properties are in opposition to the proposed waiver, the Planning and Zoning Commission shall consider protection of interests of those neighboring residential property owners a priority. The determination of the Planning and Zoning Commission may be appealed to the Board of Adjustment and Appeals.

9. LANDSCAPE AND TREE PRESERVATION REQUIREMENTS

SECTION 1 PURPOSE AND INTENT

The purpose of this Ordinance is to enhance the beautification of the City, preserve and protect the City's identity and natural environment, appearance and character of the surrounding neighborhoods, and promote the general public safety and welfare by providing for tree preservation, landscaping and professional tree harvest management. It is intended to assure that reasonable provisions and incentives to encourage sound and sight buffers, preservation of scenic views and the elements of tree management will be available to landowners. Additionally it will also specifically recognize the Texas State created Timber Tax Incentives system for property, as utilized by the Angelina County Appraisal District, and commonly known as a 1d1 designation. The Ordinance establishes the standards whereby landscape plans, tree reduction and usage plans will be reviewed by the City for compliance and specifies the requirements for such plans. It is also the purpose of this Ordinance to facilitate site design and construction, and protect and increase the value of properties within the City.

Additionally, it is the purpose of this Ordinance to preserve and enhance the forest character of Lufkin. In preserving and enhancing the urban forest, the City will maintain its unique identity and beauty and its natural landscape that provides clean air, clean water, and flood control, which are essential to the economic future of the City and its neighborhoods. The requirements hold participants to a minimum standard, but the City encourages participants to reach for higher standards in keeping with the purpose to preserve and enhance the forest character of Lufkin.

SECTION 2 JURISDICTION AND APPLICABILITY

A. The Clearing Permit requirements shall apply to all land within the City limits. Indiscriminate clearing of land is prohibited in the City of Lufkin. A Clearing Permit is required for all site work that involves tree removal. Control and removal of underbrush is permitted without a Clearing Permit. A Clearing Permit is not required on residentially developed property, single-family or duplex residentially platted lots, where construction is for a single living unit.

B. The landscape requirements in this Ordinance shall apply to all land within the City limits in all zoning districts, except for lands zoned as Agricultural, Residential Large Single-Family Dwelling, Residential Medium Single-Family Dwelling, Residential Small Single-Family Dwelling, Duplex and Manufactured Dwelling Districts.

C. Requirements shall become applicable to each individual lot when the owner desires to use the property for harvesting timber, begins developing the site for commercial use, or makes application for a Building Permit on the lot. All required landscape areas shall be maintained. The City of Lufkin must comply with the requirements of the Ordinance for areas other than right-of-way.

D. A private landowner or Timber Manager who is managing timber under a management plan with the intent to produce income and who has a 1d1 Timber Productivity Valuation from the Tax Appraisal Office shall obtain a Clearing Permit prior to harvesting timber. As a condition for obtaining a Clearing Permit, such landowner or Timber Manager shall be required to follow the recognized forestry Best Management Practices (latest addition) regarding Stream Management Zones as set forth in the Texas Forestry Best Practices Manual chapter titled Stream Management Zones. Owners or managers of such property are encouraged to contact the City of Lufkin Planning staff when changes in this designation will occur.

E. This Ordinance shall not apply to the following:
1. Public and Private right of way and easements;
2. Public tree care, private tree care.

F. The Zoning Board of Adjustments and Appeals is authorized to hear and decide appeals of any decision or determination of the Director of Planning and grant a variance to the terms of this Ordinance.

SECTION 3 COMPLIANCE

A. All landscaping items required by this Ordinance must be in compliance prior to the issuance of a Certificate of Occupancy, where required, or prior to the commencement of use. An Irrevocable Letter of Credit made payable to the City of Lufkin, cashier's check or money order (in an amount equal to the cost of the landscaping, as calculated by the City Engineer) may serve as a surety in lieu of installation during periods of inclement weather that prevents proper installation of plants (as determined by the City Engineer). After provision of a Letter of Credit, cashier's check or money order, as required herein, a Temporary Certificate of Occupancy can be issued to the applicant upon written request.

B. Landscape areas shall be protected from vehicular encroachment, after the construction phase, by appropriate barriers.

C. Existing trees affected by construction shall be protected by appropriate temporary barricades as approved by the Building Official.

D. Streams recognized by the approved Federal Emergency Management Agency (FEMA) adopted flood plain map shall be buffered from construction by an Undisturbed Area, except for those changes adopted by a Letter of Map Revision or

a Letter of Map Amendment. This buffer area shall be calculated by measurement of a minimum of twenty-five feet (25') from the top of bank on either side of the stream. A regulated stream must comply with the City of Lufkin Floodplain Prevention and Mitigation Ordinance, Number 3897.

E. There shall be no issuance of a Building or Clearing Permit until the City has received proof of a submitted Texas Commission on Environmental Quality (TCEQ) Storm Water Pollution Prevention Plan (SWPPP), and all TCEQ requirements have been complied with on the property when a SWPPP is required, except as described in Section 2D above. The City of Lufkin Code Enforcement office shall enforce the TCEQ standard when notified of non-compliance by the City Engineer.

SECTION 4 TREE PRESERVATION REQUIREMENTS

A. A Clearing Permit application for site development shall contain, where applicable, the following information which may be provided, where known, on an aerial map or topographic map:

1. Areas of existing trees and areas to be cleared;
2. Proposed road right of way;
3. Utility easements and stubs;
4. Building pads;
5. Retention and detention ponds, drainage patterns;
6. Proposed grading and fill areas.

B. An owner may begin the clearing of land with an approved Clearing Permit, under the following conditions:

1. A Clearing Permit will be granted for clearing of land with the restriction that a minimum of five (5) mature trees, six inch (6") in caliper or greater, per each acre of land, are left protected and undisturbed on the property. The five (5) trees to be retained must be shown on the Clearing Permit application. Trees in excess of the five (5) minimum, as described in this section, need to be shown whether they are for site enhancement or for landscape requirements.

   Properties that have been cleared of trees without reforestation prior to the passage of the requirements of this Ordinance will have pre-existing, non-conforming status and shall not be required to comply with this Ordinance's tree preservation requirements.

2. If the owner contends that the standards in Section 4, B, 1 cannot be met, a Clearing Permit may be granted for clearing of land with the following restrictions:

a. A development plan is prepared and submitted by a Professional Engineer or submitted to the City Engineer demonstrating in writing that there exist reasons that the clearing of land is required for orderly use, development, or marketing of the property. Reasons for clearing of land must include one or more of the following health, safety, and welfare of the public; sight distance at intersections and driveways; sidewalk requirements; drainage requirements; Federal Emergency Management Agency (FEMA) requirements; Environmental Protection Agency (EPA) erosion control requirements; utility installations; Americans with Disabilities Act (ADA) requirements; Texas Accessibility Standards (TAS); building foundation requirements; slope stability requirements; future requirements or restrictions that may be placed on development by government authority; or

b. The property owner agrees to mitigate the impact of clearing the land by paying a Tree Removal Mitigation Fee to the City, which shall be used for planting or replacing City trees. The fee will be based on the size of the lot and the number of trees with a six-inch (6”) caliper or greater left undisturbed, per acre. Tree size and number must be calculated prior to any work starting. The goal of this requirement is to retain a minimum of five (5) trees per acre. The fee will be $300 per acre (minimum, indexed to the Houston Texas Consumer Price Index).

In those cases where trees have been cut on a site, the trees and harvesting debris shall be removed within three (3) months of their cutting and disposed of in accordance with City of Lufkin ordinances regarding waste and burning, with the exception of land covered by Section 2D.

SECTION 5 LANDSCAPE PLAN REQUIREMENTS

A. The landscape plan which will be used in development of a specific site shall be required and submitted before, or upon, application for a Building Permit. The plan, drawn to scale, shall include:

1. The location of existing boundary lines and dimensions of the lot.
2. The location of existing and proposed utility easements on or adjacent to the lot and the location of overhead power lines and any underground utilities. Utilities, for the purpose of this Ordinance, are water, sewer, phone, gas and electric lines.
3. The location, size, number and type of vegetation of new and existing plant materials.
4. The location of the proposed water faucet(s) or a notation on the method for irrigation.
5. A notation of existing development, adjacent land uses and roadways.
6. Information necessary for verifying if requirements are met or what areas are deficient.

B. Minor revisions to landscape plans are acceptable if there is no reduction in the quality of plant material or no significant change in size or location of plant materials, and if the new plants are of the same general category and characteristics as the materials being replaced. Proposed materials must also be compatible with the area to ensure healthy plant growth.

SECTION 6 DEFINITIONS

In the event of a dispute, the Director of Planning has the authority to interpret the definition of a word as it relates to this Ordinance. As used herein, the following definitions are applicable:

Barricade Area for Existing Trees: A protected area extending in a radius no less than the drip line from every protected tree that prevents intrusion by construction equipment, vehicles and people.

Barrier: A device or treatment, which controls the management, circulation, separation, or direction of traffic. Such treatments include, but are not limited to, wheel stops, raised islands, dividers or barricades.

Berm: An earthen mound designed to provide visual interest, screening and/or decrease noise.

Caliper of newly planted trees: The measurement of thickness and internal or external diameters of planted woody plants, measured twelve inches (12”) above the root collar.

Canopy Tree: Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown, which attains a height of at least thirty feet (30’).

Clearing of Land: A property owner, developer, or contractor shall be considered “clearing” land if performing one of the following actions: excavating, grading, re-grading, land filling, berming, paving, diking, removing trees, clearing, grubbing, or other earth changes.

Construction: Any activity on the property, normally following a Building Permit.

Critical Root Zone (CRZ): Area of undisturbed natural soil around a tree, defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

Cut/Fill: Areas where the natural ground level has been excavated or fill brought in.

Development: The construction, reconstruction or enlargement of any structure or property.

Director: The Director of Planning and Zoning or designee.

Drip Line: The area beneath the canopy of a tree defined by a vertical line extending from the outermost edges of the tree branches to the ground.

Existing Tree: Any self-supporting woody plant with at least one (1) well-defined trunk which exists on the lot prior to development.

Grass: Any grass species that will attain a thick green cover of turf over the available soil area.

Ground Cover: Any woody or herbaceous plant that effectively shades out sod and will not generally reach a height of over two feet (2').

Hardscape Screening: Non-living screening materials such as walls, fences and baffles.

Impervious Surface: Impervious surfaces are mainly constructed surfaces – rooftops, sidewalks, roads, and parking lots – covered by impenetrable materials such as asphalt, concrete, brick, and stone. These materials seal surfaces, repel water and prevent precipitation and melt water from infiltrating soils.

Indiscriminate Clearing: Any clearing of property that occurs with no distinction made regarding whether any trees on the site could be preserved and incorporated into future development on the site, whether such clearing will alter the storm water drainage patterns on the site in a way that could be detrimental to the City's goals for protecting private property from flood damage and runoff, or whether such clearing would be counter to the overall City policies and objectives for planting and protecting trees throughout the City.

Invasive Plant Species: Introduced plant species that can thrive in areas beyond their natural range of dispersal. These plants are characteristically adaptable, aggressive and have a high reproductive capacity. Their vigor combined with a lack of natural enemies often leads to outbreak populations.

Landscaped Area: An area within the boundary of a property which is devoted to and consists of plant material, trees, water forms, planters, brick, stone, aggregate and other features used primarily for landscaping purposes, but not including the use of smooth concrete or asphalt.

Landscape Plan: The Landscape Site Plan or plan information required to be submitted and approved in accordance with this Ordinance.

Landscaping: Changing, rearranging or adding to the original vegetation or scenery of a piece of land. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

Non-Canopy Tree: Any self-supporting woody plant with one or more trunks, which attains a height of at least fifteen feet (15').

Non-Conforming Development: A development which was lawful prior to the adoption of this Ordinance but fails by reason of such adoption to comply with this Ordinance.

Phased Development: Property improvements that occur as independent developments in a sequential order with each distinct from previous improvements (by time of creation or land use).

Plant Materials: Living trees, shrubs, vines, grass, ground covers, flowering annuals, biennials and perennials.

Planting Bed: An area prepared exclusively for the location of small decorative arrangements of plant material, often consisting of seasonal flowers.

Pre-Development Clearing of Land: The clearing of land before issuance of a Building Permit.

Property: The real property included within the boundaries of any lot approved and recorded in the plat records of Angelina County or an unplatted tract or parcel of land as described and recorded in the Real Property Records of Angelina County, Texas.

Protected Tree: A tree that has a barricaded area constructed in such a way that the tree is protected from damage due to construction or from normal vehicular movement.

Removal: Uprooting, severing the main trunk of a tree, or any act, which causes or may reasonably be expected to cause a tree to die, including without limitation damage inflicted upon the root system by machinery, storage or materials, or soil compaction.

Saved Tree: An existing tree, which is maintained in a living and growing condition.

Screening: A method of visual shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls and berms or densely planted vegetation.

Shrub: A woody perennial plant distinguished from a perennial herb by its persistent, woody stem and from trees by a mature height less than fifteen feet (15') and no distinctive elevated crown of foliage.

Street Yard: The area of a lot which lies between the street right-of-way line and the front, side, and/or rear wall building line.

Tree: For a new tree, any self-supporting woody perennial plant which attains a diameter of two and one-half inches (2 ½") trunk diameter of three inches (3") or more as measured four and one-half feet (4'6") above ground level and normally an overall height of at least twelve feet (12') at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks, as in several varieties of oaks.

Undisturbed Area: The area of a property, which maintains the original natural vegetation including trees, shrubs, grasses, groundcover, and plant materials.

Unprotected Tree: A tree that has no specially constructed protection barriers to prevent damage due to construction or normal vehicular movement.

Vegetated Area: Ground area of a site that is covered by plants, trees, undergrowth and grasses.

Vegetation: Any type or kind of growing plant material.

Vested Rights: A "vested right" is generally the right to initiate or continue a development that is contrary to the restrictions or regulations of a recently enacted zoning or land use regulation. Texas Local Government Code Chapter 245 governs vested rights and creates a regulatory structure where developers and the public can rely upon land use regulations in effect at the time a permit application is filed.

Wall Building Line: A line extending along the façade of the building(s), parallel to the property line(s) abutting a street right-of-way line. It will be used to determine the overall area, depth and shape of the Street Yard.

Weeds or Grasses: Weeds and/or grasses or other uncultivated plants on any premises or right-of-way, which grow in such rank profusion as to harbor reptiles or rodents, or create a fire hazard; and weeds and/or grasses, excluding ornamental grasses, or other cultivated plants on any premises which are permitted to, or do attain a height greater than twelve inches (12").

Xeriscape: An area designed and developed for minimal water usage.

SECTION 7 LANDSCAPE AREA AND LOCATION REQUIREMENTS

A. Landscape Area Requirements

1. The landscaping area requirement shall be determined by the total lot square footage less the following exempted areas:

a. Phased Development;
b. Classification as 100 Year Floodway, Detention Areas;
c. Undisturbed Areas; and
d. Alternative Landscape Design Exceeding Minimum Requirements.

A twenty percent (20%) Street Yard requirement, however, shall not be exempted by this section.

2. The minimum area of landscaping required shall be ten percent (10%) of the total lot area, except for lots zoned "Light Manufacturing" or "Heavy Manufacturing" which shall be required to have an area that is five percent (5%) of the total lot area.

3. Each existing tree, which is maintained in a living and growing condition, may be credited (for a single credit) towards the required landscape area according to the following schedule:

Existing / Planted Tree Saved of	Credit
10" – 12" Caliper	200 Square feet of Landscaped Area
13" or greater Caliper	250 Square feet of Landscaped Area

4. Within the required landscape area, a minimum of one (1) tree per five hundred (500') square feet, or fraction thereof, shall be required. Trees planted in order to satisfy this requirement shall have a minimum caliper of two and one-half inches (2 ½") or greater.

a. Each existing tree which is maintained in a living and growing condition may be credited towards the number of required trees.
b. The use of the tree credit provisions below is not intended to promote the removal of all or a majority of the trees on a site with retention of only the minimum number of mature trees per acre. It is provided as a means of preserving a variety of tree sizes. In development of a site for future use, retention of existing trees in a mature stage is preferred over planting of new trees.
c. Retention credits are provided according to the following schedule:

Existing One Tree Saved of:	Credit
6" – 9" Caliper	3 Trees
10" – 12" Caliper	4 Trees
13" or greater Caliper	5 Trees

5. Within the required landscape area, a minimum of one (1) shrub per two hundred (200') square feet, or fraction thereof, shall be required. Shrubs planted in order to satisfy this requirement shall be a minimum size of two (2) gallons or greater. Ten

(10) shrubs shall be equivalent to two hundred and fifty (250') square feet of ground cover.

6. Each existing tree or newly planted tree which is maintained in a living and growing condition may be credited towards the required number of shrubs according to the following schedule:

Existing/Planted One Tree Saved of:	Credit:
(2 ½") – 6" Caliper	4 shrubs
7" – 9" Caliper	6 shrubs
10" – 12" Caliper	8 shrubs
13" or greater Caliper	10 shrubs

7. Twenty percent (20%) of the required landscape area (including within that area twenty percent (20%) of the required trees) shall be planted within the Street Yard. Modification to the placement standard is permitted where placement of landscaping would interfere with the use or maintenance of a dedicated utility easement.

8. Parking lot requirements may be offset by exceeding landscaping requirements at a ratio of one (1) stall reduced for each extra five hundred square feet (500') of area of landscaping.

9. The site plan for a development, in which the minimum landscape area and tree requirements of this Ordinance are exceeded by enhanced designs that include, but are not limited to, either planted ground cover beds, theme landscape features or water features incorporated within the landscaping may be substituted for the Ordinance's minimum requirements. The Director of Planning shall review the site plan to determine that it meets the intent of the Ordinance.

B. Landscape Location Requirements

1. For a lot abutting a street, a minimum of twenty percent (20%) of the landscaped area must be planted as a landscaped area on the Street Yard side of the property. On properties with multiple Street Yards, a minimum of fifty percent (50%) of this requirement shall apply to the side of the property that is the physical address. The remaining square footage of landscaped areas shall be reasonably dispersed. Upon written application of the owner of the development, the distribution of landscaping may be amended in order to ensure the maximum benefit of the required landscaping.

2. Trees planted in the Street yard must be planted uniformly, in such a way that:

a. they will not block the view of traffic entering or exiting the property, or create an unsafe environment;
b. the primary building entrance, or indication thereof, is visible from the roadway;
c. the species of trees used do not crowd or inhibit growth of other trees in the same grouping.

3. Any surface of the Street Yard not occupied by trees, shrubs, planting beds, signs or other permitted fixtures shall be planted with sod or other groundcover.

SECTION 8 ISLAND LANDSCAPING

Landscape islands placed in parking lots in excess of thirty (30) spaces may replace parking ratio requirements. The reduction of parking stalls shall be at a ratio of one stall reduction for each area of consolidated landscaped island comprised of a minimum of five hundred square feet (500') of live landscaping materials including one (1) tree and one (1) of the following: shrubs, turf or planted groundcover. Ground cover and shrubs may not exceed three feet (3') in height at maturity.

SECTION 9 REDUCTION IN REQUIRED LANDSCAPE AREAS

The following options can reduce required landscape areas:

A. Phased Development
Each phase of a phased landscape project shall comply with this Ordinance. Phase lines shall be shown on the landscape plan.

B. 100 Year Floodway and Detention Areas
On sites where a floodway exists, the 100 Year Floodway area will be subtracted from the total lot area when calculating landscape requirements. Trees, shrubs or groundcover in this area may be applied in meeting the landscaping requirements for the development of the property. The plants in this area must be protected for current and future periods. On sites where detention is required by the City of Lufkin for development, the detention area will be subtracted from the total lot area when calculating landscape requirements. The City Engineer must approve placement of landscaping in detention areas if landscaping is voluntarily incorporated into a detention area. Trees, shrubs or groundcover in this area may be applied in meeting the landscaping requirements for the development of the property. The City Engineer shall evaluate the adequacy of proposed exclusions for floodway and detention areas.

C. Undisturbed Areas
On sites that contain an Undisturbed Area; the area will be subtracted from the total lot area of the site when calculating landscape requirements. Undisturbed Areas that exceed the minimum required landscape area, may be credited toward (used in lieu of) the required landscape up to a maximum of eighty percent (80%). The remaining twenty percent (20%) of required landscape shall be located in the Street

Yard(s). All remaining Undisturbed Area, after claiming a landscape credit, may be used for a reduction in required parking not to exceed ten percent (10%) of the total parking required. Required parking credits will be awarded based on a ratio of one (1) space per five hundred (500) square feet of Undisturbed Area. The same quantity of Undisturbed Area may not be used for both a reduction in landscape and parking. No building permit shall be issued for development within the Undisturbed Area if plants in this area are used for meeting landscape requirements.

D. Alternative landscape designs
Alternative landscape designs that exceed the minimum requirements, as determined by the Director of Planning, may be used for a reduction in required parking not to exceed ten percent (10%) of the total parking required. Parking reductions from alternative landscape designs will qualify at a ratio of one (1) space for every five hundred (500') square feet of landscape area exceeding the minimum requirements.

SECTION 10 IRRIGATION REQUIREMENTS

Every development will provide an irrigation system following the standards below, excepting C:

A. Conventional System of an automatic, underground irrigation systems which may be a conventional spray or bubbler type head.
B. Drip or Leaky-Pipe System, such as an automatic underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
C. Areas of Xeriscape
Temporary and Above-Ground Watering can be used for xeriscaped landscape areas using drought resistant plants and installation techniques, including areas planted with native grasses, wildflowers, and trees. Those trees within parking lots or adjacent to parking lots where root health may be impacted must have, at a minimum, a water source consisting of a hose bib accessible to each area.

SECTION 11 MAINTENANCE AND REPLACEMENT

The owner, or agent shall be responsible for the maintenance, and replacement when required, of all landscaping including preservation trees, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and shall be kept free from refuse and debris. Any plant that dies should be replaced with another living plant that complies with the approved landscape plan within sixty (60) days (season permitting) after death or notification by the City.

SECTION 12 NONCONFORMING USES

A. Land that is under lawful development or has vested rights (as referenced in the Texas Local Government Code Chapter 245) at the effective date of this Ordinance,

or that is under lawful development or has vested rights at the effective date of annexation of the land, will have a grandfathered, pre-existing, nonconforming status with respect to the requirements herein. Claims of development or vested rights must be submitted in writing to the Director of Planning within one-hundred, eighty (180) days of enactment of this Ordinance to determine whether vested rights exist. If such rights are not recognized by the City, the owner may appeal to the Zoning Board of Adjustments and Appeals. The City or Board may grant vested rights with terms of usage requirements.

B. Any land that is annexed and where no lawful development has occurred, must comply with the requirements of this Ordinance upon development of the land and will not be granted nonconforming status with respect to the requirements of this Ordinance. Claims of development or vested rights (as referenced in the Texas Local Government Code Chapter 245) must be submitted in writing to the City of Lufkin within one-hundred, eighty (180) days of enactment of this Ordinance to determine whether vested rights exist. If such rights are not recognized by the City, the owner may appeal to the Zoning Board of Adjustments and Appeals. The City or Board may grant vested rights with terms of usage requirements.

C. If a property does not conform to the landscape requirements stated herein at the time of adoption of this Ordinance, the property shall have nonconforming status unless a structure on the property is increased by greater than twenty-five percent (25%) of the original structure existing on the site.

D. Property covered with impervious materials over ninety percent (90%) of the site area at the time of adoption of this Ordinance shall be exempt from the requirements listed herein. Removal of one hundred percent 100% of the impervious material for new construction purposes shall terminate the property's exemption. Owners may meet with Planning staff prior to excavation to receive assistance in determining compliance requirements. This paragraph does not apply to the improvement or maintenance of paving or parking lots.

SECTION 13 VIOLATION, PENALTY AND ENFORCEMENT (AFTER THE EXHAUSTION OF ALL ADMINISTRATIVE APPEALS)

A. Upon receipt of a complaint, the City will investigate the complaint and determine whether a violation of the Ordinance exists. If a violation exists, and where all applicable Board of Adjustments and Appeals procedures have been taken, the City will inform the owner of the property and give the owner a reasonable amount of time in which to comply with the Ordinance. The notice will be accompanied by a request for a voluntary good faith meeting with the owner to attempt resolution of the violation prior to further enforcement.

B. The Notice of Noncompliance to the owner shall be in writing, include a statement of the reason for its issue, allow a specific, reasonable time for the performance of the act

required and be served upon the owner, or agent responsible for the property, by certified mail, return-receipt requested. The notice shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance. At the end of that curative period as noted above, the City shall determine whether compliance exists. If compliance still does not exist, the person, firm, or corporation remaining in violation of any of the provisions or terms of this Ordinance shall be guilty of a Class C misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of $500 for each offense, and each and every day such violation shall continue to exist shall constitute a separate offense.

10. SIGN PROVISIONS

PURPOSE

The purpose of this section is to provide basic uniform sign standards which promote a positive city image, reflecting a consistent design and uniformity for signs, protecting the cultural and economic strengths of the City of Lufkin.

OFF-PREMISE SIGNS

Off-Premise signs must meet all Federal, State and City Requirements. Signs are only permitted on-premise unless approved under the following conditions:

A. Relocation of Existing Off-premise Signs from the designated Lufkin Main Street Area:

Permitted with consideration of the Planning and Zoning Commission and the approval of the City Council. Off-premise Signs, under this provision, shall allow for the permitted relocation of existing off-premise signage currently existing within both the official Main Street District (MSD) as adopted by the City Council and the "CB – Central Business" District to areas which have the zoning classification of "HM – Heavy Manufacturing" or "LM – Light Manufacturing". All off-premise signs, under this provision are as listed:

All Off-Premise Signs Considered for Relocation from the Lufkin Main Street Area				
	Location	Max. Face Size (in sq ft)	Number of Faces	Overall Height (Ft)
1	Corner of First and Denman	576 per Face	2	55
2	On Lufkin Ave. Directly across from Downtown Post Office	640 per Face	2	50
3	On South side of Frank St. just	640 per Face	2	45