



**Planning and Zoning Commission
Regular Meeting
Conducted by Video Conference
Thursday, December 17, 2020 at 7:00 p.m.
Agenda**

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act, and in an effort to protect the health and safety of the public, members of the public this meeting is being conducted by video conference. Members of the public who desire to only listen to proceedings of the meeting may dial the following toll-free number and, when prompted, enter the following Meeting ID #, beginning at 6:40 p.m. to join the meeting. Any person wishing to view the video conference may go to the Internet link shown below and enter the password shown.

Toll Free Number: 877 853 5257
Meeting ID#: 886 2598 6971
Video Conference: <https://us02web.zoom.us/j/88625986971?pwd=ZEpuFdfTFpIN0ExMjU0RU5jSzBIUT09>
Password: 662647

Any person wishing to provide comments during Item 3 – Citizen Agenda & Public Comment, or on any matter to be considered on this agenda, should email such comments to the City Secretary at cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, December 17, 2020.

Members of the public are entitled to participate in the public hearings to be held under Items 5 and 6 remotely via Videoconference. To speak remotely in the public hearings, speakers must:

- Register with the City Secretary by either email cdelcambre@lakedallas.com or calling 940-497-2226 ext. 102 by 3:00 p.m. on Thursday, December 17, 2020.
- Registered speakers will receive an email or phone call providing the meeting link and/or telephone number to call on the date of the meeting.
- Speakers must call or log on not later than 6:45 p.m. on the date of the meeting in order to be allowed to speak. Late callers may not be accepted and may not be allowed to speak.
- Registered speakers will not be allowed to speak until recognized by the Commission chair and unmuted by the City Secretary.
- Speakers will be limited to 5 minutes each.
- Handouts or other information that a member of the public desires to provide to the Commission must be emailed to cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, December 17, 2020.

1. Call to Order and Determination of Quorum

2. Pledges of Allegiance

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning & Zoning Commission on matters which are not scheduled for consideration by the Planning & Zoning Commission. To address the Planning & Zoning Commission, please send your comments to the City Secretary before 3:00 p.m. on the date of this meeting. Comments sent by e-mail will be read aloud so that they are included in the recorded record of the meeting. In keeping with the Council's procedures for limiting speaking time to five (5) minutes per speaker, any written comments provided for this item should be kept short enough so that they can be read aloud in five (5) minutes or less. The Texas Open Meeting Act prohibits deliberation by the Planning & Zoning Commission of any subject which is not on the posted agenda, therefore the Planning & Zoning Commission will not be able to discuss or take any action on items brought up during the citizen presentations that are not on the agenda.

4. Approval of the minutes of the October 15, 2020, regular meeting.

5. Conduct a public hearing and consider an ordinance amending the development and use regulations applicable to the property described as Block 1, Lot 7, Providence Addition generally located at the northwest corner of Betchan Street and Main Street by changing the zoning classification from Retail (C-1) with a Downtown Overlay to Planned Development Residential R-1-6000 and adopting a site plan and development regulations.

6. Conduct a public hearing and consider an ordinance amending the development and use regulations applicable to property described as Lot 2-A, Block A, Gatlin Addition generally located north on Carlisle Drive and to the east of the DCTA Rail Trail from by changing the zoning classification from Retail (C-1) to Commercial District (C-3).

7. Receive a report and hold a discussion on draft changes to the Use Charts.

8. Receive a report, hold a discussion, and provide staff with direction regarding proposed amendments to the City sign regulations set forth in Chapter 80 of Lake Dallas Municipal Code.

I certify that the above notice of this meeting was posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on or before December 14, 2020 at 4:30 p.m.



Codi Delcambre, City Secretary

If you plan to attend this public meeting telephonically and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

State of Texas
County of Denton
City of Lake Dallas

Minutes: Planning and Zoning Commission Minutes

The Lake Dallas Planning and Zoning Commission met in a regular meeting on October 15, 2020 in a video conference, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Chairperson Ben Gilbert call the meeting to order at 7:01 p.m.

1. Roll Call: Planning and Zoning Commission

Ben Gilbert	Chairperson, Member Place 1
Adam Peabody	Member Place 2
Jayne Potter	Member Place 3
Lester Rayburn	Member Place 5
Melody Parlett	Member Alternate 2

Absent:

Staff present: Angie Manglaris, Development Services Director and Glenda Cowling, Permit Tech

2. Pledge of Allegiance was led by Ben Gilbert

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning & Zoning Commission on matters which are not scheduled for consideration by the Planning & Zoning Commission. To address the Planning & Zoning Commission, please send your comments to the City Secretary before 3:00 p.m. on the date of this meeting. Comments sent by e-mail will be read aloud so that they are included in the recorded record of the meeting. In keeping with the Council's procedures for limiting speaking time to five (5) minutes per speaker, any written comments provided for this item should be kept short enough so that they can be read aloud in five (5) minutes or less. The Texas Open Meeting Act prohibits deliberation by the Planning & Zoning Commission of any subject which is not on the posted agenda, therefore the Planning & Zoning Commission will not be able to discuss or take any action on items brought up during the citizen presentations that are not on the agenda.

No public input was received.

4. Approval of minutes for Meeting held on September 17, 2020.

Motion: to approve the minutes for meeting of September 17, 2020 as presented was made by Alt. Member, Melody Parlett seconded by Member, Jayme Potter.

Ayes: Member Ben Gilbert, Member, Adam Peabody, Member, Jayme Potter, Member, Lester Rayburn and Alt. Member, Melody Parlett.

Nays: None

Motion Passed 5-0

5. Conduct a public hearing and consider an ordinance amending Lake Dallas Municipal Code Chapter 122 “Zoning” Article XXII “Screening, Landscaping and Tree Preservation” by repealing Division 3 “Tree Preservation” in its entirety and revising the caption of said Article XXII to conform.

Angie Manglaris, Director of Development Services gave a presentation on the purpose of the Ordinance Amendment and provided an overview of the background of the project. Ms. Manglaris explained the intent of the Ordinance Amendment was to remove the Tree Preservation Ordinance regulations out of Chapter 122 “Zoning” and into a separate Chapter since tree preservation does not have to be tied to Zoning Regulations.

Alt. Member Melody Parlett requested before making a motion to approve or deny amending the Lake Dallas Municipal Code by amending Chapter 122, “Zoning” Article XXII she would like to hear the presentation for Item 6. on the Agenda. Chairperson Ben Gilbert agreed and requested Ms. Manglaris present Item 6 on the Agenda. Ms. Manglaris continued and presented Item 6.

The public hearing opened at 7: 16 p.m. No public input was received. The public hearing was closed 7:16 p.m.

Motion: Alt. Member Parlett motioned to recommend City Council approve an ordinance amending Lake Dallas Municipal Code Chapter 122 “Zoning” Article XXII “Screening, Landscaping and tree Preservation” by repealing Division 3 “Tree Preservation” in its entirety. Member Rayburn seconded the motion.

Ayes: Member Ben Gilbert, Member, Adam Peabody, Member, Jayme Potter, Member, Lester Rayburn and Alt. Member, Melody Parlett.

Nays:

Motion Passed 5-0

6. **Consider an ordinance amending Lake Dallas Municipal Code Ordinance 42 “Environment” by adding Article IV titled “Tree Preservation setting forth regulations governing the removal, mitigation, and preservation of trees on property within the City.**

Ms. Manglaris presented the staff report and explained this is the second step in the process of amending the Tree Preservation Ordinance. Ms. Manglaris provided the Commission with an overview of the new Tree Preservation Ordinance and pointed out the significant changes being made as part of the project.

Ms. Manglaris answered questions from the Commission on the new Tree Preservation Ordinance regarding:

- The function of the tree board and when they would meet.
- Who oversees the tree removal of trees following the submittal of a tree removal permit.
- How the tree fund would function how the funds may be utilized.
- Who verifies mitigation trees are planted with new developments.

Motion: Alt. Member Parlett motioned to recommend City Council approve an ordinance amending Lake Dallas Municipal Code Ordinance 42 “Environment” by adding Article IV titled “Tree Preservation setting forth regulations governing the removal, mitigation, and preservation of trees on property within the City. Member Peabody seconded.

Ayes: Chairperson Ben Gilbert, Member, Adam Peabody, Member, Jayme Potter, Member Lester Rayburn and Alt. Member, Melody Parlett.

Nays:

Motion Passed 5-0

7. **Conduct a public hearing and consider an ordinance amending Lake Dallas Municipal Code Chapter 122 “Zoning” Article XX “Accessory Buildings, Structures and Mechanical Equipment” by amending Division 1 “Accessory Buildings, ETC.” relating to the regulation of accessory structures within the City.**

Ms. Manglaris provided the Commission with background surrounding the project, presented the staff report and gave an overview of the proposed amendments to the Accessory Structure Ordinance and why these areas are being addressed.

Chairperson Gilbert opened the public hearing at 7:38 p.m. No input was received. The public hearing was closed at 7:38 p.m.

Chairperson Gilbert opened the item for discussion among the Commission. Several questions were asked regarding the permitting process of accessory structure and associated fees as they relate to structures under 120 square feet. There was also substantial discussion surrounding the maximum allowable lot coverage in residential districts. Ms. Manglaris informed the Commission she would confirm lot coverage requirements prior to the item going to City Council for consideration.

Motion: Alt. Member Melody Parlett motioned to recommend City Council approve an ordinance amending Lake Dallas Municipal Code Chapter 122 “Zoning” Article XX Accessory Buildings, Structures and Mechanical Equipment” by amending regulations set forth in division 1 “Accessory Buildings, ETC.” relating to accessory structure requirements within the City with the condition that City staff review and refine the maximum allowable lot coverage in residential districts. Member Jayme Potter seconded the motion.

Ayes: Chairperson Ben Gilbert, Member Jayme Potter, Member Lester Rayburn, and Alt. Member Melody Parlett.

Nays: Member Adam Peabody

Motion Passed 4-1

8. Receive the Annual update and hold a discussion on the City of Lake Dallas Vision 2030 Comprehensive Plan.

Ms. Manglaris presented to the Commission the Annual Update of the City of Lake Dallas Vision 2030 Comprehensive Plan and answered questions asked by the Commission.

Adjournment 8:11 p.m.

Passed and approved on the _____ day of _____, 2020

Ben Gilbert, Chairperson

Glenda Cowling, Permit Tech



PLANNING AND ZONING COMMISSION
AGENDA MEMO

AGENDA ITEM 5

Prepared By: Angie Manglaris, Director of Development Services

December 17, 2020

Conduct a public hearing and consider an ordinance amending the development and use regulations applicable to the property described as Lot 7, Block 1, Providence Addition, generally located at the northwest corner of Betchan Street and Main Street by changing the zoning classification from Retail (C-1) with a Downtown Overlay to Planned Development Residential R-1-6000 and adopting a site plan and development regulations.

DESCRIPTION:

Conduct a public hearing and consider an ordinance amending the development and use regulations applicable to the property described as Lot 7, Block 1, Providence Addition generally located at the northwest corner of Betchan Street and Main Street by changing the zoning classification from Retail (C-1) with a Downtown Overlay to Planned Development Residential R-1-6000 and adopting a site plan and development regulations (Z-20-006).

EXISTING CONDITIONS:

The property is zoned Retail (C-1) and is situated in the Downtown Overlay District. The subject tract is currently undeveloped and consists of open pasture.

ADJACENT LAND USES AND ZONING:

North: Single-family residences zoned R-1-6000 with a Downtown Overlay

East: Main Street Right-of-Way

South: Betchan Street Right-of-Way

West: Single-family Residences zoned R-1-6000 with Downtown Overlay – R-1-6000

BACKGROUND INFORMATION:

The applicant, Mr. Paul Perry, has applied to rezone Lot 7, Block 1, Providence Addition, an approximately .22-acre tract of land situated at the northwest corner of Betchan and Main Street. Mr. Perry is the owner of the property and intends to develop the lot with three (3) residential homes. The proposed rezoning would change the zoning of the lot to Planned Development R-1-6000 with a Downtown Overlay. The proposal contemplates three residential homes developed on 3200 -square foot lots.

The proposal is to construct single-family homes on lots smaller than what is typically found in R-1-6000. The project would consist of Craftsman-style homes and create a walkable downtown environment with pedestrian linkages to Main Street and residences along Betchan Street.

Due to the unique configuration of the lot, the three proposed lots as part of the development will vary in size and are projected to be developed as follows:

- Lot 1: 66' wide x 61' deep
- Lot 2: 41' wide x 79' deep
- Lot 3: 40' wide x 92' deep

The regulations proposed as part of the planned development compared to what is typically required in R-1-6000 with a Downtown Overlay are as follows:

	Existing R-1-6000 standards (with a Downtown Overlay)	Proposed PD regulations
Front yard	10 from back of curb	5 feet from property line (20-30' from R.O.W.)
Side yards	No side setbacks required in Downtown Overlay	5 feet from side yard (10 feet separation between homes)
Rear yards	No Rear setbacks required in Downtown Overlay	10 feet
Minimum Lot Width	50 feet	40 feet
Minimum Lot Depth	90 feet	72 feet
Minimum Lot Area:	6,000 square feet	3,200 square feet
Minimum dwelling size	1,200 square feet	1,400 square feet

The intent of the development is to build Craftsman-Style homes that are compatible with the residential units constructed along Betchan Street. The applicant has included architectural requirements for the Planned Development that each home shall meet to achieve the desired aesthetics of the development. The applicant shall confirm at the time of building permit submittal that the proposed residences provide no less than four (4) of the architectural requirements:

- Corbels
- Gable pediments
- Craftsman-style front door
- Horizontal/staggered edge siding
- Carriage style garage doors accented with architectural windows
- Hardware, shutters on front elevation windows
- Front porch columns

CONFORMANCE WITH COMPREHENSIVE PLAN

The recently adopted Lake Dallas Vision 2030 Comprehensive Plan designates this area as a "Mixed-Use Development," which is intended to include a mixture of uses (vertically or

horizontally) including residential, retail, commercial and office uses in a walkable setting. The proposed concept plan is compatible with the future land use plan and can tie into developments immediately to the west of the site and help to facilitate a walkable environment within the Downtown Overlay.



PLANNING ANALYSIS

Land Use:

The proposed project is compatible with a mixed-use walkable community as designated in the Future Land Use Plan. The proposed development would provide linkages to the Lake Dallas Downtown area as well as residences along Betchan Street, helping to create a walkable community environment.

Planned Development:

Per Article XV. Special Districts- Division 1. Planned Development of the Lake Dallas Code of Ordinances, Planned Developments are appropriate for lots an acre or greater in area. The Code also indicates that a planned development may be appropriate on smaller lots if there are circumstances such as topographical constraints or exceptional circumstances that would be better addressed with the adoption of a planned development rather than using straight zoning.

Staff believes the location of the lot, the adjacent residential uses, and the proposed architecture of the residential homes are suitable to the location and would help in creating a walkable environment in the Lake Dallas Downtown region. Per Section 122-639, the final plat for a Residential Planned Development shall serve as the site plan for the project. At the time of final plat, City staff and the Development Review Committee will confirm compliance with all Subdivision Ordinance and Planned Development Regulations.

Traffic

The project is not large enough to require a traffic impact analysis.

Drainage

The property is situated in an area of minimal flood hazard. Any on-site drainage will be addressed during the platting and site plan review.

Regulatory Issues

The property will need to be platted in accordance with the Subdivision Ordinance and proposed Planned Development Regulations prior to any building permits being approved.

FINANCIAL CONSIDERATION: The proposed development, when built out, would generate additional property and sales taxes. It would also require additional costs in police, fire and other city services. The City has not made a detailed fiscal assessment of the impact of the development.

Additional Staff Comments:

City staff recommends the applicant and staff continue to work together and explore opportunities to provide sidewalks as part of the new development. The site contains a drainage flume that runs from north to south along Main Street that could make the installation of a sidewalks a challenge. Staff and the applicant should work together between the Planning and Zoning Commission Meeting and City Council to determine how sidewalks may be implemented in the development. The findings shall be incorporated in the Planned Development Regulations.

Recommended Motion:

After conducting the public hearing, staff recommends Planning and Zoning Commission make the following motion:

I make a motion to recommend City Council **APPROVE/DENY** an ordinance amending the development and use regulations applicable to the property described as Lot 7, Block 1, Providence Addition generally located at the northwest corner of Betchan Street and Main Street

by changing the zoning classification from Retail (C-1) with a Downtown Overlay to Planned Development Residential R-1-6000 and adopting a site plan and development regulations (Z-20-006).

Attachments:

- Draft Ordinance
- Applicant Proposal
- Applicant Draft Regulations

CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2020 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE CITY OF LAKE DALLAS ZONING ORDINANCE AND ZONING MAP RELATING TO THE USE AND DEVELOPMENT OF LOT 7, BLOCK 1, PROVIDENCE ADDITION, BY CHANGING THE ZONING FROM RETAIL (C-1) WITH DOWNTOWN OVERLAY DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RESIDENTIAL R-1-6000 USES; ADOPTING DEVELOPMENT REGULATIONS AND A SITE PLAN; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Lake Dallas, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the City of Lake Dallas Zoning Ordinance and Zoning Map of the City of Lake Dallas, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. CHANGE OF ZONING CLASSIFICATION

The City of Lake Dallas Zoning Ordinance as set forth in Chapter 122 of the Lake Dallas Municipal Code, and the Zoning Map of the City of Lake Dallas, Texas, (collectively “the Zoning Ordinance”) as previously amended, be further amended relating to the use and development of Lot 7, Block 1, Providence Addition, an addition to the City of Lake Dallas, Denton County, Texas, according to the plat thereof recorded as Document No. 2018-464, Plat Records, Denton County, Texas (“the Property”), by changing the zoning from Retail (C-1) with Downtown Overlay District to Planned Development District for Residential R-1-6000 Uses subject to Section 2 of this Ordinance.

SECTION 2. LAND USE AND DEVELOPMENT STANDARDS

The Property shall be developed and used in accordance with the applicable provisions of the Zoning Ordinance, as amended, subject to the following modifications:

- A. Base Zoning.** The Property shall be used and developed in accordance with the use and development regulations of the R-1-6000 Single Family Dwelling District, except as modified by this Ordinance.

B. **Planned Development Site Plan:** The Property shall be used and developed substantially as depicted on the Planned Development Site Plan attached hereto as Exhibit “B” and incorporated herein by reference (“Site Plan”). The City Manager may authorize minor changes to the Site Plan as provided in Section 122-636 of the Zoning Ordinance.

C. **Lot and Dwelling Development Standards.** The Property shall be developed with no more than three (3) single-family residential lots. The lots developed on the Property and the Dwelling Units constructed on the lots within the Property shall comply with the following development standards:

Minimum Lot Area	3,200 sq. ft.
Maximum Number of Lots	3
Minimum Lot Width ¹	40 feet
Minimum Lot Depth	72 feet
Minimum Front Yard Setback	5 feet
Minimum Side Yard Setback (interior/corner)	5 feet; but with not less than 10-foot separation between dwelling units
Minimum Rear Yard Setback	10 feet
Minimum House Size	All homes will exceed $\geq 1,400$ square feet of air-conditioned living area.

D. **Architectural Design:** The architectural style of the main structures constructed on each lot within the Property shall be generally representative of the Craftsman-style building elevations set forth in Exhibit “B,” attached hereto and incorporated herein by reference (the “Elevations”), subject to the following:

- (1) Homes shall contain articulated front entrances with no single face front elevations permitted. Minimum of two (2) front articulations is required.
- (2) Shutters, if installed, will be sized and shaped to match the associated openings.
- (3) Each dwelling unit must be designed and constructed with at least four (4) of the following architectural features:
 - (a) Corbels
 - (b) Gable pediments
 - (c) Craftsman-style front door
 - (d) Horizontal/staggered edge siding
 - (e) Carriage style garage doors accented with architectural windows
 - (f) Hardware, shutters on front elevation windows

- (g) Front porch columns

SECTION 3. CONFLICTS.

To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Lake Dallas governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. In the event there is an irreconcilable conflict within the text of this Ordinance, including any exhibits attached hereto, relating to the applicable standard to be enforced with respect to development of the Property, the strictest standard shall be controlling unless the City Council determines by approval of a motion or resolution that the less stringent standard is to apply.

SECTION 4. SEVERABILITY CLAUSE.

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the City of Lake Dallas Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the City of Lake Dallas Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 5. SAVINGS CLAUSE.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Lake Dallas Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. PENALTY.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its passage and final publication in accordance with the Charter of the City of Lake Dallas and/or applicable state law and it is accordingly so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS,
TEXAS ON THIS THE ____ DAY OF JANUARY 2021.**

APPROVED:

Michael Barnhart, Mayor

ATTEST:

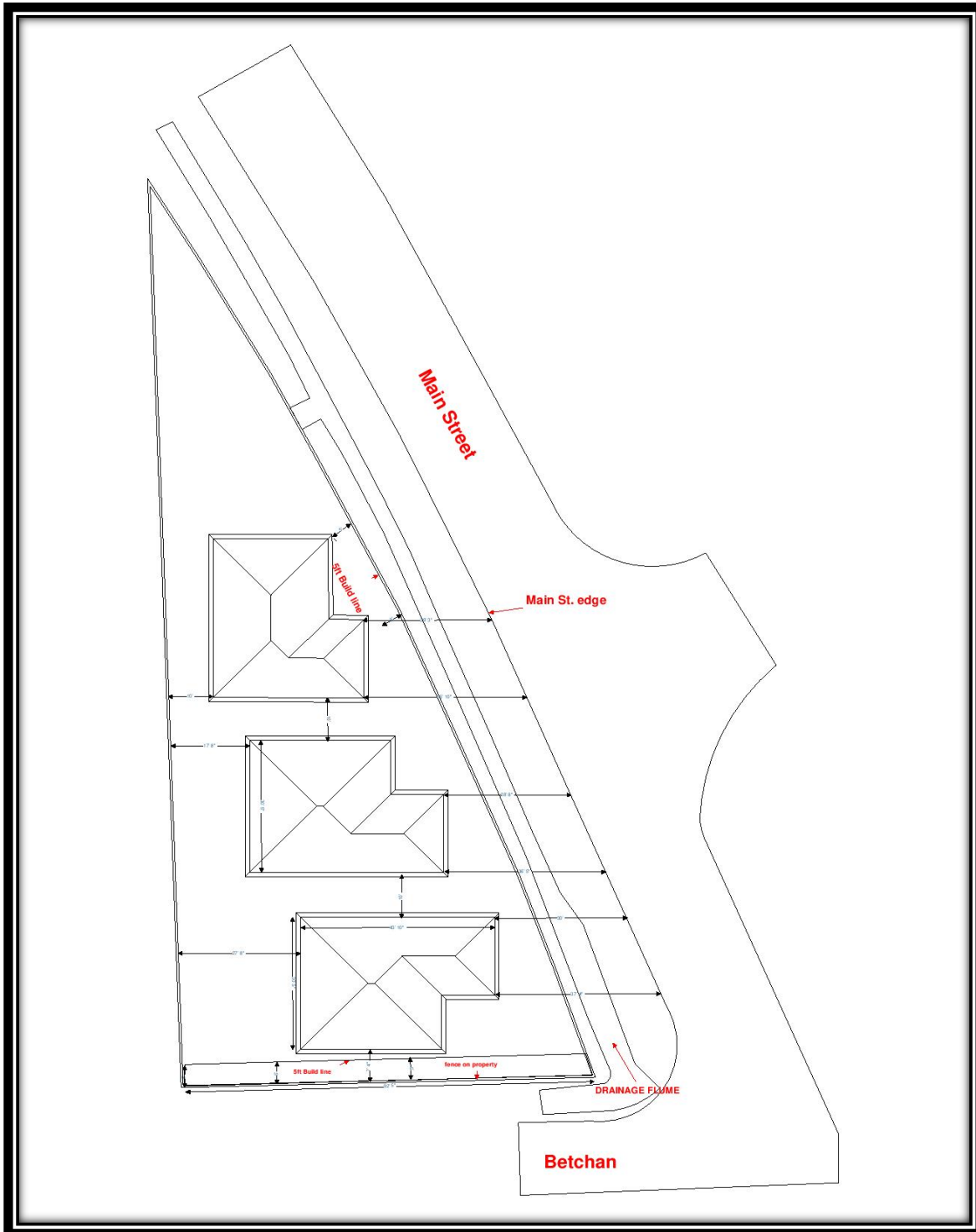
Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:12/10/2020:119637)

Ordinance No. 2020-____

**EXHIBIT A
DEVELOPMENT SITE PLAN**



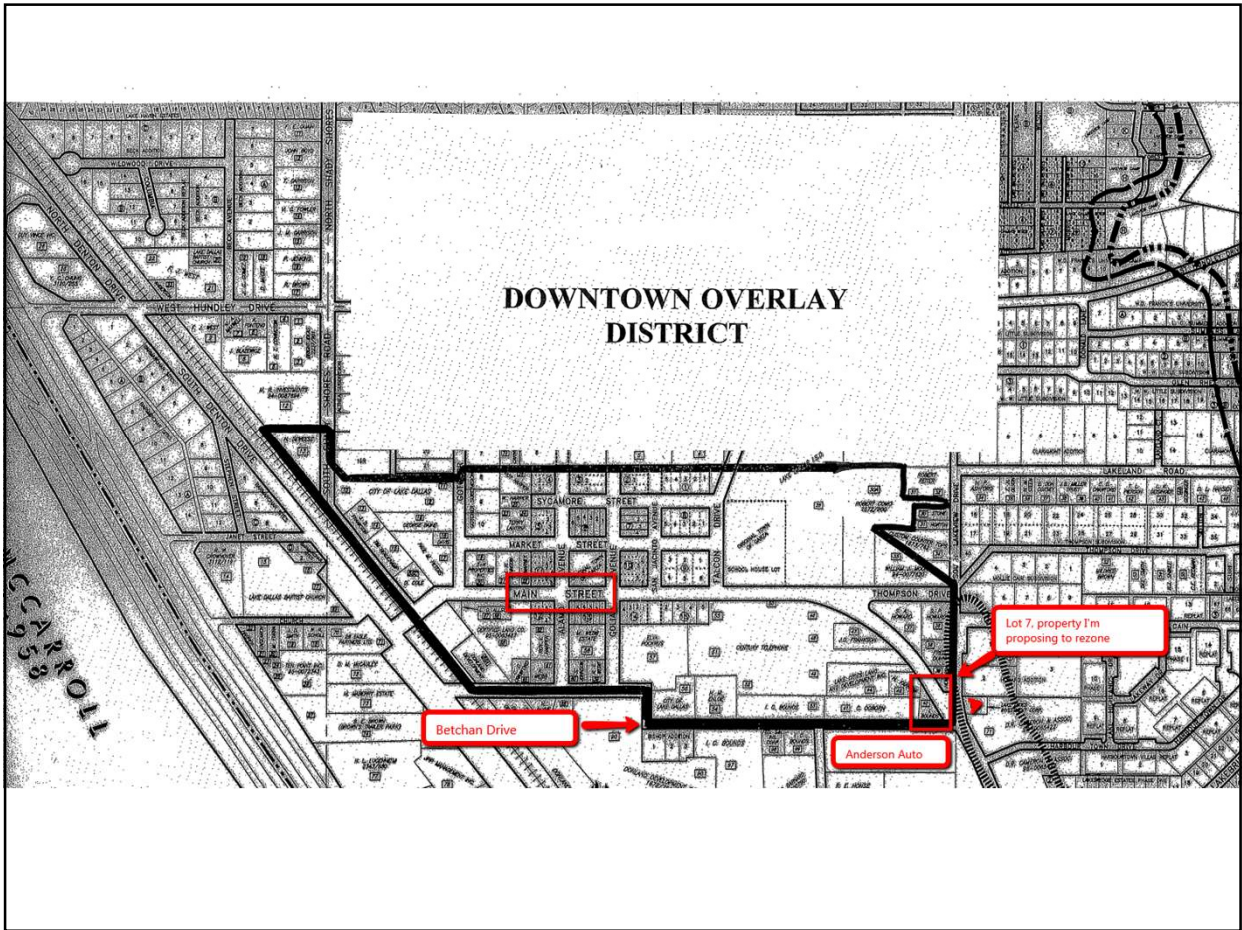
Ordinance No. 2020-____

**EXHIBIT B
ELEVATIONS**

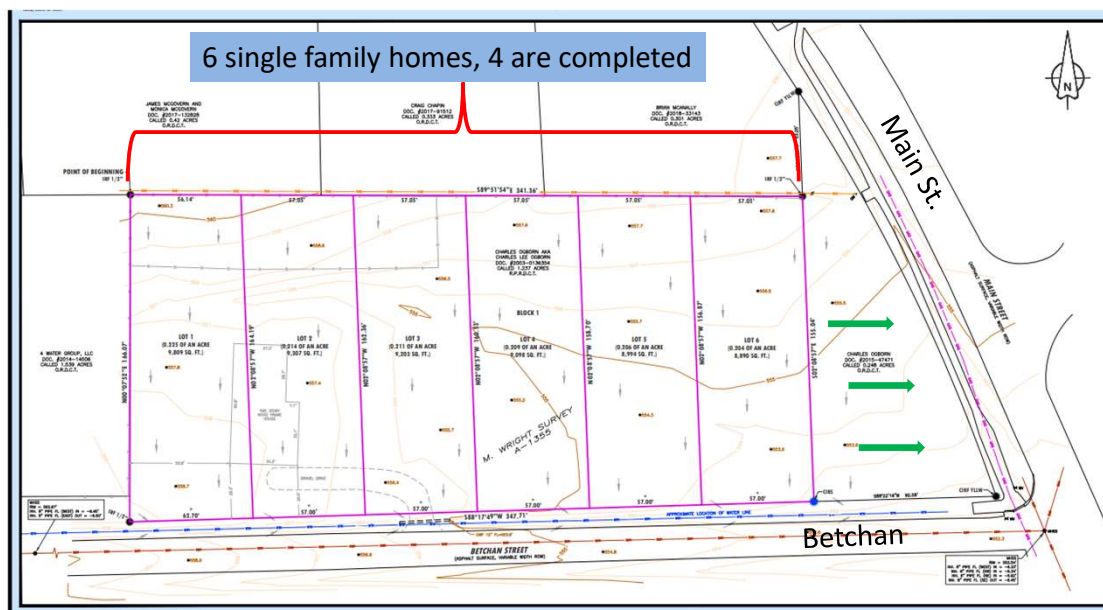


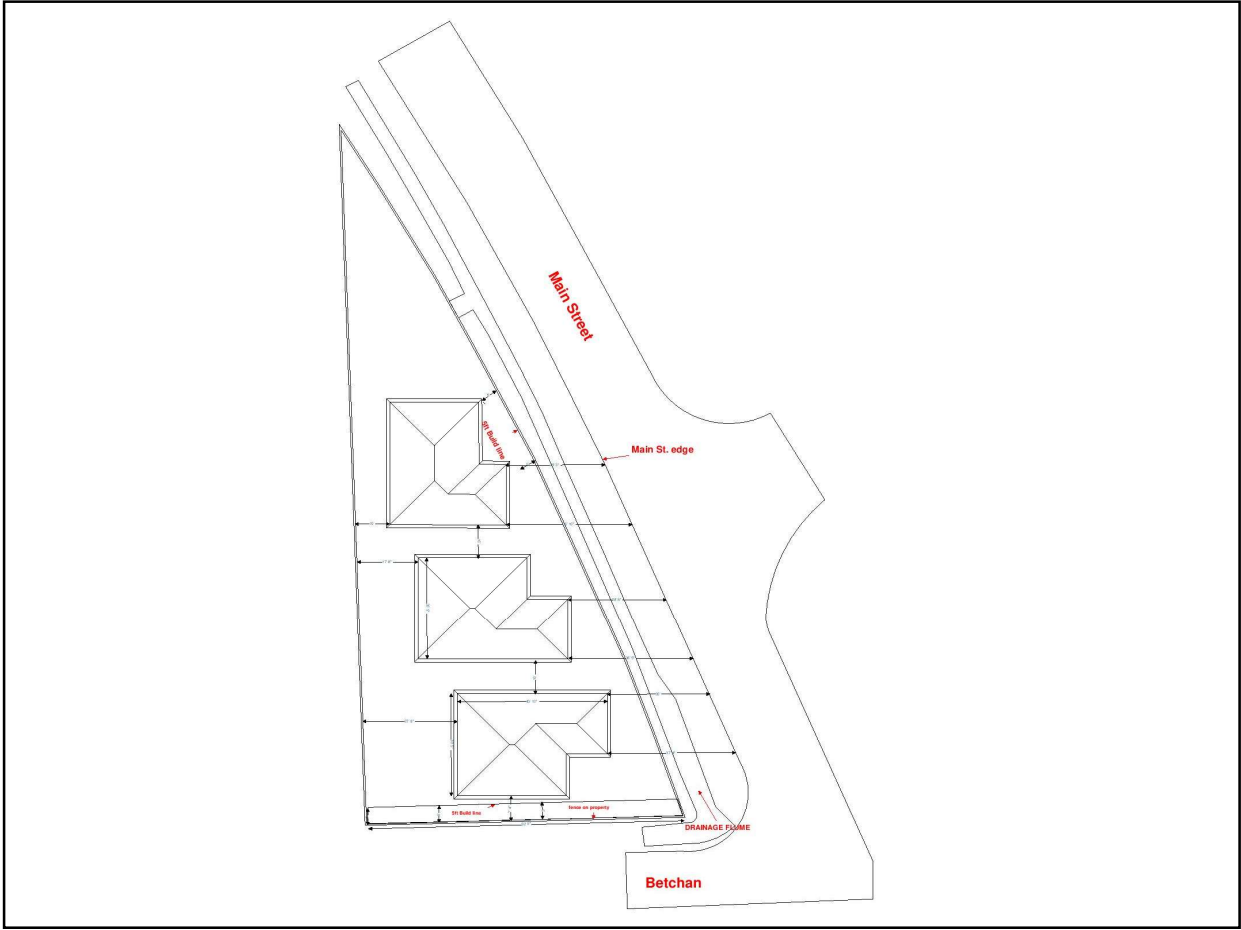


Providence Addition Lot 7 Proposed Rezoning



Providence Addition Final Plat







5



6





505 Betchan



507 Betchan



10

509 Betchan



11

511 Betchan



12

**Zoning Change Application for
Lot 7, Block 1, Providence Addition of
Odd Triangle Shape Lot from Retail to Residential**

Site Information:

- Gross acreage and density of the development .224 acres; 9,751 Sq. Feet
- At this stage, all privately owned, divided into single family lots
- Minimum lot size: 3200 sq. ft.
- Setbacks:
 - o 5 ft. side setbacks (10 ft. between homes);
 - o 10 ft. rear setback;
 - o 5ft. front yard setbacks
- Minimum square footage:1400 sq. ft.
- Landscaping requirements – two (2) trees planted
- Architectural requirements: each home shall incorporate four (4) or more elements into the elevation:
 - o Corbels,
 - o gable pediments,
 - o Craftsman style front door,
 - o Horizontal siding,
 - o staggered edge, & Board and Batten, Carriage style garage doors accented
 - o Divided windows
- Single family residential use as per R-1-6000.

Each home will be an architectural style described as Craftsman. The front elevations will incorporate 4 or more elements of the following: Corbels, gable pediments, Craftsman style front door, multiple Hardie/LP Smartside exterior surfaces including horizontal, staggered edge, & Board and Batten, Carriage style garage doors accented

with architectural windows and hardware, shutters on front elevation windows, front porch columns if applicable that follow a Craftsman look.



PLANNING AND ZONING COMMISSION
AGENDA MEMO

AGENDA ITEM 6

Prepared By: Angie Manglaris, Director of Development Services

December 17, 2020

Conduct a public hearing and consider an ordinance amending the development and use regulations applicable to property described as Lot 2-A, Block A, Gatlin Addition generally located north on Carlisle Drive and to the east of the DCTA Rail Trail by changing the zoning classification from Retail (C-1) to Commercial District (C-3).

DESCRIPTION:

Conduct a public hearing and consider an ordinance amending the development and use regulations applicable to property described as Lot 2-A, Block A, Gatlin Addition generally located north on Carlisle Drive and to the east of the DCTA Rail Trail by changing the zoning classification from Retail (C-1) to Commercial District (C-3) (Z-20-005).

EXISTING CONDITIONS:

The property is zoned Retail (C-1) and is currently undeveloped open pasture with clusters of trees scattered throughout the site.

ADJACENT LAND USES AND ZONING:

North: Single-family residences zoned C-1 – Retail

East: Single-family residences zoned R-1-6000 –Single Family Dwelling District

South: The Children’s Learning Center zoned C-1 – Retail

West: Undeveloped parcel zoned C-3 – Commercial

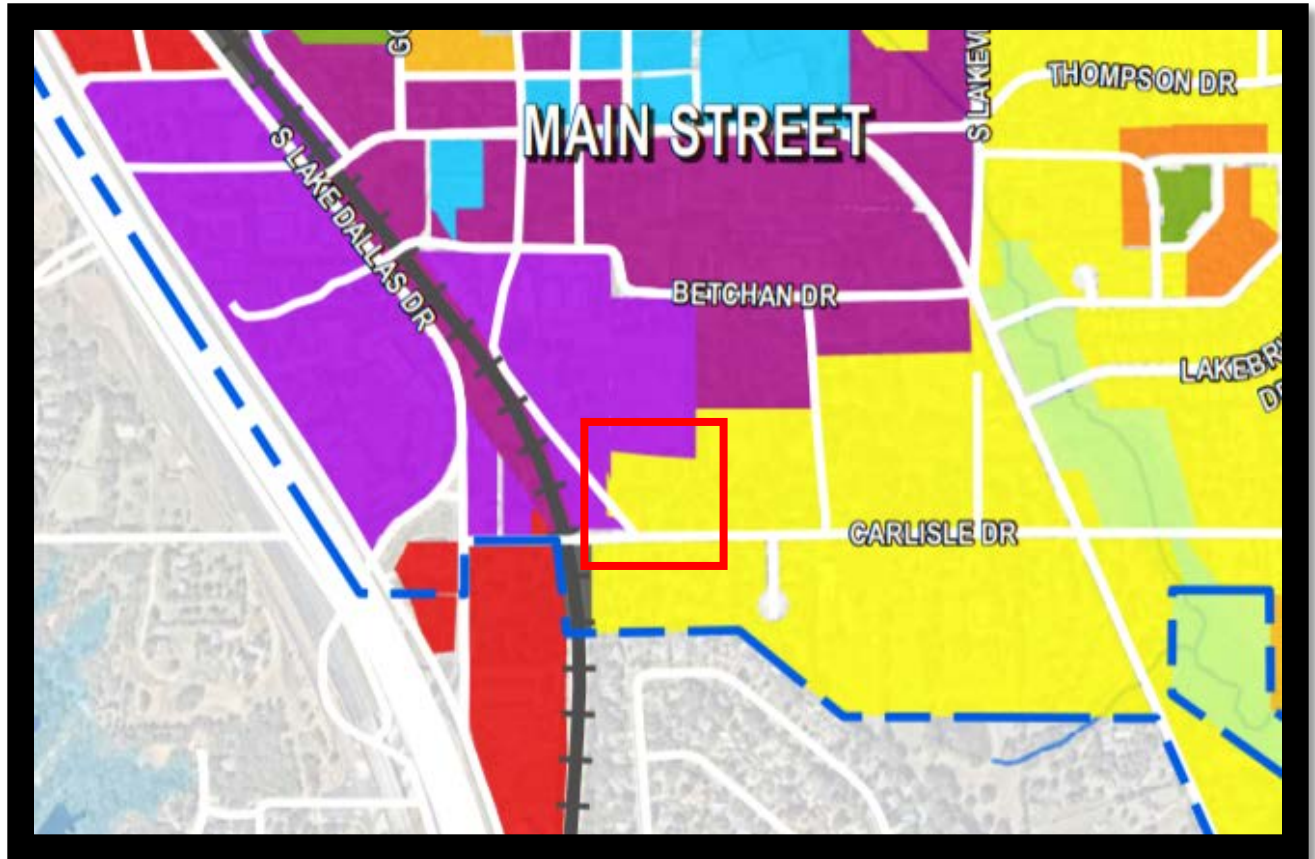
BACKGROUND INFORMATION:

The applicant, Ms. Marykay Smith, came before City Council with a Zoning Change request for Lots 2-A and 3-A, Gatlin Addition for Heritage Ridge, a planned development for residential uses in June of 2020. The proposal was to rezone the two lots (a combination of Retail and Commercial) to PD-R-1-6000. The City Council considered the Planned Development request at their June 11, 2020 Regular Meeting and denied the rezoning of the property.

In November 2020, Ms. Marykay Smith submitted a new development application and has applied to rezone Lot 2-A, Gatlin Addition, a 4.767-acre tract of land near the corner of Carlisle Drive and the DART/DCTA rail corridor from Retail (C-1) to Commercial (C-3). Ms. Smith is the owner of the property and intends to develop the lot with a storage unit facility. The conceptual plan indicates the project would consist of storage units ranging in size from 20’x10’ and 50’x15’, totaling 80 units, and space for the outdoor storage of recreational vehicles. Ms. Smith also owns Lot 3-A, Gatlin Addition, immediately to the west of the subject tract. Lot 3-A is zoned C-3 and would be incorporated into the site plan should the zoning request be approved.

CONFORMANCE WITH COMPREHENSIVE PLAN

The intended land use, storage facility, conflicts with the recently adopted Lake Dallas Vision 2030 Comprehensive Plan. 2030 Vision designates the area as a combination of “single family residential,” and “Mixed-Use Development”, which is intended to include a mixture of uses (vertically or horizontally) including residential, retail, commercial and office uses in a walkable setting.



PLANNING ANALYSIS

Land Use:

The proposed land use conflicts with the land use designation in the Vision 2030 Comprehensive Plan. Any potential conflicts with adjacent land uses would be addressed at the time of site plan submittal. Per Section 122-1131 of the Lake Dallas Code of Ordinances, the applicant is required to screen any nonresidential development adjacent to residential uses.

The intent of the zoning application is to rezone Lot 2-A Gatlin Addition for the development of a storage facility. It is important to note that this is a straight zoning case from C-1 to C-3. Should the zoning case be approved, the applicant would be allowed to construct the proposed storage facility, or any other use as allowed in the C-3 District.

Traffic

The project is not large enough to require a traffic impact analysis. Lake Cities Fire Department has indicated that they will be able to serve the proposed development.

Drainage

The property has a slight ridgeline that runs from northwest portion of the property to the southeast portion of the property. Staff has raised the concern of the amount of permeable surface on site as shown in the conceptual plan. Any on-site drainage will be addressed during the site plan review process and shall comply with the City of Lake Dallas Code of Ordinances and Engineering Design Standards Manual.

Regulatory Issues

The applicant will need to submit a site plan for the project before any building permits may be submitted. At the time of site plan review, staff will review the proposed development for compliance with requirements as set forth in the Lake Dallas Code of Ordinances and the Engineering Design Standards Manual. The proposed site plan would go before the Planning and Zoning Commission and City Council prior to final approval.

FINANCIAL CONSIDERATION:

The proposed development, when built out, would generate additional sales tax. The City has not made a detailed fiscal assessment of the impact of the development.

RECOMMENDED MOTION:

After conducting the public hearing, City staff recommends the following motion:

I move to recommend City Council **APPROVE/DENY** an ordinance amending the development and use regulations applicable to property described as Lot 2-A, Block A, Gatlin Addition generally located north on Carlisle Drive and to the east of the DCTA Rail Trail by changing the zoning classification from Retail (C-1) to Commercial District (C-3) (Z-20-005).

ATTACHMENTS:

- Draft Ordinance
- Applicant Conceptual Plan
- Applicant Response to DRC Comments
- C-1 Through C-3 Permitted Uses

CITY OF LAKE DALLAS, TEXAS

ORDINANCE NO. 2020 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE LAKE DALLAS ZONING ORDINANCE AND ZONING MAP BY CHANGING THE ZONING REGULATIONS APPLICABLE TO THE USE AND DEVELOPMENT OF LOT 2-A, BLOCK A, GATLIN ADDITION, FROM THOSE APPLICABLE TO A RETAIL (C-1) DISTRICT TO THOSE APPLICABLE TO A COMMERCIAL (C-3) DISTRICT; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Lake Dallas and the governing body of the City of Lake Dallas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, have given requisite notice by publication and otherwise, and after holding due public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and Map of the City of Lake Dallas, Texas, heretofore duly passed by the governing body of the City of Lake Dallas, as heretofore amended, be, and the same are hereby amended by changing the zoning regulations governing the use and development of Lot 2-A, Block A, Gatlin Addition, an addition to the City of Lake Dallas, Texas, according to the plat thereof recorded as Document No. 2019-83, Plat Records, Denton County, Texas (“the Property”) from those applicable to Retail “C-1” District to those applicable to the Commercial “C-3” District.

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Lake Dallas and the provisions of this ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lake Dallas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS ON THIS THE ____ DAY OF JANUARY 2021.

APPROVED:

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin., City Attorney
(kbl:12/10/2020:119640)



212 Main Street, Lake Dallas, TX 75065
940-497-2226 Ext. 402 Fax 940-497-4485 www.lakedallas.com

☐ Amending Plat ☐ Minor Plat/Replat ☐ Major Plat/Replat ☐ Site Plan Review ☐ Preliminary Plat

☒ Zoning Change

Owner: BER, LLC
Address: PO Box 254 Lake Dallas, Tx 75065
Phone: 940.453.4969 Email: marykaysmith5@gmail.com
Location of Property (Address if Applicable): Gatlin Addition LOT 2
Engineer/Surveyor: Crannell, Crannell & Martin Eng. Corp.
Address: PO Box 295429 Lewisville Tx 75029
Phone: 972.691.4405 Email: processing@ccm-eng.com

If this Application is for a subdivision plat, it must conform to the specifications as outlined by the City of Lake Dallas Subdivision Ordinance and applicable State Statutes (Chapter 94).

Proposed Subdivision Name: nla
Survey Name: nla Abstract No.: nla
Existing Zoning of Property: nla Is this a re-plat or an existing recorded subdivision? ☐ Yes ☐ No
If yes, name of original subdivision: nla

Circle One: ☒ Property Owner ☐ Agent

[Signature]
Signature

MaryKay Smith
Please Print Name

11.6.20
Date

~~If you are submitting this application on behalf of the property owner the following must be completed:~~

~~I am authorized to make application for a _____ on behalf of the owner of this property.~~

~~Signed: _____ (Agent)~~

~~The above person is my representative, authorized to make application for a subdivision on my behalf, and I hereby certify that I am owner of the property for which this application is made and waive Article 212, Sec. 212.009 of Local Government Code:~~

Notary Public Signature

Information listed below to be completed by City Staff:

Date Submitted: _____ Received by: _____ Amount: \$ _____

Probable Planning and Zoning Commission Date: _____ Probable City Council Date: _____

A representative of the property must be present at the Public Hearing before the Planning and Zoning Commission and at the Public Hearing before the City Council.

Applications will only be accepted on Application Deadline dates. Staff from the City of Lake Dallas will file the approved plat with the County of Denton. Once filed the cost will be passed along to the applicant prior to pick-up of stamped plat.



Angie Manglaris

From: marykaysmith5@gmail.com
Sent: Monday, December 7, 2020 1:32 PM
To: Angie Manglaris
Cc: John Cabrales
Subject: RE: Gatlin Addition Rezoning Project - 1st Review
Attachments: LD Application - LOT 2 zoning -LCFD review approval 12.7.20.pdf

[EXTERNAL]

Hi Angie,

Thank you for following up. Responses below in yellow:

1. Specify what Zoning District is being requested. Use application attached to this email.

Application attached

2. The Future Land Use Plan calls for this area being split between mixed use development and single family residential. The staff presentation for this project will make note that the proposed use does not conform to the FLUP.

The C1 portion of our property has no road frontage for accessibility and is land locked with the exception of the C3 which is only has 100 feet of accessibility from Carlisle. As owners of the property and part of the 12.1% of vacant land in Lake Dallas, we were not notified nor asked to be stakeholders during the 2017 Comprehensive Plan Process in which it was decided that future use of our land be mixed use or residential. However, as you are aware, we recently submitted a residential project which would have been in line with the FLUP but was denied. Going back to 2015 – 2016, we were approved for a storage plan on lot 2 and lot 3. Both the Planning & Zoning and City Council approved the storage plan. Based on the feedback for all submissions, we are pursuing the previously approved project.

3. I know the site plan is conceptual in nature at this time; however, the all gravel site will not be acceptable when it comes time for project design.

The future site will not be all gravel. As noted on the plan submitted, the entrance to the site as well as the drives within the site will be concrete. Rock not gravel will be used at the site to prevent dust and allow for permeability thus producing very little runoff. With the City of Lake Dallas, as a whole, focusing on reducing and preventing more runoff into the current bar ditches, this is a helpful solution to the city.

4. I have several concerns that, should the zoning be approved, will need to be addressed at the time of site plan. Some things to consider:

a. The amount of impervious surface appears to be more than what is allowable by code.

The amount of pervious surface will be greater than 80%

b. I see no conceptual landscaping

Landscaping can only be done along Carlisle only. The land is landlocked and out of public eye

c. Access will need to be approved by LCDF – I am not sure your proposed drive will be able to accommodate their trucks. They will required paving at a minimum.

Paving will be done off Carlisle road for better visibility, access,& fire suppression – see attached approval from LCFD

d. I am not sure what open gravel storage entails, please explain.

Open pervious areas on the site will allow post development runoff volumes to be limited. If detention is needed at all, our engineer will formulate. The slope of the interior road will be tilted to the inside to prevent drainage to the adjoining properties. Our engineer will use hydrologic methods to determine the best course for rainfall on the property to remain contained.

Please advise if additional information is needed.

Thank you-
Mk

RER, LLC

Marykay Smith

Cell: 940.453.4969

From: Angie Manglaris [mailto:amanglaris@lakedallas.com]

Sent: Saturday, December 5, 2020 1:45 PM

To: Gmail <marykaysmith5@gmail.com>

Cc: John Cabrales <jcabrales@lakedallas.com>

Subject: RE: Gatlin Addition Rezoning Project - 1st Review

Marykay,

Checking to ensure you have received these comments and are preparing a second submittal. I will need this by the end of day Tuesday to ensure your project is on the agenda for the December Planning and Zoning Commission.

Respectfully,

Angie Manglaris

Director of Development Services

City of Lake Dallas

212 Main Street

Lake Dallas, Tx 75065

O: 940.497.2226 ext. 401

C: 817.247.8608



ATTENTION: Please note any correspondence, such as e-mail or letters, sent to City Staff or City Officials may become a public record and made available for Public/Media review.

From: Angie Manglaris

Sent: Monday, November 30, 2020 4:18 PM

To: Gmail <marykaysmith5@gmail.com>

Subject: Gatlin Addition Rezoning Project - 1st Review

Good afternoon Marykay

I hope you had an enjoyable Thanksgiving Week. Attached are comments from the 1st review of your proposed zoning project. Once you have read over all of the comments, please let me know if you have any questions. Please submit revisions as soon as possible.

If we need to set up a Zoom Meeting or Phone Call this week to discuss in detail, I will be able to accommodate that as well.

Let me know if you need anything.

Respectfully,

Angie Manglaris

Director of Development Services

City of Lake Dallas

212 Main Street

Lake Dallas, Tx 75065

O: 940.497.2226 ext. 401

C: 817.247.8608



ATTENTION: Please note any correspondence, such as e-mail or letters, sent to City Staff or City Officials may become a public record and made available for Public/Media review.

Sec. 122-321. - Permitted uses.

In district C-1, no building, structure, land or premises shall be used, and no building, structure shall be erected, constructed, reconstructed, moved or altered except for one or more of the following types of uses:

(1) Retail shops and stores including:

- a. Antique shop.
- b. Art gallery.
- c. Convenience store with or without gas pumps.
- d. Farmers market.
- e. Feed store (no outside storage).
- f. Grocery store.
- g. Hardware (no outside storage).
- h. Nursery-greenhouse (no outside storage).

(2) Offices including:

- a. Administrative-general.
- b. Dental.
- c. Governmental.
- d. Insurance.
- e. Medical.
- f. Professional.

(3) Personal-professional services including:

- a. Automobile repair shop (minor).
- b. Auto parts sales (no outside storage).
- c. Bank, savings and loan, credit union.
- d. Beauty salon, barbershop.
- e. Bed and breakfast inn.
- f. College, university or trade school.
- g. Dance studio.
- h. Dry cleaning.
- i. Health-fitness center.
- j. Laundromat.
- k. Locksmith.
- l. Print shop.
- m. Restaurant or cafeteria (with or without drive in-through service).

- n. Repair shops (minor).
 - o. Veterinarian clinic (no outdoor kennels).
- (4) Publicly owned and operated community buildings, including:
- a. Administration building.
 - b. Civic-convention center.
 - c. Community center.
 - d. Fire station.
 - e. Library.
 - f. Museum-art gallery.
 - g. Police station.
- (5) Public or private parks, playgrounds, and amenity centers including recreation or service buildings and swimming pools.
- (6) Public schools and private schools, including related on-campus accessory uses such as stadiums, athletic facilities-fields and dormitories.
- (7) Golf course and/or country club including related accessory uses such as practice driving range, clubhouse with restaurant, dining and retail facilities, maintenance facilities and swimming pool, tennis courts and other related recreational facilities. All structures and recreational facilities shall have a minimum setback of 100 feet from all property lines.
- (8) Utilities, public and private.
- (9) Accessory uses customarily incident to the normal operation of the permitted uses, including parking lots as provided in this chapter.
- (10) Commercial parking lot.

(Ordinance 06-09, § 2, 3-23-06)

Sec. 122-361. - Permitted uses.

In district C-2, no building, structure, land or premises shall be used, and no building, structure shall be erected, constructed, reconstructed, moved or altered except for one or more of the following types of uses:

- (1) Any use permitted in district C-1.
- (2) Retail shops and stores including, but not limited to:
 - a. Appliance store.
 - b. Feed store (outside storage permitted).
 - c. Flea market.
 - d. Furniture, home furnishings store.
 - e. Hardware (outside storage permitted).
 - f. Nursery-greenhouse (outside storage permitted).
 - g. Pawn shop.
- (3) Professional-business services including:
 - a. Automobile repair shop (major).
 - b. Auto parts sales (outside storage permitted).
 - c. Cabinet shop.
 - d. Car-truck wash.
 - e. Furniture restoration.
 - f. Hotel-motel.
 - g. Household appliance service and repair.
 - h. Lending establishments.
 - i. Massage therapy, licensed.
 - j. Mortuary-funeral parlor.
 - k. Taxidermist.
 - l. Theater.
 - m. Upholstery shop.
 - n. Veterinarian clinic (outdoor kennels permitted).
- (4) Wholesale uses.
- (5) Accessory uses customarily incident to the normal operation of the permitted uses, including parking lots as provided in this chapter.

(Ordinance 06-09, § 2, 3-23-06)

Sec. 122-401. - Permitted uses.

In district C-3, no building, structure, land or premises shall be used, and no building or structure shall be erected, constructed, moved or altered except for one or more of the following uses:

- (1) Any use permitted in district C-2.
- (2) Automobile sales, rental, repair and storage.
- (3) Boat sales, rental, repair and storage.
- (4) Motorcycle sales, rental, repair and storage.
- (5) Recreational vehicle sales, rental, repair and storage.
- (6) Bus and/or rail terminal.

(Ordinance 06-09, § 2, 3-23-06)



**PLANNING AND ZONING COMMISSION
AGENDA MEMO**

Prepared By: Angie Manglaris, Director of Development Services

December 17, 2020

Discussion and Workshop on Proposed Use Charts

DESCRIPTION:

Receive a report, hold a discussion, and provide City Staff with direction regarding the addition of Use Charts and Zoning Districts situated within the City of Lake Dallas Code of Ordinances Chapter 122- Zoning.

BACKGROUND INFORMATION:

On June 18, 2020, the City of Lake Dallas City Council and Planning and Zoning Commission held a joint workshop to discuss possible amendments to the Zoning Ordinance. After discussion, the City Council and the Planning and Zoning Commission agreed the Zoning Ordinance was in need of being updated and indicated the first step in the process would be to establish Use Charts.

On August 20, 2020, the City of Lake Dallas City Council and Planning and Zoning Commission held an additional joint workshop to discuss amendments to the Use Charts prepared by Mr. Dave Gattis, Planning Consultant. At the workshop, Council and the Commission made note of several uses they would like to see amended before adopting the tables.

Since the last meeting, Mr. Gattis and City staff have worked to make appropriate revisions to the Use Tables as well as incorporate a Form Based Code category to the tables.

FINANCIAL CONSIDERATION:

There is no financial impact to the taxpayers of Lake Dallas.

RECOMMENDED MOTIONS:

There is no action required as part of this agenda item. City Staff recommends the Planning and Zoning Commission go through the proposed Use Charts line by line and provide direction to City Staff on any amendments they would like to see.

ATTACHMENT(S):

1. Draft Use Charts

122-1 - Summary of uses.

The uses allowable in each district are summarized in Table 122-1.

Table 122-1																			
Use Category	Definition	Specific Use Type	Zoning Districts																
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW	
Residential			P= Permitted Use; S = SUP Required; Blank = Not Permitted																
Household Living	Residential occupancy of a dwelling unit by a "household"	House Detached - Single Family Dwelling	P	P	P	P												P	
		House Attached - Two Family Dwelling				P											P	P	
		Three or Four Family Dwelling					P									P	P	P	
		Multi-Dwelling Structure MAX: 18 DU/AC					P									P	P	P	
		Manufactured Home						P	P										
Group Home	As defined and regulated by state and federal law		P	P	P	P	P												
Convalescent Home	Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age					S					P	P	P	P	P	P	P	P	
Accessory Use as a Primary Use, Residential	Any typically permitted accessory use in the district		P	S	S			S											

Table 122-1																		
Use Category	Definition	Specific Use Type	Zoning Districts															
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW
	in the absence of a principal use																	
Institutional and Civic			P= Permitted Use; S = SUP Required; Blank = Not Permitted															
College	Colleges and institutions of higher learning									P	P	P	P		P			
Community Service	Public, nonprofit, or charitable uses generally providing a local service to the community									S	P	P	P	P	P	P	P	P
Day Care	Care, protection and supervision for adults on a regular basis away from their residence for less than 24 hours per day	12 Children or less	S	S	S	S	S			S	P	P	P	P	P	S	S	S
		Kindergarten or Nursery						S	S	S				P		P	P	P
Government Installations	Installations owned and operated by the City of Lake Dallas, Denton County, or the State of Texas which are necessary for governmental services		S	S	S	S	S	S	S	P	S	S	S	S	S	S	S	S
Health Care Facility	Medical or surgical care to patients, with overnight care									S	P	P	P	P	P	P	P	P
Parks and Open Areas	Natural areas consisting mostly of vegetative landscaping or outdoor		S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P

Table 122-1																			
Use Category	Definition	Specific Use Type	Zoning Districts																
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW	
	recreation, community gardens, etc.																		
Religious Institution	Worship and other related religious activities		S	S	S	S	S	S	P	P	P	P	P	P	P	S	S	S	
Safety Services	Public safety & emergency response services		S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	
Schools	Schools at the primary, elementary, middle, junior high, or high school level		S	S	S	S	S	S	P	P	P	P	P	P	P	S	S	S	
Utilities, basic	Installations which are necessary for the furnishing of public utility services	Minor expansions of existing facilities	S	S	S	S	S	S	P	P	P	P	P	P	P	S	S	S	
		New or major expansions	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Commercial			P= Permitted Use; S = SUP Required; Blank = Not Permitted																
Amusement Arcade, Indoors	51% of the gross floor area of a tenant space used for pinball machines, video games, amusement machines, or other similar player-operated amusement devices												S	S					
Auto Sales and Rental	Automobile, motorcycle, truck, boats, and trailer sales or rental												P						

Table 122-1																			
Use Category	Definition	Specific Use Type	Zoning Districts																
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW	
Batting Cages, Outdoor	An area for baseball, softball, or tee-ball batting practice that is enclosed by fencing or netting									S	S	S	P	P	P	S	S	S	
Crematory	A place where a deceased person's body is cremated										S	S	S	P					
Farm Implement Sales and Service	Sale and service of farming tools and equipment										S	S	S	P					
Food Truck Park	A location at which more than one food truck operates on a regular basis									S	P	P	S	S	S	S	S	S	
Golf Driving Range, Outdoor	An area where persons can practice or learn to play golf, typically practicing "driving;" swinging a golf club to hit a golf ball									S	P	P	P	P	P				
Miniature Golf, Outdoor	A version of golf played on a series of short constructed obstacle courses; also commonly known as mini-golf or putt-putt										S	S	P	P	P	S			
Office	Actives conducted in an office setting and generally focusing on business, professional, medical, or financial services					S				S	P	P	P	P	P	P	P	P	

Table 122-1																		
Use Category	Definition	Specific Use Type	Zoning Districts															
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW
Office, Temporary Residential Sales Office	Temporary real estate office for the sale of property located within its related subdivision		P	P	P	P	P											S
Parking, Commercial	Parking that is not accessory to a principal use; fees may or may not be charged									S	P	P	P	P	P	P	P	S
Printing Services	Duplicating service, printing, lithographing, multi-graphing and offset printing, blueprinting, and photo-stating	Duplicating and electronic printing where floor area does not exceed 3000 SF								S	P	P	P	P	P	P	P	P
		Offset printing, web press											P	P				
Recreation and Entertainment, Outdoor	Large, generally commercial uses that provide continuous recreation or entertainment-oriented activities										S	S	S	S	P	S	S	S
Retail Sales and Service	Firms involved in the sale, lease, or rental of new or used products to the general public; they may also provide personal services or entertainment, or provide product repair or services for consumer and business goods									S	P	P	P	P	P	P	P	P

Table 122-1																		
Use Category	Definition	Specific Use Type	Zoning Districts															
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW
RV Camping Area	Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term (14 days or less) occupancy of camper vehicles, recreational vehicles, tents or trailers						S			S	S	S	S	S	P			
RV Storage	Parking lot used for the storage of recreational vehicles									S	S	S	S	P	S			
Sexually Oriented Business	An adult arcade, adult bookstore, adult video store, adult motel, adult motion picture theater, adult theater, nude model studio, or adult entertainment facility (see Chapter 26, Art. III, Code of Ordinances)										S	S		S				
Skating rinks	Ice skating or roller-skating rinks										S	P	P	P	P			
Self-Service Storage	Uses providing separate storage areas for individual or business uses										S	S	S	S	S			

Table 122-1																		
Use Category	Definition	Specific Use Type	Zoning Districts															
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW
Vehicle Repair	Service to passenger vehicles, light & medium trucks, & other consumer motor vehicles, generally, the customer does not wait at the service site while the service or repair is being performed										S	P	P	P	P			
Vehicle Service, Limited	Direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed										S	P	P	P	P			
Warehouse and Freight Movement	Firms involved in the storage, or movement of goods										S	S	P	P				
Wholesale Sales	Firms involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses												S	P				
Industrial			P= Permitted Use; S = SUP Required; Blank = Not Permitted															
Industrial Service	Firms engaged in the repair or servicing of industrial, business, or consumer machinery equipment, products or by-products												P	P				

Table 122-1																		
Use Category	Definition	Specific Use Type	Zoning Districts															
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	R-1-4000	R-1-4000C	CF	C-1	C-2	IH-35E	M-1	MA	DMU	DMS	DLW
Manufacturing and Production	Firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods												P					
Other			P= Permitted Use; S = SUP Required; Blank = Not Permitted															
Agriculture	Raising, producing or keeping plants or animals	Animal Confinements - Commercial										S		S				
		Animal Pasturing greater than 10 acres	P									S		S				
		Animal Pasturing less than 10 Acres																
		Private Stable (Accessory Use)	P					P	P		S	S	S	S	S			
		Private Stable (Primary Use)	S	S	S	S	S	S	S	S	S	S	P	P	S			
Telecommunications Facilities	A facility used for the transmission of signs, signals, messages, words, writings, images and sounds or information of any nature by wire, radio, optical or electromagnetic systems (see Section _____)	Not exceeding the max building height of district	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		Greater than the max building height of district	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Use Categories.

- A. **Basis for Classifications.** Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
1. **Principal Uses.** Principal uses are assigned to the category that most closely describes the nature of the principal use. The "characteristics" subsection of each use category describes the common characteristic of each principal use.
 - a. **Development with Multiple Principal Uses.** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the retail sales and services category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
 - b. **Accessory Uses.** Accessory uses are allowed by-right in conjunction with a principle use, unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.
 - c. **Use of Examples.** The "examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "wholesale warehouse," but that sells mostly to consumers, is included in the retail sales and services category rather than the wholesale sales category. This is because the actual activity on the site matched the description of the retail sales and services category.
- B. **Restricted Uses.** The city council may identify unique uses to be regulated separately from their related general use categories. The following uses are identified separately from the general use categories and listed within the use charts:
1. Auto sales and rental; retail sales and service—Commercial uses.
 2. Batting cages, outdoor; recreation and entertainment, outdoor—Commercial uses.
 3. Convalescent home; group living—Residential uses.
 4. Carwash; vehicle, service limited—Commercial uses.
 5. Crematories; retail sales and service—Commercial uses.
 6. Driving range, outdoor; recreation and entertainment, outdoor—Commercial uses.
 7. Farm implement sales and service; retail sales and service—Commercial uses.
 8. Food truck park; retail sales and services—Commercial uses.
 9. Frozen food lockers; warehouse and freight movement—Commerce uses.
 10. Government installations; office or safety services or community services—Institutional uses.
 11. Landfill; waste-related—Industrial uses.
 12. Miniature golf, outdoor; recreation and entertainment, outdoor—Commercial uses.
 13. Office, temporary residential sales; office—Commercial uses.
 14. Printing services; manufacturing and production—Industrial uses.

15. RV camping; retail sales and services—Commercial uses.
 16. RV storage; retail sales and services—Commercial uses.
 17. Sexually oriented business; retail sales and services—Commercial uses.
 18. Skating rinks, outdoor; recreation and entertainment, outdoor—Commercial uses.
- C. Similar Use Interpretation Criteria. The following considerations shall be used in making similar use interpretations:
1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
 2. The relative amount of site area or floor space and equipment devoted to the activity;
 3. Relative amounts of sales from each activity;
 4. The customer type for each activity (retail or wholesale);
 5. The relative number of employees in each activity;
 6. Hours of operation;
 7. Building and site arrangement;
 8. Vehicles used with the activity;
 9. The relative number of vehicle trips generated by the use; and
 10. How the use advertises itself.
- D. Residential Use Categories.
1. Group Living.
 - a. Characteristics. Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see retail sales and service and community service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site.
 2. Household Living.
 - a. Characteristics. Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories).
 - b. Accessory Uses. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses but are subject to additional regulations.
 - c. Examples. Uses include living in single, two, three, and four family dwelling units, or other multi-dwelling structures, retirement center apartments, and manufactured housing.
 - d. Exceptions.
 - (1) Hotels, motels.
 - (2) Nursing homes, etc., are classified as convalescent homes.
- E. Commercial Use Categories.

1. Amusement arcade, indoor.

- a. Characteristics. Indoor amusement arcade is a building or part of a building in which pinball machines, video games, amusement machines, or other similar player-operated amusement devices are present and maintained as a primary use. For the purpose of this definition, "primary use" means fifty-one percent or more of the gross floor area of the portion of the tenant space being used.
- b. Accessory Uses. Accessory uses include retail sales of food and beverage, offices and parking.
- c. Examples. Examples include video game arcades, billiard halls and other amusement centers with coin-operated amusement machines, which means any machine or device of any kind or character that is operated by or with coins, metal slugs, tokens, monetary bills, or checks when such machine dispenses or is used or is capable of being used or operated for amusement or pleasure, or when such machine is operated for the purpose of dispensing or affording skill or pleasure. An amusement machine pursuant to this definition is the same as a skill or pleasure coin-operated machine pursuant to the Texas Revised Civil Statutes, Title 132, Chapter 8, Section 8801(5), as amended. An amusement machine shall also include any billiard table operated for profit, whether operated by or with coins, metal slugs, tokens, monetary bills, or checks inserted into the machine or paid to an attendant.
- d. Exceptions.
 - (1) Does not include a bowling alley, skating rinks, or batting cages.
 - (2) Does not include the dispensing or vending of merchandise or music, or service as defined by Texas Revised Civil Statutes, Title 132, Chapter 8 Section 8801 et seq., as amended.

2. Office.

- a. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, professional, medical, or financial services.
- b. Accessory Uses. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- c. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage firms, bank headquarters, or real estate agents; data processing; sales offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.
- d. Exceptions.
 - (1) Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
 - (2) Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

3. Parking, Commercial.

- a. Characteristics. Commercial parking facilities provide parking that is not an accessory to a principal use. A fee may or may not be charged. A facility that provides both accessory parking for a principal use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.
- b. Accessory Use. Attendant facilities.

- c. Examples. Examples include short-term and long-term fee parking facilities and mixed parking lots (partially accessory to a principal use, partly for rent to others).
 - d. Exceptions.
 - (1) Parking facilities that are accessory to a use, but that charge the public to park for occasional event nearby, are not considered commercial parking facilities.
 - (2) Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
 - (3) Public transit park-and-ride facilities are classified as basic utilities.
4. Recreation and Entertainment, Outdoor.
- a. Characteristics. Outdoor recreation and entertainment uses are large, generally commercial, uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
 - b. Accessory Uses. Accessory uses may include concessions, parking, and maintenance facilities.
 - c. Examples. Examples include amusement parks; theme parks; and zoos.
 - d. Exceptions.
 - (1) Golf courses are classified as parks and open space.
5. Retail Sales and Service.
- a. Characteristics. Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment; or provide product repair or services for consumer and business goods.
 - b. Accessory Uses. Accessory uses may include offices; storage of goods; assembly or repackaging of goods primarily for on-site retail sale; processing of food primarily for the on-site retail sale and parking.
 - c. Examples. Examples include uses from the four following groups:
 - (1) Sales-oriented. Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, and stationary; food sales, and sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks and other recreational vehicles.
 - (2) Personal Service-Oriented. Branch banks; emergency medical care; laundry facilities; photographic studios; photocopy and printing services; hair, tanning, and personal care services; martial arts and other trade schools; dance or music classes; taxidermist; mortuaries; veterinarians; and animal grooming.
 - (3) Entertainment-Oriented. Restaurants, cafes, delicatessens, bars and taverns; indoor continuous entertainment activities such as bowling alleys, ice rinks and game arcades; pool halls; dance halls; indoor shooting ranges; theaters, health clubs, gyms, membership clubs and lodges; hotels, motels, recreational vehicle parks and other temporary lodging with the length of stay being less than thirty days.
 - (4) Repair-Oriented. Repair of electronics, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; and upholsterer.

- d. Exceptions.
 - (1) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
 - (2) Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as vehicle repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as industrial service.
 - (3) Sales, rental or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.
 - (4) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop which is classified as industrial service.
 - (5) In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See "community services."
- 7. Self-Service Storage.
 - a. Characteristics. Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
 - b. Accessory Uses. Accessory uses may include living quarters for a resident manager or security and leasing offices. Uses of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.
 - c. Examples. Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
 - d. Exceptions.
 - (1) A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.
- 8. Vehicle Repair.
 - a. Characteristics. Vehicle repair firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
 - b. Accessory Uses. Accessory uses may include offices, sales of parts for on-site installation, and vehicle storage.
 - c. Examples. Examples include vehicle repair; transmission, engine, auto body, alignment, or auto upholstery shops.
 - d. Exceptions. Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as industrial service.
- 9. Vehicle Service, Limited.
 - a. Characteristics. Limited vehicle service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.
 - b. Accessory Uses. Accessory uses may include auto repair and tire sales.
 - c. Examples. Examples include full-service, mini-service and self-service gas stations; car washes; quick lubrication services; muffler shop; and tire sales and mounting

d. Exceptions.

- (1) Truck stops are classified as industrial service.
- (2) Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of a principal use.

F. Commerce Use Categories.

1. Warehouse and freight movement.

- a. Characteristics. Warehouse and freight movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- b. Accessory Uses. Accessory uses may include offices, truck fleet parking or storage and maintenance areas.
- c. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; and grain terminals.
- d. Exceptions.
 - (1) Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.
 - (2) Mini-warehouses are classified as self-service storage uses.

2. Wholesale Sales.

- a. Characteristics. Wholesale sales firms are involved in the sale of products directly to retail businesses. The uses emphasize on-site sales or order taking and often include display areas. Business may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
- b. Accessory Uses. Accessory uses may include offices, product repair, warehouses, parking, minor assembly services and repackaging of goods.
- c. Examples. Examples include sale of machinery, equipment, heavy trucks, building materials, special trade tools; welding supplies; machine parts; electrical supplies; janitorial supplies; restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
- d. Exceptions.
 - (1) Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.
 - (2) Firms that are primarily storing goods with little on-site sales are classified as warehouse and freight movement.

G. Industrial Use Categories.

1. Industrial Service.

- a. Characteristics. Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractor and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- b. Accessory Uses. Accessory activities may include offices, parking and storage.

- c. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building material; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; above ground tanks used for the storage or dispensing of petroleum products; research and development laboratories; and photo finishing laboratories; and the stockpiling of sand, gravel, or other aggregate materials.
 - d. Exceptions.
 - (1) Contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored at the site and fabrication, or similar work is not performed at the site.
 - (2) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.
2. Manufacturing and Production.
- a. Characteristics. Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
 - b. Accessory Uses. Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, and truck fleets.
 - c. Examples. Examples include processing of food and related products for wholesale; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemicals, rubber, leather, clay, bone, plastic, stone, or glass materials or products; printing, publishing and lithography; movie production facilities; production of fabrication of metals or metal products, instruments (including musical instruments), vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.
 - d. Exceptions.
 - (1) Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.
 - (2) Processing of food primarily for on-site retail sales, such as a bakery or butcher within a retail store, is classified as retail sales and services.
 - (3) Manufacturing and production of goods from composting organic material is classified as waste-related uses.
3. Waste-Related.
- a. Characteristics. Characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.
- H. Institutional and civic use categories.
- 1. Colleges.

- a. Characteristics. This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like setting or on multiple blocks.
 - b. Accessory Uses. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and supporting commercial activities.
 - c. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to health care facilities and seminaries.
 - d. Exceptions. Trade schools are classified as retail sales and service.
2. Community Services.
- a. Characteristics. Community services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.
 - b. Accessory Uses. Accessory uses may include offices; meeting areas; food preparation areas; parking; health and therapy areas; and athletic facilities.
 - c. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, social services facilities, temporary shelters, vocational training for persons with physical or mental disabilities, park-and-ride facilities for mass transit, cemeteries and mausoleums.
 - d. Exceptions.
 - (1) Private lodges, clubs and private or commercial athletic or health clubs are classified as retail sales and service. Commercial museums are classified as retail sales and service.
 - (2) Parks are classified as parks and open areas.
 - (3) Uses where tenancy is arranged on a month-to-month basis or for a longer period are residential and are classified as household or group living.
 - (4) Bus barns are classified as warehouse and freight movement.
3. Day Care.
- a. Characteristics. Day care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four hours per day.
 - b. Accessory Uses. Accessory uses include offices, recreation areas, and parking.
 - c. Examples. Examples include preschools, child-care centers, nursery schools, latch key programs and adult day-care programs.
 - d. Exceptions.
 - (1) Day care does not include public or private schools or facilities operation in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.
4. Health Care Facilities.
- a. Characteristics. Health care facilities include uses providing medical or surgical care to patients and offering overnight care.

- b. Accessory Uses. Accessory uses include out-patient clinics, offices, and laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
 - c. Examples. Examples include medical centers and hospitals.
 - d. Exceptions.
 - (1) Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the group living category
 - (2) Medical clinics or offices that provide care where patients are generally not kept overnight are classified as offices.
- 5. Parks and Open Areas.
 - a. Characteristics. Parks and open areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
 - b. Accessory Uses. Accessory uses may include club houses; maintenance facilities and caretaker's quarters; concessions; and parking.
 - c. Examples. Examples include parks, golf courses, public squares, plazas, recreational trails, botanical gardens, nature preserves, and land used for grazing that is not part of a farm or ranch.
 - d. Exceptions.
 - (1) Outdoor driving ranges and outdoor miniature golf courses are classified in the golf driving range, outdoor and miniature golf, outdoor categories.
- 6. Religious Institutions.
 - a. Characteristics. Religious institutions primarily provide meeting areas for religious worship services and activities.
 - b. Accessory Uses. Accessory uses include Sunday school facilities; preschools and day cares for children or adults while parents or guardians are occupied on the premises or in the immediate vicinity, parking, caretaker's housing, and group living facilities such as convents.
 - c. Examples. Examples include churches, temples, synagogues and mosques.
 - d. Exceptions. Schools are classified as schools.
- 7. Safety Services.
 - a. Characteristics. Safety services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
 - b. Accessory Uses. Accessory uses include offices and parking.
 - c. Examples. Examples include fire station, police stations and emergency medical and ambulance stations.
- 8. Schools.
 - a. Characteristics. This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.
 - b. Accessory Uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before or after-school day care.
 - c. Examples. Examples include public and private daytime schools, boarding schools and military academics.

- d. Exceptions.
 - (1) Preschools are classified as day care uses.
 - (2) Trade schools are classified as retail sales and service.
- 9. Utilities, Basic.
 - a. Characteristics. Basic utilities are infrastructure services that need to be located in or near the area where the service is provided. These uses generally do not regularly have employees at the site. Services may be public or privately provided.
 - b. Accessory Uses. Accessory uses may include parking and control, monitoring, data or transmission equipment.
 - c. Examples. Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; and recycling collection centers.
 - d. Exceptions.
 - (1) Services where people are generally present are classified as community services.
 - (2) Utility offices where employees or customers are generally present are classified as offices.
 - e. Additional Regulations.
 - (1) Concerning minor and major expansions of public utility facilities: Existing public utility facilities in place on the effective date of the ordinance from which this section derives shall be deemed a conforming principle use and will allow for minor expansions only. Minor expansions shall be defined as increases or additions to the size of buildings, structures, driveways, parking areas, or other impervious area, cumulatively, up to thirty percent of the original construction. A new accessory building at an existing public utility facility that does not increase the total existing building footprint of the site by more than thirty percent, cumulatively, shall be allowed, subject to the development requirements of this chapter. Major expansions to installations which are necessary for the furnishing of public utility services shall be considered expansions of existing public utility facilities by more than thirty percent, cumulatively.
- I. Other Use Categories.
 - 1. Agriculture.
 - a. Characteristics. Agriculture includes activities that primarily involve the raising, producing or keeping plants or animals. See Section _____ for performance standards concerning animal lots and stables.
 - b. Accessory Uses. Accessory uses include dwellings for proprietors and employees of the use and animal training.
 - c. Examples. Examples include breeding or raising of fish, fowl or other animals; dairy farms; stables; riding academies; farming, forestry, tree farming; and wholesale plant nurseries.
 - d. Exceptions.
 - (1) Uses involved in the processing of animal or plant products are classified as manufacturing and production.
 - (2) Livestock auctions are classified as wholesale sales.
 - (3) Plant nurseries that are oriented to retail sales are classified as retail sales and service.
 - e. Additional Primary and Accessory Use Regulations.

- (1) Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits: when more than ten acres are available. Not more than one horse may be kept per acre available for grazing for the first two acres, and one horse per five acres thereafter. No more than one animal unit other than horses may be kept per five acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one horse or one cow per five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Section _____.)
 - (2) Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten acres are available. No more than one horse may be kept per acre, nor one animal unit other than horses per five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Section _____.)
 - (3) Farms, orchards, truck gardens, nurseries for the growing of plants and similar agrarian activities, involving the growing of plants, provided that no operation shall be conducted which will be obnoxious or offensive.
 - (4) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
 - (5) Commercial barn or stable or riding arena, subject to the requirements of Section _____.
 - (6) Private barn or stable, subject to the requirements of Section _____.
 - (7) Private barn or stable, in accordance with the requirements of Section _____ when more than ten acres are available and the barn/stable is located no closer than one hundred fifty feet from a property line.
2. Detention Facilities.
 - a. Characteristics. Detention facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under twenty-four-hour supervision by sworn officers.
 3. Telecommunication Facilities.
 - a. Characteristics. Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary for the transmission of signs, signals, messages, words, writings, images and sounds or information of any nature by wire, radio, optical or electromagnetic systems. Facilities may be self-supporting, guyed, mounted on poles or other structures, light posts, power poles, or buildings. Facilities may also include interconnection translators, connections for over-the-air to cable, fiber optic, or other landline transmission system. See Section _____ for performance standards and other regulations.
 - b. Accessory Uses. Accessory uses may include transmitter facility buildings.
 - c. Examples. Examples include broadcast towers, attached telecommunications facilities.
 - d. Exceptions.
 - (1) Radio and television studios are classified in the office category.
 - (2) Radio and television broadcast facilities that are public safety facilities are classified as basic utilities.
 - (3) Amateur radio facilities that are owned and operation by a federally licensed amateur radio station operator are not included in this category.
 - e. Additional Regulations.

- (1) Antennae and towers not exceeding the maximum height allowed in the district, antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet, and dish antennae not exceeding one meter in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the zoning board of adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.
- (2) Antennae and towers exceeding the maximum height in the district and dish antennae exceeding one meter in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section _____.



**P&Z COMMISSION
AGENDA MEMO**

Prepared By: Angie Manglaris, Director of Development Services

December 17, 2020

Sign Ordinance Amendments

DESCRIPTION:

Receive a report, hold a discussion, and provide staff with direction regarding The Lake Dallas Code of Ordinances Chapter 80- Signs.

BACKGROUND INFORMATION:

City Council has requested staff bring forward a workshop item to discuss the existing Sign Ordinance and determine if amendments to the regulations should be pursued.

In May 2019, City Council amended the Code of Ordinances by adding Chapter 80 “Signs,” establishing the regulation of signs situated on properties in the City of Lake Dallas. In September 2020, City Council held a workshop to discuss the concerns Council had with the current regulations. The workshop covered the following areas: the ban on wind signs, limitations on billboards, the locations in which pole signs may be placed and restrictions to limit the types of future signage situated along Swisher Road and within the Downtown District.

Based on the conversation with City Council, staff has prepared a redlined copy of the Sign Ordinance to discuss potential amendments.

The areas addressed in this update are as follows:

General items:

The Ordinance needs to be cleaned up for grammar, clarification and consistent capitalization when referring to the following entities: City Council, City of Lake Dallas, Director of Development Services.

Wind Signs:

- Wind devices or “sail” signs are currently banned per Section 80-23. Prohibited Signs. The use of wind devices was also prohibited under the previous Ordinance regulating signage.
- City Staff understands business owners have raised concerns relating to the banning of these signs.

- At their workshop on September 24, 2020, City Council indicated to staff they would like to see amendments to the Code that allows for the use of wind signs on a temporary basis.
- City staff has added wind signs as an allowable sign in the City. A business may have up to two (2) wind signs on site for a period of thirty (30) days. There must be sixty (60) days separation before the business could utilize the signs again.
- Staff has also added the definition “Sign, Wind” to this chapter to clarify what does/does not qualify.

Political Signs:

- Staff recommends removing the text in Section 80-9 and referring to State Local Government Code regarding the regulation of political signs.

Digital (L.E.D) Signs:

- Staff recommends a section to the list of allowable signs to include digital (L.E.D) signs in the IH-35 Overlay, for institutional signs, and along Swisher Road.
- The section would include criteria for the signs including:
 - Allowable intensity of lighting
 - Message change timing requirements
 - Display area restrictions
 - Light pollution onto adjacent properties

Monument Signs:

- Staff recommends adding criteria to the monument sign section to allow these types of signs to be utilized as subdivision entryway features rather than having a separate section for subdivision signs.
- Staff has recommended other minor revisions to this section to specify setbacks, landscaping requirements and lighting standards.

Wall Signs:

- Staff recommends cleaning up the wall sign section to clarify how many wall signs a business may have and where they may be situated on the building.
- Staff also recommends changing how the allowable sign of the sign shall be determined. Rather than a percentage of wall coverage, the City should consider establishing a max. height and area of a sign based on the total square footage of the building.

Prohibited Signs:

- In line with the desire of Council, staff has removed wind sign from the list of prohibited signs.
- An additional category was added regarding signs situated in the right-of-way or in visibility easements.

Additional Staff Recommendations:

- Staff recommends minor formatting changes to the Chapter for clarity of the permit process.
- Consider creating a table to be included in the Chapter that identifies the sign type, areas in which said sign is allowed in the City, sign limitation, and if a permit is required. The table would look like the example included as an attachment to this item.

Attached to this item is a copy of Chapter 80 - Signs. Staff has made recommendations outlined in red for purposes of this evening's discussion. This is not an all-encompassing list of changes that the City may want to make. Staff, the Planning and Zoning Commissions, and City Council may bring up additional items that need to be refined as part of this update.

FINANCIAL IMPACT:

There is no financial impact to the taxpayers of Lake Dallas.

RECOMMENDED MOTION:

There is no motion required as part of this Agenda Item. Staff requests after holding a discussion Council provide direction on amendments to the existing regulations.

ATTACHMENT(S):

1. Chapter 80 – Signs
2. Example of Sign Regulation Table

Chapter 80 - SIGNS

Sec. 80-1. - Purpose.

The purpose of this chapter is to provide public safety, adequate lighting open space and air, conservation of land, protection of property values, and encourage the highest and best use of land by proving that signs:

- (1) Are maintained properly to avoid creating safety risks due to abandonment, collapse, decay, deterioration or fire;
- (2) Enhance the quality of the city's appearance by avoiding clutter and by not interfering with scenic views or character of certain city areas;
- (3) Do not obstruct or interfere with the ability of the fire or police departments to implement their job duties;
- (4) Do not pose a hazard to public safety by confusing or distracting motorists or creating obstructions impairing a driver's ability to see pedestrians, obstacles, other vehicles, or traffic signs;
- (5) Are regulated by size, quantity, scale, and proportionate balance in accordance with the structures for which associated with and standards consistent with the stated general purpose;
- (6) Do not create nuisances for people using the public rights-of-way and streets nor owners/tenants of adjacent property by their height, size, brightness or movement; and
- (7) It is not the purpose or intent of this chapter to regulate signs based on their content.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-2. - Applicability.

The sign regulations of this chapter shall apply and are enforceable in the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code § 42.021.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-3. - Administration and enforcement.

- (a) *Compliance with codes and ordinances.* All sign structures shall comply with this chapter, as it may be amended, the International Building Code, the National Electrical Code and other applicable city ordinances, as they may be amended. If the standards in this chapter are more restrictive than other provisions of this Code, then this chapter shall apply.
- (b) *Signs shall not interfere with exits, windows or traffic.* No sign shall be constructed as to block, obstruct or interfere in any way with a means of exit or window from any building. No sign shall block, obstruct or interfere in any way with pedestrian or vehicular traffic on a sidewalk, street, fire lane, driveway or parking lot or space.
- (c) *Exemptions.* Signs located entirely within buildings that are not visible from the exterior of the building, shall not be regulated by this chapter.
- (d) *Inspection.* All signs regulated by this chapter and other laws, codes and ordinances governing signs shall be subject to inspection and re-inspection by the director of development services in order to ascertain continued compliance with the provisions of this chapter and other laws, codes and ordinances governing signs. Inspection of electrical signs and outline lighting equipment shall be accomplished pursuant to procedures established by the electrical code of the city for inspection of the installation, repair or replacement of any electrical wiring or equipment subject to such code. It

Commented [AM1]: Chapter needs some basic clean up. City, City Council and Director of Development Services should consistently be capitalized

shall be the duty of the director of development services to inspect every sign not specifically exempt from the provisions of this chapter at least once annually.

(e) *Maintenance of signs.*

- (1) All signs, including but not limited to non-conforming signs, shall be maintained to consistently have a neat appearance. Sign panels and/or sign graphics shall be secured and maintained so they do not separate from, hang from, or fall from a sign. Sign panels and sign graphics shall not be faded, ripped, or have any other damage.
- (2) Neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification by the chief building official, neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten calendar days after written notification to do so by the chief building official. The notification shall further state that if the sign is not removed or repaired, a citation may be issued, and the city may resort to any civil remedy available to the city. If any sign is determined to present an immediate danger to public health, safety or welfare, the city shall remove it immediately upon obtaining a court order for such removal. Within ten calendar days of the removal of the sign pursuant to the court order, the chief building official shall notify the owner of the property on which the sign was located of the reason(s) for the removal of such sign.
- (3) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under this section, the chief building official is hereby authorized to cause the removal and impoundment of such sign upon the issuance of a written court order authorizing the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located. The city shall invoice the owner, agent, or person having beneficial use of the land for such expenses incurred by the city associated with the removal.

(f) *Removal of abandoned signs.* An abandoned sign or abandoned sign structure remaining beyond the period authorized by this subsection (f) creates a blight on the community and is declared to be a public nuisance. An abandoned sign or abandoned sign structure that is not also a neglected sign or neglected sign structure must be removed from the premises:

- (1) On or after the first anniversary of the date the business, person, or activity that the abandoned sign or sign structure identifies or advertises ceases to operate on the premises on which the abandoned sign or abandoned sign structure is located; or
- (2) If the premises containing the abandoned sign or abandoned sign structure is leased, on or after the second anniversary after the date the most recent tenant ceased operating on the premises on which the abandoned sign or abandoned sign structure is located; or
- (3) If the abandoned sign or abandoned sign structure advertises a time, event, or purpose which no longer applies, not later than ten days after the termination of the time, event, or purpose.

Subsections (e)(2) and (3) of this section shall apply to the removal of an abandoned sign that must be removed pursuant to this subsection (f). This subsection does not apply to political signs. Subsection (e) of this section shall be controlling over the maintenance, repair, and removal of an abandoned sign that is also a neglected sign, or abandoned sign structure that is also a neglected sign structure.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-4. - Definitions.

The following words, terms and phrases, when used in this Chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign and *abandoned sign structure* means a sign or sign structure, respectively, that identifies a business, person, or activity that no longer occupies or operates on the premises on which the sign or sign structure is located or pertains to a time period greater than six months, event, or purpose which no longer applies.

Alter means to change the size, shape, outline, intent or type of sign.

Bulletin board means a sign containing information where a portion of such information may be periodically changed, providing that such change shall be affected by the replacement or interchange of letters, numbers or other graphic symbols by insertion, attachment, or similar means.

Decorative display means a flag or banner that contains no name, initials, logos, insignia or similar items and does not represent a government or private organization. Decorative displays are not signs.

Display surface means that area made available by a sign structure for the purpose of displaying an advertising message, such area to exclude nonstructural trim.

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

Flag is a piece of fabric, cloth, plastic, vinyl, canvas, leather, or other similar material attached to a staff cord on one end generally used as a symbol of a nation, state, city or other local government entity. Flags shall not be used in connection with a commercial promotion or to advertise a commercial product, service, activity, condition or person.

Sign means that which attracts or directs attention by visual means to any object, product, service, place, activity, person, institution or business. A sign includes any fasteners, fixtures, methods, or structures by or upon which a sign is erected, attached, displayed, placed or mounted.

Sign, area means the square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary rectangle drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.

Sign, changeable electronic variable message signs (CEVMS) means a sign that permits light to be turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationery or constant intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color.

Sign, directional means a sign designed specifically for the purpose of directing or providing guidance to vehicular and pedestrian traffic on private property.

Sign, incidental means a small sign, less than two square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public, including, but not limited to, nameplates, signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone and so forth, and signs designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building or development by means of a directory designating names and addresses only.

Sign, nonconforming means a sign that does not conform to the requirements of this chapter but which was in conformance with applicable regulations at the time of its erection, placement or construction. Any sign erected, constructed, enlarged, altered or converted after the enactment of this chapter that does not conform to the provisions of this chapter shall be considered a prohibited sign, and shall be removed or made to conform to this chapter.

Sign, neglected means a sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained.

Sign, pole means a freestanding sign supported by a pole having no guys or braces to the ground or to any other structure.

Sign, political means a sign relating to:

- (1) The election of a person to public office;
- (2) A political party; or
- (3) A proposition to be voted upon at an election called by a public body.

Sign, portable means a sign designed and/or constructed and/or used to facilitate its placing or moving from one location to another or from one lot, tract or parcel of land to another lot, tract or parcel of land. Such sign shall contain no electrical wiring. Such sign shall have temporary anchors to the ground to withstand the wind load specified in this chapter.

Sign, prohibited means a sign not expressly permitted by this chapter or any sign specifically prohibited by this chapter.

Sign, pylon means a freestanding sign which consists of a cabinet atop a single support element that must:

- (1) Be at least 33 percent as wide as the cabinet top, and
- (2) Covered in materials matching the exterior of the primary building.

Sign, roof means a sign erected on a vertical framework supported by and located immediately and entirely on or over the roof of a building.

Sign, stake means a temporary commercial, governmental or political freestanding sign supported by a piece of material driven into the ground.

Sign, sail means a wind device that contains a harpoon-style pole or staff driven into the ground for support or mounted on a weighted portable base and generally used in connection with a commercial promotion or to advertise a commercial product, service, business, activity condition, or person.

Sign, temporary means any sign intended to be displayed only for a limited period of time.

Sign, wall means a sign which is attached or fixed to the wall of a building or is an integral part of the building with the exposed face of the sign in a plane parallel to and not more than 12 inches from the wall; however, electrical wall signs may project not more than 18 inches from the wall.

Sign, vehicular means signs placed on or leaning on to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

Sign structure means any structure which supports or is capable of supporting any sign. Sign structures, by way of examples but not of limitation, may include single poles and may be an integral part of the building.

Sign, wind means any display or series of displays, banners, balloon, feather flags or other objects designed and fashioned in a manner as to move when subject to the wind.

Sign, window means any sign, pictures, symbol, paint or combination thereof, designed to communicate information about any activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-5. - Nonconforming signs.

- (a) A nonconforming sign may continue in use provided such use does not constitute a hazard or public nuisance.
- (b) The right to continue all nonconforming signs shall cease and such sign shall be removed or improved to conform to this chapter whenever:
 - (1) With respect to on-premises advertising only, an approved application for certificate of occupancy or a certificate of occupancy for a change of business or ownership is issued and the non-conforming sign is associated with the previous business or ownership;
 - (2) A change of occupancy classification occurs as described in the building code and a sign is associated with the classification change;
 - (3) A sign is altered, moved or relocated without a permit being issued pursuant to the provisions of this chapter;
 - (4) A sign is destroyed and the cost to repair exceeds 50 percent of the replacement cost of the sign on the date of damage;
 - (5) A sign leans such that an angle between the sign and the ground is 70 degrees or less;
 - (6) A sign has fallen onto the ground;
- (c) Signs designated by official action of the city as having special historic or architectural significance are exempt from subsection (b) of this section.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-6. - Dilapidated or deteriorated signs.

- (a) A dilapidated or deteriorated sign is any sign:
 - (1) Where elements of the surface or background have portions of the finished material missing, broken, or otherwise existing such that they are illegible;
 - (2) Where the structural support or frame members are visibly bent, broken, dented, or torn;
 - (3) Where the panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
 - (4) Where the message or wording can no longer be clearly read; or
 - (5) Where the sign or its elements are not in compliance with the requirements of the current electrical code and/or building code of the city.
- (b) No person shall keep or permit to be kept on any premises owned, controlled or occupied by him or her any sign which is in a dilapidated or deteriorated condition as defined herein. Upon notice of violation, any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises upon which the sign is located. A nonconforming sign as defined by this chapter is not dilapidated or deteriorated and shall not be repaired.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-7. - Exempt signs.

The following signs shall be exempt from the provisions (including permitting) of this chapter:

- (1) Holiday decorations provided such decorations are removed within one calendar month following the date of the holiday;
- (2) City traffic signals, signs, and similar devices;

- (3) Official legal notices;
- (4) Public warning signs, traffic control signs, traffic directional signs, public service signs indicating danger or aids to safety, or similar signs erected by the city or similar entity;
- (5) Recreational scoreboards for sports attractions (if electronic, an electrical permit shall be required);
- (6) Signs displayed within the interior of a building which are displayed so as to not be visible from outside the building;
- (7) Street numbers or addresses not exceeding six square feet;
- (8) Signs not exceeding eight square feet which advertise the sale, rental, availability or lease of the premises on which the sign is located;
- (9) Window signs conforming to the requirements of this chapter;
- (10) Memorial signs or tablets, names of buildings, and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible materials of similar quality and characteristics as determined by the director of development services;
- (11) Sign facing when replaced for the same business and there is no change in area, shape, lighting or color;
- (12) Replacement of letters on non-illuminated wall signs with identical letters (same area, shape, and color) provided that a permit was obtained for the sign intended to be replaced;
- (13) Flags or emblems of a business or corporation when accompanied by both the national and state flags. One business or corporate flag shall be permitted per development. All flags displayed must follow the rules of standard flag etiquette and all business or corporate flags shall be no larger than the accompanying national and state flags;
- (14) Signs not exceeding a sign area of five square feet and a height of 42 inches displayed on private property that are for the convenience of the public (beware of dog, restrooms, freight entrances, or similar signs);
- (15) Temporary political signs specifically authorized by V.T.C.A., Local Government Code § 216.903, as amended;
- (16) Special event signs promoting city events, civic and other nonprofit organizations;
- (17) Nameplate signs not exceeding three square feet.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-8. - Sign kiosks.

- (a) The city council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain kiosk signs within the city.
- (b) Kiosk signs must be designed and constructed according to the specifications contained in the license agreement with the city.
- (c) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the director of development services for approval.
- (d) Kiosk sign installations shall include break-away design features as required for traffic signs in the street right-of-way.
- (e) No signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.
- (f) Kiosk signs shall not be illuminated.

- (g) Individual sign panels on kiosk signs shall have a uniform design and color.
- (h) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the requirements of the 25-foot visibility triangle or other visibility easements.
- (i) Kiosk signs shall be used by the city to provide directional information to new homes, developments, municipal or community events or facilities, emergency services, businesses, churches and other non-commercial establishments and locations lawfully operating with a certificate of occupancy within the city limits. Such directional information will be provided upon request and application to the city, by a qualified establishment or entity, on a first come first served basis, pursuant to the terms and conditions of this chapter. Directional information to any establishment or entity shall be limited to a maximum of one panel, per side, per kiosk.
- (j) The city shall use the kiosk signs to display only the names of, and directional information to, new homes, developments, municipal or community events or facilities, emergency services, businesses, churches and other non-commercial establishments and locations lawfully operating within the city limits of the City of Lake Dallas. Pricing or other advertising or marketing information will not be displayed on the city's kiosk signs.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-9. - Political signs.

~~A political sign shall not require a sign permit and is exempt from this chapter except for the following requirements:~~

~~(1) Time.~~

- ~~a. Political signs located on private real property must be removed within 30 calendar days after the election is decided.~~
- ~~b. Except as otherwise provided herein, political signs located on property other than private real property may be erected no earlier than 60 calendar days before the election and must be removed no later than 30 calendar days after the election is decided. The city may remove any political sign on property other than private real property remaining beyond 30 calendar days after the election is decided.~~
- ~~c. Political signs permitted to be placed at a polling site pursuant to state law must be removed from the polling site within 24 hours after the close of the polls on election day and within 24 hours after the close of the early voting period.~~

~~(2) Place.~~

- ~~a. Political signs may be placed on private real property with the consent of the property owner.~~
- ~~b. Political signs may not be placed in roadway medians but may be placed in the city parkway between the curb and property line provided they do not create a safety hazard of any type.~~
- ~~c. Except as otherwise provided herein, political signs may not be placed on city-owned or leased property. This restriction shall not apply to political signs that are attached to vehicles that are lawfully parked on city-owned or leased property.~~
- ~~d. Political signs permitted to be placed at a polling site pursuant to state law may be placed only in designated locations on city-owned or leased property that are approved by the city council and only during the voting period or the early voting period. City staff shall provide a description of the approved locations for permitted electioneering pursuant to this subsection and state law.~~

- ~~e. Political signs may not be placed in the state rights-of-way;~~
- ~~f. Political signs shall not be installed in any manner that may result in a potential safety hazard of any type;~~
- ~~g. These restrictions do not apply to existing billboard sign upon which political advertising may be placed.~~

~~(3) Manner:~~

- ~~a. The signs shall not exceed 36 square feet aggregate total for any private lot;~~
- ~~b. A sign shall not exceed 36 square feet in city right-of-way;~~
- ~~c. Political signs shall be in addition to any other sign allowed in this chapter;~~
- ~~d. Political signs shall be kept in repair and proper state of preservation;~~
- ~~e. Political signs shall not be more than eight feet high;~~
- ~~f. Political signs shall not be illuminated;~~
- ~~g. Political signs shall not have any moving parts;~~
- ~~h. Political signs permitted to be placed at a polling site pursuant to state law shall not be larger than six square feet (2'x3') and must be placed in the ground attached to a stake that does not exceed a nine-gauge diameter (American Wire Gauge standard (AWG)). Said signs shall be placed into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged. Said signs shall not be attached, placed or otherwise affixed to any building, tree, shrub, pole or other improvement on public property; and~~
- ~~i. The city may remove and dispose of any political sign permitted to be placed at a polling site pursuant to state law that is in violation of this chapter;~~

Commented [AM2]: Suggest removing entirely and referring to State Local Government Code

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-10. - Window signs.

Window signs ~~in the use districts, where permitted,~~ do not require a sign permit ~~and do not require approval by the city prior to erection~~. In no event may signs be located on the window surface internally or externally in any manner to obscure more than 25 percent of the visible window area available in the absence of any signs. Where multiple windows exist fronting on a single street or sidewalk, the 25 percent visibility shall be maintained for the total window area on such street or sidewalk. Specifically, window signs shall include:

- (1) Signs painted on the external or internal surface of the window of an establishment in commercial or retail districts with water-durable paint on external surfaces;
- (2) Signs (except posters), banners or displays located on the internal surface of the window of an establishment in commercial or retail districts only;
- (3) Posters, providing such posters are not located on the external surface of the window;
- (4) Decorations intended to direct attention to and stimulate ~~citizens'~~ interest in public events, providing such signs are painted on the external surface of the window and a 25 percent visibility requirement is maintained; and
- (5) Signs attached to the external surface of a window of a retail or commercial establishment if of water-durable paint or noncombustible material and signs attached to the internal surface of a window which define the name, proprietor, telephone number, or address of such retail or commercial establishment.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-11. - Lien for removal of signs.

- (a) The expenses incurred by the city, after notice to the owner or occupant, in removing a sign that is a public nuisance, in violation of the provisions of this chapter, or an immediate hazard to persons or property, may be assessed against the property as a lien if the expenses remain unpaid for a period often days after the city incurs the expenses.
- (b) Prior to incurring expenses for the removal of a sign under this chapter, notice shall be issued and served by the director of development services in one of the following means:
 - (1) Delivered personally to the owner or occupant in writing;
 - (2) By letter addressed to the owner or occupant at the owner's or occupant's post office address, last known address, or property address where the violation exists;
 - (3) If personal service cannot be obtained or the owner's or occupant's post office address is unknown;
 - (4) By publication in the city's official newspaper at least twice within ten consecutive days; or
 - (5) By posting the notice on or near the front door of the main building on the property to which the violation relates.
- (c) To obtain a lien against the property, the director of development services or his designee, including any other designated city official, must file a statement of expenses with the county clerk of Denton County. The statement of expenses must identify the name of the owner, if known, and the legal description of the property. The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum on the amount due from the date of payment by the city for the work done. The lien is inferior only to tax liens and liens for street improvements. The city may authorize a suit for foreclosure in the name of the city to recover the expenditures and interest due. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work. The remedy provided in this section is in addition to any fine which may be imposed for a violation of this article and is cumulative of and in addition to any other remedies which may be provided for by the ordinances of the city or other law, whether civil or criminal.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-12. - Permit required.

No sign shall be erected, constructed, enlarged, altered or converted except as otherwise provided by this chapter until a permit has been issued by the **D**irector of **D**evelopment **S**ervices.

- (1) It is unlawful for any person to erect, construct, enlarge, alter or convert any sign without first obtaining such permit.
- (2) A separate permit shall be required for each sign and/or each group of signs on any single supporting structure.
- (3) There shall be placed and maintained in plain view on each sign not specifically exempt by this chapter a permanent marker that identifies the person owning and/or in control of the sign and/or structure, and the sign permit identification number.
- (4) All sign applications must accompany a sign plan showing the following information:
 - a. Building locations, dimensions and elevations;
 - b. Size, location, and type of both existing and proposed signs;

- c. Nearest street intersections and driveway locations;
- d. Zoning designation;
- e. Name of applicant, sign owner, and sign constructor or erector;
- f. Corner "clear vision areas," if applicable; and
- g. Engineering data on signs and/or sign structures, if applicable.
- h. The Director of Development Services may require additional information on a case-by-case basis if it is determined such information is needed to ensure the permit is compliant with all sections of this chapter.

(5) Electrical permits shall be obtained for all lighted, illuminated, or otherwise using electricity.

Sec. 80 – Fees.

- (1) A sign permit shall not become valid until the applicant has paid the appropriate fees to the City.
- (2) A fee shall not be required for a sign in which a permit is not required.

Sec. 80-. - Review.

The application, plans and specifications filed by an applicant for a sign permit shall be reviewed by the Director of Development Services. If the Director of Development Services is satisfied that the work described in such an application and such plans filed with the application conform to the requirements of this chapter and of the pertinent laws and ordinances and the fee has been paid, ~~he the Director~~ shall issue ~~a permit to the applicant~~ the sign permit.

Sec. 80-. - Plans.

One set of approved plans, specifications and computations shall be retained by the director of development services and one set shall be returned to the applicant. ~~which shall be~~ Approved plans shall be kept on ~~the site of such work at all times during which the work authorized is in progress~~ site for the duration of the project.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-. - Expiration.

Every permit issued by the director of development services under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 60 days from the date of the issuance of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 120 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained, and the fee shall be half the permit fee required for an original application for permit for such work provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-13. - Exemptions to permit requirement.

Persons engaged in the following activities are exempt from obtaining a sign permit:

- (1) The changing of the advertising copy or message on a painted or printed sign, including theater marquee signs and similar signs specifically designed for the use of replaceable copy; any electrical wiring work shall be specifically excepted from this exemption.
- (2) Painting, repainting or cleaning of a sign structure or the changing of the advertising copy or message on a display surface unless a structural change is made or the sign display surface is enlarged. Such exemptions, however, shall not relieve any owner, lessor or agent in control of any sign from complying with other provisions of this article and any other law or ordinance regulating signs.
- (3) One temporary rigid wall sign not exceeding eight square feet in area, which advertises the sale, rental or lease of the premises on which such sign is located.
- (4) Memorial plaques, building identification signs and building cornerstones when cut or carved into the masonry surface or when made of noncombustible material and made an integral part of the building or structure. These signs are not to exceed four square feet in area.
- (5) On-site directional signs not exceeding eight square feet in area, four feet in height, provided such signs do not contain advertising and are not used as such. Directional signs are only permitted behind the property line.
- (6) Political signs.
- (7) Traffic signs, municipally owned signs, legal notices, warning and emergency signs, and temporary or non-advertising signs as may be approved by the city council or zoning administrator, when placed in compliance with the Uniform Manual on Traffic Control Devices or with applicable city ordinances.
- (8) Scoreboards, provided that such signs meet all other requirements of this chapter.
- (9) Religious emblems when installed in compliance with the zoning and construction codes.
- (10) Seasonal decorations other than banners or other signs, for a maximum of 60 days, provided traffic visibility is not affected.
- (11) Bulletin boards not exceeding 32 square feet in area for public, charitable, educational, or religious institutions when such are located on the premises of said institutions and do not exceed 15 feet in height measured from ground level and do not exceed one per institution, except for sites abutting more than one public street in which event a maximum of two bulletin boards for a site will be allowed. Where two bulletin boards are allowed, they shall be located on separate streets.
- (12) Incidental signs.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-14. - Application.

Application for a sign permit shall be made in writing upon forms furnished by the director of development services. Such applications shall include the location by street and number for the proposed sign or sign structure as well as the name and address of the owner and the sign contractor or erector. A plot plan shall be filed concurrently with such application. Such plans shall show the size and location of each sign and whether such sign is an electrical sign. The director of development services may require the filing of other plans or other pertinent information when in his opinion such information is necessary to ensure compliance with this chapter.

Commented [AM3]: I don't believe this chapter has specifications.

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(Ord. No. [2019-20](#), § 1, 5-23-2019)

~~Sec. 80-15. Review.~~

~~The application, plans and specifications filed by an applicant for a sign permit shall be reviewed by the director of development services. If the director of development services is satisfied that the work described in such an application and such plans filed with the application conform to the requirements of this chapter and of the pertinent laws and ordinances and the fee has been paid, he shall issue a permit to the applicant.~~

(Ord. No. [2019-20](#), § 1, 5-23-2019)

~~Sec. 80-16. Plans.~~

~~One set of approved plans, specifications and computations shall be retained by the director of development services and one set shall be returned to the applicant, which shall be kept on the site of such work at all times during which the work authorized is in progress.~~

~~(Ord. No. [2019-20](#), § 1, 5-23-2019)~~

~~Sec. 80-17. Expiration.~~

~~Every permit issued by the director of development services under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 60 days from the date of the issuance of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 120 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained, and the fee shall be half the permit fee required for an original application for permit for such work provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year.~~

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-18. - Nonconformance and exceptions.

- (a) *Purpose.* Every sign or other advertising structure in existence upon adoption of this chapter which violates or does not conform to the provisions hereof shall not be moved, altered or repaired unless it is made to comply with all provisions of this chapter. For the purposes of this section, alteration or repair shall mean at least 60 percent of the replacement cost of the subject sign. The director of development services shall determine whether the proposed alteration or repair exceeds 60 percent of the replacement cost.
- (b) *Damaged nonconforming signs.* Nonconforming signs which are damaged in excess of 60 percent of their current value must be demolished and not repaired unless such proposed repairs would bring the sign into compliance with the provisions of this chapter.
- (c) *Condemnation; notice.* Signs adjudged by the director of development services to be structurally unsafe or to be more than 50 percent destroyed or dilapidated may be condemned. A condemnation letter will be sent to the owner of the property, listed on the city tax roll, stating that the sign must be removed within 15 days of the receipt of the letter. If the sign is not removed within the period allotted, the city may remove the sign at the property owner's expense.
- (d) *Board established; appeals and exceptions.* Appeals and exceptions to these regulations shall be heard by the board of adjustments. The director of development services shall act as staff to the

Commented [AM5]: Situate 80-15 – 80-17 above section 80-13

board. The board shall have the authority to adopt reasonable rules and regulations for the enforcement of the signs regulations and the authority to make recommendations to the city council. The board may consider appeals from a decision of the director of development services on a sign permit and may grant exceptions on the basis that the application of such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship.

- (1) Required information. The applicant shall first file a written application for exception form furnished by the building inspections department. Every such application shall contain the following information:
 - a. Name, address, and telephone number of the applicant;
 - b. Name, address, and telephone number of the owner of the property on which the sign will be located;
 - c. Name, address, and telephone number of person or firm erecting the sign;
 - d. A description of the work to be covered by the permit for which application is made;
 - e. Location of the building structure or lot upon which the sign is to be attached or erected;
 - f. Message to be contained on proposed sign;
 - g. State the valuation of proposed work;
 - h. The signature of the permittee or his authorized agent; and
 - i. Name of business for which the sign application has been made.
- (2) Plans and specifications. Scaled plans or dimensional sign detail shall be submitted in duplicate with each application for a permit and contain the following information:
 - a. Drawing of sign indicating the sign message or copy;
 - b. Elevation plan of the building showing the proposed sign on the building, the length of the elevation, and any other existing signs on the elevation along with the dimensions of such signs; and
 - c. Site plan indicating street frontage, property lines, sign visibility triangles, proposed and existing rights-of-way, location of sign on property, relationship of proposed sign to ingress and egress points, and relationship of proposed sign to any other signs within a 60-foot spacing of the proposed sign and location of all detached signs on the site.
- (3) Board decision. The decision of the board shall be final as to administrative remedies. No appeal to the board for the same variance on the same piece of property shall be allowed prior to the expiration of two years. Any variance granted by the board expires unless a permit securing the variance has been applied for within 90 days from the date of the decision. An applicant whose sign permit is denied by the board may appeal the board's decision to the city council. The appeal request must be submitted in writing within ten days of the board's decision.
- (4) The board is empowered to approve variances to the provisions of this chapter in the following areas:
 - a. Height regulations;
 - b. Area regulations;
 - c. Setback regulations;
 - d. Material regulations; and
 - e. Number of signs.

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. In order to grant a variance from this chapter the board must determine that:

- a. The requested variance does not violate the intent of this chapter;
- b. The requested variance will not adversely affect surrounding properties;
- c. The requested variance will not adversely affect public safety;
- d. Special conditions exist which are unique to this applicant or property;
- e. That the sign had not been installed prior to obtaining a permit. An applicant is not eligible for a variance if the sign was installed prior to obtaining a sign permit.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-19. - Revocation.

The director of development services may, in writing, suspend or revoke such permit issued under the provisions of this chapter whenever such permit is issued in error or issued on the basis of incorrect information supplied or issued where work is done in violation of any ordinance or regulation or any provisions of this chapter.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-20. - Allowed signs requiring issuance of a sign permit.

The following signs are allowed upon issuance of a sign permit and subject to the following conditions. Signs that do not comply with the following conditions are considered prohibited signs:

- (1) *Awning sign.* An awning sign is a permanent sign applied to, attached to or painted on an awning or other roof-like cover intended for protection from the weather or as a decorative embellishment to the facade of a building, which projects from a wall or roof of a structure over a window, sidewalk or door. Awning signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for an awning sign upon issuance of a building permit for the building on which the sign will be painted or attached.
 - b. *Location.*
 1. Awning signs are permitted only in conjunction with a non-residential use in a non-residential zoning district.
 2. Awning signs shall not project into or over a public right-of-way.
 - c. *Miscellaneous.* No building shall have both an awning sign and a wall sign of the same building face.
- (2) *Banner sign.* A banner sign is a temporary sign composed of plastic, cloth, canvas or other non-rigid fabric. Banner signs are permissible subject to the following conditions:
 - a. *Permit.* A sign on the building or other approved structure on the property requires a sign permit.
 - b. *Time.*
 1. Banner signs may be displayed for a maximum time period of six weeks within each calendar year.

2. New businesses shall be permitted to display a banner on their building prior to the issuance of a certificate of occupancy, and up to six weeks after the issuance of a certificate of occupancy, in addition to the six weeks allowed in this subsection.
 - c. *Location.* Banner signs are permitted only in conjunction with a non-residential use in a nonresidential zoning district.
 - d. *Size.* The maximum area of a banner sign is 50 square feet.
- (3) *Canopy sign.* A canopy sign is a permanent sign painted on or attached to the canopy or other roof-like cover over gasoline fuel pumps intended for protection from weather or as a decorative embellishment. Canopy signs are permissible subject to the following conditions and subject to the issuance of a building permit:
- a. *Permit.* A sign permit may be issued for a canopy sign upon issuance of a building permit for the building on which the sign will be painted or attached.
 - b. *Location.* Canopy signs are permitted only in conjunction with a non-residential use in a non-residential zoning district.
 - c. *Size.* The maximum area of a canopy sign is 15 square feet.
 - d. *Miscellaneous.* The canopy sign may be illuminated and shall not project more than 18 inches from the canopy structure.

Digital (L.E.D) Digital/electronic signs shall be permitted as institutional signs, and in the IH-35E Business Overlay District and Swisher Road District:

1. Such signs shall display static images for a period of at least five (5) seconds.
2. Digital and electronic message signs shall not be animated, flash, travel, blink, fade, or scroll. Digital and electronic message signs shall transition instantaneously to another static image. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
3. All digital and electronic signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light. Signs existing prior to January 2020 shall only be required to include automatic dimming technology upon any upgrade or retrofit of the existing sign.
4. The effective area of the digital display may not exceed twenty (20) square feet.
5. Such signs shall not exceed a brightness level of 0.3-foot candles above ambient light as measured by the guidelines below;
 - a. At least thirty (30) minutes prior to sunrise or thirty (30) minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the digital sign is off or displaying all black copy.
 - b. Take a reading using foot candle meter at five (5) feet above grade and one hundred (100) feet from the sign.
 - c. The meter shall be aimed directly at the digital sign.
 - d. Turn the sign on and illuminated entirely in white or red.
 - e. Take a reading using a meter at five (5) feet above grade and one hundred (100) feet from the sign.
 - f. The meter shall be aimed directly at the digital sign.

- g. Take the reading from (5) above and subtract the reading from (2) above. If the result is 0.3-foot candles or lower, than the sign is in compliance. If the result is greater than 0.3-foot candles, the sign is out of compliance and must be adjusted to meet standards or turned off until compliance can be met.
 - h. All measurements shall be taken in foot candles.
6. Exception - Temporary signs required by government agencies for road and street repairs, public notifications, traffic control, and similar activities.
- (4) *Frame sign.* A frame sign is a temporary sign constructed of wood, metal or plastic used to advertise a new building or subdivision, opening dates, purchase or leasing information and/or to identify those engaged in the design, construction or improvement of the property on which the sign is located. Frame signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for a frame sign upon issuance of a building permit for the building on which the sign will be painted or attached.
 - b. *Location.* Frame signs are permitted on a temporary basis for all uses and in all zoning districts.
 - c. *Size.* The maximum area of a frame sign is 100 square feet.
 - d. *Height.* The maximum height of a frame sign is ten feet.
 - (5) *Inflatable sign.* An inflatable sign is a temporary sign composed of plastic, cloth, canvas or other non-rigid fabric and inflated with air. Inflatable signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for an inflatable sign after a certificate of occupancy has been issued for a building on the property where the sign will be displayed.
 - b. *Time.* Inflatable signs may be displayed for a maximum time period of three ten-day increments within each calendar year. These ten-day increments may be consecutive for a total of 30 days.
 - c. *Location.* Inflatable signs are permitted only in conjunction with a non-residential use in a nonresidential zoning district. Inflatable signs shall not be located in required parking spaces, loading spaces, driveways, fire lanes or sidewalks, alleys or streets.
 - d. *Size.* A banner sign may be applied to an inflatable sign without the banner counting towards the allotted number of banner signs per year. The maximum area of a banner sign applied to an inflatable sign is 50 square feet.
 - e. *Height.* The maximum height of an inflatable sign is 30 feet.
 - (6) *Monument sign.* A monument sign is a permanent sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and generally used to identify the name of a business or development. Monument signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for a monument sign after City Council approval of a site plan and/or final plat.
 - b. *Location.*
 - 1. Monument signs are permitted in conjunction with R-3 district uses in R-3 zoning districts.

2. Monument signs are permitted in conjunction with non-residential uses in non-residential zoning districts.
 3. Monument signs are permitted in residential districts as entryway features for subdivisions.
 4. Monument signs shall not be located less than five feet from any property line and must be kept out of visibility easements.
- c. *Size.* The maximum area of a ground sign shall be as follows:
1. In District-R-3 Residential Districts, 50 square feet.
 2. In Districts C-1, C-2, C-3, M-1, MA, 60 square feet.
 3. In the Downtown Overlay District, 50 square feet.
 4. In the IH35E Business Corridor District, 120 square feet.
- d. *Height.* The maximum height of a ground sign shall be as follows:
1. In District-R-3 Residential Districts, eight feet.
 2. In Districts C-1, C-2, C-3, M-1, MA, 12 feet.
 3. In the Downtown Overlay District, eight feet.
 4. In the IH 35E Business Corridor District, 20 feet.
- e. Monument signs shall include a landscaping element.
- f. Monument signs may be internally or externally illuminated in nonresidential districts. Monument signs in residential districts shall be externally illuminated, if lighted.
- g. *Miscellaneous.* One monument sign is permitted per street frontage. The design, materials and finish of each monument sign shall match those of the buildings on the same lot. Monument signs shall have not more than two sign faces.
- (7) *Menu board sign.* A menu board sign is a permanent sign used in conjunction with a drive-through or drive-in use for customers who remain in their vehicles. Menu board signs are permissible subject to the following conditions and subject to the issuance of a building permit:
- a. *Permit.* A sign permit may be issued for a menu board sign after city council approval of a site plan and/or final plat.
 - b. *Location.*
 1. Menu board signs are permitted only in conjunction with a nonresidential use in a nonresidential zoning district.
 2. Minimum front yard setback shall be 20 feet.
 3. Minimum side yard setback shall be ten feet.
 4. Minimum rear yard setback shall be 25 feet.
 - c. *Size.* The maximum area of a menu board sign is as follows:
 1. In nonresidential zoning districts, other than the overlay districts, the maximum area of a menu board sign shall be 48 square feet.
 2. In the IH-35E Business Corridor District the maximum area of a menu board sign shall be 60 square feet.
 3. In the Downtown Overlay District the maximum area of a menu board sign shall be 30 square feet.
 - d. *Height.* The maximum height of a menu board sign shall be six feet.

- e. *Miscellaneous.* A maximum of two menu board signs are permitted per drive-through or drive-in business. The design, materials and finish of menu board sign shall match those of the buildings on the same lot.
- (8) *Projecting sign.* A projecting sign is a permanent sign that projects from and is supported by the wall of a building or structure, generally at a right angle. Projecting signs are permissible subject to the following conditions and subject to the issuance of a building permit:
- a. *Permit.* A sign permit may be issued for a projecting sign upon issuance of a building permit for the building to which the sign will be attached.
 - b. *Location.*
 - 1. Projecting signs are permitted only in conjunction with a non-residential use in a non-residential zoning district.
 - 2. If a projecting sign is constructed over a sidewalk, a minimum of nine feet shall be provided between the grade of the sidewalk and the lowest portion of the sign.
 - c. *Size.* The maximum area of a projecting sign is 15 square feet.
- ~~(9) *Roof sign.* A roof sign is a permanent sign that is mounted to or projects from a canopy, parapet wall or secondary roof over the entry to a building without projecting above the highest point of the building. Roof signs are permissible subject to the following conditions and subject to the issuance of a building permit:~~
- ~~a. *Permit.* A sign permit may be issued for a projecting sign upon issuance of a building permit for the building to which the sign will be attached.~~
 - ~~b. *Location.* Roof signs are permitted only in conjunction with a non-residential use in a nonresidential zoning district.~~
 - ~~c. *Size.* The maximum area of a roof sign is 60 square feet.~~
 - ~~d. *Height.* The maximum height of a roof sign is eight feet.~~
- (10) *Sandwich board sign.* A sandwich board sign is a temporary, portable sign constructed in such a manner as to form an "A" shape with each face held at an appropriate distance by a supporting member. Sandwich board signs are permissible subject to the following conditions and subject to the issuance of a building permit:
- a. *Permit.* A sign permit may be issued for a sandwich board sign upon issuance of a certificate of occupancy for the building on the property/lot where the sign will be displayed.
 - b. *Location.*
 - 1. Sandwich board signs are permitted only in conjunction with a nonresidential use in a nonresidential zoning district.
 - 2. Sandwich board signs shall be permitted only during business hours for the property/lot on which it is displayed.
 - 3. Sandwich board signs shall be located a minimum of three feet from the curb or edge of street, whichever is appropriate.
 - c. *Size.* The maximum area of a sandwich board sign is 15 square feet.
 - d. *Height.* The maximum height of a sandwich board sign is four feet.
 - e. *Miscellaneous.* A maximum of one sandwich board sign shall be permitted for each business or tenant on the property/lot where the sign will be displayed.
- ~~(11) *Subdivision sign.* A subdivision sign is a permanent sign that identifies the name of the residential subdivision and is mounted to a screening wall or monument at the entry of the subdivision. Subdivision signs are permissible subject to the following conditions and subject to the issuance of a building permit:~~

Commented [AM6]: Would like to see this removed

a. ~~Permit.~~ A sign permit may be issued for a subdivision sign after city council approval of a final plat.

b. ~~Location.~~

1. ~~Subdivision signs are permitted only in conjunction with a residential use in a residential zoning district.~~

2. ~~Subdivision signs shall be located within the platted boundaries of the subdivision.~~

c. ~~Size.~~ The maximum area of a subdivision sign is 60 square feet.

(12) **Wall sign.** A wall sign is a permanent sign painted on or attached to the wall of a building or is an integral part of the building with the exposed face of the sign in a plane parallel to and a maximum of 12 inches from the wall; however, electrical wall signs may project a maximum of 18 inches from the wall. Wall signs are permissible subject to the following conditions and subject to the issuance of a building permit:

a. **Permit.** A sign permit may be issued for a wall sign upon issuance of a Building Permit for the building on which the sign will be painted or attached.

b. **Location.** Wall signs are permitted only in conjunction with a non-residential use in a non-residential zoning district. **Wall signs shall be situated on a wall generally parallel to an abutting street.**

c. **Size.** The size of wall signs shall be as follows:

Building Height	Maximum Sign Height	Maximum Percentage of Wall Length Covered by Wall Sign
Up to 20 ft.	4 feet	75%
20 ft.—30 ft.	6 feet	60%
Over 30 ft.	8 feet	50%

Commented [AM7]: Consider moving towards a max. allowable square footage based on bldg. sign instead of percentage.

d. **Number.** No more than one wall sign shall be permitted per building face. In multi-tenant buildings, one wall sign shall be permitted per tenant.

(Wind Signs) **Wind Signs.** Wind signs are allowed on a temporary basis and are subject to the following requirements:

a. All wind signs shall require a permit.

b. Wind sign permits are valid for a maximum time period of thirty days. A minimum of sixty days must separate each wind sign permit.

c. Large inflatable balloons and similar apparatuses may be allowed in conjunction with the grand opening of a businesses for a duration not to exceed 72 hours.

(13) **Searchlights.** A searchlight is defined as an apparatus containing a light source and a reflector for projecting one or more high-intensity beams of light.

- a. *Permit.* A permit shall be required a searchlight. The zoning administrator may deny or revoke a permit if the number or intensity of searchlights may constitute a hazard or a public nuisance.
- b. *Reserved.*
- c. *Location.* Searchlights shall be located entirely on private property and shall not be located on any portion of a street, alley, sidewalk or public right-of-way. Searchlights shall be situated and directed so as to prevent the light source or any portion of a beam of light from being directed onto any portion of a street, alley, sidewalk or public right-of-way.
- d. *Duration.* Searchlights may be permitted for a period of four calendar days within any consecutive 12-month period.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-21. - Allowed permanent signs not requiring insurance of sign permit.

The following permanent signs are permitted and do not require the issuance of a sign permit provided the signs comply with the following conditions. Signs that do not comply with the following conditions and the specifications are considered prohibited signs.

- (1) Flags; and
- (2) Instructional signs.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-22. - Portable signs.

A portable sign is permitted upon issuance of a sign permit provided the sign complies with the conditions of this section. A temporary portable sign may remain in place for a maximum of six consecutive months as long as it remains in a state of good repair. No more than one temporary sign may be situated on a lot.

(Ord. No. [2019-20](#), § 1, 5-23-2019)

Sec. 80-23. - Prohibited signs.

The following signs are prohibited:

- (1) Billboard sign.
- (2) Pole signs, except for pole-mounted signs located within the IH-35 Business Corridor District provided such sign complies with the following:
 - a. Pole mounted signs fronting along 1-35 may have height not greater than 45 feet. All other pole signs for new development or expansion of existing buildings within the district shall be no higher than 18 feet.
 - b. Maximum area of any sign within the district shall be 20 feet by 30 feet.
 - c. The structure of pole signs shall be constructed of materials and colors utilized on the building's primary facade.
 - d. Landscaping around the base of pole signs is encouraged to blend the sign with other landscaped areas around the sign.

(3) No sign shall be situated in the right-of-way or any visibility easements.

~~(3) Wind device or "sail" sign.~~

- (4) Off-premises sign. sign pertaining to a business, person, organization, activity, event, place, service or product not located or offered on the premises on which the sign is located. Off-premises signs include, but are not limited to, those signs commonly referred to as "billboards."

(Ord. No. [2019-20](#), § 1, 5-23-2019)

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
Construction/development	Yes	Residential developments	Ground	7 ft.	32 sf	1 per development	May have signs until eighty percent (80%) of lots in the subdivision are sold or built on or one year.	After building permit has been obtained. May have two temporary off-site development signs.

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
Construction/ development	Yes	Nonresidential, commercial or planned development	Ground	7 ft.	32 sf	1 per development	90 days prior to the submittal of development plans for the project. Shall be removed prior to the issuance of a certificate of occupancy	After building permit has been obtained. May have one temporary off- site development sign.
Model Home Signs	Yes	Residential Zoning Districts	Ground	5 ft.	32 sf.	1 per site	Shall be removed upon sale of home.	Allowed one sign with two sign faces for a total of 64 ft. (two 32 sf. sides).

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
Real estate sign	No	Developed/occupied property—Residential districts	Ground	4 ft.	6 sf	1 per site and/or per 400 foot of frontage		Post and bracket style signs are allowed a maximum of 5 feet in height.
	No	Undeveloped/vacant property—Nonresidential districts	Ground	6 ft.	32 sf	1 per site and/or per 1,200 foot of frontage		

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
Garage sale or estate sale signs	No	Residential— Individual lots	Ground		2 sf	1 sign on the property having the sale	Place 24 hours prior to the sale and removed 12 hours after the sale.	Signs shall not be placed in the public rights-of-way, shall not be placed so as to impair the corner visibility of streets, driveways and public alleys, and are allowed no more than 4 times per year.

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
	Yes	Residential-Community-wide or subdivision-wide	Ground		30 sf	Each subdivision entrance		Allowed no more than two weekends per calendar year.
Lost pet signs	No	All districts	Ground		2 sf			Allowed for the period the pet remains lost but not to exceed fifteen days.
Ballfield signs	No	CF	Banner					Must face interior of field.

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
Signs applied for with an itinerant merchant permit or seasonal permit	Yes	On premises only of permitted lot	Ground		32 sf	1 per site	For duration of itinerant merchant or seasonal permit	Allowed only with itinerant merchant permit or seasonal permit
Agricultural sale signs	No	Where such activities are legally allowed, on premises only		6 ft.	48 sf	1 sign per product sold		Sign shall be constructed of durable wood or metal and printed in a neat and legible manner.

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
Seasonal Signs	Yes	All Zoning Districts	Ground	6 ft.	36 sf.	2 total signs per site (2 wall signs, 2 ground signs, or combination of both up to total of 2 signs per site)	45 days	Allowed for traditional civic, patriotic and religious holidays.

				Maximum				
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number	Duration	Additional Requirements
Seasonal Signs	Yes	All Zoning Districts	Wall		90 sf.	2 total signs per site (2 wall signs, 2 ground signs, or combination of both up to total of 2 signs per site)	45 days	Allowed for traditional civic, patriotic and religious holidays
Special event signs	Yes	All districts and institutional uses.	Banner Freestanding and other durable materials		36 sf 36 sf	One per site per event. Community-wide events allowed multiple banners on site and a maximum of	30 days, three times per year, with more than 30 days separating	Shall not cover any other sign. Special Event signs may be attached to a temporary structure to suspend them above

				Maximum		12 off-site directional		
Purpose	Permit Required	Districts Allowed	Sign Type	Height	Size	Number sq. ft. in area	Duration	Additional Requirements
								existing monument signage, not more than 3 feet greater in height than existing monument signage. Large inflatable balloons over 8 feet in height permitted for 72 hours with a permit in conjunction with special event.