fraxinus pennsylvanica</i>
Ash, Texas	<i>Fraxinus texensis</i>
Cypress, Arizona	<i>Cupressus arizonica</i>
Cypress, Bald	<i>Taxodium distichum</i>
Elm, American	<i>Ulmus americana</i>
Elm, Cedar	<i>Ulmus crassifolia</i>
Eve's Necklace	<i>Sophora affinis</i>
Holly, American	<i>Ilex opaca</i>
Laurelcherry, Carolina	<i>Prunus caroliniana</i>
Maple, Bigtooth	<i>Acer grandidentatum</i>
Oak Shumard	<i>Quercus shumardii</i>
Oak, Blackjack	<i>Quercus marilandica</i>
Oak, Bur	<i>Quercus macrocarpa</i>
Oak, Chinquapin	<i>Quercus muehlenbergii</i>
Oak, Durand	<i>Quercus sinuata</i>
Oak, Live	<i>Quercus virginiana</i>
Oak, Post	<i>Quercus stellata</i>
Oak, Red	<i>Quercus texana</i>
Oak, Shumard	<i>Quercus shumardii</i>
Pecan	<i>Carya drummondii</i>
Sycamore	<i>Platanus occidentalis</i>
Walnut, Arizona	<i>Juglans major</i>
Walnut, Eastern	<i>Juglans nigra</i>

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Common Name	Scientific Name
Ornamental Trees	
Blackhaw, Rusty	<i>Viburnum rufidulum</i>
Buckeye, Mexican	<i>Ungnadia speciosa</i>
Crepe Myrtle Cultivars: Basham's Party Pink	<i>Lagerstroemia indica</i>
Biloxi	
Choctaw	
Dynamite	
Miami	
Muscogee	
Natchez	
Pink Velour	
Potomac	
Red Rocket	
Siren Red	
Townhouse	
Tuscarora	
Wichita	
Chaste Tree	<i>Vitex agnus-castus</i>
Dogwood, Roughleaf	<i>Cornus drummondii</i>
Hawthorn	<i>Crataegus spp.</i>
Holly, Yaupon	<i>Ilex vomitoria</i>
Laurel, Texas Mountain	<i>Sophora secundiflora</i>
Leadtree, Goldenball	<i>Leucaena retusa</i>
Oak, Lacey	<i>Quercus laceyi</i>
Persimmon, Texas	<i>Diospyros texana</i>
Pine, Eldarica	<i>Pinus eldarica</i>
Pistache, Texas	<i>Pistacia texana</i>
Plum, Mexican	<i>Prunus mexicana</i>
Possumhaw Holly	<i>Ilex deciduas</i>
Redbud, Mexican	<i>Cercis canadensis var. mexicana</i>
Redbud, Texas	<i>Cercis canadensis var. texensis</i>
Smoketree, American	<i>Cotinus obovatus</i>
Sumac, Prairie Flameleaf	<i>Rhus lanceolata</i>
Wax Myrtle	<i>Myrica cerifera</i>
Walnut, Texas	<i>Juglans microcarpa</i>
Willow, Desert	<i>Chiopsis linearis</i>
Shrubs	
Abelia Glossy	<i>Abelia grandiflora</i>
Agarita	<i>Berberis trifoliata</i>
Agave, Century Plant	<i>Agave sp.</i>

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Common Name	Scientific Name
Althea	<i>Hibiscus syriacus</i>
American Beautyberry	<i>Callicarpa americana</i>
Artemisia	<i>Artemisia 'Powis Castle'</i>
Barbados Cherry	<i>Malpighia glabra</i>
Barberry, Japanese	<i>Berberis thunbergii</i>
Basket Grass (Sacahuista)	<i>Nolina texana</i>
Black Dalea	<i>Dalea frutescens</i>
Bush Germander	<i>Teucrium fruticans</i>
Butterfly Bush	<i>Buddleja davidii</i>
Butterfly Bush, Wooly	<i>Buddleja marrubifolia</i>
Coralberry	<i>Symporicarpos orbiculatus</i>
Cotoneaster	<i>Cotoneaster sp.</i>
Crape Myrtle Cultivars Not Listed in Ornamental Trees Above	<i>Lagerstroemia indica</i>
Esperanza/ Yellow Bells	<i>Tecoma stans</i>
Flame Acanthus	<i>Anisacanthus quadrifidus var.</i>
Holly, Burford	<i>Ilex cornuta 'Burfordii'</i>
Holly, Dwarf Burford	<i>Ilex cornuta 'Burfordii Nana'</i>
Holly, Dwarf Chinese	<i>Ilex cornuta 'Rotunda nana'</i>
Holly, Dwarf Yaupon	<i>Ilex vomitoria 'Nana'</i>
Lantana, Pink	<i>Lantana camara</i>
Lantana, Texas	<i>Lantana horrida</i>
Mistflower, White	<i>Ageratina havanense</i>
Mistflower, BlueBlue Boneset	<i>Eupatorium coelestinum</i>
Mountain Sage	<i>Salvia regla</i>
Nandina (dwarf-types)	<i>Nandina sp</i>
Oleander	<i>Nerium oleander</i>
Palmetto, Dwarf Texas	<i>Sabal minor</i>
Primrose Jasmine	<i>Jasminum mesnyi</i>
Rock Rose	<i>Pavonia lasiopetala</i>
Rose, Belinda's Dream	<i>Rosa 'Belinda's Dream'</i>
Rose, Knock Out	<i>Rosa 'Knock Out'</i>
Rose, Livin' Easy	<i>Rosa 'Livin' Easy'</i>
Rose, Marie Pavie	<i>Rosa 'Marie Pavie'</i>
Rose, Mutabilis	<i>Rosa 'Mutabilis'</i>
Rose, Nearly Wild	<i>Rosa 'Nearly Wild'</i>
Rose, Old Blush	<i>Rosa 'Old Blush'</i>
Rosemary	<i>Rosmarinus officinalis</i>
Sage, Texas	<i>Leucophyllum frutescens</i>
Sotol, Texas	<i>Dasyliion texanum</i>
Sumac, Evergreen	<i>Rhus virens</i>

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Common Name	Scientific Name
Sumac, Fragrant (Aromatic)	<i>Rhus aromatica</i>
Turk's Cap	<i>Malvaviscus arboreus</i>
Wax Myrtle, Dwarf	<i>Myrica pusilla</i>
Wax Myrtle, Southern	<i>Myrica cerifera</i>
Yucca, Paleleaf	<i>Yucca pallida</i>
Yucca, Red	<i>Hesperaloe parviflora</i>
Yucca, Softleaf	<i>Yucca recurvifolia</i>
Yucca, Twistleleaf	<i>Yucca rupicola</i>
Groundcover	
Asian Jasmine	<i>Trachelospermum asiaticum</i>
Aztec Grass	<i>Ophiopogon japonicus</i>
Bamboo	<i>Muhlenbergia dumosa</i> Muhly
Big Bluestem	<i>Andropogon gerardii</i>
Bushy Bluestem	<i>Andropogon glomeratus</i>
Carolina Jessamine	<i>Gelsemium sempervirens</i>
Coral Honeysuckle	<i>Lonicera sempervirens</i>
Coral Vine	<i>Antigonon leptopus</i>
Crossvine	<i>Bignonia capreolata</i>
Dwarf Fountain Grass	<i>Pennisetum alopecuroides</i>
English Ivy	<i>Hedera helix</i>
Fig Vine	<i>Ficus pumila</i>
Frogfruit	<i>Phyla incisa</i>
Horseherb	<i>Calyptocarpus vialis</i>
Indian Grass	<i>Sorghastrum nutans</i>
Inland Sea oats	<i>Chasmanthium latifolium</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Lady Banksia Rose	<i>Rosa banksiae</i>
Leadwort Plumbago	<i>Ceratostigma plumbaginoides</i>
Liriope	<i>Liriope muscari</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Mexican Feathergrass (Wiregrass)	<i>Stipa tenuissima</i>
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>
Muhly, Big	<i>Muhlenbergia lindheimeri</i>
Muhly, Deer	<i>Muhlenbergia rigens</i>
Muhly, Gulf	<i>Muhlenbergia capillaris</i>
Muhly, Seep	<i>Muhlenbergia reverchonii</i>
Oregano	<i>Origanum vulgare</i>
Passion Vine	<i>Passiflora incarnata</i>
Periwinkle, Littleleaf	<i>Vinca minor</i>
Pigeonberry	<i>Rivina humilis</i>

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Common Name	Scientific Name
Purple Heart	Secreasea pallida
Santolina (Lavender Cotton)	Santolina chamaecyparissus
Sedge, Berkeley	Carex tumulicola
Sedge, Meadow	Carex perdentata
Sedge, Texas	Carex texensis
Sedum (Stonecrop)	Sedum nuttallianum
Sideoats Grama	Bouteloua curtipendula
Silver Pony-foot	Dichondra argentea
Sweet Autumn Clematis	Clematis paniculata
Switch Grass	Punica virgatum
Trumpet Vine	Campsis radicans
Virginia Creeper	Parthenocissus quinquefolia
Wild Rye	Elymus canadensis
Wooly Stemodia	Stemodia lanata or tomentosa

8.6.4 TREE PRESERVATION**A. Purpose**

The general purpose of these regulations is to establish the standards for the preservation and protection of a diminishing natural resource, in particular the native and other adapted existing site trees located in the City of Lorena, and to encourage the planting of trees to replace and supplement our community during the development, construction, and redevelopment process. It is the general intent of this Article to protect mature trees that are eight (8) or more caliper inches in size, except for species that are identified as unprotected. Specific purposes include the following:

1. Preserve and enhance the existing natural features of Lorena that attract people to this community.
2. Encourage preservation of existing public and private shade trees and ornamental trees.
3. Define reasonable measures to preserve existing protected trees.
4. Increase the population and the life span of protected trees.
5. Improve the air quality and environmental comfort of both business and residential citizens.
6. Reduce the erosive effects of rainfall.
7. Prevent the indiscriminate destruction or removal of mature trees.
8. Increase property values by improving the aesthetic qualities of the built environment by incorporating existing mature trees into the built environment.
9. To balance the needs of development with the goals of preserving mature trees.

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B. Applicability. The provisions of this Section apply as follows:

1. To any activity resulting in removal of any protected tree on any lot or parcel of land, or on public land, that is not exempt under Section 8.6.4.D.
2. Prohibition on removal of protected tree.
3. For purposes of this Section, a protected tree is any species of tree eight (8) caliper inches or more in size and that is not an unprotected tree species.
4. No protected tree shall be removed unless:
 - a. The tree is located on property subject to an exempt activity pursuant to Section 8.6.4.C; D or
 - b. Removal of the tree has been authorized under a tree protection plan under the approval of a site plan.

C. Exempt activities. The following activities are exempt from these regulations. Whenever the removal of a protected tree is authorized for an activity by this Subsection, the activity also is exempt from any other obligation imposed by these regulations related to protection of trees.

1. *Single-family and duplex units.* Removal of a protected tree by the owner or authorized agent of a platted lot, or a parcel that is occupied by a single-family or duplex dwelling unit, for which the City has authorized occupancy.
2. *Public utilities and infrastructure.* Removal of a protected tree by the City, another governmental entity or a public utility in any right-of-way or easement dedicated to and accepted by the City.
3. *Sports and recreation facilities.* Removal of a protected tree within soccer, baseball, football or other sports facilities, and within golf courses and approved hike and bike trails, which are open for public use.
4. *Pre-existing paved surfaces.* Replacement or maintenance of any paved surface that existed on or before the effective date of these regulations and that is located within the critical root zone of a protected tree.
5. *Plant nursery.* Activities within a plant nursery related to trees grown on the premises solely for sale, retail or wholesale.
6. *Pruning.* Tree pruning solely for purposes of removing diseased limbs or to shape for aesthetic and safety purposes, according to the applicable provisions of the Texas Association of Nurserymen Grades and Standards.
7. *Emergency conditions.* During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this Section may be waived as deemed necessary by the Zoning Administrator.
8. *Utility and drainage easement maintenance.* Utility service providers, including the City, or their contractors, agents, successors and assigns shall have the right to maintain their facilities, through removal or trimming of protected trees located within lawfully designated easements or rights-of-way, so as to prevent any part of such trees from becoming a danger to public health, safety and welfare by interfering with utility

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service. Where possible, trimming shall be done in a manner such that the aesthetics and health of the trees are not destroyed.

9. *Diseased or damaged trees.* A disease or damaged protected tree may be removed by the city or the owner of the land on which the tree is located upon certification by a landscape architect or other qualified professional that the tree is diseased or damaged beyond the point of recovery, or removal is necessary to prevent the spread of the disease to adjacent, healthy trees, when approved by the Zoning Administrator.
10. *Public health and safety.* A protected tree that is in danger of falling or otherwise poses a hazard to the public health or safety may be removed by the City or the owner of the land on which the tree is located, when approved by the Zoning Administrator.
11. *Agricultural and ranching activities.* Removal of a protected tree within a vacant tract or parcel of land at least five (5) acres in size in conjunction with farming or ranching activities, except activities conducted within a flood plain or riparian buffer zone.

D. Unprotected Trees. The following species of trees are exempt from tree preservation requirements regardless of size.

Silver Maple	<i>Acer saccharinum</i>
Sugar Hackberry	<i>Celtis laevigata</i>
Hackberry	<i>Celtis occidentalis</i>
Honey Locust	<i>Gleditsia tracanthos</i>
Bois d'arc	<i>Maclura pomifera</i>
Mimosa	<i>Albizia julibrissin</i>
Red Mulberry	<i>Morus rubra</i>
White Mulberry	<i>Morus alba</i>
White (Silver) Poplar	<i>Populus alba</i>
Lombardy Poplar	<i>Populus nigra italicica</i>
Cottonwood	<i>Populus deltoids</i>
Willow	<i>genus Salix</i>
Bradford Pear	<i>Pyrus calleryana</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Arizona Ash	<i>Fraxinus velutina</i>
Black Locust	<i>Robinia pseudoacacia</i>

E. Permit Review and Approval Process

1. Authority of Review and Approval: The Zoning Administrator shall be responsible for the review and approval of all requests for tree removal permits and replacements

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thereof. If the Administrative Official deems it necessary, he/she may require a permit request to be reviewed by the City Council.

2. Application Process: Permits for removal or replacement of trees covered herein shall be obtained by making application on a form provided by the City, to the Zoning Administrator. The application shall be accompanied by a site plan, a preliminary plat or other graphic representation showing the exact location, size (trunk diameter and height), and common name of all protected trees and an indication of which trees are to be removed or replaced[.]
3. The application shall be accompanied by the appropriate fee, according to the fee schedule of the City of Lorena.

F. Required application

The application shall be accompanied by a written document indicating the reasons for removal or replacement of trees and a copy of a legible site plan, preliminary plat, or other graphic representation drawn to the largest practical scale showing the following:

1. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
2. Existing and proposed site elevations, grades and major contours.
3. Location of existing or proposed utility easements.
4. Location of all protected trees on the site, to be removed or replaced as well as all trees to [be] protected.
5. The document shall include street address, lot and block, subdivision name, and date of preparation. The site plan shall state the name, address, and telephone number of the owner and person preparing the document if different from the applicant.

G. Applicant Review

Upon receipt of the proper application, the Zoning Administrator shall review the application, or if it is deemed necessary, forward the application to the City Council. Following a review and inspection, the permit will be approved, disapproved, or may be approved with conditions by the Zoning Administrator or the City Council.

H. Permit Expirations

Permits shall be valid for ninety (90) days after the issue date on the permit. Permits which are issued in conjunction with a building permit or a site plan approval, shall be valid for the same time frame as such permits are valid.

- I. Appeal of Zoning Administrator Decision - Decisions of the Zoning Administrator may be appealed to the City Council.

J. Tree Replacement Requirements

If it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, shall be required to replace, somewhere on the property, the tree(s) being removed with comparable trees. A sufficient number of trees shall be planted to equal, in caliper, the diameter of the trees removed. The replacement trees shall be at least (3") three inches in caliper when planted.

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K. Tree protection during development.

The subdivider or developer shall assure that protected trees are preserved throughout the development process.

1. *Non-disturbance areas.* Each non-disturbance area within the development site shall be fenced to assure that the area will remain in a natural state. Fencing shall be adequate to prevent entry of vehicles or machinery, storage of materials or goods, or any other type of trespass that could harm the preserved area during the construction period, as determined by the tree preservation administrator.
2. *Construction areas.* The following measures shall be put into effect by the subdivider or developer to assure preservation of protected trees that are not to be removed during construction.
 - a. A four-foot plastic fencing, or where approved by the Zoning Administrator, silt fencing, shall be installed around the drip line of all protected tree(s) prior to commencement of construction.
 - b. A construction entrance that avoids protected trees shall be established prior to commencement of construction.
 - c. Construction, placement of fill, excavation, storage of construction materials, cleaning of equipment, the disposal of waste materials, or other construction related activity is prohibited under the canopy or within the drip line of any protected tree, unless expressly authorized in writing by the tree preservation administrator. Major changes of grade (i.e. six (6) inches or greater) within the canopy or drip line will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when construction activity is authorized under the drip line of protected trees, and must be completed a minimum of two (2) weeks prior to any construction activity within the drip line.
 - d. Attachments or wires shall not be attached to any protected tree. Cables, tree rods, and similar hardware installation that aid structural integrity of a protected tree are exempt from this Section, if approved in writing by the tree preservation administrator.
 - e. Any trees removed shall be chipped and used for mulch on site or hauled off-site.

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Article 9 - **Fences and Screening**

Section 9.1 **Applicability**

Where a fence, wall, screen, buffer or enclosure is erected, the following standards apply.

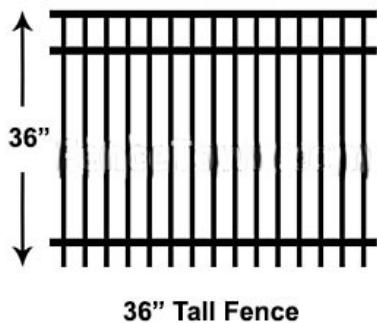
Repair to a fence, wall, screen, buffer or enclosure shall be defined as maintenance to a fence where replacement of material does not change the scope, location, or dimensions of the fence. Repairs shall be made using the same material or material with comparable composition, color, size, shape, and quality of the original fence to which the repair is being made.

Section 9.2 **Site Plan and Landscape Plan Required**

A site plan and landscape plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section. In the case of an individual single family or two family residential lot, only a site plan will be required as part of the building permit process.

Section 9.3 **Fence, Wall and Screen Regulations for Single- and Two-Family Dwellings**

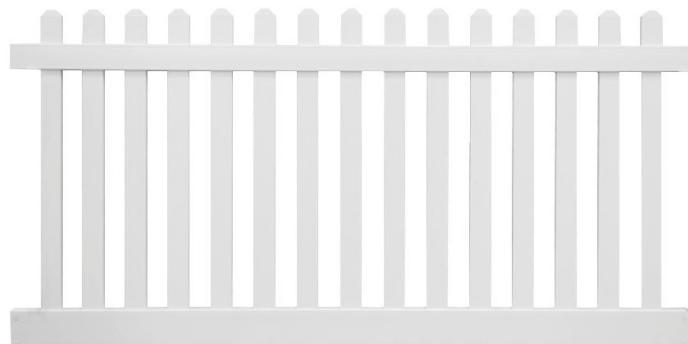
A. Front Setback. A fence, wall, screen, enclosure or similar barrier erected in the front setback of a single- or two-family dwelling as set forth in [Article 6](#) must not exceed thirty-six (36) inches in height above the adjacent grade.



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Thirty-six (36") inch Tubular Steel Fence



Picket Fence

- B. Chain linked fencing is prohibited within the front setback area.
- C. Behind Front Setback. A fence, wall, screen enclosure or similar barrier behind the front setback of a single- or two-family dwelling must not exceed eight (8) feet in height above the adjacent grade. Wood fences must be designed and built per the specifications for wood fences in this Section 9.5.1 ©. Chain link fences must be built to specifications in Section 9.5.1 (D).

Section 9.4 Screening Requirements for Residential and Non Residential Uses

- A. Single Family or Two Family Residential District and Uses perimeter screening adjacent to public streets:
 1. All new single family and two family residential subdivisions shall be required to provide perimeter screening for lots whose rear or side yards face a public street.
 2. Required screening may consist of a six (6) foot masonry wall or may be constructed of a six (6) foot high wooden fence. All wooden fences shall be constructed in accordance with the specifications for wood fences as set forth in this Section. Perimeter wood fences shall be constructed with a top cap and bottom rail. Perimeter

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screening walls shall be located within a five (5) foot wide maintenance easement and shall be the responsibility of the homeowner's association for maintaining the screening wall. If there is no active homeowner's association, the maintenance of the wall shall be the responsibility of the property owner on which the wall is located. Perimeter wood fences shall be maintained and repaired by the property owner where the fence is erected.

3. On fences visible from a public street, wooden fence framing and posts must be placed to the interior of the lot so that they are not visible from the street.
4. Alternative screening plans may be considered by the City Council upon recommendation of the Planning and Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and designs above and beyond the existing regulations.

B. Nonresidential Uses, including Multi-family Uses and Districts:

1. Location. Continuous screening is required along the common boundary between nonresidential or multiple-family use/district and an agricultural or residential zoning district or use, except where a public street provides buffering. Screening is also required along the perimeter of a nonresidential or multiple-family use/district located across an alley from a residential zoning district or use. Screening must be a minimum of eight (8) feet in height and must be maintained by the property owner of the nonresidential or multi-family use.
2. Design. Screening must meet one or a combination of the following design standards:
 - a. Screening may consist of walls constructed of masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Screening must be eight (8) feet in height above the adjacent grade and must be designed and sealed by a professional engineer for structural integrity. Gates must be equal in height and screening characteristics to the wall in order to create a visual barrier.



Eight (8) Foot Screening Masonry Wall

- b. Screening may consist of an eight (8) high wooden fence only in conjunction with a ten (10) foot buffer yard containing evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six (6) feet, placed on thirty-six (36)-inch centers. Wood fences must

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be designed and built with a bottom rail and a top cap in order to reduce warping of boards and must contain masonry columns no greater than twelve (12) feet on center. Gates must be equal in height and screening characteristics to the fence in order to create a visual barrier.



Board on Board Wood Fence with Cap

3. Alternative screening plans may be considered by the City Council upon recommendation of the Planning and Zoning Commission. Alternative screening plans must demonstrate the purpose and intent of the regulations by providing materials and design above and beyond the existing regulations.

Section 9.5 Materials and Specifications for Fences, Walls, and Enclosures

9.5.1 FENCING

A. Allowed Materials for Fences, unless otherwise specified herein:

1. Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);
2. Fiberglass composite (manufactured for fencing);
3. Latticework that does not exceed two (2) feet in height and is anchored as a design element at the top of a six (6) foot tall fence;
4. Tubular aluminum;
5. Tubular steel;
6. Wrought iron or similar decorative metal;
7. Wood planks;
8. Support poles made of metal or wood;

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B. Prohibited Materials. Permits shall not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets, vinyl panels or pickets or fiberglass panels.

C. Specifications for Wood Fences:

1. Fence planks or panels must be at least five-eighths (5/8) inches in thickness. Planks and panels shall be made of Cedar or Redwood or treated Pine.
2. Fence planks or panels must have at least a one (1) inch gap between the ground and the wood to prevent rotting and decay.
3. All vertical posts must be two and three eights (2 3/8) inch minimum outside diameter standard pipe gauge galvanized steel or a minimum four (4) by four (4) treated wood post as described in C (1) above.
4. Vertical posts spacing shall be no greater than eight (8) feet on center or less and shall be set in concrete post footings. The minimum depth of concrete post footings shall be twenty-four (24) inches for fences that are six (6) feet in height and thirty-six (36) inches for fences that are eight (8) feet in height.
5. Fences that are six (6) feet in height shall have three (3) horizontal stringers. Fences that are greater than six (6) feet in height shall have four (4) horizontal stringers. The top stringer shall be positioned no more than eight (8) inches from the top of the vertical slats/planks to prevent warping.
6. All materials shall be securely fastened (i.e. vertical boards/slats/planks to horizontal stringers; stringers to vertical posts) and be free from rot, rust, vandalism and other sources of decay.

D. Specifications for Chain Link Fences

1. Chain link fences are required to have a top rail, bottom guide wire, and traditional chain link hardware;
2. A minimum 2.377-inch diameter corner post, footed in concrete, at least three (3) feet into the ground. A minimum 1.58-inch line/terminal post shall be used.
3. Chain link fence posts shall be spaced evenly not to exceed ten (10) feet.

E. Repair and Maintenance:

1. All fences shall be maintained by the property owner.
2. It shall be unlawful to maintain a fence in such a manner as to allow:
 - a. Any portion of a fence to lean at an angle from the vertical plumb any greater than five (5%) percent.
 - b. Missing, loose, or broken posts, pickets, slats or panels in a fence or rusting, peeling or blistering paint or other surface damage.
 - c. Symbols, writings, and other graffiti on a fence except for those which are permitted as signs under the City of Lorena Code of Ordinances or which pertain to the address or occupancy of a property.

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- d. Any portion of a pre-existing chain-link fence to be curled, cut through, bent or peeled apart, to become unattached from the framing poles, or for the framing poles to be bent or become unattached from each other.
3. All fences shall be kept in good repair, shall be maintained so that they shall test plumb and square at all times, shall not be propped up to maintain the required vertical plane of any portion, shall not create blight, and shall be maintained close enough to surface grade to prevent intruder or animal passage. Dilapidated fences shall be repaired or replaced in accordance with provisions of this section.
4. Broken, damaged, removed or missing parts of a fence shall be replaced or repaired within ten (10) days upon receipt of notice from the City with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made.
5. If a fence is deemed nonconforming and the nonconformity is destroyed, damaged or deteriorated to the extent that the cost to reconstruct or rebuild such nonconformity exceeds fifty (50%) percent of the fence's replacement cost, the nonconformity may not be reconstructed or rebuilt except to conform with the provisions of this Ordinance.
6. For nonconforming fences which are destroyed, damaged or deteriorating, meeting the provisions within Section 9.5.1.C.2 above, repair or reconstruction of existing fences shall be of the same or similar materials as the original fence being repaired or reconstructed and no building permits shall be required.

F. Other Easements. Fences and walls shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City Manager or his/her designee and by any other applicable utility provider(s).

9.5.2 USE OF ALTERNATIVE FENCE MATERIALS

- A. All written requests for the use of alternative exterior fencing materials to include alternative shall be clearly noted and described in that is submitted along with the site plan for approval. The use of alternative fencing may only be requested for multi-family, single-family attached and non-residential structures. The City may require submissions of an actual sample(s) of the proposed material(s) along with the site plan.
- B. The Planning and Zoning Commission may recommend, and the City Council may approve, all alternative material(s), if the alternative materials is determined to meet or exceed the materials otherwise required by this Subsection and the City's Building Code as part of the site plan approval process.
- C. Consideration for exceptions to the above fence requirements shall be based only upon the following:
 1. Architectural design, creativity and innovation;
 2. Compatibility with surrounding structures;
 3. Relative ease of maintenance of the material(s);
 4. Long term durability and weather-resistance of the materials(s); and
 5. Long-term stability in property value due to the high quality of the material(s).

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9.5.3 SCREENING WALLS

A. Allowed Materials for Screening Walls:

1. Fired brick;
2. Natural stone;
3. Pre-cast concrete;
4. Split faced block;
5. Smooth faced block; or,
6. Stucco.

B. Prohibited Materials. Permits shall not be issued for materials not manufactured specifically for screening walls, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, metal sheets, vinyl panels or pickets or fiberglass panels.

C. Maintenance Easements Wall/screening maintenance easement at least five (5) feet in width shall be dedicated to the homeowner's association on the private lot side and adjacent to the entire length of the screening wall or device for maintenance and repair of the screening wall. If there is no active homeowner's association, the maintenance of the wall shall be the responsibility of the property owner on which the wall is located.

D. Installation. The screening/wall shall be installed prior to final acceptance of the subdivision public improvements. Failure to properly install all components of a required screening wall within the prescribed time frame shall constitute a violation of this ordinance, and shall authorize the City to refuse acceptance of the subdivision public improvements.

E. Design of Walls. All wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the city. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited for meeting the requirements of this Section.

F. Height of Screening. The height of required screening devices, including spans between columns, shall be a minimum of eight (8) feet, decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum height by up to two (2) feet for a total maximum height of ten (10) feet for these features.

G. Maintenance: All screening walls shall be kept in good repair, shall be maintained so that they shall test plumb and square at all times, shall not be propped up to maintain the required vertical plane of any portion, shall not create blight, and shall be maintained close enough to surface grade to prevent intruder or animal passage. Dilapidated screening walls shall be repaired or replaced in accordance with provisions of this section.

H. Electric Fences

1. An electric fence is allowed in the Agricultural- Rural Residential (ARR) zoning district, or on property greater than twenty (20) acres in size and being used for agricultural purposes, with proof submitted to the electrical inspector that the fence will be designed to retain animals, be inaccessible to the general public and not pose a hazard to life.

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2. An electric fence is allowed in association with a permitted nonresidential outdoor storage area in the Business Park (BP) zoning district subject to the following standards.
 - a. Unless otherwise specified in this Section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electrotechnical Commission Standard No. 60335-2-76. must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.
 - b. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.
 - c. The electric fence must be surrounded by a non-electrical fence or wall six (6) to eight (8) feet in height.
 - d. The electric fence must be installed a minimum of one (1) foot from the surrounding non-electric fence or wall, except along the gate. Along the gate, the electric fence must be installed a minimum of three (3) inches from the surrounding non-electric fence or wall.
 - e. The electric fence must be clearly identified with warning signs at intervals of not less than sixty (60) feet.
 - f. The electric fence must only be energized during hours when the public does not have legal access to the protected property.
- I. Barbed Wire Fences. Barbed wire fences and other structures composed or partially composed of barbed wire are allowed only in the ARR- Agricultural- Rural Residential zoning district or on property that is being used for agricultural purposes, with proof submitted to the building inspector that the fence will be designed to retain animals. A fence permit is required. Security fencing for utility facilities such as electrical substations and water and sewer pumping stations may be topped with barbed wire that is not closer than six (6) feet to the ground.
- J. Razor Wire Fences. Razor wire fences are allowed only in the BP-Business Park zoning district. A fence permit is required. The razor wire must not be closer than eight (8) feet to the ground.

Section 9.6 Refuse Containers

- A. Refuse container storage areas must be located in a rear or side service area, or alley where available, for all uses other than single-family and two-family dwellings. Refuse container storage areas shall not be located within any utility or drainage easement.
- B. A solid wood or masonry fence must screen from public view refuse container storage areas located within fifty (50) feet of the curb line of a public street or visible from the public street. Such fence must be at least one foot higher than the refuse container on all sides except the side used for servicing the container.

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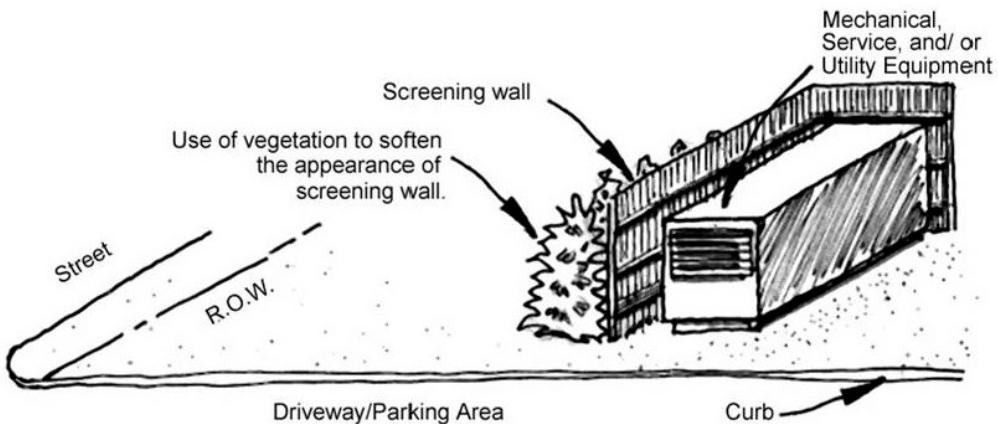
Masonry Refuse Container Enclosure (With Gates)

C. Placement of refuse container storage areas must allow the collection vehicle maneuvering room to avoid backing into a street or other traffic area.

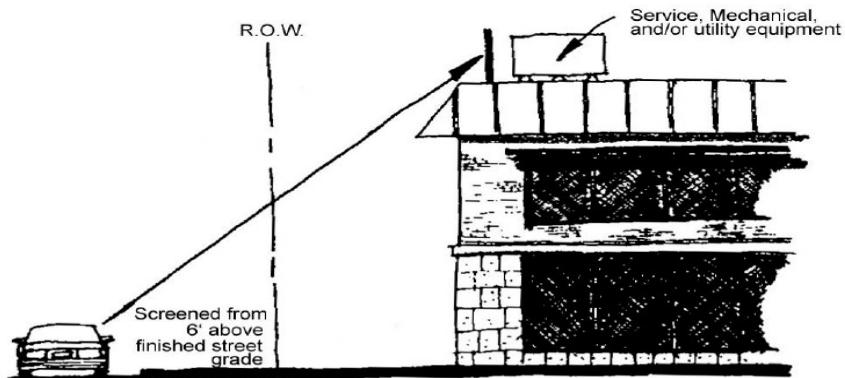
Section 9.7 Equipment Screening

- A. Roof-mounted equipment or other permanent fixtures that rise above the roof line or are visible from the adjacent property or public right of way shall either be housed in an enclosed building of the same character as the primary structure or they must be completely screened from a horizontal plane of view. Developments in the ARR and SF Districts are exempt from this restriction.
- B. In all multi-family developments, mechanical equipment, air conditioning equipment, utility boxes and banks of meters shall either be located so as not to be seen from a public right of way or any abutting Single-Family District, or be they must be screened to a maximum height of six (6) feet. Such screening shall include a solid fence, wall or plant material that creates a maximum six (6) foot high visual barrier.
- C. No equipment, fencing or walls are permitted within any landscape buffer yard, street landscape setback or any designated landscape islands or areas.
- D. Mechanical and Utility Equipment for Nonresidential Uses
 1. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces I-35, in which case such equipment must be located on the side least visible from a public street right-of-way. Reduce pressure zones are allowed in front of the building if properly landscaped.
 2. If such equipment is visible from a public street right-of-way, the screening materials must be one hundred (100) percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one (1) foot taller than the equipment being screened.

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3. All roof-mounted equipment must be screened from a vantage point that is six (6) feet above finished street grade with materials that are one hundred (100) percent opaque. In all cases, screening must be compatible with building color and materials.



Section 9.8 Outside Storage and Display

- A. The outside storage, display or sale of goods, products or equipment is not permitted in any zoning district with the following exceptions:
 1. Outside storage, display or sale of new goods, products or merchandise shall be permitted in any non-residential zoning district on the sidewalk adjacent to the building, provided such goods, products or merchandise shall not extend more than five (5) feet from the wall of the building and shall not be more than five (5) feet in height and provided further, that there shall be at least five (5) feet in width of unobstructed sidewalk remaining.
 2. Within the IC - Interstate 35 Planned Corridor District outside storage may be utilized with the approval of a home improvement center use.
- B. Storage and display of rental trailers and trucks is not allowed except in districts where such uses are indicated as permitted in the district use tables within [Article 6](#).
- C. Outside storage limitations shall not apply to the following:

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1. Storage and display of Christmas trees and holiday accessories for a period not to exceed forty (40) days prior to Christmas Day each year.
2. Merchandise dispensing units placed adjacent to a building limited to not more than three (3) for any one business establishment when such merchandise dispensing units are operated in connection with the operation of a convenience food store, service station, grocery/supermarket or combination thereof.
3. Storage, display and sale of newspapers in newspaper racks.
4. The outside display of merchandise by a retail landscape nursery.

D. Temporary outdoor services such as mobile blood banks, health screening and veterinary care.

E. The prohibition provided above shall not prohibit temporary outdoor sales of merchandise for periods not exceeding five (5) consecutive days once a month operated by a building tenant holding the current certificate of occupancy. Temporary outdoor sales are limited to merchandise which is ordinarily sold on the premises by the building tenant. Temporary sales activities shall be set back a minimum of twenty (20) feet from all property lines and shall be no more than eight (8) feet in height. A permit from the Building Official shall be obtained for each temporary outdoor sales event not more than ninety (90) days prior to each event.

F. **Temporary Storage Containers.** Temporary Storage Containers may be located outside a building on properties located within any zoning district provided that all of the following criteria are met:

1. Prior to placing a container on any site or location a permit must be secured from the City. It shall be unlawful for any person to place, or permit the placement of a container without first securing approval from the City. A separate permit shall be required for each occurrence in which a container is placed at the same site. A maximum of two (2) permits a year is allowed per site.
2. No container shall remain on any site in excess of three (3) consecutive days for each permit issued per site. In the cases of hardship or emergency, appeal may be made to the City for an extension of length of time for the placement of the container.
3. Maximum size of a temporary storage container shall be no greater than twenty (20) feet long by eight (8) feet wide and eight (8) feet tall.
4. Containers shall be placed a minimum of ten (10) feet from the front property line and shall not be placed within any designated fire lane. Containers may not be placed in such a way which would impede pedestrian or vehicular traffic on the site.
5. Containers shall be maintained in a workmanlike manner. Deteriorated or dilapidated containers shall not be permitted.
6. Hazardous materials including flammable or biohazard substances shall not be stored within containers.

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Article 10 - Design Standards

Section 10.1 Development Standards

The following design standards shall apply generally and by use type within the zoning district in which the development is proposed.

A. Exterior Construction Standards, Generally

1. *Masonry Construction.* This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting minimum requirements for the exterior construction of building within each zoning district, this term shall include the following materials:
2. *Hard Fired Brick.* Kiln fired clay or slate material. Brick may include concrete brick if it is to the same ASTM standard for construction as typical hard fired clay brick. Brick shall be severe weather grades; minimum thickness of three (3") inches when applied as a veneer; and shall not include unfired or under fired clay, sand, or shale brick.
3. *Stone.* Stone shall include 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. Stone 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 materials and shall not be painted or sprayed on; and it is demonstrated to be highly durable and maintenance-free. Natural or man-made stone shall have a minimum thickness that meets industry standards.
4. *Decorative Concrete Block.* Decorative Concrete Block shall include highly textured finish, such as split-face, indented, hammered, fluted, ribbed or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted or sprayed on. Decorative Concrete Block shall have a minimum thickness that meets industry standards when applied as a veneer and shall not include lightweight or featherweight concrete block or cinder block units. Decorative Concrete Block shall not be used as a material in single-family, duplex, multi-family, or single-family attached structures.
5. *Concrete Pre-Cast or Tilt-Wall Panels.* This material shall only be allowed if a highly textured architectural finish which appears texturally as face brick or stone. Concrete pre-cast or tilt-wall panels may be brick-like or stone-like in appearance. Coloration of the material shall be integral to the masonry material and shall not be painted on or sprayed on. This material shall not include smooth, un-textured or inadequately textured finishes. Concrete pre-cast or tilt-wall panels shall not be used as a material in single-family, duplex, multi-family, or single-family attached structures.
6. *Glass Blocks or Tiles.* This material shall be of the type customarily used in exterior building construction. It shall not comprise more than thirty (30%) percent of any exterior wall surface, nor more than twenty (20%) of the building's total exterior on all wall surfaces combined. It shall not be highly reflective or contain a mirror-like finish.

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B. *Prohibited Materials.* Unless specifically approved by the City Council on an approved site plan for single-family, single family attached, attached multi-family, institutional, office, retail, commercial, industrial, or other non-residential structures, the following materials shall not qualify or be defined as “masonry construction” in meeting the minimum requirements for the exterior construction of buildings:

1. Stucco, exterior plaster, adobe or mortar wash, surface materials;
2. Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
3. PVC or other plastic-based siding materials;
4. Lightweight or featherweight concrete blocks, cinder blocks or other lightweight based masonry unit;
5. Any other cementitious product not listed above.

Section 10.2 Minimum Design Standards.

The standards and criteria contained within this Subsection are deemed to be the minimum standards and shall apply to all new building construction or redevelopment occurring within the City unless otherwise allowed in this Ordinance.

10.2.1 SINGLE FAMILY AND DUPLEX RESIDENTIAL ZONING DISTRICTS

The design standards for all single family and duplex residential structures within the Agricultural Rural Residential District (ARR); Single Family District (SF) and Duplex District (D) shall be as follows:

- A. All single-family and duplex structures shall be of exterior fire-resistant construction, and shall have a minimum of eighty (80%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%) percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor.
- B. Areas of a single-family or duplex structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of four feet (4') deep and eight (8') feet wide (thirty-two [32] square feet), chimneys, breezeways, or courtyards shall not be counted as “wall surface” when calculating the masonry requirement.
- C. *Prohibited materials.* Concrete, concrete block, vinyl, plastic, or metal exterior construction is not permitted on any single-family or duplex residential structure.
- D. *Roof materials.* Roof materials for a single-family or duplex structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.

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- E. *Chimney Stacks.* All chimney stacks for single family or duplex structures shall be of one hundred (100%) percent masonry construction.
- F. *Elevation articulation.* The elevation of a single family or duplex structure, including garages facing the street shall contain at least one section of at least twenty (20%) percent of the total street elevation that is offset at least two (2') feet from the remainder of the street elevation.
- G. *Non-residential buildings.* Any non-residential building constructed within the (ARR), (SF), or (D) zoning districts shall conform to the design standards of Section 10.2.2 below.
- H. *Newly Constructed Single-Family Dwelling Required Architectural Features.* All newly constructed single-family dwellings are required to comply with the following architectural features:
 - 1. Garage spaces for a minimum of two (2) vehicles shall be attached to the primary structure and shall be located behind the required building setback lines;
 - 2. Wood or stained fiberglass or metal simulated wood grain front door;
 - 3. No Façade may be repeated within any adjacent lots or across the street from those lots within groupings of five (5) homes;
 - 4. Concealed HVAC units, trash storage and utility meters;
 - 5. If brick is used, brick shall be properly detailed. Brick shall be coursed exactly to the top and bottom of all wall openings;
 - 6. Windows shall be single hung, double hung, triple hung, or casement;
 - 7. Flush mounted windows are prohibited;
 - 8. Windows are to be placed on each wall elevation with a wall to window ratio that meets the light and air requirements of the building code;
 - 9. If shutters are used, shutters shall be one-half the width of, and the same height of the associated opening. All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building. Shutters do not need to be operable;
 - 10. Gutters shall be copper, galvanized steel, aluminum or painted if exposed;
 - 11. Dormers shall not use siding as window jamb material;
 - 12. The body of a single-window dormer shall be vertically proportioned or square;
 - 13. If chimneys are visible, they shall have a projecting cap;
 - 14. If chimneys are located on a street facing wall, they shall extend to the ground;
 - 15. If a porch is used, the porch column base shall not protrude beyond the bottom edge of the porch flooring.
- I. *Additional Newly Constructed Single-Family Dwelling Architectural Features.* All newly constructed single-family dwellings shall contain at least four (4) of the following architectural features:
 - 1. Stoop and portico at the front door

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2. Front porch
3. Front porch or front stoop steps and railing
4. Front porch roof
5. Decorative or architectural porch railing
6. Second story porch
7. If brick or stucco is used, a stone base below first floor window shall be installed
8. Trim at gable rake
9. Decorative roof finials or ornamentation
10. Decorative attic or gable feature greater than 3 SF in size
11. Trim at windows and doors of the street façade
12. Arched window head or heads (depending on architectural style) on street façade
13. Dormer with window
14. Window shutters on street façade
15. Divided light windows
16. Decorative concrete driveway

10.2.2 MULTI-FAMILY AND SINGLE-FAMILY ATTACHED RESIDENTIAL

The design standards for all multi-family and single-family attached structures within the Multi-Family (MF) zoning district shall be as follows:

- A. All multi-family and single-family attached residential structures shall be of exterior fire-resistant construction and shall have a minimum of eighty (80%) percent masonry construction, more-or-less equally distributed around all sides of the structure, for the first story of the structure, and a minimum of fifty (50%) percent masonry construction, more-or-less equally distributed around all sides, for any additional story above the first floor.
- B. Areas of a multi-family or single-family detached structure's façade that are devoted to windows, doors, covered porches or patios that have a minimum size of (4') feet deep and eight (8') feet wide (thirty [32] square feet), chimneys, breezeways, or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.
- C. *Prohibited materials.* Concrete, concrete block, vinyl, plastic or metal exterior construction is not permitted on any multi-family or single-family attached structure.
- D. *Roof materials.* Roof materials for a multi-family or single family attached structure shall be comprised of an architectural, laminated, dimensional composition shingle (thirty [30] year minimum); flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt,

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moss, trees and rocks. If roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required.

E. *Accessory structures.* Accessory structures, regardless of size, within the multi-family (MF) zoning district shall conform to the minimum exterior construction standards for the main building on the lot, tract, site, and shall be architecturally compatible with the main building.

10.2.3 NON-RESIDENTIAL AND INSTITUTIONAL ZONING DISTRICTS

The design standards for all non-residential and institutional structures shall be as follows:

A. All non-residential and institutional structures in any zoning district, shall have a minimum of seventy-five (75%) percent masonry construction, more -or-less equally distributed around all sides of the building, for the first story defined as below the first-floor ceiling plate, and a minimum of fifty (50%) for any story above.

B. Areas of a non-residential or institutional structure's façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement.

C. *Metal exterior material use.* Metal exterior construction is prohibited on any non-residential or institutional structure which is located within any zoning district, save and except the following:

1. Structures located on a through lot that both fronts and backs onto a public street. The rear façade, which must be located equal to or more than one thousand (1,000') feet from the public street, may use metal exterior construction upon approval of the Site Plan by the City Council, and;
2. Upon approval of the Site Plan by the City Council, non-residential and institutional structures may use metal as an exterior material on up to twenty (20%) percent of the façade as an architectural accent.
 - a. The use of any type of metal for exterior building construction shall be clearly shown on the Site Plan and shall only be allowed with the Site Plan approval. The exterior finish of metal used in exterior construction shall be permanent, maintenance free nature such as a baked-on finish unless approved otherwise on the Site Plan. The use of corrugated, galvanized, aluminum-coated, zinc-coated unfinished, or similar metal surfaces shall be prohibited unless approved otherwise on the Site Plan.

D. *Roof materials.* Any roof materials for a non-residential or institutional structure that are visible from a public street shall be comprised of laminated, dimensional composition shingle (twenty-five [25] year minimum; flat pan standing seam metal roofing, or architectural grade metal roofing products which are stamped to appear as wood shakes, dimensional shingles, wood shingles, slate or tile; or terra cotta or slate tile. Membrane roofing systems are required on all flat surfaced nonresidential roofs. Corrugated metal, flat panel aluminum or tin materials are prohibited. Colors of all roofs shall be of Earth Tones. Earth tones are defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. For non-residential or institutional structures where the roof is not visible to the public, there is no pitch requirement (i.e. parapet roof); if roof is visible to the public a 6:12 pitch is required. Non-residential or institutional structures with a flat-roof shall have highly articulated parapet that conceals the roof and any roof mounted mechanical equipment.

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E. *Structural exceptions to masonry standards.* The following structures are exempt from the masonry construction requirements.

1. Barns located on the lots/tracts of three (3) acres or more provided that such barns are used solely for agricultural purposes (as distinguished from commercial purposes).
2. Mobile homes and HUD-Code manufactured homes otherwise lawfully existing as of (the date of this ordinance).
3. Historic homes and structures as recognized by an established Historical Preservation Association or Authority.
4. Temporary construction buildings, field offices, sales offices and temporary classrooms or storage buildings for the public school. The exception shall be 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.
5. Residential and non-residential structures legally in existence as of (date of this ordinance), and any additions to such structures that do not cumulatively exceed twenty-five (25%) percent of the original building size (as it existed on date of this ordinance). Such additions shall be allowed to be constructed of the same exterior materials as the original building.

10.2.4 USE OF ALTERNATIVE EXTERIOR MATERIALS

- A. All written requests for the use of alternative exterior building materials to include alternative roof material and/or roofing color and alternative roof pitch shall be clearly noted and described in detail on a color rendering of the structure's elevation that is submitted along with the site plan for approval. The use of alternative exterior building materials, roof pitch and roof materials and/or color may only be requested for multi-family, single-family attached and non-residential structures. The City may require submissions of an actual sample(s) of the proposed exterior finish material(s) along with the elevation(s) and the site plan.
- B. The Planning and Zoning Commission may recommend, and the City Council may approve, all alternative exterior construction material(s), roof pitch and roof materials and/or color if it is determined to meet or exceed the required exterior materials, roof pitch, or roof materials and/or colors otherwise required by this Subsection and the City's Building Code as part of the site plan approval process.
- C. Consideration for exceptions to the above exterior construction requirements shall be based only upon the following:
 1. Architectural design, creativity and innovation;
 2. Compatibility with surrounding structures;
 3. Relative ease of maintenance of the material(s);
 4. Long term durability and weather-resistance of the materials(s); and
 5. Long-term stability in property value due to the high quality of the material(s).

Article 11 - Outdoor Lighting Requirements

Section 11.1 Applicability

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Section, the Building Code and the Electrical Code of the City of Lorena as applicable and under appropriate permit and inspection. These lighting standards shall apply to all non-residential uses in the City of Lorena. Unless otherwise stated, this ordinance does not regulate lighting in public road rights-of-way.

The general purpose of lighting requirements is to:

- A. Reduce the problems created by improperly designed and installed outdoor lighting.
- B. Eliminate problems of glare on operators of motor vehicles, pedestrians and land uses.
- C. Minimize light trespass.
- D. Reduce the energy and financial costs of outdoor lighting by establishing regulations, which limit the area that certain kinds of outdoor lighting fixtures can illuminate.
- E. Preserve the sky as a natural resource and thus the public's enjoyment.

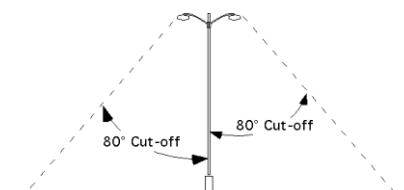
11.1.1 PHOTOMETRIC PLAN

A Photometric Plan may be submitted with a site plan or landscape plan on all public or private properties, including rights-of-ways, public easements, franchises and utility easements for approval by the Zoning Administrator. A Photometric Plan shall be submitted prior to issuing a building permit. Plans shall include the following:

- A. A layout of the proposed fixture locations.
- B. The light source.
- C. The luminous area for each proposed light source with proposed foot-candle measurements.
- D. The type and height of the light fixture or of the light source above grade.
- E. The type of illumination.

11.1.2 GENERAL

- A. Unless otherwise provided herein, illumination, where required by this ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as from time to time amended.
- B. Unless otherwise provided herein, all building lighting for security or aesthetics will be fully shielded type, not allowing any upward distribution of light. Wall pack type fixtures are acceptable only if they are fully shielded with 80° cut-off.
- C. No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of



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such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this Section, a nuisance shall be defined as more than one tenth (0.1) of one foot-candle of light measured at the residential property line or twenty-five hundredths (0.25) of one foot-candle of light measured at any adjoining non-residential property line, unless said non-residential property is of a similar use and utilizes similar lighting parameters.

- D. Halogen lights are prohibited.
- E. Shielding shall be required in all outdoor lighting installations as specified below.

Lamp Type	Shielding
Low Pressure Sodium (LPS)	Fully Shielded, with 80° cut-off
High Pressure Sodium (HPS)	Fully Shielded, with 80° cut-off
Metal Halide	Fully Shielded, with 80° cut-off
Halogen	Prohibited
Mercury Vapor	Prohibited
Fluorescent	Fully Shielded, with 80° cut-off
Incandescent	Fully Shielded, with 80° cut-off
Any light source 50 watts and under	Unshielded Permitted as long as source not visible to adjacent residential
Low intensity Neon, Krypton or Argon Discharge Tubes	Unshielded Permitted as long as source not visible to adjacent residential
Light Emitting Diodes (LED)	Unshielded Permitted as long as source not visible to adjacent residential

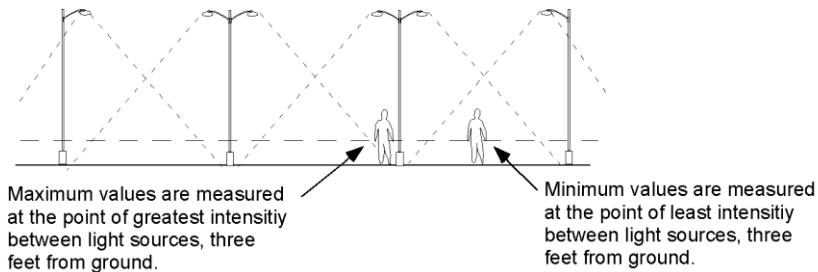
11.1.3 **ILLUMINATION**

- A. Measurement: Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted IESNA methods.
- B. Computation of Illumination: Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted IESNA method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.
- C. Limitations on neighboring property: The limit of illumination on neighboring property from one (1) establishment shall be by zoning of the neighboring property. Maximum computed or measured foot-candles at the neighboring property line shall not exceed:

Foot-candles	
Land Use Type	Horizontal
Single-family and two-family residential districts.	0.25
Non-residential districts	2.25

11.1.4 NON-RESIDENTIAL ILLUMINATION

- A. All non-essential lighting shall be turned off after business hours, leaving only necessary lighting for site security.
- B. Floodlights, accent, aesthetic and security lights must be fully shielded and no up lighting shall



be permitted except that lighting of fifty (50) watts or less are excepted if necessary for security purposes.

- C. Parking lots and vehicle movement areas and signs shall not exceed a maximum illumination value of forty (40) foot-candles nor a minimum illumination value of 1.0 foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of 150 watts. Total pole and fixture height shall not exceed a maximum of thirty (30) feet, measured from grade at the base. The light head or light under canopies shall be designed so that any light filament or bulb is shielded or recessed to prevent direct glare and/or light trespass. No exposed lamp, filament or bulb shall be detectable from outside of the 80-degree cutoff area or from the adjoining property lines. Building facades and architectural features of buildings may use sconces when the following conditions are met:
- D. Floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution solely to the building façade or feature being illuminated;
- E. The configuration of the floodlight installation shall block all view to the floodlight fixture's recessed lamp, bulb or filament from pedestrian walkways, vehicle maneuvering areas and all adjacent properties;
- F. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky, and;
- G. The maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

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- H. Limitations on establishment property. The maximum outdoor initial computed or measured illuminant level on the establishment property shall not exceed forty (40) foot-candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed sixty (60) foot-candles.
- I. Externally illuminated signs, advertising displays, building identification and monument signs that use top mounted light fixtures shall shine light downward and will be fully shielded or shine upward with pinpointed light which are also fully shielded.
- J. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize light-spillover and glare.

11.1.5 PUBLIC AND SEMI-PUBLIC RECREATIONAL FACILITIES

- A. Any light source permitted by this Section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
- B. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
- C. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

11.1.6 PROHIBITED

Unless otherwise authorized, the following shall be prohibited.

- A. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- B. The operation of searchlights for advertising purposes is prohibited.
- C. Halogen and Mercury Vapor Lights are prohibited.

11.1.7 EXEMPTIONS

The following are exempt from the outdoor lighting requirements of this Ordinance:

- A. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries used by the Police or Fire Departments.
- B. All hazard warning luminaries required by Federal regulatory agencies except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- C. Up lighting of the City of Lorena, State of Texas, or United States of American flag.
- D. Seasonal decorative lighting.

11.1.8 TEMPORARY EXEMPTIONS

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- A. Upon approval by the Zoning Administrator, temporary exemptions from the requirements of this ordinance for a period not to exceed thirty (30) days may be approved.
- B. Any person may submit a written request, on a form prepared by the City for a temporary exemption request. The request shall contain the following information:
 - 1. Specific exemption (s) requested
 - 2. Type/use of outdoor lighting fixture involved
 - 3. Duration of time requested
 - 4. Type of lamp and calculated foot-candles
 - 5. Total wattage of lamp(s)
 - 6. Proposed location of fixtures
 - 7. Previous temporary exemption requests
 - 8. Physical side of fixtures and type of shielding provided
 - 9. Such other data or information as may be required by the Zoning Administrator.
- C. Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than fourteen (14) days or a time period designated by the Board.
- D. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.

11.1.9 NON-CONFORMING LIGHTING

All luminaries lawfully in place prior to the date of the ordinance shall be considered as having legal non-conforming status. However, any luminary that replaces a legal non-conforming luminary, or any legal non-conforming luminary that is removed or relocated, must meet the standards of this ordinance.

Article 12 - Signs

Section 12.1 Purpose

The purpose of this Article is to protect and enhance the City's character and its economic base through the provision of appropriate sign standards and the avoidance of excessive or obtrusive signs on privately owned property. This Article also seeks to limit the size, type and location of signs in order to protect the public safety, health, and welfare; to maintain the quality of community life; to maintain the beauty of the City's natural and architectural features; to ensure that signs do not visually dominate the zone in which they are located; and to provide appropriate standards for achieving the primary intended purpose of identifying the business.

Section 12.2 Administration and Enforcement

- A. The Zoning Administrator is hereby empowered to inspect and examine any tract of land; to order in writing the remedying of any condition found to exist therein; and to manage any violation of any provision of this Sign Article. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.
- B. For new signs associated with new construction of a structure. The sign shall be approved by the Planning and Zoning Commission, in accordance with the regulations of this Article and the Site Plan requirements.
- C. No sign shall be constructed, established, placed, or painted on a building, structure, or site, and no existing sign shall be modified except for change of copy or repair, unless such sign has been approved by the Zoning Administrator and issued a sign permit, unless exempt from these regulations.
- D. This Article applies in the city limits and extraterritorial jurisdiction of the City of Lorena.

Section 12.3 Application and Permits

- A. The application for a sign permit and the applicable fee must be submitted on such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the administering employee to ensure proper regulation of the sign and to ensure compliance with this Article.
- B. *Issuance of Permits* - If the plans and specifications for a sign set forth in any application for a permit conform to all of the requirements of this Article and other City regulations, the administering employee will issue the appropriate permit unless the sign permit is reviewed by the Planning and Zoning Commission as required by Section 12.2 (B).
- C. *Permit Not Required* - A sign permit is not required:
 1. To repaint a sign or to restore a conforming sign to its original condition if the sign otherwise complies with this Article and restoration of the does not cost more than sixty percent (60%) of the sign in order to bring it back to its original condition;
 2. To periodically change only the letters, numbers, or message portion of a lawful sign specifically designed for that purpose;
 3. For the placement or use of a stake sign as provided for and allowed in this Article; or

4. For the placement of a temporary freestanding sign as provided for and allowed in this Article.
- D. *Duration* - Unless earlier revoked, a sign permit to construct, erect, or place a freestanding or wall sign is valid for one hundred and eighty (180) days from the date of issuance. The durations of temporary signs are placed with each sign definition.
- E. *Revocation* - A sign permit may be revoked for a violation of this Article. The Zoning Administrator shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation prior to making a decision thereon.
- F. *Appeals* - Any person aggrieved by a decision of an administering employee in the application of this Article may appeal the decision to the Zoning Board of Adjustment in accordance with the procedures applicable to appeals of decisions under the City's zoning regulations as provided in [insert section that includes these provisions]. The Zoning Board of Adjustment will hear and decide appeals in accordance with the provisions applicable to appeals under the City's zoning regulations. The Board is not authorized to hear or grant variances to the provisions of this Article.

Section 12.4 Definitions and Regulations

- G. **Abandoned Sign** – A sign that had a permit, but the permit has expired and/or does not identify or advertise a bona fide business, lessor, service, owner, or product. Abandoned Signs are prohibited in the City.
- H. **Athletic fields** - Signs located on the field side of scoreboards and fences of athletic fields. No sign permit required.
- I. **Audible Sign** - Any sign that emits music, talking, words, or other sound amplification. Audible Signs are prohibited in the City with the exception of signs in connection with drive-up windows menu boards.
- J. **Awning Sign (Internally Illuminated)** - Any sign which is located on or is part of an awning if the awning contains any form of interior illumination that is intended to or has the effect of making the sign more readily visible from a public street. Internally illuminated awning signs are prohibited in the City.
- K. **Balloon Sign** – A temporary inflatable device sign.
 1. *Time* – Sign permit required. For commercial establishments the sign may not be installed for a time period greater than fourteen (14) days. For noncommercial purposes or establishments the sign may not be installed for a time period greater than seventy-two (72) hours unless an extension is requested and approved by the Zoning Administrator.
 2. *Place* - no balloon sign, or portion thereof, shall extend to, or interfere with, any utility line or wire, or interfere with any pedestrian or vehicular traffic, or extend into or over any roadway, highway, or right-of-way.
 3. *Manner* - No balloon shall exceed eighteen (18) inches in diameter and shall not be displayed above a height of sixteen (16) feet or the height of the nearest adjacent wall, whichever is lower
- L. **Bandit Signs** – Any sign which is not exempt or allowed by permit. These signs include signs located on or attached to a street light, utility pole, hydrant, bridge, traffic-control device, street

sign, or other city-owned building, facility, structure, or equipment, without the consent of the City and signs attached to trees and shrubs. Bandit signs are prohibited within the City.

M. **Banners** - A temporary sign having characters, letters, or illustrations applied to plastic, cloth canvas, or other light fabric or similar material, with the only purpose of such non-rigid material being for background. A Banner advertises the business' name, opening dates, telephone number, hours of operation, and/or types of products offered or sold.

1. *Time* – A sign permit is required to be issued by the Zoning Administrator. No more than two (2) permits per calendar year may be issued by the City for any owner, tenant, or occupant of a lot or leased space within a non-residential zone. Each permit may be issued for a time period of up to thirty (30) days. Banners are not allowed in residential districts.
2. *Place* – Banners may only be issued permits to owner, occupant, or tenant of any lot in any non-residential zoning district. The banner shall be securely affixed to the wall of the structure or building, where feasible.
3. *Manner* – Banners shall not exceed sixty (60) square feet in area. The banner shall have affixed to it a label or mark identifying the expiration date of the permit.
4. *Maintenance* – All banners must be maintained in good condition and repair. Any banner which is torn, faded, sagging or in disrepair shall be replaced at the request of the Zoning Administrator.
5. *Authorization for Removal* - The applicant for a temporary banner permit shall consent to the Zoning Administrator entering upon the lot or parcel solely for the removal of the temporary banner if it is not promptly removed at the expiration of the permitted period. Such entry and removal shall occur only after not less than forty-eight (48) hours written notice posted upon the property and left with a manager or other responsible person at the location of the temporary banner.
6. *Deposit* - The applicant for any temporary banner permit shall deposit a cash deposit in an amount to be set by the City which shall be forfeit in the event it is necessary for the City to remove the temporary banner under the provisions of this ordinance.
7. *Revocation of Permit* - The Zoning Administrator may revoke a permit granted under this Section under the following conditions:
 - a. The permit was obtained by fraud or misrepresentation, or
 - b. The banner(s) is not maintained pursuant to this ordinance.
8. *Appeal* - The applicant may appeal the decision by requesting a hearing in writing before the Zoning Administrator within ten (10) days of receiving written Notice of Revocation. Any person aggrieved by a decision of an administering employee in the application of this Article may appeal the decision to the Zoning Board of Adjustment in accordance with the procedures applicable to appeals of decisions under the City's zoning regulations as provided in [insert section that includes these provisions]. The Zoning Board of Adjustment will hear and decide appeals in accordance with the provisions applicable to appeals under the City's zoning regulations. The Board is not authorized to hear or grant variances to the provisions of this Article.

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9. The Zoning Administrator may remove any banner by written notice pursuant to this ordinance if the Notice of Revocation is not appealed or if, after hearing, the Statement of Decision affirms the Notice of Revocation.
- N. **Billboard** – A sign which has the primary use of advertising the sale of goods, services, or property which are not usually available or present upon the premises upon which such sign is located, or which directs persons to any location not on the premises. Billboards are prohibited within the City.
- O. **Blocking of Public Access Sign** - A sign located in city right of way or public easement unless the City gives its written consent to the encroachment. These signs are otherwise prohibited in the City.
- P. **Business Door Nameplates.** Any sign which identifies the name of a business and may contain the name and address of the business.
 1. *Time* – No sign permit required. Business Door Nameplates may be installed permanently on the building.
 2. *Place* – Business Door Nameplates may only be affixed to the door of each individual business or immediately adjacent thereto.
 3. *Manner* – A Business Door Nameplate may not exceed two (2) square feet in area.
- Q. **Canopy and Awning Signs** - Signs printed on, painted on, or attached onto a canopy or awning
 1. *Time* - A sign permit is required. Canopy and awning signs may not be issued for any structure until they have been approved by the Zoning Administrator.
 2. *Place* – Canopy and awning signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district. Canopy and awning signs are limited to the ground floor.
 3. *Manner* – Canopy and awning signs shall not exceed two-thirds (2/3) of the length of the canopy or awning and shall consist of no more than one line of lettering not exceeding twelve (12) inches in height, and shall be located on the valance of such canopy or awning. In addition to lettering, an identification emblem, insignia, or other similar feature not exceeding an area of four (4) square feet may be printed on, painted on, or attached onto any other portion of the canopy or awning.
- R. **Construction Sign** - A temporary sign used to advertise or display contact information of property owners, opening dates, architects, contractors, engineers, landscape architects, and/or financiers, who are engaged with the design, construction, improvement or financing of a residential subdivision with homes under construction within the subdivision to which it pertains or within a commercial project to which it pertains.
 1. *Time* – No sign permit required. May only be installed during the period of construction.
 2. *Place* – Construction signs shall be installed no closer than fifteen (15') feet to any property line. The minimum distance between a construction sign and another construction sign is two hundred (200') feet.
 3. *Manner* – Construction signs are not to exceed a total of thirty-two (32) square feet. A larger total area may be permitted subject to the approval of the Zoning Administrator for projects on larger sites with a substantial length of street frontage.

S. Custom Decorative Flags, Banners and Pennants - Custom decorative flags, banners, or pennants utilized as an integrated and permanent part of the architectural design of a building or site may be permitted pursuant to the approval of the Planning and Zoning Commission and subject to the following criteria:

1. That the flags, banners or pennants do not contain written material or text, and are not solely for the purpose of calling attention to the sale of goods, services, or property.
2. That the flags, banners or pennants contribute to a theme or architectural harmony or architectural integrity of the project, building, structure, or site.
3. That the flags, banners or pennants do not adversely affect other properties in the neighborhood.
4. That the applicant has provided, or will provide, adequate written assurance that the flags, banners and pennants will be maintained in good repair and condition.

T. Dilapidated Sign - Any surface element, background, or support of any Sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly. Signs that are deteriorated, dilapidated, or unsafe are prohibited within the City.

U. Exempt Signs - The following signs do not require a sign permit. Refer to each sign's definition for specific qualifications. Athletic Fields; Business Door Nameplates; Construction Sign; Governmental Sign; Mailbox Sign; Plaques; Traffic Control Sign; Railroad Sign; Real Estate Sign; Signs on outdoor machines, devices, or equipment; Noncommercial Signs on persons; Unused Signs; Utility or Hazard Signs; Vehicle Sign; Window and Door Sign.

V. Governmental Sign – A Governmental Sign is any sign which is erected or maintained pursuant to and in discharge of any governmental function or a sign which is required by law, ordinance, or governmental regulation; or used to convey health, safety, and welfare information to the public regarding City, County, State, or Federal government requirements and regulations such as water restrictions, burn bans, or other similar information. Governmental signs may also be defined as those located on property owned, leased, or under the control of a governmental entity. No sign permit required.

W. Grand Opening Banner- In addition to the limitations of this ordinance, the owner, and any tenant or occupant of a lot shall be permitted a banner, for a period not to exceed sixty (60) days, whose sole purpose is to announce or advertise the initial opening of a commercial establishment, project, business, or other enterprise.

X. Hanging Signs - A sign that is suspended from the underside of a horizontal plane surface such as a canopy or marquee and is supported by such surface.

1. *Time* – A sign permit is required.
2. *Place* – Hanging signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district. Hanging signs shall be a minimum of eight (8) feet vertical distance from the sidewalk grade and at approximately a ninety (90) degree angle to the face of the building.
3. *Manner* - The maximum area of such signs shall be determined by the following:
 - a. The length of such signs shall not exceed two-thirds (2/3) of the projecting dimension of the awning, canopy, or parapet overhang.

- b. Such signs shall not exceed two (2) feet in height.

Y. Illegally Placed Sign - Sign erected without the permission of the owner, or the owner's agent, of the property on which or over which such sign is located.

Z. Illuminated Sign (High Intensity) - Signs which are illuminated from within or without that:

1. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
2. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.
3. Are located or illuminated so that they obscure or interfere with the entirety of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any Street from obtaining a clear view of approaching vehicles.
4. Illuminated Sign (High Intensity) are prohibited in the City.

AA. Imitation Governmental Sign - Any sign, which, by color, shape, location, or other means, endangers public safety by resembling or conflicting with any traffic control sign or device or which due to its dangerous construction, manner of display, or location is determined by the City to be hazardous and is placed by a non-governmental entity or person. Imitation Governmental Signs are prohibited in the City.

BB. Mailbox Sign – Any noncommercial message placed on a mailbox where the content size does not exceed the size of the mailbox. No sign permit is required.

CC. Mobile Advertisement Sign - An operable or inoperable vehicle with illuminated or non-illuminated panels, other devices, or appendages used to advertise, promote or draw attention to products, services, commercial events, or other similar purpose. No person shall park any vehicle or trailer on public property, or on private property so as to be visible from a public right of way, which vehicle has attached thereto or located thereon any sign or advertising device for the primary purpose of providing advertisements of the sale of goods, services, or property located on the same or nearby property or directing people to a business or commercial activity located on the same or nearby property. This definition is not intended to apply to standard advertising or identification practices as defined as a Vehicle Sign. Mobile Advertisement Signs are prohibited in the City.

DD. Monument Signs A sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to identify tenants or name of a business located within a development or on a separately platted lot.

1. *Time* - A sign permit is required. Monument signs may not be issued for any parcel until they have been approved by the Zoning Administrator.
2. *Place* – Monument signs shall only be permitted in conjunction with a nonresidential use.
 - a. Monument signs shall be setback from property lines by fifteen (15) feet.
 - b. One (1) monument sign per street frontage may be permitted per lot.

- c. A monument sign must not be located within one hundred twenty-five (125) linear feet of another freestanding sign on the same lot.

3. *Manner -*

- a. The maximum sign area permitted shall not be more than one hundred (100) square feet per face for any monument sign. Not more than two (2) sign faces shall be permitted, and such sign faces shall be parallel.
- b. Monument signs shall not exceed six (6) feet in height above existing grade, except where otherwise allowed by this Article. Any base incorporated with the placement of the sign shall be included in any height measurement.
- c. Monument signs shall be placed in a landscaped area of not less than the area of one face of such sign.

EE. Moving Sign - Any sign, sign appendages, or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves, are prohibited in the City.

FF. Multi-tenant Development Sign (MTDS) - A MTDS is a sign that is supported from the grade to the bottom of the sign having, or appearing to have, a solid base or a sign that is supported by poles or supports in or upon the ground independent of any building and is used to identify multiple tenants within a commercial development. A MTDS is permissible on a nonresidential zoned property subject to the following conditions.

1. *Time -* A sign permit is required. A sign permit shall not be issued to erect, install or place a MTDS on a development containing multiple parcels until a Unified Sign Development Plan has been approved or is approved as part of a Planned Development zoning district. A Unified Sign Development Plan is not required for a MTDS on a single parcel development. A sign permit for a MTDS shall not be issued to erect, install, or place a MTDS until a subdivision plat, preliminary site plan, and/or site plan for the property has been approved and after issuance of a building permit for a building within the development.

2. *Place –*

- a. MTDS shall be located within a development that may contain multiple tenants and/or multiple lots under a single development.
- b. A MTDS is permitted on the same lot as a Monument Sign, but the total number of MTDS and Monument Signs located within a development shall generally not exceed the number of lots located within the development. The total number of signs shall not be permitted to exceed to the total number of lots in the development when additional MTDS are permitted on a property.
- c. The minimum front setback for a MTDS is fifteen (15') feet from the property line.
- d. No minimum side setback and rear setbacks are required for a MTDS, but a MTDS shall not be located closer than seventy-five (75') feet to another MTDS or a Monument Sign.

3. *Manner -*

- a. A MTDS shall be constructed of masonry materials and a design consistent with the buildings located on the property.
- b. The maximum area and height of a MTDS shall be based on the classification of the streets adjacent to the development.

Street Classification	Maximum Area	Maximum Height
Local and Collector Streets	Fifteen (15) square feet per tenant up to one hundred twenty (120) square feet inclusive of development identification	Twelve (12') Feet
Arterials	Twenty-five (25) square feet per tenant up to three hundred (300) square feet inclusive of development identification	Twenty (20') Feet
Limited Access Highways	Forty (40) square feet per tenant up to six hundred (600) square feet inclusive of development identification	Forty (40') Feet

- c. Architectural embellishments for MTDS are encouraged. Exceptions in maximum height and area may be considered through the review of the Unified Sign Development Plan.
- d. One MTDS is permitted per street frontage of the development. One additional MTDS is permitted along a street for each additional seven hundred and fifty (750') linear feet, or portion thereof, of street frontage that exceeds seven hundred and fifty (750') linear feet of street frontage.
- e. Electronic variable messages are generally not permitted within MTDS but may be considered through the review of the Unified Sign Development Plan.

GG. Noncommercial Flags - A noncommercial flag may be on any one premises if the flags do not exceed the total area regulations applicable to freestanding signs for that premises. No sign permit required.

HH. Non-Compliant Sign - Any sign that does not comply with the standards of this Article or other City ordinances. Non-compliant signs are prohibited in the City.

II. Non-Railroad Related Sign - A freestanding sign located on any railroad right of way that is not used for or related to railroad operations. Non-Railroad Related Signs are prohibited in the City.

JJ. Plaques - Plaques of recognized historical societies and organizations. No sign permit is required if the signs are less than fifteen (15) square feet in total area.

KK. Portable Sign - Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure, or is located on the ground. Portable Signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents, sidewalk signs, or other portable structures, A-frame signs, T-

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shaped signs, airborne devices, or other devices used for temporary display or advertising. Portable Signs are prohibited in the City except as specifically allowed by this Ordinance.

LL. Traffic Control Sign - Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs. No sign permit required.

MM. Prohibited Signs - It is unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following signs for advertising purposes. These signs are specifically defined within this Article. Abandoned Sign; Audible Sign; Awning Sign (Internally Illuminated); Bandit Signs; Billboards; Blocking of Public Access Signs; Dilapidated Sign; Illegally Placed Sign; Illuminated Sign (High Intensity); Imitation Governmental Sign; Mobile Advertisement Sign; Non-Compliant Sign; Non-Railroad Related Sign; Portable Sign; Roof Sign; and signs which interfere with Sight Visibility.

NN. Projecting Signs - A sign projecting out from and attached to the exterior wall of any building and forming an angle of thirty (30) degrees or more to said wall.

1. *Time* – A sign permit is required.
2. *Place* - Projecting signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district. Projecting signs shall be a minimum of eight (8) feet vertical distance from the sidewalk grade. No projecting sign shall extend above the adjacent eave or parapet line of the roof.
3. *Manner* - The maximum sign area per face shall not exceed one (1) square foot for each linear foot of building frontage.

OO. Pylon Sign - A sign erected on a vertical framework consisting of two or more uprights supported by the ground independent of support from any building.

1. *Time* – A Sign permit is required. A Sign permit shall not be issued to erect, install or place a Pylon Sign on a property until a site plan and a sign visibility study has been approved for development of the property and after the issuance of a building permit for a building on the property.
2. *Place* - Pylon Signs are permitted in the IC zoning district. The minimum front setback for a Pylon Sign is fifteen (15') feet from the property line. The minimum side and rear setback from the property line shall be equal to ten (10) percent of the lot width. Pylon Signs shall not be placed within any designated or dedicated public utility easements without the approval of an Easement Use Agreement from the appropriate utility. Pylon Signs shall not be placed within two hundred fifty feet of another Pylon Sign.
3. *Manner* – The maximum area and height of a Pylon Sign shall not exceed three hundred (300) square feet in area or exceed twenty-five (25') feet in height. The supporting structures of any Pylon Sign shall be constructed of approved masonry materials.

PP. Railroad Sign - Any sign on railroad property placed or maintained in reference to the operation of the railroad. No sign permit required.

QQ. Residential Wall Sign - An un-illuminated sign on the wall of a residence.

1. *Time* – No sign permit is required.
2. *Place* – Allowed in the ARR, SF and MH zoning districts.

3. *Manner* – Residential Wall Signs shall be un-illuminated and shall not exceed one (1) square foot in area.

RR. Real Estate Sign - An on-site, temporary stake sign used to advertise a home or residential property for sale or lease. A real estate sign is used to advertise the name of the owner or realtor, telephone number, property information, and/or website address

1. *Time* - No sign permit required. A real estate sign may be erected 24 hours each and every day.
2. *Place* - A real estate sign shall be erected only on the lot on which the home or property is for sale or lease. A real estate shall be erected no closer than ten (10') feet from the street pavement.
3. *Manner* - A real estate sign shall not exceed six (6) square feet in area, except where more than one unit of a condominium is offered for sale, rent or lease, the signs may be combined in a single supporting structure, and the sign area shall not exceed three (3) square feet per unit offered. A maximum of one real estate sign shall be erected on a lot.

SS. Roof Sign - Signs located on a roof or attached to a building if it projects above the highest point of the facade or parapet. Roof Signs are prohibited in the City.

TT. Sight Visibility - Any sign that violates any sight visibility regulations of the City. These signs are prohibited in the City.

UU. Signs for Permitted Uses within Residential Zones (Un-illuminated) – A sign for permitted non-residential uses within certain residential zones including ARR, SF, D, MF, and MH.

1. *Time* – A sign permit is required.
2. *Place* – Allowed in the ARR, SF, D, MF, an MH zoning districts. Nameplate signs for commercial businesses shall be setback ten (10) feet from the property line. Such signs shall not be placed within twenty (20) feet of drives providing ingress and egress to the property. These signs shall not be placed higher than twenty-five (25) feet above grade.
3. *Manner* – These signs shall not exceed thirty (30) square feet in area.

VV. Signs on outdoor machines, devices, and equipment - Signs located on outdoor machines, devices or equipment which display the trademark, trade name, manufacturer, cost, or operating or service instructions or similar information but do not advertise the business where located. This exemption includes signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automotive vacuum cleaners, amusement rides, and similar machines, devices, or equipment. No sign permit required.

WW. Signs on persons - Noncommercial hand-held signs on persons. No sign permit required. Commercial hand-held signs are prohibited.

XX. Stake Sign - A temporary sign with a base/stake commonly made of metal, wood or other similar material approved by the Zoning Administrator with an end for driving into the ground.

1. *Time* – A stake sign may only be displayed between the weekend hours of 8:00 a.m. on Friday to 10:00 a.m. on the following Monday. A stake sign that advertises a particular commercial event must be removed within three (3) days after the conclusion of the event by the owner of the premises on which it is located.

2. *Place* – A stake sign may not be located within the right-of-way of a public street or within a railroad right-of-way. On any City property that is used as an election polling place, a person may place a stake sign on the City property in an area designated by the City Manager, beginning on the eighteenth (18th) day prior to the election date and continuing to the end of the day following the election, if the stake sign meets all the regulations of this Section and contains only noncommercial messages. The City may remove and dispose of any sign that does not comply with these regulations.
3. *Manner* – A stake sign may not have a total area in excess of nine (9) square feet or a height in excess of four (4) feet.

YY. Temporary Freestanding Sign (Type 1) – A temporary on-premise sign erected for the purposes of advertising a business or property on that site.

1. *Time* - No permit is required to erect and maintain one freestanding sign on any one premises for a maximum of seventy-five (75) days in any one (1) calendar year.
2. *Place* – Setback fifteen (15) feet from the property line and is not located within a sight visibility area.
3. *Manner* – Temporary freestanding signs (Type 1) shall have a height of ten (10) feet or less; have a total area of thirty-two (32) square feet or less and is unlighted. Temporary freestanding signs (Type 1) shall not contain off-premise advertising.
4. **Temporary Freestanding Sign (Type 2)** – A temporary on-premise sign.
5. *Time* – A sign permit is required. The permit shall be valid for one (1) year and renewable for one (1) additional year, one (1) temporary freestanding sign on any one premises. The sign must be in compliance with the place and manner sections of this definition.
6. *Place* – Setback fifteen (15) feet from the property line and is not located within a sight visibility area.
7. *Manner* – Temporary freestanding signs (Type 2) shall be constructed as follows:
 - a. Is unlighted;
 - b. The face is fabricated of one-half (1/2) inch thick medium density overlay plywood of yellow treated pine mounted on both sides of a frame with dimensions of four (4) feet by four (4) feet where no part of the frame or posts extend beyond the sign faces at the sides or top of the sign;
 - c. The plywood face of the sign is four (4) feet in width and eight (8) feet in height and extends down to within six (6) inches of the ground;
 - d. The sign is anchored by two (2) four (4) inch by four (4) inch yellow pine treated posts anchored in sand filled holes extending down at least two feet in the ground; and
 - e. The plywood face is securely held to the frame by galvanized nails or screws installed with the heads flush to the surface; all seams are tight; all holes are filled and sanded smooth; and all surfaces are coated with primer and painted with good quality exterior grade semi-gloss paint.

ZZ. Temporary Identification Banner - In addition to the limitations of this ordinance any owner, tenant, or occupant of a nonresidential lot not otherwise having a permitted permanent sign shall be entitled to a banner for a period not to exceed sixty (60) days to direct attention to the name of the owner or occupant of the commercial premise upon which the banner is placed, or identifying the premises of a commercial establishment; or advertising the sale of goods, services, or property rendered on the premises upon which the banner is placed pending the installation of a permanent sign. The banner shall be removed within sixty (60) days or upon placement of a permitted permanent sign.

AAA. Temporary Sign - Any sign with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this Article as Balloon Sign; Banners; Grand Opening Banner; Temporary Freestanding Sign (Types 1 and 2); Temporary Identification Banner; Stake Sign; and Wind Device Sign.

BBB. Unified Sign Development Plan – A Unified Sign Development Plan is required to be prepared for requests for innovative or unusual signs which may require a variance to this Article. A Unified Sign Development Plan shall contain the following information:

1. Elevations of the signs illustrating the materials of construction, colors, lighting, fonts of letters, and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building;
2. Elevations depicting the size of the signs in relation to the size of the buildings within the development;
3. A plan drawn to the site plan as it currently exists or may be amended, of the site illustrating the location of existing and proposed signs on the property and, if required by City staff, on adjacent properties;
4. Other information to illustrate the consistency and uniformity of the signs; and
5. For nonresidential developments, the Unified Development Sign Plan shall be submitted to the City for review with a site plan of the property.
6. The Unified Development Sign Plan will be reviewed by the Zoning Administrator and considered for approval by the City Council, after recommendation by the Planning and Zoning Commission. The City Council may approve or deny the Unified Development Sign Plan. The decision the City Council is discretionary. The City Council's decision is final.

CCC. Unused Signs - Signs being manufactured or transported and not used for advertising. No sign permit required.

DDD. Utility and Hazard Signs - Signs marking utility or underground communication or transmission lines and hazards. No sign permit is required.

EEE. Vehicle Sign - A sign advertising the sale of goods, services, or property attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; however, any vehicle, whether operable or not, shall not be parked and/or decorated where the intent is to primarily use the vehicle as advertising. Vehicle signs shall exclude noncommercial signs, bumper stickers, and state required registration or inspection stickers/identifications.

1. *Time* - No sign permit required. Vehicle signs are allowed 24 hours each and every continuing day.

2. *Place* - Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right-of-way or placed in a manner that the vehicle sign is readily visible from an adjacent right-of-way. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the vehicle sign is readily visible from an adjacent public right-of-way are prohibited, with the exception that one vehicle may contain a "for sale" sign parked or placed at an occupied single-family, two-family, townhome, or multifamily dwelling unit is permitted.
3. *Manner*. Vehicle signs are permitted provided that:
 - a. The primary purpose of the sign is not for display of the sign;
 - b. The signs are painted upon or applied directly to an integral part of the vehicle;
 - c. The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the business to which such signs relates;
 - d. The vehicle is not used as a static display, advertising a product, service, or property not utilized as storage, shelter, or distribution points for commercial products or services for the public.

FFF. Wall Signs - Any sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall. A Wall Sign is a sign erected parallel to and extending not more than sixteen (16") inches from the facade of any building to which it is attached, supported throughout its entire length by the building face. Wall Signs are permissible subject to the following conditions and upon issuance of a sign permit.

1. *Time* – A sign permit is required. Wall signs may not be issued for any structure until they have been approved by the Zoning Administrator.
2. *Place* – Wall signs shall only be permitted in conjunction with a nonresidential use in a nonresidential zoning district.
3. *Manner* – Wall signs shall conform to the following standards:
 - a. Front wall signs shall be flush against the face of the building and not projecting more than sixteen (16) inches therefrom. Sign area shall not exceed fifteen (15) percent of the area of the front wall of the building.
 - b. Rear wall signs flush against the rear wall of a building and not projecting more than sixteen (16) inches therefrom shall only be permitted if the rear wall of the building faces a street, parking area, or pedestrian area and shall not exceed ten (10) percent of said rear wall in total sign area or three hundred (300) square feet, whichever is less.
 - c. Side wall signs flush against the side wall of the building and not projecting more than sixteen (16) inches therefrom may be permitted a total sign area not to exceed seven and one half (7.5%) percent of said side wall, except a total sign area up to fifteen (15) percent of the area of the wall may be permitted where the side wall faces a street.
 - d. For multi-tenant buildings, the total area regulations apply to that portion of the building facade leased to each tenant.

- e. A wall sign may not extend above the highest point of the building to which it is attached.

GGG. Wind Device Sign – Any devices made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or moves freely in the wind, with or without a frame or other structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale, or product. Wind device signs may not extend beyond the property lines of the premises where located, over any public highway, street or sidewalk, or to a greater height than the maximum height allowed for a structure on the premises.

HHH. Windows and Door Sign - Signs painted on or placed on and supported by the glass surfaces of windows or doors, if not illuminated with the intent of being viewed from the public street. No sign permit required.

Section 12.5 Manner of Measurement

- A. The size of a sign is determined by its total area. For freestanding signs, the total area includes the entire structure on which all signs are placed or mounted.
- B. The setback is measured perpendicularly from the curb line to the closest point of the sign.
- C. The height of a sign is measured from the natural ground level at the base of the sign to the highest point of the sign.
- D. The width of a sign is measured along a line drawn from the outermost edges of the sign, parallel to the ground.
- E. Directional signs or incidental signs are signs such as "entrance" or "exit" that give information but do not contain advertisements. They require a sign permit but do not count toward the size requirements of this Section.
- F. Informational signs are signs that give information of a non-commercial or advertising nature such as historic markers, highway identification markers, or traffic signs within the parking area of a building. They require a sign permit but do not count toward the size requirements of this document.

Section 12.6 Nonconforming Signs

- A. Nonconforming signs are allowed if the sign was erected in compliance with the regulations in effect prior to the effective date of this ordinance or was lawfully in place at the time the sign was annexed into the City.
- B. The owner of a nonconforming sign must register the sign with the City by completing a form provided for that purpose by the City.
- C. A freestanding sign becomes nonconforming if not removed within thirty (30) days of the date the sign becomes an abandoned sign. Within sixty (60) days of the date a freestanding sign becomes an abandoned sign, the message portion of the sign must be painted over, covered, removed, or modified so that the remaining sign structure is left visually unobtrusive, presents a solid facade, and does not appear to be in disrepair or dismantled, as approved or required by the City's employee administering the regulations of this Article.
- D. Any nonconforming sign, including its supporting structure, which is destroyed, damaged, dilapidated or deteriorated must not be replaced, repaired or renovated, in whole or in part, if

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such replacement, repair or renovation would require an expenditure of monies in excess of sixty (60) percent of the reproduction cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated or deteriorated, unless such alteration or repair makes the sign conforming. A person may not repair, renovate or alter a nonconforming sign without first receiving a sign permit. A permit is not required to repaint a sign.

- E. The Zoning Administrator may, whenever deemed necessary to reasonably determine the applicability of this Article, require the owner of the nonconforming sign to submit two or more independent estimates from established sign companies of the cost of replacing, repairing or renovating, in whole or in part, the existing nonconforming sign and two or more independent estimates from established sign companies of the reproduction cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated or deteriorated.
- F. Any part of a sign or the supporting structure of a sign that is a nonconforming use may be repaired or renovated only by the use of the types of materials and dimensions of materials that are the same as the parts of the sign or supporting structure being repaired or renovated.

Article 13 - Definitions

Section 13.1 Purpose

For the purpose of this Article, those certain words and terms defined shall be defined and interpreted as follows. All other words and terms not expressly defined shall have their general meaning, as interpreted by the Zoning Administrator.

Section 13.2 General Definitions

Accessory Building or Structure: A detached structure on the same lot with, or on an adjacent lot if permitted by this Ordinance, and of a size and nature customarily incidental and subordinate to, the principal structure.

Accessory Use: A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use.

Adjacent: Touching, adjoining, contiguous or abutting.

Agriculture: The production, raising, breeding or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horse or goats, game animals, exotics, fish and any mutations or hybrids, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; nurseries; florals; ornamental and greenhouse products; or lands devoted to a conservation easement, soil conservation or forestry management program. This does not include hunting and the commercial slaughter of poultry, livestock or other animals.

Alley: Land dedicated to public use and devoted to secondary access to lots.

Alterations: Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns or beams or girders.

Attached Carports: Carports constructed as part of the primary structure, tied into the primary roofline. Attached carports shall not mean carports tied into the eave of the primary structure.

Backage Road: A local road, typically running parallel to a route with a higher functional classification, used to provide alternative access to properties.

Board: The Zoning Board of Adjustment of Lorena.

Buffer yard: A buffer yard is an area of land, together with a specified amount of planting thereon, and any structures that may be required between land uses to eliminate or minimize conflicts between adjacent uses.

Building: Any permanent structure designed, used or intended to be used for human occupancy.

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

Caliper: A horticultural method of measuring the diameter of nursery stock grown for the purpose of planting in another location. For trees less than four (4) inches in diameter, the measurement is taken at six (6) inches above ground level. For trees four (4) inches in diameter and up to and including twelve inches in diameter, the caliper measurement is taken twelve inches above ground level. For trees greater than twelve inches in diameter, the trunk is measured four and a half (4 ½) feet from the ground at breast height (DBH).

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

Commercial Vehicle: Any motor vehicle or trailer typically used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a sign identifying a business, industry office of institution or a principal product or service of such.

Commission: Planning and Zoning Commission of Lorena.

Comprehensive Plan: A periodically updated document that unifies all elements and aspects of City planning. This Plan serves as a policy guide to Zoning and Subdivision decisions reflecting the best judgment of the staff, Planning and Zoning Commission and the City Council.

Conditional Use Permit: A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Ordinance.

Conservation Easement: A non-possessory interest held by a governmental body empowered to hold an interest in real property under the laws of this state of the United States; other qualified entity, pursuant to Section 170(h) of the Internal Revenue Code, as amended; or a charitable corporation, charitable association, or charitable trust in real property that imposes limitations or affirmative obligations designed to retain or protect property or assure its availability for agricultural, forest, recreational or open space use.

Council: City Council of Lorena.

Coverage, Lot: Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot coverage.

Density: The quantity of an item per unit area; for example, the number of dwelling units per acre.

District: A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

Dwelling: A structure or portion which is designed or used exclusively for residential purposes, including single-family, two-family, attached dwellings, multifamily dwellings and manufactured homes.

Extraterritorial Jurisdiction: The unincorporated area outside of and contiguous to the corporate boundaries of the city as defined and established in accordance with Chapter 42 of the Texas Local Government Code.

Fabricating: The process of assembling using standardized parts.

Family: One or more persons related by blood, marriage or adoption occupying an individual dwelling unit. No single dwelling unit shall have more than four (4) unrelated individuals residing therein.

Floor Area Ratio: The ratio which is the result of dividing the total floor area of a structure by the area of the lot on which it is located. For example, a structure with a floor area of 20,000 square feet, located on a lot of 40,000 square feet has a floor area ratio (FAR) of 0.5.

Garage: An accessory building or a portion of a main building for storage of motor vehicles or parking as may be required in connection with the permitted use of the main building.

Ground Cover: Low growing, dense spreading plants.

Interior Landscape Area: The area of the lot remaining after subtracting out the area included in the required buffer yard.

Landscape Architect: A person registered as a Landscape Architect in the State of Texas pursuant to state law.

Landscape Area: An area, which is covered by living grass, ground cover, or other plant materials.

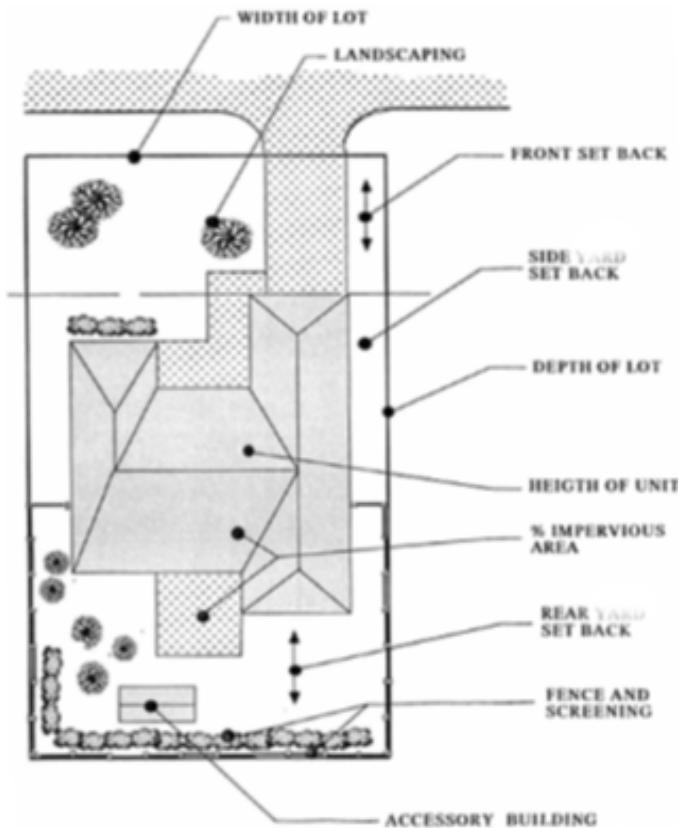
Landscaping: A planted area containing trees, shrubs, and groundcovers providing a transition between structures on a site and the property line, adjacent structures and/or street rights-of-way.

Lawn Grasses: Thin bladed surface growing plants typically planted from seed, sprigs or plugs.

Licensed Irrigator: A person duly licensed by the State of Texas to design and install irrigation systems.

Loading and unloading space, off-street: An open, hard-surfaced area of land other than street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

Lot: A designated parcel, tract or area of land established by a plat or otherwise permitted by law to be used, developed or built upon as a unit.



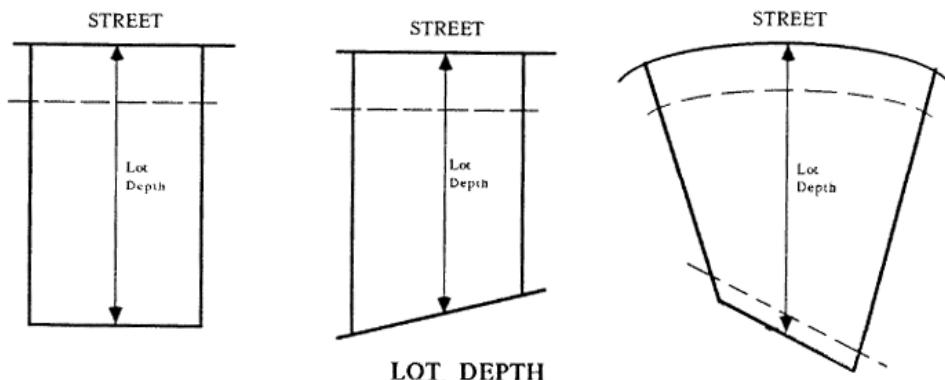
Lot Area: The net area of a lot exclusive of any portion of streets, alleys or right of way.

Lot, Corner: a lot abutting upon two or more streets at their intersection.

Lot Coverage: Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot coverage.

Lot Depth: The average horizontal distance between the front and rear lot lines.

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Lot, Interior: Any lot other than a corner lot.

Lot Line: A boundary of a lot.

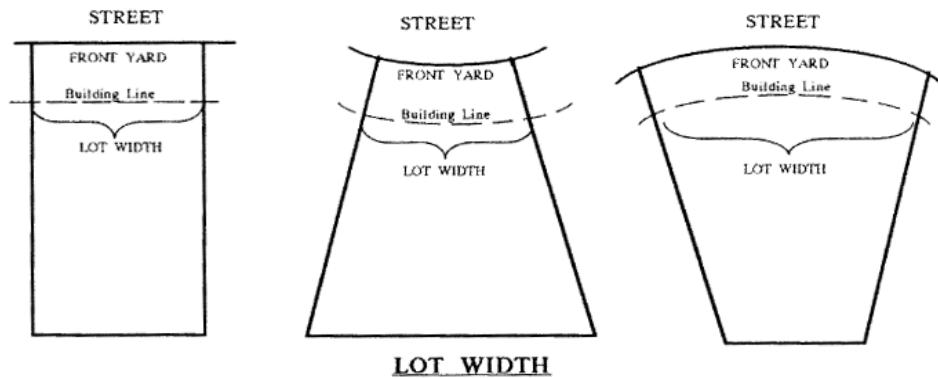
Lot Line, Front: That lot line adjacent to street right of way. In the case of a corner lot, only one lot line shall be designated as the front lot line.

Lot Line, Rear: That lot line opposite the front lot line of said lot not intersecting with the front lot line.

Lot Line, Side: Any lot line which intersects a front lot line of said lot.

Lot of Record: A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Clerk.

Lot Width: The straight-line distance between the side lot lines, measured at the two points where the front building line intersects the side lot lines.



Nonconforming Lot: A lot that does not conform to the lot area, width, or depth requirements of the zoning district in which it is located.

Nonconforming Structure: Any existing structure that was erected according to all applicable City ordinances at the time, but which does not now comply with all the regulations applicable to the district in which the structure is located.

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Nonconforming Use: Generally, the use of an existing property or structure after the effective date of this Ordinance, which does not comply with the use regulations applicable to the district in which the property is located.

Off-Street Parking: An enclosed or unenclosed area, not on a public Street or Alley, established for or used for the parking of a motor vehicle.

Outdoor Storage: The storage of large quantities of materials or products associated with an industry or business. Such storage requires a structure designed for and/or devoted to the containment of the item, such as oil storage tank or grain elevator.

Parking lot: An area not within a building designed and used for the storage of motor vehicles.

Parking space: Usable space within a public or private parking area, or a building of sufficient size and area, exclusive of access drives, aisles or ramps, for the storage of one properly spaced passenger automobile or commercial vehicle.

Permeable Pavement: A paving material that permits water penetration.

Permitted Use: That use of a lot which is among the uses allowed as a matter of right, and subject to the restrictions of the zoning district.

Recreation Vehicle: A motorized vehicle designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Right of way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another conditional use.

R.O.W. Parkway: That area within the public right of way (R.O.W.) between the back of curb or edge of pavement and the right of way line.

Screening: The establishment of an opaque fence or barrier for the purpose of obscuring from sight a use.

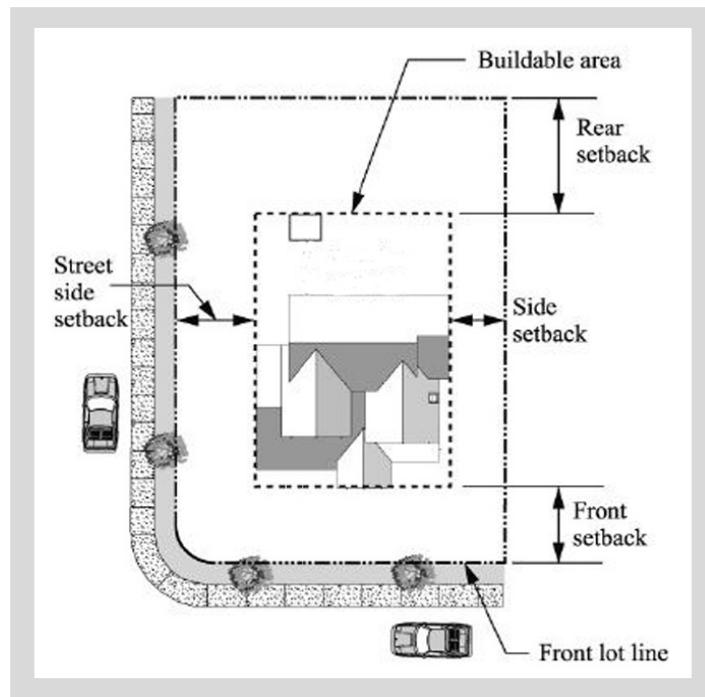
Seasonal Color: Landscaping plants bearing annual and/or perennial flowers, intended to maintain year-round color accents.

Setback: The minimum distance between by which any building or structure must be separated from a street right of way or lot line.

Setback, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

Setback, Rear: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building.

Setback, Side: An open space extending from the required front setback to the required rear setback, the width of which is the minimum horizontal distance between the side lot line and the side building line.

**Setback Illustration**

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

Site Plan Review: The comprehensive evaluation and compliance of a development and its impact on neighboring properties and the community as a whole, from the standpoint of: land use, site design, landscape design, architecture, lighting, signs, health and safety, other adopted standards and criteria of this Ordinance, all other adopted codes and ordinances of the City of Lorena.

Story: That portion of a structure included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it; provided, that a room, suite or story with more than one-half of its height below grade shall not be considered a story for the purposes of height regulations.

Street: A public or private thoroughfare right of way which affords the principle means of access to abutting property. The term "street" shall include avenue, drive, circle, road, boulevard, highway or any other similar term.

Structure: Any building which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, chattels, or movable property of any kind.

Subdivision: The division or re-division of land into two (2) or more lots, tracts, sites or parcels.

Temporary Storage Containers: A container designed and rented or leased for the temporary storage of commercial, industrial, or residential goods. The container does not contain wheels for movement or a foundation. This definition does not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

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Under story/Accent Trees: Small evergreen or deciduous perennial woody plants which would grow below the top canopy layer of the forest and typically has unique branching, textural or seasonal color characteristics.

Use: The physical occupation type of a structure as interpreted by the Zoning Administrator or their designee.

Used asphalt: Used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous material.

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Board of Adjustment when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Zoning: The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

Zoning Administrator: The person designated by the City Manager to receive and process plats, site plans, amendments to this Ordinance, the zoning map, or the Comprehensive Plan.

Zoning Map: The Official Zoning Map of the City of Lorena together with all amendments thereto.

Section 13.3 Land Use Definitions

13.3.1 RESIDENTIAL USES

Accessory Dwelling: A detached self-contained housing unit incorporated within or accessory to a single-family dwelling complete with its own sleeping, cooking, sanitary facilities, and a separate means of egress.

Assisted Living (Including Managed Care): An establishment that furnishes food and shelter to four or more persons who are unrelated to the proprietor and provides personal care services.

Dwelling Unit: A building or portion of a building that is arranged, occupied or intended to be occupied as living quarters and that includes facilities for food preparation and sleeping.

Dwelling - Condominium: The use of a site for attached or detached condominiums, as defined in the Texas Property Code.

Dwelling – Multiple Family (Apartments): A building that contains more than two living units.

Dwelling – Single Family (Attached): A dwelling containing only one living unit which may be sold by fee simple but is attached by common wall construction to one or more adjacent units.

Dwelling – Single Family (Detached): A dwelling containing only one living unit.

Dwelling – Two Family (Duplex): A detached dwelling designed with a common vertical wall between units and to be occupied by two families living independently of each other.

Group Home: A building that provides food and shelter, personal guidance, care, habitation services and supervision to persons with disabilities. It must be a community based residential home operated by the Texas Department of Mental Health and Mental Retardation or a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, or an entity subject to the Texas Non-Profit Corporation Act, or an entity certified by the Texas Department of Human Services as a provider under the

ZONING ORDINANCE

medical assistance program servicing persons in intermediate care facilities for persons with mental retardation.

Live/Work Units: A live/work unit is an accessory residential unit associated with a primary commercial use. Live/work units are only allowed associated with commercial uses within the Old Town Zoning District.

Manufactured Home (HUD): A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. This term does not include a recreational vehicle.

Manufactured Home Subdivision: A tract of land that is subdivided and platted for individual ownership of HUD-Code manufactured homes.

Modular Home: Factory-built housing designed for long-term residential use, and which is transported to a site and installed as a permanent structure that is not designed to be moved again after it is installed on its permanent foundation. Industrialized or modular homes are built to the same building codes as site-built homes in the State of Texas.

Recreational Vehicle Park: A parcel of land reserved for the location of recreational vehicles for recreational, transient lodging including buildings and sites set aside for related recreational purposes.

13.3.2 INSTITUTIONAL AND PUBLIC USES

Airport or Landing Field: A publicly owned place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

Athletic Stadium or Field (Public): A public field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

Cemetery: Property used for the interring of the dead.

Child Care Center, Nursery or Kindergarten: A facility that provides, for less than twenty-four (24) hours a day, whether for profit or not, care training, education, custody, treatment or supervision for more than six (6) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility.

Church: A structure owned and/or used by a religious organization or congregation and providing regular organized religious worship, religious training, or education of its members; rectory or convent; meeting hall, offices for administration of the institution. A house of worship may include the following accessory use in addition to the principal structure; dwelling units for religious organization personnel located within an accessory structure(s).

Civic Club/ Fraternal Organization Lodge: An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

Community Building: A building dedicated to social or recreational activities, serving the city or neighborhood and owned and operated by the City of Lorena, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the city.

Detention Center: A public facility operated by County, State or Federal government, or by a commercial entity under contract to one of these governments utilized for the incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum and maximum-security prisons for adults as well as juvenile detention centers for minors

Electrical Energy Generating Plant: Facility run by either a public or private company which generates and distributes electrical energy.

Electrical Substation: An installation at which **electricity** is received from one or more power stations for conversion from AC to DC, reducing the voltage, or switching before distribution by a low-tension network

Electrical Transmission Line: Wires or cables either buried underground or attached to poles/tower structures which transmit electrical energy from generation plants.

Fire Station: Public facility housing emergency response equipment and personnel.

Gas Line and Regulation Station: Facility designed to provide distribution and measurement of natural gas as a utility.

Library: Structure designed for the public distribution of information including books, magazines, and internet access and research documents.

Library (Private): Collection of documents/books or information for research purposes owned by a private entity.

Playground: an outdoor area provided for children to play on, especially at a school or public park.

Public Building: A building owned and operated by a federal, state or municipal agency. Public buildings include, but are not limited to, fire and police facilities, public works facilities, city or county buildings, structures or facilities.

Public Park: A public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the City, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.

Sewage Pumping Station: Pumping stations in **sewage** collection systems, also called lift stations, are designed to handle raw sewage that is fed from underground gravity pipelines.

Sewage Treatment Plant: Facility that contains the process of removing contaminants from wastewater, primarily from household sewage. Physical, chemical, and biological processes are used to remove contaminants and produce treated wastewater (or treated **effluent**) that is safer for the environment.

Telephone Exchange, Switching Rely or Transmitting Station: Facility used in the housing of equipment which supports the connection and communication of a telephone system.

Utility Line: Any utility, either public or franchise which may include water, sewage, storm sewer, gas, cable, phone or electricity.

Utility Shops or Storage Yards or Buildings: Structures and storage yards in support of the maintenance and operation of utilities either public or franchise.

Water Reservoir, Well or Pumping Station: Open water or underground facility used in the collection of raw water for treatment for public consumption.

Water Standpipe or Elevated Water Storage: Structures designed for the access or storage of treated water.

Water Treatment Plant: Facility that contains the process of removing contaminants from raw water in order to create potable water for public consumption.

13.3.3 EDUCATIONAL

College, University: An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study leading to a recognized degree or advanced degree. Including junior and senior colleges, universities, conservatories and seminaries.

Schools, Public and Private: A facility that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

Schools, Business or Trade: Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade and/or an occupation.

13.3.4 AUTOMOTIVE AND TRANSPORTATION

Auto Parts, and Accessory Sales: The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Automobile and Motorcycle Sales, New: The primary sale of new automobiles in a structure or an open lot with secondary sales of used automobiles.

Automobile and Motorcycles Sales, Used: Retail sales or offering for sale of used automobiles or light load vehicles.

Automobile Repair, Minor: General 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;

Automobile Repair, Major: Normal servicing of air-conditioning systems, reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing.

Automobile Wrecking Yard: Any lot 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.

Bus Station or Terminal: Facility with commercial bus stops or transfers for passenger transportation.

Car Wash: An area of land and/or structure with machine or hand operated facilities used principally for cleaning, washing, polishing or waxing of passenger and recreational vehicles or other light duty motor vehicles.

Garage, public: A building or portion thereof, except a private garage, used or designed to be used for the storage of motor vehicles.

Helipad: An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

Motor Freight Terminal: Any premises where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. This definition shall also include facilities for the temporary storage of loads and cargo prior to shipment.

Railroad Freight Terminal: An area and building where cargo is stored and where railcars, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

Railroad Yard: Area used for the storage and switching of railroad cars.

Recreational Vehicle Sales: The primary sale of new or used recreational vehicles or travel trailers in a structure or an open lot.

Tire Dealer: Automobile service exclusively for the sale and installation of new or used tires.

Truck or Bus Washing: A Facility for the washing of vehicles having a Manufacturer's Recommended Gross Vehicle Weight of greater than 11,000 pounds.

Wrecker Service: Vehicle recovery service using service trucks to move the vehicles. May include a storage area for recovered vehicles.

13.3.5 OFFICE AND PROFESSIONAL

Research Facilities: A facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

Bank (with or without drive through): An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds; to include automated teller machines and check cashing and loan service agencies

Office, General or Professional: A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, secretarial, telephone answering, business offices, architectural, engineering, attorneys, and other business services, but excluding medical offices.

Telemarketing Office: Room or rooms, which hold a phone, bank for employees to direct market goods and services by telephone.

Travel Agency: Room or rooms in which sales and services are provided to customers seeking travel related goods and transportation.

13.3.6 RETAIL, SERVICES AND COMMERCIAL

Agriculture: The production, raising, breeding, or maintenance of plants and animals, including but not limited to: forage and sod crops; grains and seed crops; dairy animals, and dairy products; poultry and poultry products; livestock; including beef cattle, sheep, horse, or goats, game animals, exotics, fish, and any mutations or hybrids, including the breeding and grazing of any or all such species; bees and apiary products; trees and forest products; fruits of any kind; vegetables; florals; or lands devoted to a conservation easement, soil conservations or forestry management program. This does not include hunting or the commercial slaughtering of any livestock, poultry, or other animals.

Animal Clinic/Hospital: An establishment, where animals and pets are admitted for examination and medical treatment.

Animal Kennel: An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

Antique Shop: Retail establishment which features the sale and acquisition of vintage and collectible used merchandise. This store is not a thrift store.

Art Gallery or Museum: A commercial or non-commercial establishment for preserving and exhibiting to the public artistic, historical, scientific, natural or man-made objects of interest. The objects may be for sale, loan and/or display.

Arts and Crafts Store: Retail establishment for the sale of materials, supplies and tools for homemade crafts and designs.

Bakery: A place for baking and/or selling baked goods.

Bakery (Wholesale): Commercial bakery in dealing with mass sales to other commercial entities.

Bar or Tavern: An establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant as defined in this Section.

Barber or Beauty Shop: Retail establishment providing licensed services for hair or cosmetology.

Bed and Breakfast: A detached dwelling in which rooms are rented to transient guest on an overnight basis. No more than five (5) bedrooms may be rented on an overnight basis and no more than ten (10) guests are allowed at one time.

Bookstore (Not Adult): Retail establishment for the sale of books.

Building Materials Sales: Retail establishment that sells building materials including lumber and home décor, electrical and plumbing supplies. May have outdoor retail areas.

Catering Service (Only when associated with an on-premise restaurant) the business of providing food service at a remote site or a site such as a hotel, hospital, pub, aircraft, cruise ship, park, filming site or studio, entertainment site, or event venue.

Contractor's Shop: enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.

Contractor's Storage Yard: an exterior storage area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the contractor.

Convenience Store, w/out Fuel Sales: Any premises offering for sale prepackaged food products, household items and other convenience goods commonly associated with the same. Gasoline and/or other petroleum products are not permitted.

Convenience Store, with Fuel Sales: Any premises where gasoline and/or other petroleum products are sold in connection with the principal use, a convenience store with prepackaged food products, household items and other goods commonly associated with the same. Fuel dispensers or a fuel island contain two (2) pumps.

Day Spa or Salon: A commercial establishment, which offers customers multiple services such as personal hygiene, personal grooming including nails, hair, and facials, relaxation therapy, hydrotherapy, and licensed massage therapy.

Department Store: Retail establishment stocking many varieties of goods in different departments.

Discount Store: Retail store specializing in off market or low cost/low profit sales of items.

Drug Store: Retail store specializing in pharmacy or other health related items.

Farmers Market: a food market at which local farmers sell fruit and vegetables and often meat, cheese, and bakery products directly to consumers

Flea Market: A location at which booths or similar spaces are rented or otherwise made available temporarily to two or more persons and at which the persons offer tangible personal property for sale.

Florist Shop: Retail establishment encompasses flower care and handling, floral design, or flower arranging, merchandising, and display and flower delivery.

Furniture, Carpet or Appliance Store: Retail location for the sale of home furnishings, flooring or electrical appliances.

Grocery/Supermarket: An establishment for the display, preparation and retail sale of foods and associated items.

Home Improvement Center: Retail store that combines the functions of a hardware store with those of a lumberyard

Hotel: A building designed for lodging that has internal corridors that lead to individual rooms and is offered for compensation with or without food.

Hotel Extended Stay: A building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged with or without meals for compensation for periods of one week or more

Greenhouse, Commercial: A facility for the growing and distribution of plant materials.

Laundry or Cleaners: a commercial laundering establishment which leans clothing, carpeting, drapes and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

Liquor Store: Retail establishment in the sale of alcoholic beverages for home consumption.

Livestock: The raising and sale of agricultural animals.

Locksmith: Services provided to businesses or customers in the making of keys or locksmith services.

Manufactured Home Sales: Retail lot for the sale of HUD compliant manufactured homes for installation on separate properties.

Motel: a building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged with or without meals for compensation with exterior access to rooms. Motels are prohibited in Lorena.

Nail Salon: Beauty/cosmology establishment specializing in finger or toenails.

Office Equipment Sales and Repair: The retail sale and repair of office equipment including copiers, printers, and computers or other office related supplies.

Pawn Shop - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales also take place of primarily used items.

Pest Control: Services provided to other buildings in the pretreatment or removal of nuisance insects/rodents or other unwanted animals.

Photocopies: A small establishment which reproduces, in printed form, individual orders from a business profession, service, and industry or government organization and occupies less than 4,000 square feet. A printing company shall be any printing business which operates in a space of 4,000 square feet.

Photographer: A building or portion of a building used as a place of work by professionals including photographers or artists.

Piercing Studio: An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of creation of an opening in the body of a person for the purpose of inserting jewelry or their decoration.

Plant Nursery: a place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates. Sales of garden ornaments and decorations are included.

Printer (Large): A commercial establishment engaged in printing on apparel and textile products, paper, metal, glass, plastics and other materials. The printing processes employed include, but are not limited to lithographic, gravure, screen, flexographic, digital, and letterpress. Establishments do not manufacture the stock that they print, but may perform post printing activities such as folding, cutting or laminating the materials they print and shipping such goods.

Printer (Small): A commercial establishment which offers customers office services including but not limited to photocopying, printing such as digital or letterpress printing, graphic design and post printing services such as folding, cutting or laminating the materials they print and mailing. These establishments will typically be less than 5,000 square feet in size.

Produce Stand, Outdoor: – A partially enclosed or open-air structure used for the retail sales and display of fresh fruits, vegetables, flowers, herbs or plants. May also involve the accessory sales of other foodstuffs such as: jams, jellies, pickles, sauces or baked goods. May also include wood or other seasonal items for sale.

Recycling Collection Facility: A facility that is not a wrecking yard and in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Retail Pet Store Including Food and Supplies: A retail establishment offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building. The store may also seal food and supplies for pets.

Repair and Service Shop: Establishments primarily engaged in the provision of repair and services to individuals and households, rather than businesses, but excluding automotive equipment repair use types. Typical uses include shoe repair, watch and jewelry repair and repair of musical instruments, seamstress and tailor shops.

Repair of Appliances: Establishments primarily engaged in the provision of repair and services to individuals and households, rather than businesses of household appliances.

Restaurant: A structure that prepares and serves food to customers, including sit down, fast food, drive-through and drive-in facilities. At least 51 percent of the gross income shall be derived from the sale of prepared food.

Retail Sales: a business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale).

Retail Sales, Apparel, Gift, and Accessory: Retail establishment of small items or clothing within a specific boutique setting. This us can be defined as less or greater than two-thousand five hundred (2,500) square feet.

Sale of Produce Grown On-site: Roadside stands or other temporary structures constructed for the sale of agricultural products raised substantially on the premises.

Short Term Rental (Air BNB): A dwelling unit that is used for transient lodging with no more than two bedrooms, located in the principal building and rented for compensation. The length of stay is limited to not more than 30 consecutive days. Meal service may be offered on or off site and is for overnight paying guests only at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms, but are permitted in an area dedicated to kitchen uses.

Tattoo Parlor: An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Taxidermist: A service and retail establishment for a taxidermist to practice on-site. The service shall include the art of preparing, stuffing, and mounting the skins of animals, and offering the products for sale to the general public.

13.3.7 AMUSEMENT AND ENTERTAINMENT USES

Adult Entertainment: A commercial establishment, which may be described by the following: Adult bookstore or adult video store; Adult cabaret, Adult lingerie/modeling studio, Adult lounge, Adult motel, Adult movie theater or adult video theater, Adult theater, Adult video arcade, Modeling studio, Nude modeling studio, Sexual encounter center, or Sexually oriented business as defined by Section 14-147 of the City of Lorena Code of Ordinances.

Bingo Hall: Place of assembly for a non-profit entity to hold bingo games.

Bowling Alley: Recreational facility in order to go bowling. May include restaurant facilities.

Cabaret (Adult): A nightclub, bar, juice bar, theater, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear in a state of semi-nudity as defined by Section 14-147 of the City of Lorena Code of Ordinances.

Commercial Amusements, Indoor: Indoor commercial uses which by their nature are recreational. Examples include, health clubs, racquetball or squash courts, indoor swimming pools, video arcades, pool halls, etc.

Commercial Amusements, Outdoor: Outdoor commercial uses which by their nature are recreational such as golf courses, driving ranges, miniature golf courses, outdoor swimming pools, tennis courts, basketball courts and recreational camps.

Dance Hall or Night Club: An establishment open to the general public for entertainment, in particular, dancing.

Equestrian Facilities: A structure or area for horseback riding activities including boarding, training, lessons and shows.

Exercise Facility / Fitness Club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Go-Cart Track (when combined with outdoor amusement)

Golf Course: An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, tennis courts and similar recreational or service uses available only to members and their guests.

Movie Theater/Theater: A structure or area for the presentation of plays, motion pictures, concerts, etc.

Riding Academy/Stables: Riding instruction and a stable used for the rental of stall space or for the sale or rental of horses or mules.

Roller or Ice-Skating Rink: Indoor amusement specifically designed for roller skating or ice skating.

Shooting Range (Indoor) A completely enclosed firing range with targets for the supervised discharge of rifles or handguns for practice.

Swimming Pool (Commercial) a swimming facility which is owned by a private development, in which a fee is assessed for entry.

Wedding Chapel – A place of assembly in which weddings are performed. May include a catering facility.

13.3.8 MEDICAL USES

Hospital: An institution licensed by the state as a hospital where patients are given medical treatment.

Medical Appliance Sales: Establishments primarily engaged in the sale of medical equipment including incidental storage, maintenance and servicing of such equipment.

Medical Laboratory: A facility used in the research or testing of items related to the physical well-being of a human being or animal, but not including manufacturing.

Medical Office/Clinic: A walk-in facility for medical, obstetrical or surgical care limited to day use only.

Optical Dispensary: A medical office for the treatment of eyes. May include the retail sale of optical lenses and frames.

13.3.9 INDUSTRIAL AND MANUFACTURING

Cabinet, Furniture, Upholstery Shop: - Establishments offering the service of repair and upholstery furniture and cabinets.

Distribution Center: A site or building used primarily for the temporary storage and/or distribution of goods, merchandise, supplies.

Fabrication: The assembly of new products from raw materials utilizing hard processing including extrusion, molding, or mechanical lathing.

Grain Elevator: A facility for the temporary storage of large quantities of agricultural grain.

Heavy Machinery Sales: A facility, which allows for construction related equipment sales inside the structure as the primary use and also allows for the outside display of small construction equipment on site.

Janitorial Service: Service Company in the business of providing cleaning services to companies and buildings.

Light Fabrication and Assembly Processes: 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 noise is emitted

Light Industrial Uses: Establishments in the business of fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration.

Manufacturing of Pottery/Ceramic Products: Manufacturing establishment including the creation and fire kilns and distribution of pottery and ceramics.

Radio or Television Transmitting Station: A building or portion of a building used as a place for radio or television broadcasting.

Radio, Television, Wireless Phone or Microwave Tower: Tower used exclusively for communication purposes.

Self-Storage: A structure or portion used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

Septic Tank Service: Any business activity or solicitation, by which liquid wastes are collected, transported, stored, or disposed of by a collection vehicle. This shall include, but not be limited to, the cleaning out of septic tanks, sewage holding tanks, chemical toilets, and vault privies.

Tool and Light Vehicle Rental and Sales: Rental or sales facility for small tools and vehicles.

Truck Refueling Facility: A facility for the refueling of heavy load tractor-trailer trucks. No overnight or long term parking shall be allowed. Parking of heavy load tractor trailer trucks shall be for fueling and other incidental uses of the facility. Long term parking shall mean a time in excess of one (1) hour.

Truck Stop: A facility for the overnight parking, refueling and minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters, and/or certified scales.

Warehousing: The storage in an enclosed building of materials and goods including all office, distribution and sales space. This definition does not include motor freight terminals or railroad freight terminals.

Welding or Machine Shop: The fabrication or sculptural process that joins materials, usually metals or thermoplastics, by causing fusion, which is distinct from lower temperature metal-joining techniques such as brazing and soldering, which do not melt the base metal.

Wholesaling: The sale of commodities for the purpose of resale, as to retailers rather than directly to consumers.

13.3.10 TEMPORARY AND ACCESSORY USES

Farm Accessory Structure: A building used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises.

Food Truck: Vehicle equipped with facilities for cooking and selling food. Permanent food truck park requires a CUP in nonresidential district or may be considered an accessory use in a nonresidential district.

Home Based Business: Shall mean a business, occupation or profession conducted within a residential dwelling unit on a residentially zoned lot by the resident thereof.

ZONING ORDINANCE

Open Air Vending: The sale of any merchandise or goods from an outdoor location upon privately-owned property not within any permanent building or structure designed for the sale of such goods. The term “open air vending” shall specifically include the sale of merchandise or goods from “stands,” “kiosks,” “stalls,” “vehicles,” “tents”, and all other sales not within a permanent structure. The term “sale” is herein defined as the actual transfer of goods or merchandise. This includes, but is not restricted to: Christmas Tree Sales, Pumpkin Sales, Holiday-Related temporary sales; Snow Cone Sales.

Real Estate Office Temporary Building: Means a temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.