

CITY OF LUFKIN, TEXAS ZONING ORDINANCE

ORDINANCE NO. 3368
ADOPTED FEBRUARY 10, 1999
(REVISED AUGUST 20, 2026)



Mark Hicks
Mayor

Kevin Gee, PE
City Manager

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Mayor, Pro Tem, Ward 2

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Assistant City Manager

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Whitney Danner
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Kimberly Abelt
Councilmember, Ward 3

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City Secretary

Kim Ogden
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Development Services Director

Jimmy Ford
Councilmember, Ward 5

Alaina Helton, AICP
City Planner

William Price
Councilmember, Ward 6

Updated: September 2026
(Print Date)

AMENDMENTS TO ZONING ORDINANCE

CHANGE #	AMENDMENT DESCRIPTION	ORDINANCE DATE
3457	Permitted Use Chart Off-Site Parking and Outdoor Sales	3/21/00
3570	Sign, Permanent Bulletin Board	5/13/02
3819	Institute of Transportation Engineers Parking Ratio Alternative	1/3/06
3836	Lufkin Main Street Signage	3/7/06
3841	12 Months on Failed Items	3/21/06
3842	Bed and Breakfast Establishment	4/4/06
3853	Commercial Fencing Requirement	6/20/06
3893/3895	Adoptive Reuse Overlay District	8/1/06
3909	Agriculture District	10/3/06
4073	Annexation Holding Zone	7/1/08
4119	Office District	2/3/09
4197	Landscape & Tree Preservation	2/17/10
4264	Private Club & Drinking Establishment	10/7/10
4283	Setback on Corner Lots	10/19/10
4404	Accessory Buildings	2/7/12
4405	Front Yard Setback Requirements	2/7/12
4406	Off-Street Parking and Loading Req.	2/7/12

AMENDMENTS TO ZONING ORDINANCE

CHANGE #	AMENDMENT DESCRIPTION	ORDINANCE DATE
4536	Permitted Use Chart Distillation of Liquors, Spirits, Etc.—Craft	8/20/13
4730	Sign Conversion from Static to Electronic	10/16/18
4817	Single-Family Residential Housing Built Within Non-Residential Zoned Properties	7/7/20
4848	Fences, Walls, and Similar Barriers	4/6/21
4850	Parking Space Size Requirement and Permitted Materials	4/6/21
4905	Recreational Vehicle Parks	9/21/21
4978	Auto Sales in CB	11/1/22
4979	Game Room	11/1/22
4997	BYOB	4/18/23
5033	Height within LB	11/21/23
448	Electronic Cigarette and Vape Shop Retail Stores	8/19/25
5160	Light & Heavy Manufacturing Performance Standards	8/4/26

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Note - **D - Denotes that a definition can be found in Article XXVII of the Zoning Ordinance.*

ARTICLE I

TITLE AND PURPOSE

SECTION 1 - TITLE

This ordinance shall be known as and may be cited and referred to as the “Zoning Ordinance.”

SECTION 2 - PURPOSE

The zoning regulations and districts herein established have been made in accordance with a comprehensive zoning plan for the purpose of promoting health, safety, morals and the general welfare of the City. The regulations have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of improvements and encouraging the most appropriate use of land throughout the community.

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

ARTICLE II

DISTRICTS AND DISTRICT BOUNDARIES

SECTION 1 – DISTRICTS

The City of Lufkin is hereby divided into eighteen (18) types of districts. These shall be known as:

- “AG” Agricultural District
- “RL” Residential Large Single Family Dwelling
- “RM” Residential Medium Single Family Dwelling
- “RS” Residential Small Single Family Dwelling
- “ARO” Adaptive Reuse Overlay District
- “MD” Manufactured Dwelling District
- “D” Duplex Dwelling District
- “A” Apartment Dwelling District
- “MH” Manufactured Homes Park District
- “PUD” Planned Unit Development District
- “RPO” Restrictive Professional Office District
- “NR” Neighborhood Retail District
- “O” Office District
- “LB” Local Business District
- “CB” Central Business District
- “C” Commercial District
- “LM” Light Manufacturing District
- “HM” Heavy Manufacturing District

No land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided. No building hereafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy and Compliance shall have been issued by the Building Official stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official.

It is recognized that new types of land use will develop and that forms of land use not anticipated will seek to locate in the City of Lufkin. In such circumstances, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. All questions concerning the classification of any new or unlisted uses shall be referred to the Director of Planning for a determination as to the zoning classification into which such use should be placed. The Director of Planning shall consider the nature and character of the proposed use and its compatibility

ARTICLE II

DISTRICTS AND DISTRICT BOUNDARIES

and similarity with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.

- B. The Board of Adjustments and Appeals is authorized to hear and decide appeals where it is alleged there is error in any decision or determination regarding the classification of a new or unlisted use or regulation thereof by the Director of Planning.
- C. The Director of Planning shall, furthermore, transmit to the Planning and Zoning Commission any recommendation for addition of any new or heretofore unlisted use to this Ordinance. Addition of any use to any classification shall be by amendment to this Ordinance.
- D. A revised "Schedule of Permitted Uses" which includes all additions made to the uses permitted in the several zoning classifications shall be published as needed.

SECTION 2 – BOUNDARIES

The boundaries of these districts are indicated upon the Zoning Map of the City of Lufkin which is on file in the Planning Department and made a part of this ordinance, the same as if copied in full herein. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map accompanying and made a part of this ordinance, the following rules apply:

- A. The district boundaries are street, alley and property lines unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street, alley, or property lines; the street, alley or property lines shall be construed to be the boundary of the district.
- B. Where the district boundaries are otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be property lines, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- C. In unsubdivided property, the district boundary lines on the map accompanying and made part of this ordinance shall be determined by use of the scale appearing on the map.

ARTICLE II DISTRICTS AND DISTRICT BOUNDARIES

- D. In case of a district boundary line dividing a platted lot into two parts, the district boundary line shall be construed to be the property line nearest the less restrictive district.
- E. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacancy and all area included in the vacancy shall then and henceforth be subject to all regulations of the extended districts.

SECTION 3 – ANNEXATION HOLDING ZONE

All land annexed into the jurisdiction of the City of Lufkin shall be zoned in the Agricultural zone. The Agricultural zone shall serve as the default zone for all land annexed after the passage of this ordinance in June, 2008 though application may be made by the owner for rezoning of the property after completion of annexation.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“AG” – AGRICULTURAL DISTRICT

SECTION 1 – PURPOSE

To provide a location for land situated on the fringe of an urban area and to permit the use of land for ranching, propagation and cultivation of crops and similar uses of vacant land or sparsely populated property. It is anticipated that Agricultural zoned land will eventually be rezoned to another zoning classification. The “AG” – Agricultural District is also appropriate for areas where development is premature due to lack of utilities or City services; to preserve areas that are unsuitable for development due to problems that may present hazards such as flooding, in which case the “AG” zoning designation should be retained until such hazards are mitigated and the land is rezoned and to provide permanent open space areas as buffers around uses that might otherwise be objectionable or pose environmental health hazards.

A. District Development Regulations

1. All general and special agricultural, farming, ranching, stables, stock and poultry raising, dairy and other related uses are allowed so long as same do not cause a hazard to health by reason of unsanitary conditions and no offense by reason of odors, dust fumes, noise or vibrations.
2. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
3. Residential structures shall be limited to one structure per lot. Provision for additional residential uses in support of the agricultural activity of the property may be reviewed and approved by the Planning and Zoning Commission.

B. Area Regulations

1. Front Yard

A minimum front yard setback of twenty-five feet (25') shall be required between any residential structure and the front property line.

2. Side Yard

A minimum side yard setback of ten feet (10') shall be required between all residential structures and the side property line.

3. Rear Yard

A minimum rear yard setback of twenty-five feet (25') shall be required between any residential structure and the rear property line.

ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

4. Area of Lot

A minimum lot area of 32,670 square feet (3/4 acre) shall be required.

5. Width of Lot

Each lot shall have a minimum of thirty (30) feet of frontage on a dedicated public street.

6. Minimum Depth of Lot

Not applicable

7. Area of Dwelling

Not applicable

8. Lot Coverage

No more than thirty-five percent (35%) of the total lot area shall be covered by buildings.

9. Height Restrictions

No building shall exceed seventy (70) feet in height.

C. Supplemental Regulations

1. Restrictions concerning maximum height of grass shall not apply in the "AG – Agricultural District".
2. Regulations of Discharge of Weapon shall be as stated in Texas Local Government Code § 229.002, "A municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:
 - (1) a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:
 - (A) on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; and
 - (B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
 - (2) a center fire or rim fire rifle or pistol of any caliber discharged:
 - (A) on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and

ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

(B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.”

3. Burning of plant materials shall be permitted on properties in excess of 10 acres. Prior to burning notice shall be provided to the City Fire Marshall as to the time and location of the proposed burn.
4. Noise restrictions shall not be applied to the noise generated by the operation of agricultural equipment used in the routine operation of property in excess of one acre.
5. The display or processing of large animal carcasses shall be blocked from the visibility of right-of-way.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“RL” – RESIDENTIAL LARGE SINGLE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In an “RL” Residential Large Single Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard, on the addressed street, with a minimum depth of not less than twenty-five (25) feet.
- B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

There shall be two (2) side yards with a width of not less than five (5) feet each. The side yards of corner lots shall not be less than ten (10) feet.

3. Rear Yard

There shall be a rear yard with a depth of not less than fifteen (15) feet.

4. Area of the Lot

The minimum area of the lot shall be ten thousand (10,000) square feet; however, a lot having an area of less than ten thousand (10,000) square feet that was of record prior to passage of this ordinance may be used for any use permitted in this Article provided that the requirements of Subsections 1, 2, 3, and 7, of this Section are met.

5. Width of Lot

The minimum width of the lot when measured at the required front yard setback line (established by ordinance or recorded plat) shall not be less than eighty (80) feet; nor less than thirty (30) feet when measured at the right of way line.

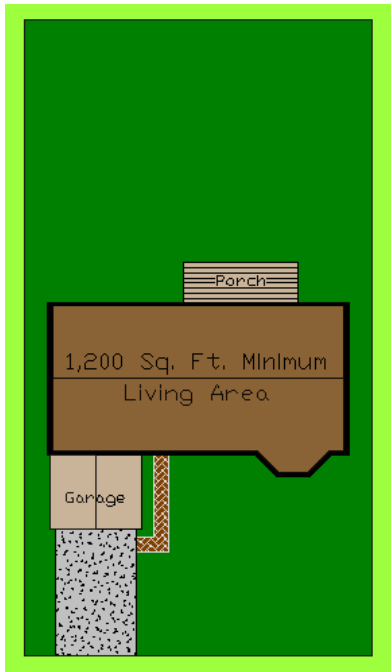
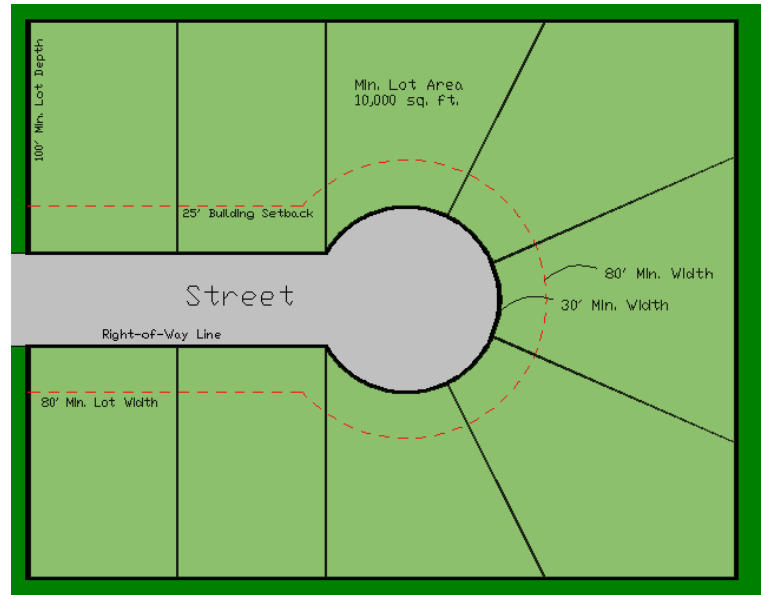
ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

6. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred (100) feet.

7. Area of Dwelling

Twelve hundred (1,200) square feet shall be the minimum living area of the dwelling.



Note – Garages and porches (covered or enclosed) are not included in the square footage calculations when determining the dwelling unit size.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“RM” - RESIDENTIAL MEDIUM SINGLE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In an “RM” – Residential Medium Single Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard, on the addressed street, with a minimum depth of not less than twenty (20) feet.
- B. Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

There shall be two (2) side yards with a width of not less than five (5) feet each. The side yards of corner lots shall not be less than ten (10) feet.

3. Rear Yard

There shall be a rear yard with a depth of not less than fifteen (15) feet.

4. Area of the Lot

The minimum area of the lot shall be six thousand (6,000) square feet; however, a lot having an area of less than six thousand (6,000) square feet that was of record prior to passage of this ordinance may be used for any use permitted in this Article provided that the requirements of Subsections 1, 2, 3, and 7, of this Section are met.

5. Width of Lot

The minimum width of the lot, when measured at the required front yard setback line (established by ordinance or recorded plat), shall not be less than sixty (60) feet, nor less than thirty (30) feet when measured at the right of way line.

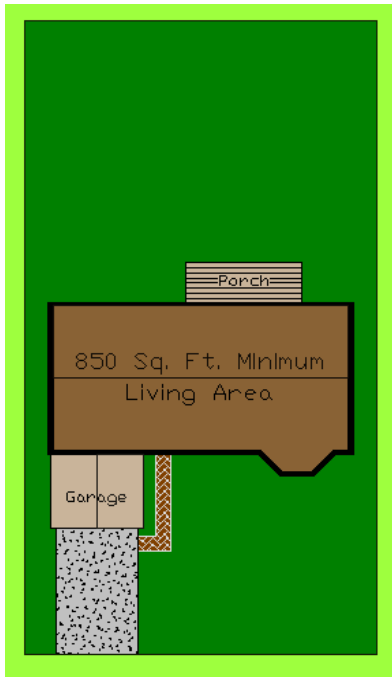
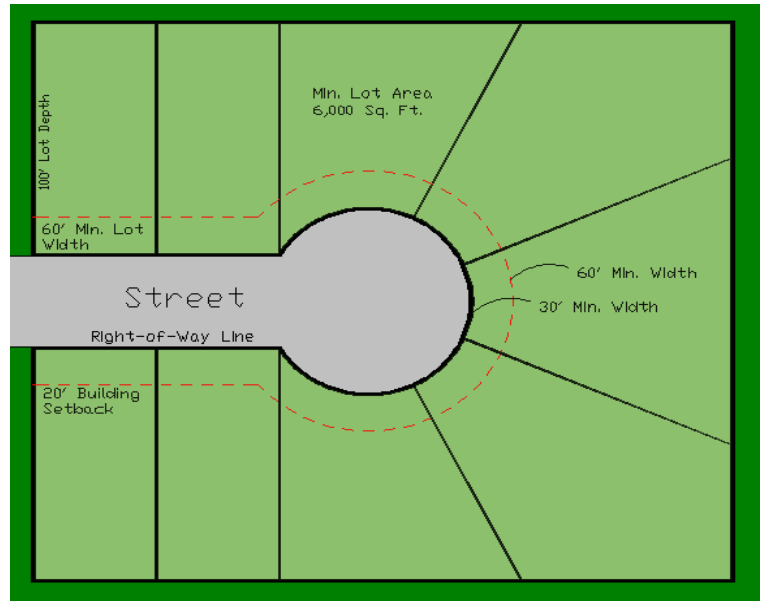
ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

6. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred (100) feet.

7. Area of Dwelling

Eight hundred fifty (850) square feet shall be the minimum living area of the dwelling.



Note – Garages and porches (covered or enclosed) are not included in the square footage calculations when determining the dwelling unit size.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“RS” - RESIDENTIAL SMALL SINGLE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1 -USE REGULATIONS

In a “RS” – Residential Small Single Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard, on the addressed street, with a minimum depth of not less than twenty (20) feet.
- B. Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

There shall be two (2) side yards with a width of not less than five (5) feet each. The side yards of corner lots shall not be less than ten (10) feet.

3. Rear Yard

There shall be a rear yard with a depth of not less than ten (10) feet.

4. Area of the Lot

The minimum area of the lot shall be four thousand (4,000) square feet; however, a lot having an area of less than four thousand (4,000) square feet that was of record prior to the passage of this ordinance may be used for any use permitted in this Article provided that the requirements of Subsections 1, 2, 3 and 7, of this Section are met.

5. Width of Lot

The minimum width of the lot, when measured at the required front yard setback line (established by ordinance or recorded plat), shall not be less than forty (40) feet, nor less than thirty (30) feet when measured at the right-of-way line.

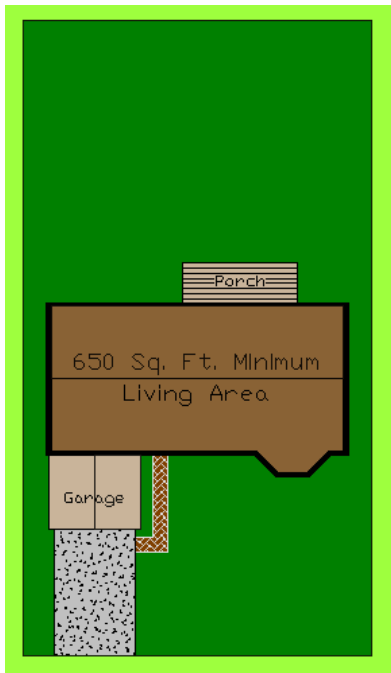
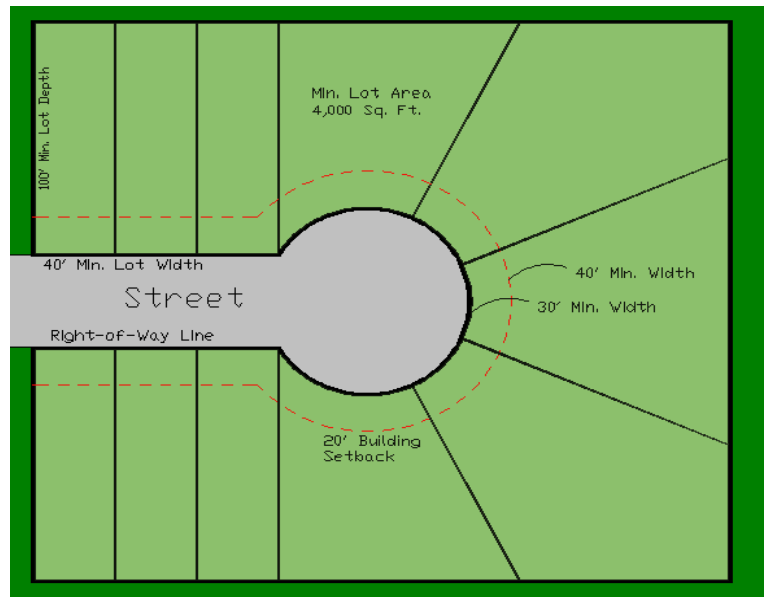
ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

6. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred (100) feet.

7. Area of Dwelling

Six hundred fifty (650) square feet shall be the minimum living area of the dwelling.



Note – Garages and porches (covered or enclosed) are not included in the square footage calculations when determining the dwelling unit size.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“MD” - MANUFACTURED DWELLING DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “MD” – Manufactured Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT RESTRICTIONS

No building shall exceed thirty-five (35) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard, on the addressed street, with a minimum depth of not less than twenty (20) feet.
- B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

There shall be two (2) side yards with a width of not less than five (5) feet each. The side yards of corner lots shall not be less than ten (10) feet.

3. Rear Yard

There shall be a rear yard with a depth of not less than ten (10) feet.

4. Area of the Lot

The minimum area of the lot shall be four thousand (4,000) square feet; however, a lot having an area of less than four thousand (4,000) square feet that was of record prior to passage of this ordinance may be used for dwelling purposes only and shall meet the requirements of Subsection 1, 2, 3, and 7, of this Section.

5. Width of Lot

The minimum width of the lot, when measured at the required front yard setback line (established by ordinance or recorded plat), shall not be less than forty (40) feet, nor less than thirty (30) feet when measured at the right-of-way line.

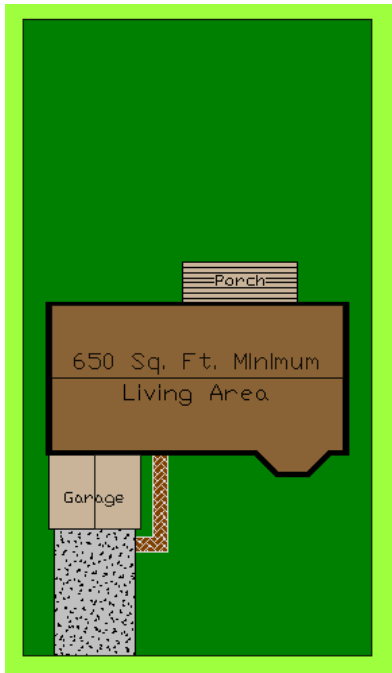
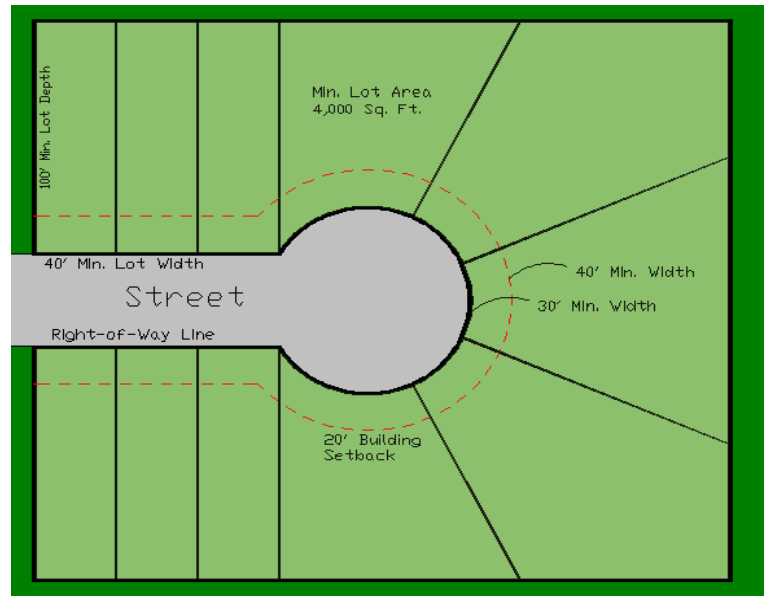
ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

6. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred (100) feet.

7. Area of Dwelling

Six hundred fifty (650) square feet shall be the minimum living area of any dwelling.



Note – Garages and porches (covered or enclosed) are not included in the square footage calculations when determining the dwelling unit size.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“D” - DUPLEX DWELLING DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “D” Duplex Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard, on the addressed street, with a minimum depth of not less than twenty-five (25) feet.
- B. Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both sides.

2. Side Yard

There shall be two (2) side yards with a width of not less than five (5) feet each. The side yard of corner lots shall not be less than ten (10) feet.

3. Rear Yard

There shall be a rear yard with a depth of not less than fifteen (15) feet.

4. Area of the Lot

The minimum area of the lot shall be six thousand (6,000) square feet; however, a lot having an area of less than six thousand (6,000) square feet that was of record prior to passage of this ordinance may be used for any use permitted in this Article provided that the requirements of Subsections 1, 2, 3, and 7 of this Section are met.

5. Width of Lot

The minimum width of the lot when measured at the required front yard setback line (established by ordinance or recorded plat) shall not be less than sixty (60) feet; nor less than thirty (30) feet when measured at the right-of- way line.

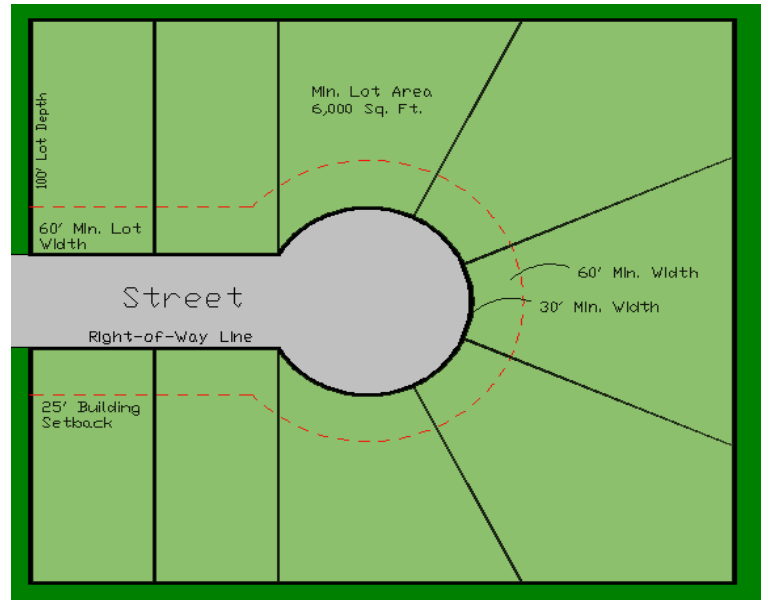
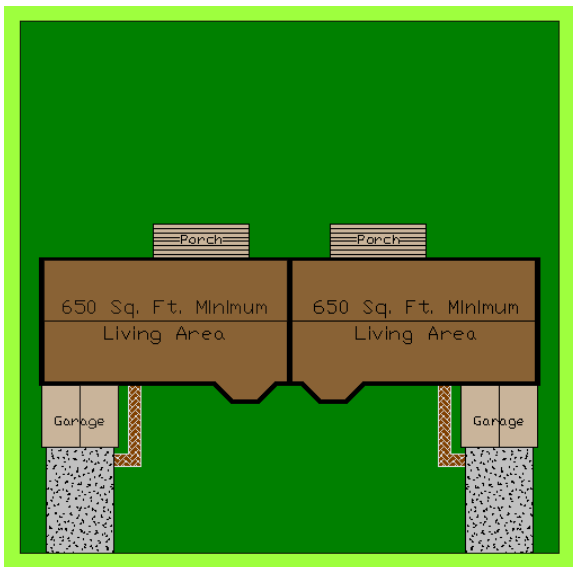
ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

6. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred (100) feet.

7. Area of Dwelling

Six hundred fifty (650) square feet shall be the minimum living area of each dwelling unit.



Note – Garages and porches (covered or enclosed) are not included in the square footage calculations when determining the dwelling unit size.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“A” - APARTMENT DWELLING DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In an “A” Apartment Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

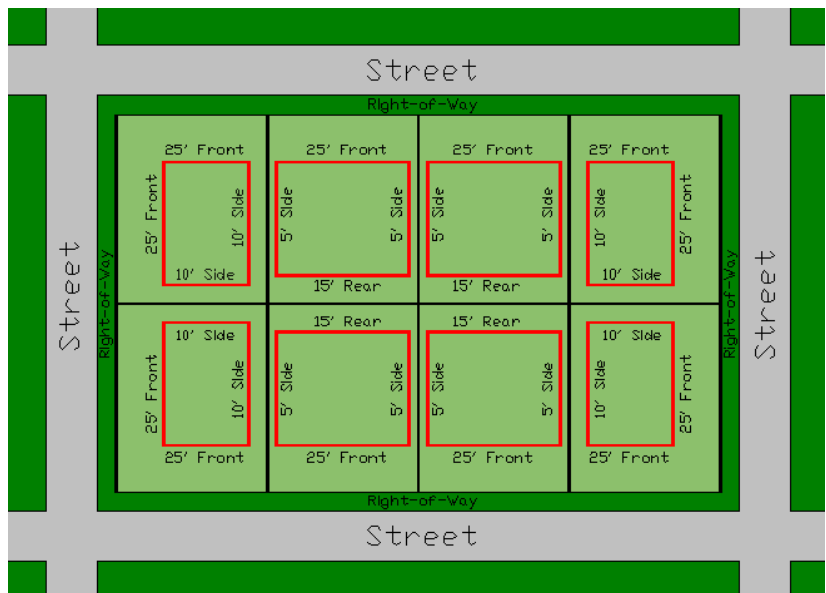
SECTION 2 – HEIGHT REGULATIONS

No building shall exceed forty-two (42) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard(s) with a minimum depth of twenty-five (25) feet. No parking space or vehicle storage area for multiple-family dwellings shall be located within the required front yard.
- B. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.



2. Side Yard

There shall be two (2) side yards with a width of not less than five (5) feet each for single-family and two-family dwellings. The side yards of corner lots shall not be less than ten (10) feet.

There shall be (2) side yards with a width of not less than (15) feet each for multiple family dwellings and other permitted uses.

3. Rear Yard

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

There shall be a rear yard with a depth of not less than fifteen (15) feet.

4. Area of the Lot

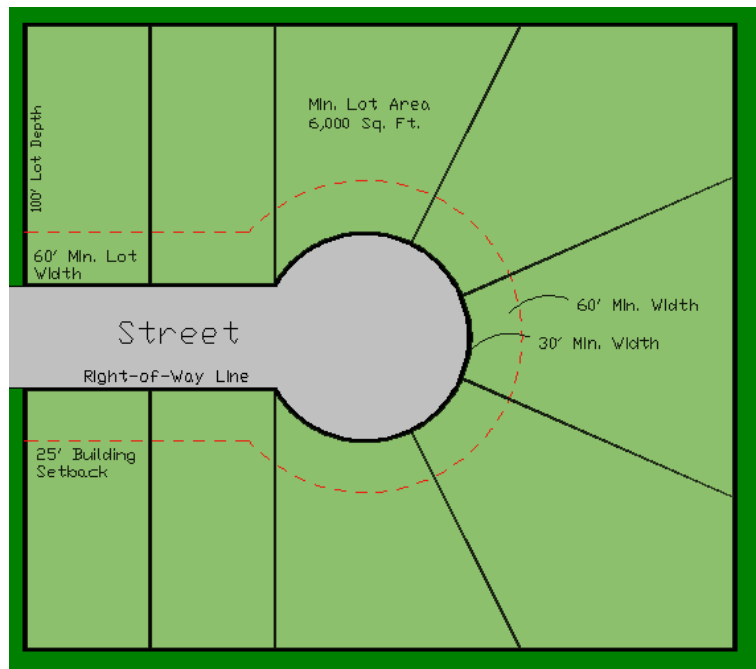
The minimum area of the lot shall be six thousand (6,000) square feet. For multiple-family dwellings, no less than twelve hundred (1,200) square feet of lot area shall be provided for each dwelling unit. A lot having an area of less than six thousand (6,000) square feet that was of record prior to passage of this ordinance may be used for a single-family dwelling only.

5. Width of Lot

The minimum width of the lot when measured at the required front yard setback line (established by ordinance or recorded plat) shall not be less than sixty (60) feet; nor less than thirty (30) feet when measured at the right-of-way line.

6. Depth of Lot

The minimum lot depth shall be one hundred (100) feet.



ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“MH” - MANUFACTURED HOMES PARK DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “MH” – Manufactured Homes Park District no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

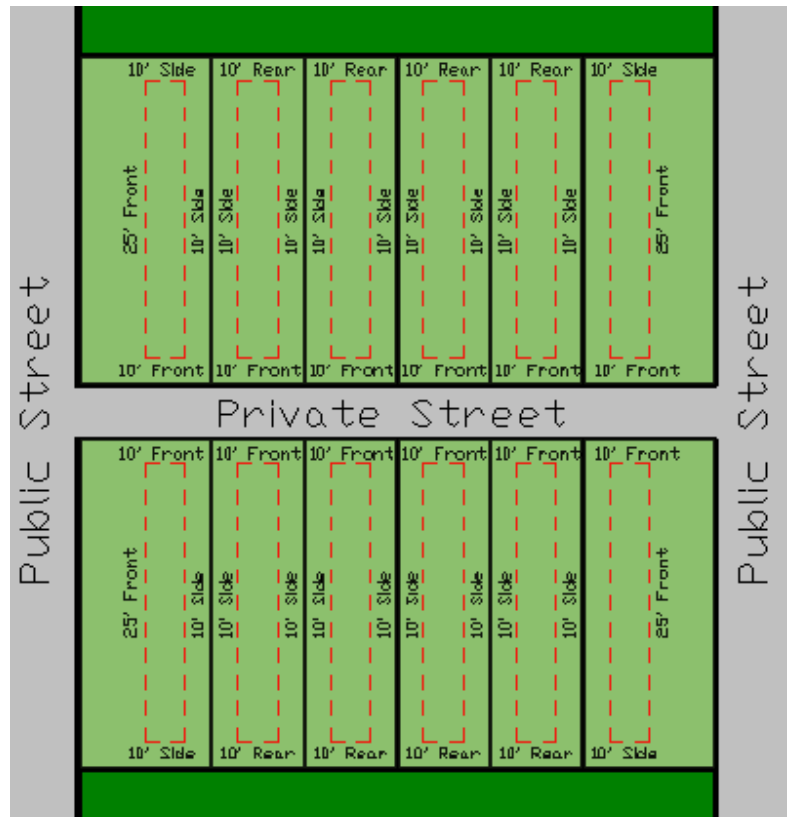
- A. There shall be a front yard(s) with a minimum depth of not less than ten (10) feet. Where the front yard abuts a public street, the minimum depth of the front yard shall be twenty-five (25) feet.
- B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

There shall be two (2) side yards with a width of not less than ten (10) feet each.

3. Rear Yard

There shall be a rear yard with a depth of not less than ten (10) feet.



is no dedicated right-of-way.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

4. Density

No manufactured home park shall provide less than twenty spaces; and there shall not be more than ten (10) spaces per gross acre within the park.

5. Area of Spaces

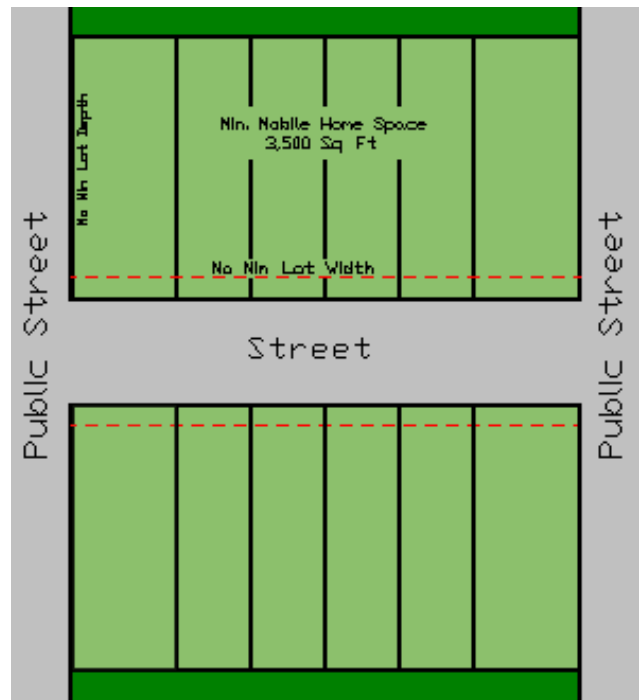
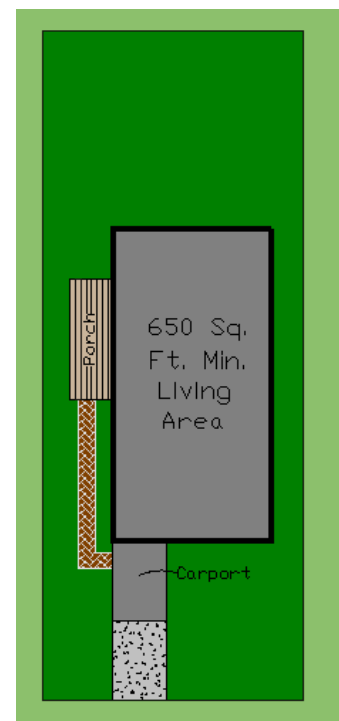
Each manufactured home space shall provide a minimum area of three thousand five hundred (3,500) square feet.

6. Area of Dwelling

Six hundred fifty (650) square feet shall be the minimum living area of each dwelling unit.

7. Access

The park shall have an entrance drive from a public street, and access to individual spaces shall be from private paved drives within the site. The width, design and construction of the drives shall be adequate to accommodate the traffic generated by the park and emergency and service vehicles, as determined by the City Engineer; but in no case shall the width of a driving surface be less than twenty six (26) feet.



ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

“PUD” - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 1 – GENERAL PURPOSE AND APPLICABILITY

The purpose of this district is to encourage better and more efficient utilization of land in the City by allowing greater flexibility in the planning and development of projects. When integrally designed, land uses such as industrial parks, office or commercial districts, mixed or uniform residential development, or any combination of uses may be established when four (4) acres or more are available for unified development.

SECTION 2 – USE REGULATIONS

A Planned Unit Development district may be approved with any use or combination of uses allowed by the Comprehensive Zoning Ordinance. The uses permitted in any specific Planned Unit Development district shall be enumerated in the ordinance establishing such district, along with any conditions or limitations deemed appropriate for the specified uses.

SECTION 3 – AREA & HEIGHT REGULATIONS

Each Planned Unit Development shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. These regulations may include, but shall not be limited to: (1) front, side, and rear yard requirements; (2) minimum lot width, depth, and area requirements; (3) maximum lot coverage; (4) maximum building size and/or height; (5) landscape, open space and screening requirements; (6) off-street parking and loading requirements; and (7) signage requirements.

SECTION 4 – PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT

An application to designate an area as a Planned Unit Development District shall be accompanied by a Concept Plan which establishes the general development intent of the district. The approved Concept Plan shall be made part of the amending ordinance and shall serve as a guide for the approval of all subsequent site plans as may be required in the district.

SECTION 5 – CHANGES TO APPROVED CONCEPT PLAN

Changes to the Concept Plan shall be considered as a change of zoning on the specified property and shall be processed as required by the Comprehensive Zoning Ordinance with the exception that changes of detail which do not alter the intent of the Concept Plan may be authorized by the Director of Planning. The Director of Planning shall not authorize a change to the Concept Plan which alters the basic relationship of

ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

the proposed development to adjacent property; alters the uses permitted or their locations; or otherwise creates an inconsistency with a requirement found in the ordinance establishing that Planned Unit Development district.

SECTION 6 – CONCEPT PLAN REQUIREMENTS

The Concept Plan shall include:

- A. A vicinity map;
- B. A boundary survey showing metes and bounds description of all boundary lines, total land area, graphic scale and north arrow, and names and route numbers of bounding streets with an indication of existing right-of-way widths;
- C. A generalized land use plan showing approximate location of proposed uses and the amount of land devoted to each, circulation corridors, public utility corridors, minimum lot and setback requirements, maximum structure heights, minimum parking standards, and landscape or other vegetative areas;
- D. An architectural plan showing building and signage style to be used throughout the district for those structures other than one or two family residential units;
- E. A plan showing anticipated location and sequence of development phases;

SECTION 7 – SITE PLAN REQUIREMENTS

In the event that site plan approval is required prior to the issuance of a building permit, the submittal shall include the following:

- A. A vicinity map;
- B. A boundary survey of the building site to include:
 - i. Metes and bounds of all boundary lines of the building site.
 - ii. Total land area within the site.
 - iii. Graphic scale and north arrow.
 - iv. Names and route numbers of boundary streets and rights of ways.

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C. A detailed and to scale site plan showing:

- i. Existing and proposed public or private streets and curb cuts. Any existing and proposed medians and median openings.
- ii. Existing and proposed building locations, including all required setback lines.
- iii. Building elevations including height in feet above grade. Construction materials must be discernible.
- iv. Existing and proposed utilities, utility easements and fire lanes (fire lanes to be shaded and labeled). Tap locations and fire hydrants to be shown.
- v. A landscape plan showing the proposed locations, types and sizes at time of planting for all types of trees, shrubs, ground cover, flowering plants and other landscaping items. Show and label existing landscaping to remain.
- vi. Adequately dimensioned parking lots and loading facilities.
- vii. A summary block which includes:
 - a. Proposed building site coverage.
 - b. Parking spaces required and parking spaces provided.
 - c. Landscaped area in square feet and as a percentage of the site.
- viii. Proposed on-site identification and directional signage.
- ix. Proposed location of refuse collection container with required screening. Screening material to be labeled.
- x. Proposed drainage and grading plan.

D. Any other information requested by Staff, Planning and Zoning Commission and/or City Council reasonably necessary to determine compliance of the site plan with the Zoning Ordinance.

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“ARO-M” - ADAPTIVE REUSE OVERLAY - MEMORIAL DISTRICT

SECTION 1 – PURPOSE

The “ARO-M” District is designed to allow for the productive reuse of a property in the City’s residential areas where neighborhoods are transitioning from single family homes to investment properties and other types of uses. The District designation will assist in maintaining the residential character of the area and preventing excessive commercialization of the area. An additional purpose is to prevent the loss of distinctive structures in these neighborhoods which may otherwise be demolished and replaced with modern buildings.

The “ARO-M” District uses are listed in the *Schedule of Permitted Uses*. “ARO-M” District activities should preserve the residential character of the neighborhood. Building uses in the “ARO-M” District should not be discernable from the exterior of the building with the exception of approved signs.

No land shall be used and no building or structure shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district. Any existing parking or lack of same for any conforming structure in the “ARO-M” District shall be considered a conforming parking arrangement.

- A. “ARO-M” District businesses shall limit hours of operation to six (6) in the morning until seven (7) in the evening. No outdoor storage or display of any type shall be permitted. Sale of vehicles, boats or other large products requiring outdoor display of merchandise are prohibited.
- B. Additions to the originally approved site plan which involve a 20% or greater enlargement of approved building footprint or proposed demolition of a structure or portion thereof shall require review of the Planning and Zoning Commission and approval of City Council in order to operate a non-residential use under the “ARO-M” District requirements.
- C. Removal of any tree over 12” in diameter within the “ARO-M” District requires the review and approval of the City Tree Board.

SECTION 2 – DENSITY REGULATIONS

A. Lot Size

The minimum lot size within the district shall be 7,000 square feet, with each lot having no less than thirty-five feet (35’) of linear frontage along a public street.

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Where lots have multiple street frontages, the minimum street frontage requirement shall apply only to one street.

B. Building Site Coverage

The gross ground floor area of all building structures shall not exceed sixty percent (60%) of the site area, including a maximum of thirty percent (30%) for accessory buildings and structures.

- C.** An existing lot is considered adequate for minimum lot size in the “ARO-M” District provided documentation of the existence of the lot prior to 1956 in its current configuration can be provided to the City.

SECTION 3 – BUILDING SETBACKS

Setbacks shall be established on the site plan. Minimum setback distances from the right-of-way line of public streets and adjacent lot lines are as follows:

A. Public Street Right-of-Way (ROW)

Above ground building structures shall be a minimum of twenty (20) feet from all public street rights-of-way lines.

B. Rear Lot Lines

Above ground building structures shall be a minimum of ten (10) feet from a rear lot line not fronting on a public street right-of-way.

C. Side Lot Lines

Above ground building structures shall be a minimum of ten (10) feet from a side lot line not fronting on a public street right-of-way.

D. Underground Setback

No underground building structure shall be located closer than ten (10) feet from any lot line.

- E.** Current location of structures on a lot under consideration for rezoning to a designation of “ARO-M” District shall be used as a factor in determining whether it is appropriate to rezone an area.

- F.** No screening devices may be placed forward of the plane of the front of the primary structure of the property.

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SECTION 4 – SIDEWALKS

Sidewalks are to remain on a property when a property is rezoned to *ARO-M District*.

SECTION 5 – MAXIMUM BUILDING HEIGHT

The maximum height of any new structure shall not exceed thirty-five feet (35') in height.

SECTION 6 – MISCELLANEOUS

All refuse collection containers shall be screened from public view on at least three (3) sides by a solid screening device equal to the height of the refuse container. Such screening device shall be constructed of either wood or masonry materials and shall be compatible with the building materials used on site. Refuse containers must be of a residential nature.

All uses in the *ARO-M District* require annual recertification for compliance with the *ARO-M District* requirements through submission of a letter to the City Planning Department documenting the business use. Changes in a business use must be approved in the manner that the original *ARO-M District* use was approved for a building in the District.

Sign Requirements

One non-lighted sign of not more than 20 square feet may be either attached to the building or when detached, no more than four feet in height measured from grade.

SECTION 7 – SITE PLAN APPROVAL

Prior to beginning any development on a building site or operation of business within the *ARO-M District*, a comprehensive site plan detailing the proposed development shall be submitted for review of the Planning and Zoning Commission and approval of City Council. All uses more intensive than those existing for the current zoning of a property are required to have site plan review of the Planning and Zoning Commission and approval of City Council prior to a building permit being issued. The following are the submittal requirements for such approval:

- A.** A vicinity map at a scale of one (1) inch = 1,000 feet or less as part of the site plan. A scale of one (1) inch = twenty feet is preferred.
- B.** A boundary survey of the building site including the following:
 - 1. Metes and bounds of all boundary lines of the building site or legal description for lot and block.
 - 2. Total land area within the site.

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3. Graphic scale and north arrow.
4. Names of boundary streets and rights-of-ways.
- C. A copy of the warranty deed showing the current ownership of the site.
- D. A detailed and to scale site plan showing:
 1. Existing and proposed public or private streets and curb cuts. Any existing and proposed medians and median openings.
 2. Existing and proposed building locations, including all required setback lines.
 3. Building elevations including height in feet above grade. Where feasible, it is preferred that buildings reflect materials currently in use in the neighborhood.
 4. Outer surfaces of the building must contain a minimum of 20% mortar construction on the elevation fronting a public right-of-way, for new construction.
 5. Parking stalls existing on the site, including the number of spaces and dimensions adequate to determine size of parking spaces and drive aisles.
 6. Existing and proposed utilities, utility easements and fire lanes (fire lanes to be shaded and labeled). Tap locations and fire hydrants to be shown.
 7. A landscape plan showing the proposed locations, types and sizes at time of planting for all types of trees, shrubs, ground cover, flowering plants and other landscaping items. Retention of existing landscaping is strongly recommended.
 8. A landscape preservation buffer equal to 10% of the depth of the lot measured from the front property line to the rear property line times the width of the lot, must be preserved from a lot's existing natural landscape if a site is being developed from raw land. The total square footage of the landscape buffer must be preserved on the site with a minimum of 50% of the square footage being maintained along the lot line fronting a public right-of-way.
 9. Adequately dimensioned at grade parking lots and loading facilities.
 10. A summary block which includes:
 - a. Proposed floor area ratio.
 - b. Proposed building site coverage.
 - c. Parking spaces provided.
 - d. Landscaped area in square feet and as a percentage of the site
 11. Proposed on-site identification and directional signage.
 12. Proposed location of refuse collection container with required screening. Screening material to be labeled.
 13. Proposed drainage and grading plan for new construction or modifications.
- E. If any portion of the building or parking structures within the site are to be located below grade, a separate below grade site plan shall be submitted showing the boundaries of the site, above ground public street rights-of-ways and street paving, and the outline of all ground level structures. The underground structures shall be drawn in solid lines and the above ground structures shall be shown with dashed lines.

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- F.** If a site is to be developed in phases, the submittal shall also include a conceptual plan for future phases showing approximate location of circulation corridors, public utility corridors and the approximate location of buildings and parking for future phases.
- G.** Any other information reasonably necessary to determine compliance of the site plan with the Zoning Ordinance.

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“RPO” - RESTRICTIVE PROFESSIONAL OFFICE DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “RPO” – Restrictive Professional Office District, no land shall be used and no building or structure shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

- A. All development occurring within the “RPO” – Restrictive Professional Office District, whether constructed at one time or in phases, shall be done in strict accordance with all requirements established by the City, including, but not limited to these standards.
- B. All secondary uses shall be permitted only within a building containing one or more primary uses, however, the total square footage of all secondary uses shall not exceed thirty (30) percent of the gross square footage of the building in which such secondary uses are located.
- C. Special uses may be permitted either within a building containing a primary use or may be located in a separate structure. For the purpose of calculating square footage limitations only, special uses may be considered as primary uses.
- D. No departure in the approved location of building structures or other physical features shall be permitted unless an amended site plan, showing the proposed changes, is approved by the Planning and Zoning Commission, or in the event of an appeal, by the City Council.

SECTION 2 – DENSITY REGULATIONS

A. Lot Size

The minimum net (after right-of-way dedication) lot size within the district shall be one (1) acre, with each lot having no less than two hundred (200) linear feet of frontage along a public street. Where lots have multiple street frontages, the minimum street frontage requirement shall apply only to one street.

B. Building Site Coverage

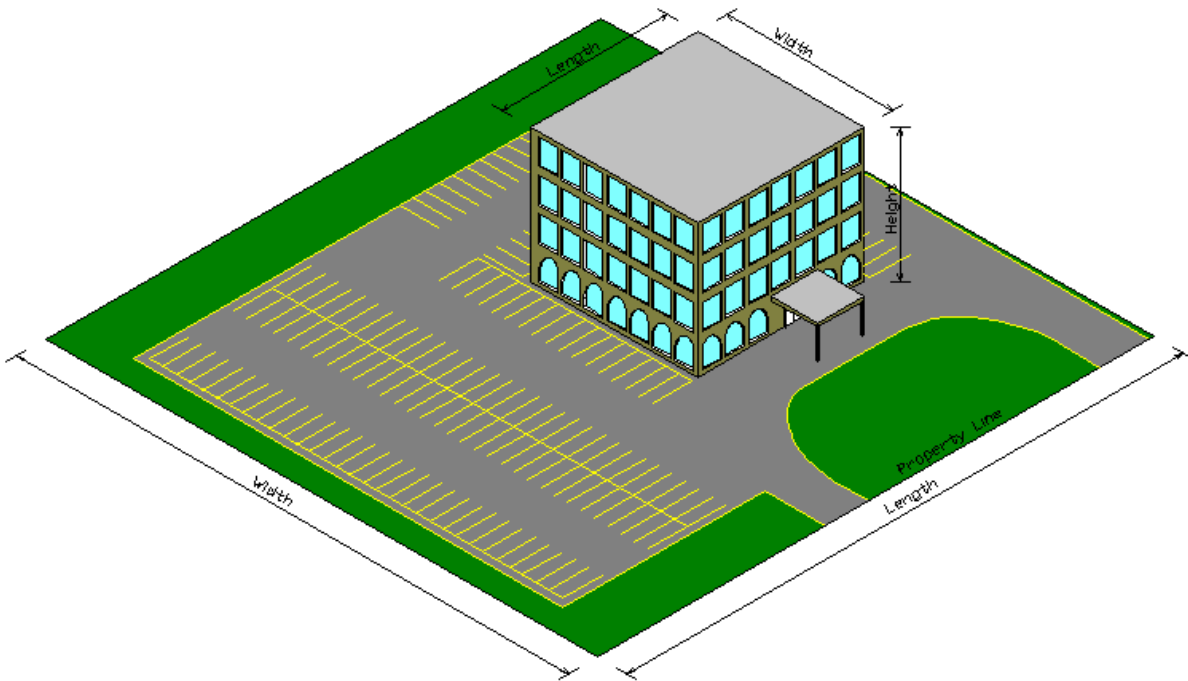
The gross ground floor area of all building structures shall not exceed fifty (50) percent of the net (after right-of-way dedication) site area.

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C. Floor Area Ratio

The maximum allowable floor area ratio (F.A.R.), computed by comparing the gross building structure square footage on each lot to the net (after right-of-way dedication) area of the lot measured in square feet, shall not exceed a 1:1 ratio. Any below grade mechanical rooms, parking garages or other non-occupied areas shall not be included in the building structure calculation in determining this ratio.



**Note – The calculations for floor area ratio are as follows:*

$$\text{Floor Area Ratio} = \frac{\text{Total Building Floor Area}}{\text{Total Site Area}}$$

$$\text{Total Building Floor Area} = \text{Length} \times \text{Width} \times \text{Number of Floors}$$

SECTION 3 – BUILDING SETBACKS

Setbacks shall be established on the site plan. Minimum setback distances from the right-of-way line of public streets and adjacent lot lines are as follows:

A. Public Street Right-of-Way (R.O.W.)

Above ground building structures shall be a minimum of thirty (30) feet from all public street right-of-way lines.

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B. Side and Rear Lot Lines

Above ground building structures shall be a minimum of fifteen (15) feet from all lot lines not fronting on a public street right-of-way. Required screening devices are exempt from this setback requirement.

C. Underground Setback

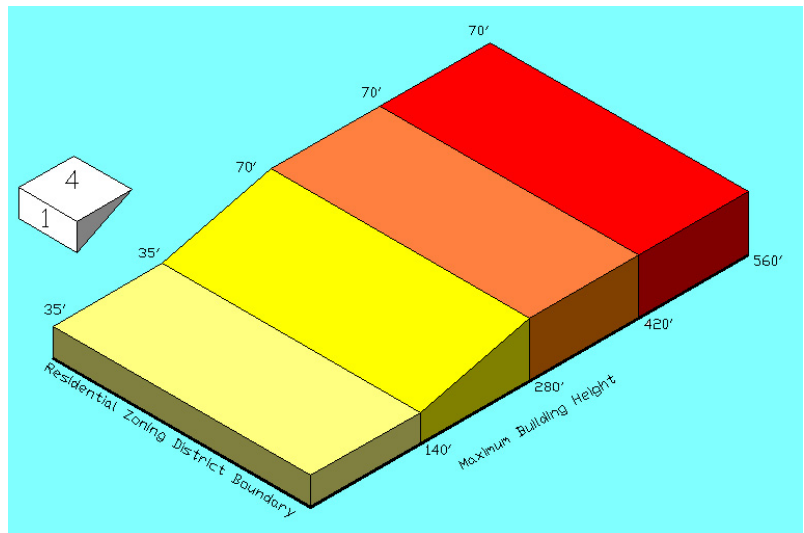
No underground building structure shall be located closer than fifteen (15) feet from any lot line.

SECTION 4 – PAVEMENT SETBACKS

All paving, except for driveways and sidewalks shall be a minimum of ten (10) feet from public street rights-of-ways.

SECTION 5 – MAXIMUM BUILDING HEIGHT

The maximum height of any structure shall not exceed a plane beginning at grade level and rising one (1) foot vertically for each four (4) feet of horizontal distance from any single family or two-family zoning district boundary line. This plane shall not limit any structure to less than thirty five (35) feet in height nor shall it allow a structure to exceed seventy (70) feet in height regardless of location.



SECTION 6 – LANDSCAPED OPEN SPACE

- A. Landscaped open space, for the purposes of this section, shall be limited to areas of each lot located outside the external wall lines of building structures. Open courtyard areas internal to buildings specifically are excluded from being counted in meeting minimum landscaped open space requirements provided for herein.
- B. Landscaped open space area provided on each lot shall not be less than ten (10) percent of the total square foot area of the lot remaining after deduction of any required public street right-of-way dedications.

ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

- C. There shall be a minimum of one (1) tree per each five thousand (5,000) square feet of area within the lot remaining after deduction of any required public street right-of-way.
- D. Required trees shall be a minimum two (2) inches in diameter at the time of planting and shall be located between the street and the leading edge of any building. Diameter measurements shall be taken six (6) inches above grade.

SECTION 7 – SCREENING

- A. Within three (3) feet of side and rear lot lines which abut single-family or two-family residential zoning districts, an opaque screening device to a minimum height of six (6) feet must be employed. Such screening device may be either natural or constructed, but shall be compatible with the building materials used on site.
- B. All refuse collection containers shall be screened from public view on at least three (3) sides by an opaque screening device equal to the height of the refuse collection container. Such screening device shall be constructed of either wood or masonry materials and shall be compatible with the building materials used on site.

SECTION 8 - SIGNAGE

Only ground and wall signs shall be permitted. No directly or indirectly illuminated sign shall be permitted within fifty (50) feet of a single-family or two-family residential zoning district boundary line.

A. Ground Sign

- 1. A lot shall contain no more than one sign per street frontage, provided however, that no more than one (1) sign per lot shall be located along a single street.
- 2. The minimum separation between signs shall be two hundred (200) feet measured in a straight line.
- 3. The maximum height shall not exceed fifteen (15) feet above grade.
- 4. The maximum area per sign face shall not exceed two hundred (200) square feet which shall be determined by measuring the area of the smallest box which would entirely enclose all elements of the sign.

B. Wall Sign

- 1. The maximum area of all signage shall not exceed fifteen (15) percent of the building face upon which the signage is mounted, but in no event shall a single sign exceed two hundred (200) square feet which shall be determined by

ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

measuring the area of the smallest box which would entirely enclose all elements of the sign.

SECTION 9 – SITE PLAN APPROVAL

Prior to beginning any development on a building site, a comprehensive site plan detailing the proposed development shall be submitted for approval by the Planning and Zoning Commission. The site plan shall be approved before a building permit shall be issued. The following are the submittal requirements for such approval:

- A. A vicinity map at a scale of one (1) inch = 1,000 feet or less as a part of the site plan.
- B. A boundary survey of the building site including the following:
 - 1. Metes and bounds of all boundary lines of the building site.
 - 2. Total land area within the site.
 - 3. Graphic scale and north arrow.
 - 4. Names and route numbers of boundary streets and rights-of-ways.
- C. A copy of the warranty deed showing current ownership of the site.
- D. A detailed and to scale site plan showing:
 - 1. Existing and proposed public or private streets and curb cuts. Any existing and proposed medians and median openings.
 - 2. Existing and proposed building locations, including all required setback lines.
 - 3. Building elevations including height in feet above grade. Construction materials must be discernible.
 - 4. Parking structures including the number of spaces and dimensions adequate to determine size of parking spaces and drive aisles.
 - 5. Elevations of the parking structure including height in feet above grade. Construction materials must be discernable.
 - 6. Existing and proposed utilities, utility easements and fire lanes (fire lanes to be shaded and labeled). Tap locations and fire hydrants to be shown.

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7. A landscape plan showing the proposed locations, types and sizes at time of planting for all types of trees, shrubs, ground cover, flowering plants and other landscaping items. Show and label existing landscaping to remain.
 8. Adequately dimensioned at grade parking lots and loading facilities.
 9. A summary block which includes:
 - a. Proposed floor area ratio.
 - b. Proposed building site coverage.
 - c. Parking spaces required and parking spaces provided.
 - d. Landscaped area in square feet and as a percentage of the site.
 10. Proposed on-site identification and directional signage.
 11. Proposed location of refuse collection container with required screening. Screening material to be labeled.
 12. Proposed drainage and grading plan.
- E. If any portion of the buildings or parking structures within the site are to be located below grade, a separate below grade site plan shall be submitted showing the boundaries of the site, above ground public street rights-of-way and street paving, and the outline of all ground level structures. The underground structures shall be drawn in solid line and the above ground structure shall be shown with dashed lines.
- F. If a site is to be developed in phases, the submittal shall also include a conceptual plan for future phases showing approximate location of circulation corridors, public utility corridors and the approximate location of buildings and parking for future phases.
- G. Any other information requested by Staff, Planning and Zoning Commission and/or City Council reasonably necessary to determine compliance of the site plan with the Zoning Ordinance.

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“NR” - NEIGHBORHOOD RETAIL DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In an “NR” – Neighborhood Retail District no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

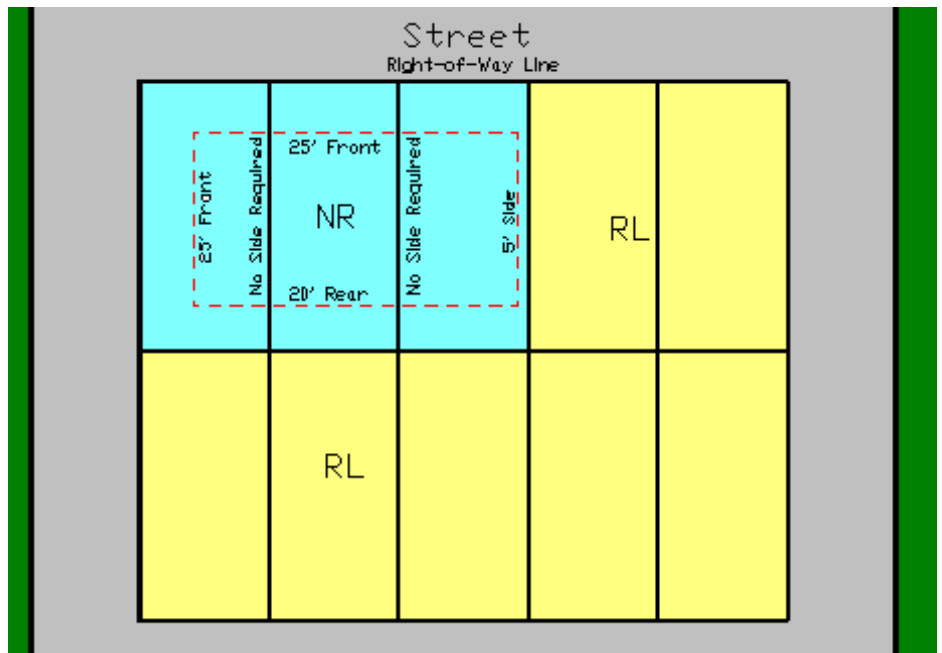
SECTION 2 – HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet in height.

SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard(s) with a minimum depth of not less than twenty-five (25) feet.
- B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.



2. Side Yards

- A. Where a side lot line in a “NR” zoning district adjoins a non-residential zoning district or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet, no side yard is required.
- B. Where a side lot line in a “NR” zoning district adjoins any residential zoning district, the side yard shall not be less than five (5) feet. The side yards of corner lots shall not be less than ten (10) feet.

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3. Rear Yard

- A. Where a rear yard line in a “NR” zoning district adjoins a non-residential zoning district or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet, no rear yard is required.
- B. Where a rear yard line adjoins any residential zoning district, there shall be a rear yard with a minimum depth of twenty (20) feet.

4. Area of the Lot

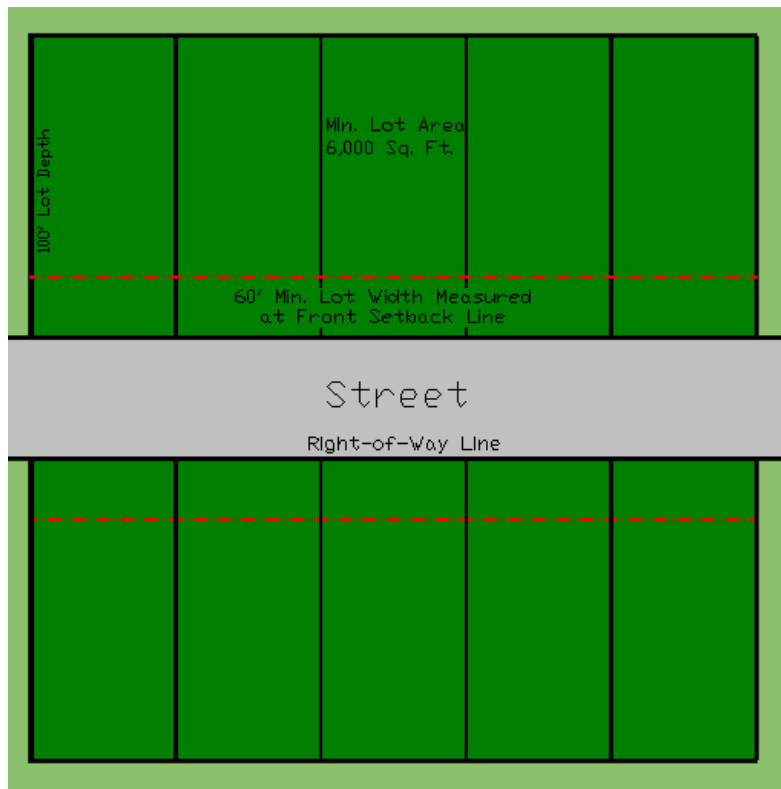
The minimum area of the lot shall be six thousand (6,000) square feet.

5. Width of the Lot

The minimum width of the lot when measured at the required front yard setback line (established by ordinance or recorded plat) shall not be less than sixty (60) feet; nor less than thirty (30) feet when measured at the right-of-way line.

6. Depth of the Lot

The minimum depth of the lot shall be one hundred (100) feet.



** Note – The lot width is measured at the building setback line.*

SECTION 4 – LIMITATIONS ON SIZE AND HOURS

- 1. Except for laundromats, coin operated machines and uses permitted in a residential zoning district, no use shall operate before 6:00 A.M. nor after 11:00 P.M. on any day of the week.
- 2. No single use shall occupy more than 3,000 square feet of floor area including service and storage within the building.

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“O” - OFFICE DISTRICT REGULATIONS

SECTION 1 - PURPOSE

The Office District is designed to provide locations where small offices can operate when the use will have minimal impact on the surrounding properties. These Office uses are listed in the Schedule of Permitted Uses for this district. Development standards should be designed and integrated into the Office Site Plan to ensure that there are limited impacts from the Office use and limited impacts to residential developments in close proximity to the Office use.

This zone is best utilized for land adjacent to commercial or industrial use, in areas serviced by arterial and/or collector streets that are transitioning from residential to commercial uses or office use. The director of Planning shall be responsible to evaluate proposed secondary uses to ascertain that the impact of the secondary use will not adversely impact neighboring residential properties. No land shall be used and no building or structure shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

- A. All development occurring within the Office District, whether it is constructed in one or several phases, shall be done in accordance with all requirements established by the City, including, but not limited to these standards.
- B. All secondary uses shall be permitted only within a building which contains one or more primary uses, however, the total square footage of all secondary uses shall be less than fifty percent (50%) of the gross square footage of the building in which such secondary uses are located.
- C. Structure size, counted as the cumulative sum of all structures, is limited to fifty percent (50%) or less of the site size. Service and storage areas within a building are included in the square footage measurements.
- D. No departure in the approved location of building structures or other physical features shall be permitted unless an amended site plan, showing the proposed changes, is reviewed and receives approval by the Director of Planning.
- E. Variances and appeals of the Director of Planning's determinations may be made to the Board of Adjustment and Appeals.

SECTION 2 – DENSITY REGULATIONS

- A. Lot Size The minimum lot size within the district shall be six thousand square feet (6,000).

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- B. Width of Lot The minimum width of the lot when measured at the required front yard setback line (established by ordinance or recorded plat) shall not be less than sixty foot (60'); nor less than thirty foot (30') when measured at the right-of-way line.
- C. Depth of Lot The minimum depth of the lot shall be one hundred foot (100').
- D. Building Site Coverage The gross ground floor area of all building structures shall not exceed fifty percent (50%) of the site area.

SECTION 3 – BUILDING SETBACKS

Setbacks shall be established on the site plan. Minimum setback distances from the right-of-way line of public streets and adjacent lot lines are as follows:

- A. Public Street Right-of-Way (R.O.W.) Above ground building structures shall be a minimum of twenty foot (20') from right-of-way lines.
- B. Rear Lot Lines Above ground building structures shall be a minimum of fifteen foot (15') from a rear lot line not fronting on right-of-way.
- C. Side Lot Lines Above ground building structures shall be a minimum of (10') foot from a side lot line not fronting on right-of-way.
- D. Underground Setback No underground building structure shall be located closer than ten feet (10') from any lot line.

Required screening devices are exempt from the setback requirement.

SECTION 4 – PAVEMENT SETBACKS

All paving, except for driveways and sidewalks shall be a minimum of ten foot (10') from right-of-ways.

SECTION 5 – MAXIMUM BUILDING HEIGHT

The maximum height of any structure shall not exceed thirty-five foot (35') in height.

SECTION 6 – LANDSCAPE OPEN SPACE

- A. A landscape buffer equal to ten foot (10') must be placed on all property lines adjacent to residential uses. The buffer will maintain existing vegetation where feasible or the area must be planted with on (1) tree (with a minimum three inch [3"] diameter) every twenty foot (20') along with living ground cover for the length of the property line.

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- B. There shall be a minimum of one (1) tree per each five thousand square feet (5,000') of area within the lot (and these trees can be counted as the buffer trees noted above if a buffer is required). Preservation of natural tree growth is preferred over planting of new trees.
- C. Required trees shall be a minimum of three inches (3") caliper at the time of planting and shall be located between the street and the leading edge of any building or in the landscape buffer area. Diameter measurements shall be taken six inches (6") above grade.
- D. Landscaping may be moved in order to accommodate utility or drainage easements when a request for the change has been reviewed and recommended for approval by the Director of Planning. The new location shall match the size of the easement.
- E. In the event there is another Landscape Ordinance applicable to this site, the Ordinance with the highest standards shall apply.

SECTION 7 – SCREENING

A. A solid fence that completely obscures the view of the adjoining property (at a minimum height of six feet (6')) shall be employed and maintained within three feet (3') of side and rear property lines in which a non-residential use abuts any residential zoning district or use.

Fence composition is limited to materials routinely used in fence construction, i.e. wooden picket, brick, stone, pipe, concrete or other materials, that will completely obscure views. The use of a wooden picket privacy fence is acceptable provided that the fence completely obscures the view of commercial activities and that permanent provisions for the maintenance of the fence are provided. Fences composed of materials that are normally not associated with a fence such as used tires, car parts, or other non-standard new or used materials are prohibited in all zoning districts.

- 1. If adjacent owners prefer that no fence be placed between abutting properties they must submit a letter (stating their preference) to the Director of Planning. This information shall serve as a waiver of the requirement for a fence. On sites adjacent to multiple neighbors the request must be unanimous in support of the waiver. The requirement for construction of a fence may be reviewed by the Board of Adjustments and Appeals as a variance.
- B. Fence height measurements are taken at the mean (average) grade height.
- 2. Fences used for screening may be reduced to a height of four feet (4") between the setback line and property line at the discretion of the Director of Planning

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when the Director of Planning determines the reduction is beneficial to the adjacent uses.

- C. All refuse collection containers shall comply with the City of Lufkin Technical Specifications and Construction Standards.

SECTION 8 – SIGNAGE

Only monument and wall signs shall be permitted in the Office District. Pylon signs are not permitted in the Office District. Signs which are temporary or signs which display advertising in an electronic format (to include menu or arrow signs, neon lighting in primary or trim usage, banner, reader boards, flashing bulbs, digital screen and streaming text or advertising on movable support structures) are not permitted in the Office District. No directly or indirectly illuminated sign shall be permitted within forty foot (40') of a single-family or duplex zoning district boundary line.

A. Monument Signs

1. A lot shall contain no more than one (1) sign per street frontage, provided however, that no more than one (1) sign per lot shall be located along a single street.
2. The maximum height of a monument sign shall not exceed ten foot (10') above grade.
3. The maximum area for total sign face (which is the cumulative measure of the front and back of the sign) shall not exceed one hundred square foot (100') which shall be determined by measuring the area of the smallest box which would entirely enclose all elements of the sign.
4. Signs shall not be located so as to project into the right-of-way or into the side yard setback.

B. Wall Sign

1. The maximum area of all signage shall not exceed twenty percent (20%) of the building face upon which the signage is mounted, but in no event shall a single sign exceed one hundred square foot (100') which shall be determined by measuring the area of the smallest box which would entirely enclose all elements of the sign. Wall area shall only include wall area of floors which can be occupied.
2. No wall sign shall extend above the roof line of a structure nor shall signs be attached to the roof structure.

SECTION 9 – IMPACT MITIGATION

In order to limit impacts from a use in the Office District, the following requirements must be met and shown on the site plan:

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- A. Vehicles utilizing the site will be routed so as to prevent vehicle impacts, such as noise, exhaust and head lights shining into residences.
- B. A drainage plan that demonstrates measures that prevent a concentration of water moving from the Office District site to adjacent property. This plan must be approved by the City Engineer.
- C. Buildings shall cover fifty percent (50%) or less of a site.
- D. No outdoor display or sale of merchandise is permitted. This restriction is to be noted on the site plan.
- E. No outdoor storage of business merchandise or equipment (including business vehicles greater in size than passenger vehicles or vans) is permitted in the Office District. This restriction is to be noted on the site plan.

SECTION 10 – SITE PLAN APPROVAL

Prior to beginning any development or use on a building site, a comprehensive site plan detailing the proposed development shall be submitted for review. The site plan shall be approved before a building permit is issued. The following are the submittal requirements for a site plan in the Office District:

- A. A vicinity map at a scale of one inch equals five hundred feet (1" = 500') or less as part of the site plan. A scale of one inch equals twenty feet (1" = 20') is preferred.
- B. A boundary survey of the building site including the following:
 - 1. Metes and bounds or legal description of all boundary lines of the building site;
 - 2. Total land area within the site;
 - 3. Graphic scale and north arrow;
 - 4. Names and route numbers of boundary streets and rights-of-ways.
- C. A copy of the warranty deed showing current ownership of the site.
- D. A detailed and to scale site plan showing:
 - 1. Existing and proposed public or private streets and curb cuts. Any existing and proposed medians and median openings. Traffic design should be shown with arrows noting directional flow.
 - 2. Existing and proposed building locations, including all required setback lines.
 - 3. Building elevations including height in feet above grade. Where feasible, it is preferred that buildings reflect materials currently in use in the area.
 - 4. Parking stalls, including the number of spaces and dimensions adequate to determine size of parking spaces and drive aisles.
 - 5. Existing and proposed utilities, utility easements and fire lanes (fire lanes to be shaded and labeled). Tap locations and fire hydrants to be shown.
 - 6. A landscape plan showing the proposed locations, types and sizes at time of planting for all types of trees, shrubs, ground cover, flowering plants and other landscaping items. Show and label existing landscaping to remain.

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7. Landscape preservation buffer equal to ten feet (10') must be placed on all property lines adjacent to residential uses. A landscape buffer equal to ten feet (10') must be placed on all property lines adjacent to residential uses. The buffer will maintain existing vegetation where it exists or the area must be planted with one tree (with a minimum caliper measure of two inches [2"]) every twenty feet (20') along with living ground cover.

8. Adequately dimensioned at grade parking lots and loading facilities.

9. Any required drainage features.

10. An illustration of signs to be placed on the site including dimensions, location and height.

12. A summary block which includes:

a. Proposed building site coverage;

b. Parking spaces required and parking spaces provided;

c. Landscaped area in square feet and as a percentage of the site;

E. If any portion of the buildings or parking structures within the site are to be located below grade, a separate below grade site plan shall be submitted showing the boundaries of the site, above ground rights-of-ways and street paving, and the outline of all ground level structures. The underground structures shall be drawn in solid lines and the above ground structures shall be shown with dashed lines.

F. If a site is to be developed in phases, the submittal shall also include a conceptual plan for future phases showing approximate location of circulation corridors, public utility corridors and the approximate location of buildings and parking for future phases where feasible, shared access is preferred when designing a larger area layout.

G. Any other information reasonably necessary to determine compliance of the site plan with the Zoning Ordinance.

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“LB” – LOCAL BUSINESS DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “LB” – Local Business District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed seventy (70) feet in height.

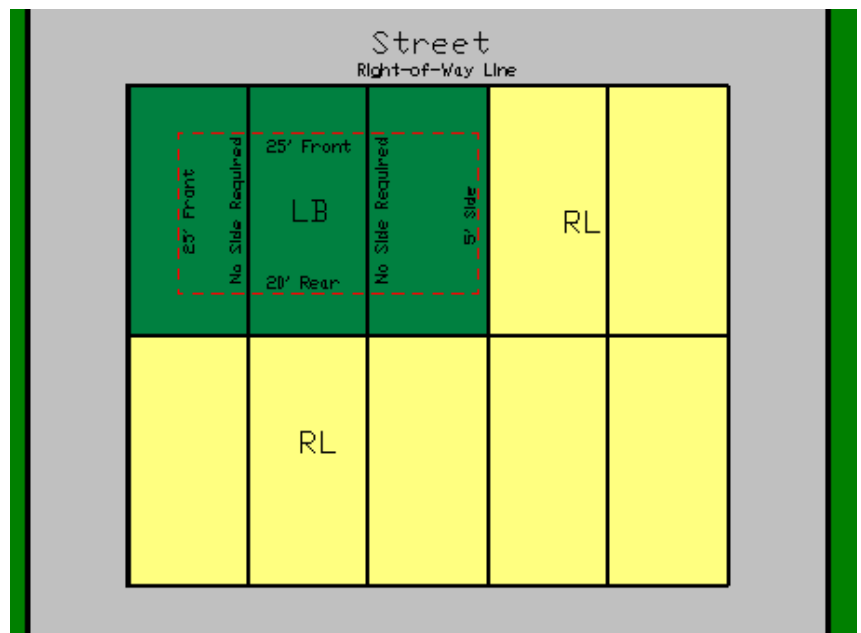
SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard with a minimum depth of not less than twenty-five (25) feet.
- B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yards

- A. Where a side lot line in a “LB” zoning district adjoins a non-residential zoning district or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet, no side yard is required.
- B. Where a side lot line in a “LB” zoning district adjoins any residential zoning district, the side yard shall not be less than five (5) feet. The side yards of corner lots shall not be less than ten (10) feet.



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3. Rear Yard

Where a rear yard line in a “LB” zoning district adjoins a non-residential zoning district; or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet, no rear yard is required. Where a rear yard line adjoins any residential zoning district, there shall be a rear yard with a minimum depth of twenty (20) feet.

4. Area of the Lot

The minimum area of the lot shall be six thousand (6,000) square feet.

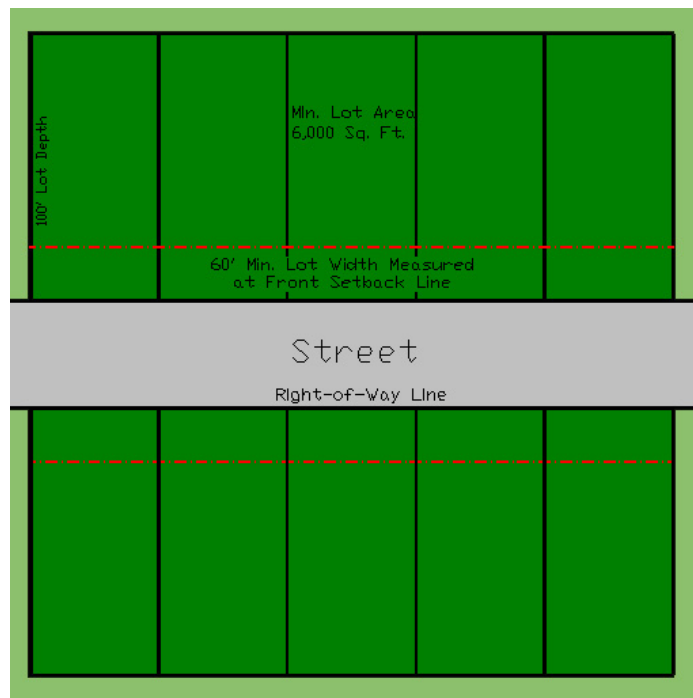
5. Width of the Lot

The minimum width of the lot when measured at the required front yard setback line (established by ordinance or recorded plat) shall not be less than sixty (60) feet nor less than thirty (30) feet when measured at the right-of-way line.

6. Depth of the Lot

The minimum depth of the lot shall be one hundred (100) feet.

Note: The lot width is measured at the building setback line.



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“CB” - CENTRAL BUSINESS DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “CB” – Central Business District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed seventy (70) feet in height.

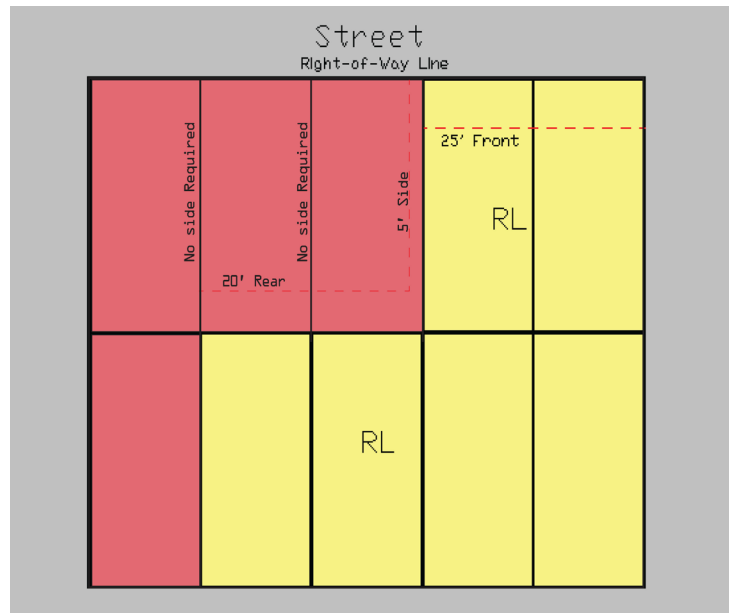
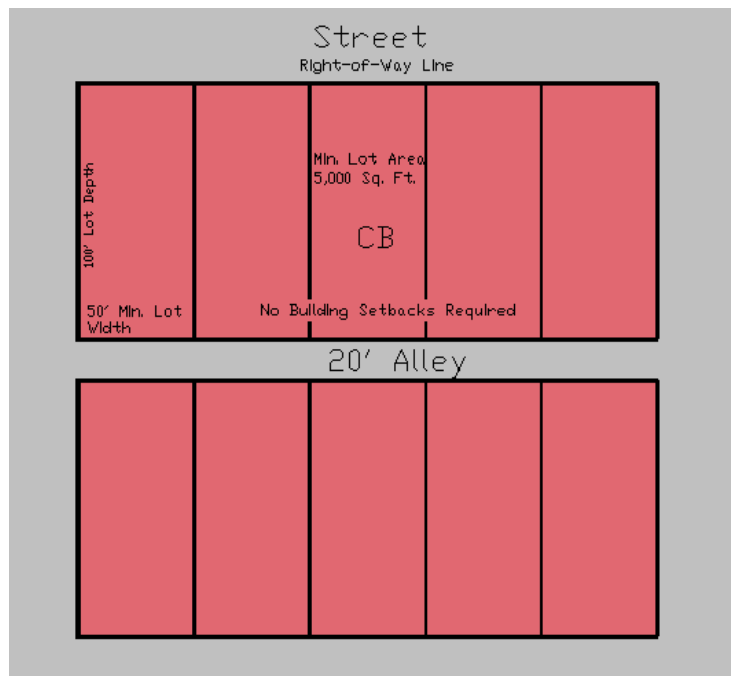
SECTION 3 – AREA REGULATIONS

1. Front Yard

A. No front yard shall be required.

2. Side Yards

- A. Where a side lot line in a “CB” zoning district adjoins a non-residential zoning district; or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet – no side yard is required.
- B. Where a side lot line in a “CB” zoning district adjoins any residential zoning district, the side yard shall not be less than five (5) feet. The side yard of corner lots shall not be less than ten (10) feet.



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3. Rear Yard

Where a rear yard line in a “CB” zoning district adjoins a non-residential zoning district or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet – no rear yard is required. Where a rear yard line adjoins any residential zoning district, there shall be a rear yard with a minimum depth of twenty (20) feet.

4. Area of the Lot

The minimum area of the lot shall be five thousand (5,000) square feet.

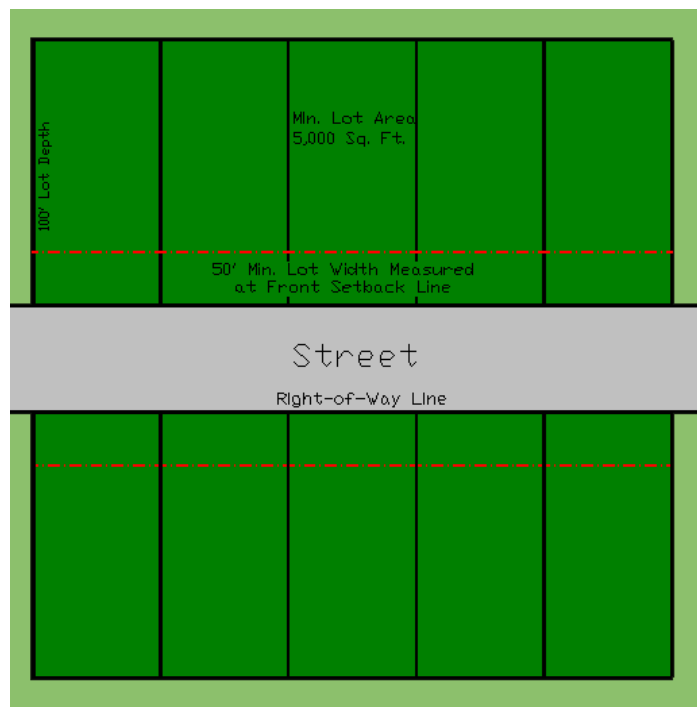
5. Width of the Lot

The minimum width of the lot (when measured twenty feet behind the right-of-way line or the building line established by recorded plat) shall not be less than fifty (50) feet; nor less than thirty (30) feet at the street right-of-way line.

6. Depth of the Lot

The minimum depth of the lot shall be one hundred (100) feet.

Note: The lot width is measured at the building setback line.



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“C” – COMMERCIAL DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “C” – Commercial District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

No building shall exceed seventy (70) feet in height.

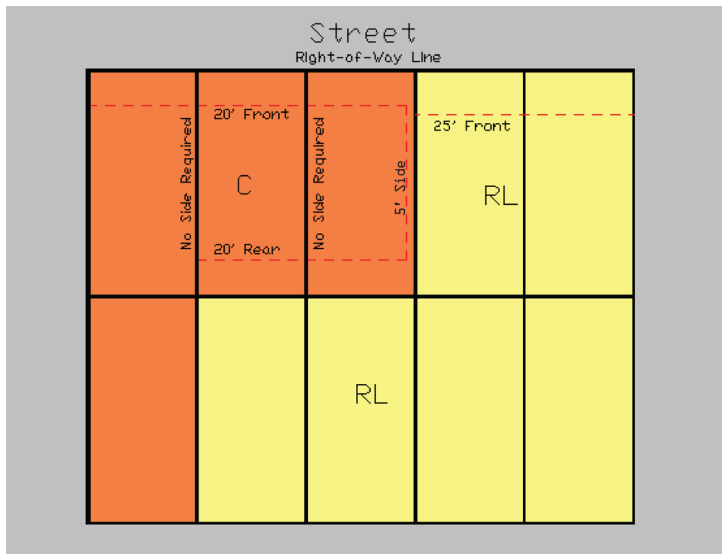
SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a minimum front yard of twenty (20) feet.

2. Side Yards

- A. Where a side lot line in a “C” zoning district adjoins a non-residential zoning district or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet, no side yard is required.
- B. Where a side lot line in a “C” zoning district adjoins any residential zoning district, the side yard shall not be less than five (5) feet. The side yard of the corner lots shall not be less than ten (10) feet.



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3. Rear Yard

Where a rear yard line in a “C” zoning district adjoins a non-residential zoning district or is separated from a residential zoning district by an alley with a minimum width of twenty (20) feet - no rear yard is required. Where a rear yard line adjoins any residential zoning district, there shall be a rear yard with a minimum depth of twenty (20) feet.

4. Area of the Lot

The minimum area of the lot shall be five thousand (5,000) square feet.

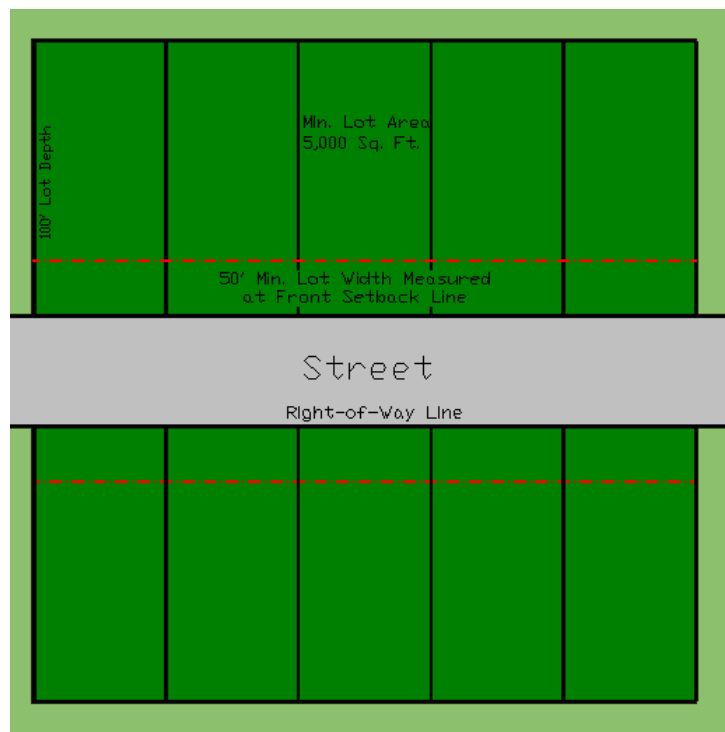
5. Width of the Lot

The minimum width of the lot (when measured twenty feet behind the right-of-way line or the building line established by recorded plat) shall not be less than fifty (50) feet nor less than thirty (30) feet at the street right-of-way line.

6. Depth of the Lot

The minimum depth of the lot shall be one hundred (100) feet.

Note: The lot width is measured at the building setback line.



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“LM” - LIGHT MANUFACTURING DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “LM” Light Manufacturing District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

1. The following regulations also apply to mechanical equipment.
2. No building shall exceed seventy-five (75) feet in height.
3. The following required standards apply to new buildings and structures on properties adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley. For the purposes of these standards, building height is calculated relative to the elevation at the applicable residential property line.
 - A. Structures shall not be taller than the linear distance they are located from the property line that is shared with a residential zoning district or use, as illustrated by the graphic below.



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SECTION 3 – AREA REGULATIONS

1. Front Yard

A. There shall be a minimum front yard of twenty (20) feet.

2. Side Yards

A. Where a side lot line in a “LM” zoning district adjoins a nonresidential zoning district no side yard is required.

B. Where a side lot line in a “LM” zoning district adjoins any residential zoning district, the side yard shall not be less than twenty (20) feet.

3. Rear Yard

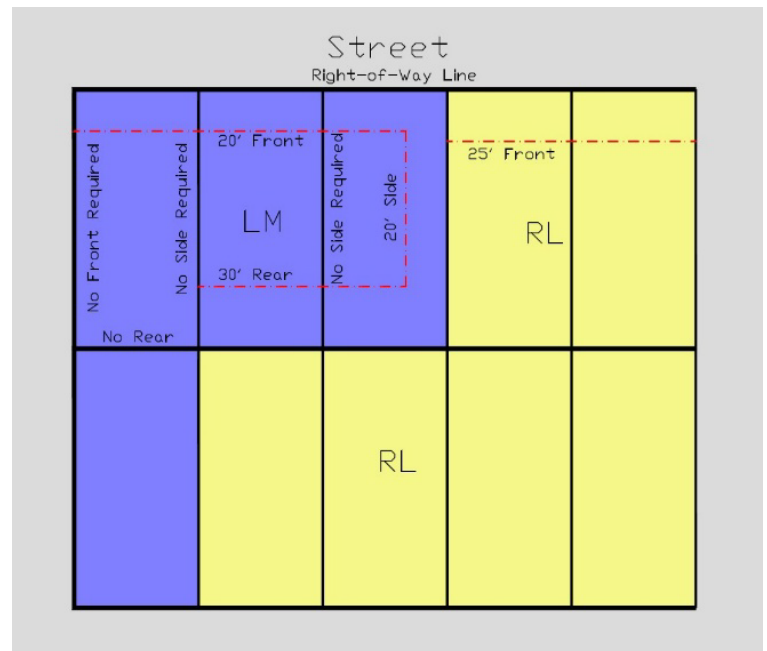
Where a rear yard line in a “LM” zoning district adjoins any nonresidential zoning district no rear yard is required. Where a rear yard line adjoins any residential zoning district, there shall be a rear yard with a minimum depth of thirty (30) feet.

4. Area of the Lot

The minimum area of the lot shall be five thousand (5,000) square feet.

5. Width of the Lot

The minimum width of the lot (when measured twenty feet behind the right-of-way line or the building line established by recorded plat) shall not be less than fifty (50) feet; nor less than thirty (30) feet at the street right-of-way line.



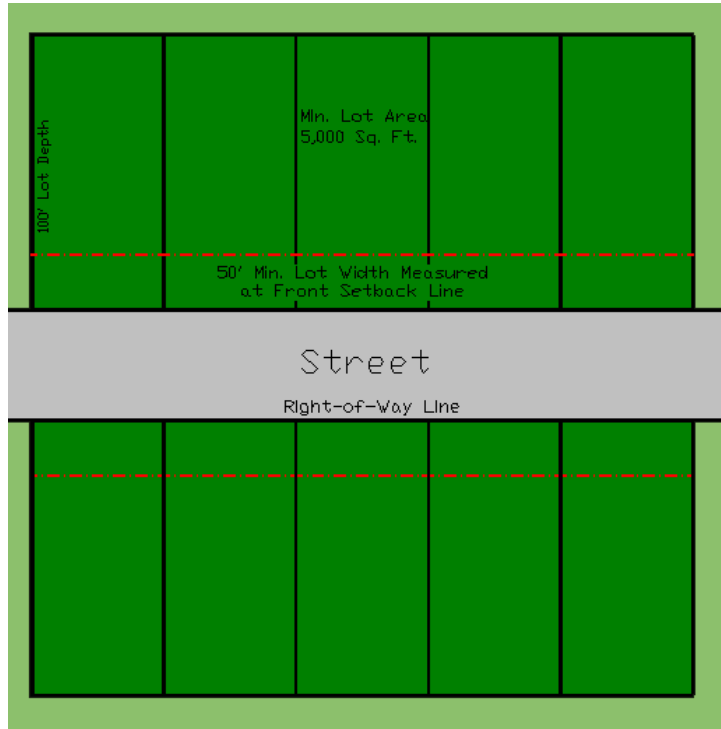
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6. Depth of the Lot

The minimum depth of the lot shall be one hundred (100) feet.

Note: The lot width is measured at the building setback line.



SECTION 4 – LANDSCAPE BUFFER

1. A fifteen (15) foot landscape buffer shall be required on all property lines adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley. The buffer will consist of vegetation which is at least six (6) feet high at maturity and non-transparent year-round. The buffer must be planted with a minimum of four (4) canopy trees every one hundred (100) feet, and five (5) evergreen trees every one hundred (100) feet, along with one (1) shrub every fifteen (15) feet for the length of the property line.
2. An exception to the Landscaped Buffer requirement may be granted by the Planning and Zoning Commission to preserve existing vegetation if the proposed Landscape Buffer area is adjacent to a natural feature, such as a creek or FEMA designated floodway. For consideration of an exception, the existing vegetation must effectively provide a non-transparent year-round visual screen (at least six (6) feet high) that blocks noise, glares, or other nuisances. The existing vegetation shall consist of canopy and non-canopy trees which are shown through a tree survey.

SECTION 5 – MECHANICAL EQUIPMENT

1. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, the standards of this section shall apply. These requirements shall be met with all new construction, when

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an addition or expansion is made to an existing building to accommodate a change of use, or when additional or significantly larger mechanical equipment units are added to an existing building or site. The replacement of pre-existing units in the same general location with a comparable size shall not require screening to be brought into compliance with these standards.

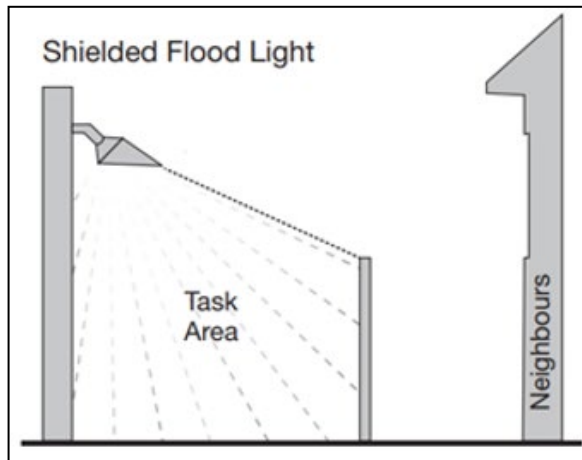
2. The following requirements shall apply to all ground-level and building-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, storage silos, tanks etc., and any related utility structures and equipment.
 - A. Mechanical equipment shall be located to minimize noise intrusion off-site.
 - B. Mechanical equipment shall be screened in a manner which reduces potential noise and visual impacts to adjacent residential property. Mechanical equipment shall be screened using building walls or screening walls which use materials and colors of the building, wooden picket, brick, stone, concrete or other material deemed appropriate by the City Planner. Screening shall be installed and maintained at a height that is at least one (1) foot higher than the equipment. The City Planner may impose conditions to minimize mechanically generated noise and ensure compatibility with surrounding property.
 - C. Generators shall not be tested between 7:00 p.m. and 7:00 a.m.

SECTION 6 – OUTDOOR LIGHTING STANDARDS

1. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, the standards of this section shall apply.
2. Within one hundred (100) feet of residential property, lighting mounted on structures shall not exceed a mounting height of ten (10) feet.
3. Within one hundred (100) feet of residential property, lighting mounted on poles shall not exceed a mounting height of twenty (20) feet.
4. Outdoor lighting fixtures must use full cutoff or shielded fixtures and be aimed downward and installed at the minimum height necessary so that the cutoff angle does not allow direct lighting of an adjacent residential property as illustrated by the graphic below.

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5. Outdoor lighting shall be located so as not to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination onto a residential property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of residential property. For the purposes of this section, a nuisance shall be defined as illumination at ground level exceeding two-tenths (0.2) of one (1) footcandle of light measured at the residential property line.
6. The following shall be exempt from the provisions of this article:
 - A. Lighting within the public right-of-way or easement for the principal purpose of illuminating streets or roads.
 - B. Temporary lighting for a circus, fair, or carnival;
 - C. Civic and institutional uses (lighting of flags, steeples, and statues);
 - D. Construction or emergency lighting, such lighting is considered temporary and discontinued upon completion of said activity;
 - E. Temporary lighting for emergency situations to improve visibility in hazardous or dark environments;
 - F. Agricultural pursuits;
 - G. Governmental operations;
 - H. Educational activities and sporting events;
 - I. Approved fireworks;

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SECTION 7 – NOISE STANDARDS

1. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, the standards of this section shall apply.
2. Standards for noise levels measured at residential property lines shall be as follows:
 - A. Nighttime noise levels shall not exceed 55 dBA at a residential property line between 7:00 p.m. and 7:00 a.m.
 - B. Daytime noise levels shall not exceed 65 dBA at a residential property line.
 - C. At no point along the residential property line shall the sound pressure level of any operation or activity exceed the decibel limits specified in the octave band groups designated in the following table:

Octave Band Range (cps)	Decibel Band Limit (dB re 0.0002 microbar)
37—75	80
75—150	68
150—300	61
300—600	55
600—1200	51
1200—2400	48
2400—4800	45
4800—9600	43
A scale (for monitoring purposes only)	56

D. Noise level adjustments:

- 1) Where ambient noise levels from traffic or multiple sources already exceed the standards, the subject source may not increase that existing noise level.
- 2) Public facilities and activities are excluded from this standard. Such activities may include the following:
 - a) Any activity the city or its agents conduct in pursuit of its usual activities such as trash removal, police and fire protection.
 - b) Any public event which may occur from time to time such as concerts and other events sponsored by a public or nonprofit organization.

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SECTION 8 – SMOKE & EMISSION STANDARDS

1. No industrial equipment or process shall cause, create, or allow the emission of air contaminants in violation of the standards specified under title 30 of the Texas Administrative Code, as amended. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, no industrial equipment or process shall cause, create, or allow the emission of smoke, dust, or noxious or toxic gases that are detectable when measured at the residential property line.

SECTION 9 – NONCONFORMING STRUCTURES

1. If a property does not conform to the 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 ten percent (10%) or more of the original structure existing on the site.

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“HM” - HEAVY MANUFACTURING DISTRICT REGULATIONS

SECTION 1 – USE REGULATIONS

In a “HM” – Heavy Manufacturing District, no land shall be used and no building shall be erected for or converted to any use other than those listed in the Schedule of Permitted Uses for this district.

SECTION 2 – HEIGHT REGULATIONS

1. The following regulations also apply to mechanical equipment.
2. No building shall exceed seventy-five (75) feet in height.
3. The following required standards apply to new buildings and structures on properties adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley. For the purposes of these standards, building height is calculated relative to the elevation at the applicable residential property line.
 - A. Structures shall not be taller than the linear distance they are located from the property line that is shared with a residential zoning district or use, as illustrated by the graphic below.



SECTION 3 – AREA REGULATIONS

1. Front Yard

- A. There shall be a minimum front yard of twenty (20) feet.

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2. Side Yards

- A. Where a side lot line in a “HM” zoning district adjoins a nonresidential zoning district no side yard is required.
- B. Where a side lot line in a “HM” zoning district adjoins any residential zoning district, the side yard shall not be less than twenty (20) feet.



3. Rear Yard

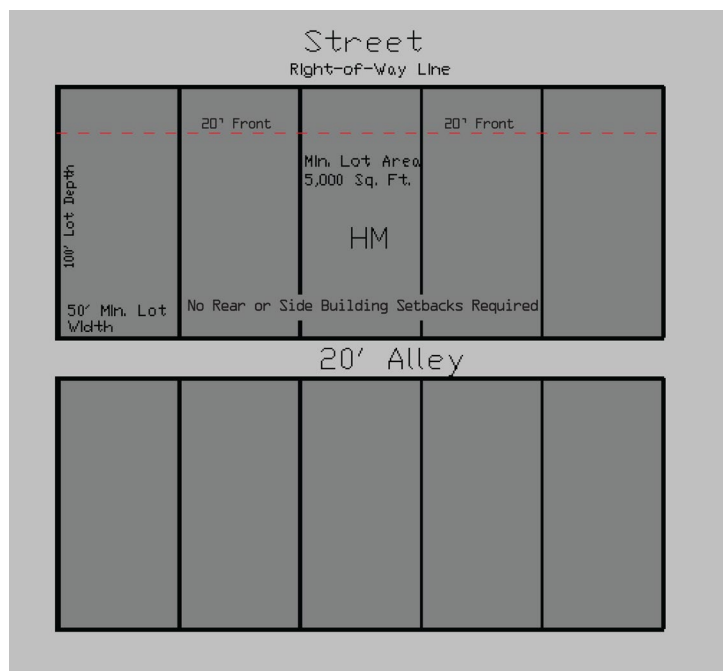
Where a rear yard line in a “HM” zoning district adjoins any nonresidential zoning district no rear yard is required. Where a rear yard line adjoins any residential zoning district, there shall be a rear yard with a minimum depth of thirty (30) feet.

4. Area of the Lot

The minimum area of the lot shall be five thousand (5,000) square feet.

5. Width of the Lot

The minimum width of the lot (when measured twenty feet behind the right-of-way line or the building lines established by recorded plat) shall not be less than fifty (50) feet nor less than thirty (30) feet at the street right-of-way line.



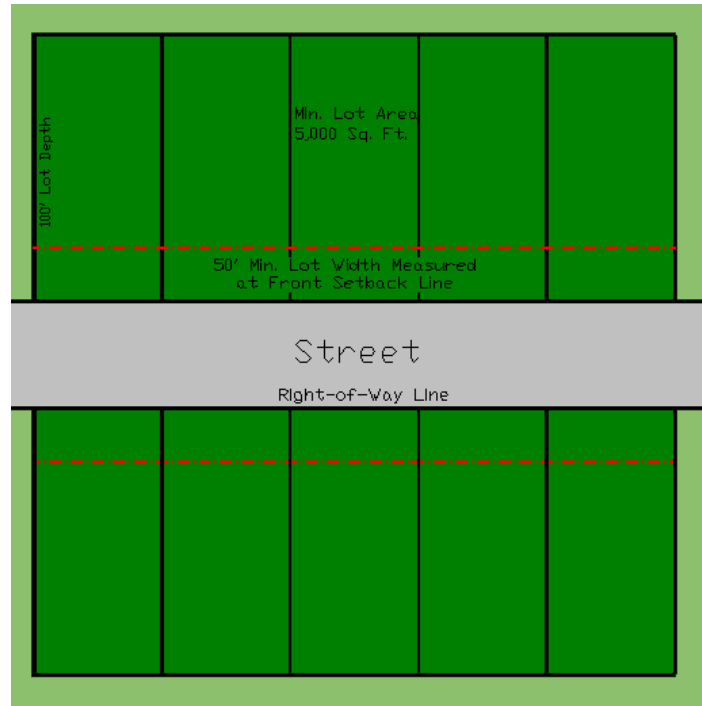
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6. Depth of the Lot

The minimum depth of the lot shall be one hundred (100) feet.

Note: The lot width is measured at the building setback line.



SECTION 4 – LANDSCAPE BUFFER

1. A twenty (20) foot landscape buffer shall be required on all property lines adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley. The buffer will consist of vegetation which is at least six (6) feet high at maturity and non-transparent year-round. The buffer must be planted with a minimum of five (5) canopy trees every one hundred (100) feet, and six (6) evergreen trees every one hundred (100) feet, along with two (2) shrub every fifteen (15) feet for the length of the property line.
2. An exception to the Landscaped Buffer requirement may be granted by the Planning and Zoning Commission to preserve existing vegetation if the proposed Landscape Buffer area is adjacent to a natural feature, such as a creek or FEMA designated floodway. For consideration of an exception, the existing vegetation must effectively provide a non-transparent year-round visual screen (at least six (6) feet high) that blocks noise, glares, or other nuisances. The existing vegetation shall consist of canopy and non-canopy trees which are shown through a tree survey.

SECTION 5 – MECHANICAL EQUIPMENT

1. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, the standards of this section shall apply. These requirements shall be met with all new construction, when

ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

an addition or expansion is made to an existing building to accommodate a change of use, or when additional or significantly larger mechanical equipment units are added to an existing building or site. The replacement of pre-existing units in the same general location with a comparable size shall not require screening to be brought into compliance with these standards.

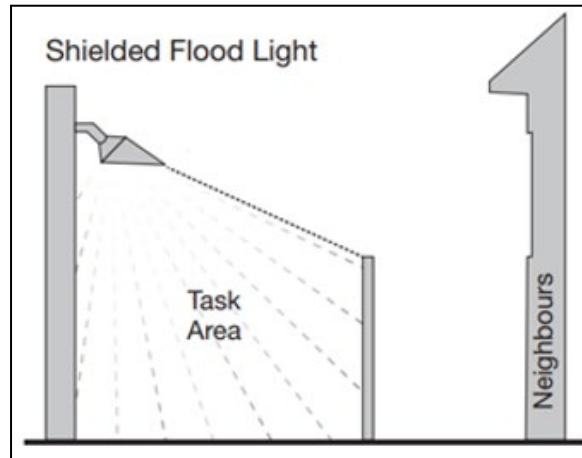
2. The following requirements shall apply to all ground-level and building-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, storage silos, tanks etc., and any related utility structures and equipment.
 - A. Mechanical equipment shall be located to minimize noise intrusion off-site.
 - B. Mechanical equipment shall be screened in a manner which reduces potential noise and visual impacts to adjacent residential property. Mechanical equipment shall be screened using building walls or screening walls which use materials and colors of the building, wooden picket, brick, stone, concrete or other material deemed appropriate by the City Planner. Screening shall be installed and maintained at a height that is at least one (1) foot higher than the equipment. The City Planner may impose conditions to minimize mechanically generated noise and ensure compatibility with surrounding property.
 - C. Generators shall not be tested between 7:00 p.m. and 7:00 a.m.

SECTION 6 – OUTDOOR LIGHTING STANDARDS

1. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, the standards of this section shall apply.
2. Within one hundred (100) feet of residential property, lighting mounted on structures shall not exceed a mounting height of ten (10) feet.
3. Within one hundred (100) feet of residential property, lighting mounted on poles shall not exceed a mounting height of twenty (20) feet.
4. Outdoor lighting fixtures must use full cutoff or shielded fixtures and be aimed downward and installed at the minimum height necessary so that the cutoff angle does not allow direct lighting of an adjacent residential property as illustrated by the graphic below.

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT



5. Outdoor lighting shall be located so as not to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination onto a residential property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of residential property. For the purposes of this section, a nuisance shall be defined as illumination at ground level exceeding two-tenths (0.2) of one (1) footcandle of light measured at the residential property line.
6. The following shall be exempt from the provisions of this article:
 - A. Lighting within the public right-of-way or easement for the principal purpose of illuminating streets or roads.
 - B. Temporary lighting for a circus, fair, or carnival;
 - C. Civic and institutional uses (lighting of flags, steeples, and statues);
 - D. Construction or emergency lighting, such lighting is considered temporary and discontinued upon completion of said activity;
 - E. Temporary lighting for emergency situations to improve visibility in hazardous or dark environments;
 - F. Agricultural pursuits;
 - G. Governmental operations;
 - H. Educational activities and sporting events;
 - I. Approved fireworks;

ARTICLE III

DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

SECTION 7 – NOISE STANDARDS

1. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, the standards of this section shall apply.
2. Standards for noise levels measured at residential property lines shall be as follows:
 - A. Nighttime noise levels shall not exceed 55 dBA at a residential property line between 7:00 p.m. and 7:00 a.m.
 - B. Daytime noise levels shall not exceed 65 dBA at a residential property line.
 - C. At no point along the residential property line shall the sound pressure level of any operation or activity exceed the decibel limits specified in the octave band groups designated in the following table:

Octave Band Range (cps)	Decibel Band Limit (dB re 0.0002 microbar)
37—75	80
75—150	68
150—300	61
300—600	55
600—1200	51
1200—2400	48
2400—4800	45
4800—9600	43
A scale (for monitoring purposes only)	56

D. Noise level adjustments:

- 1) Where ambient noise levels from traffic or multiple sources already exceed the standards, the subject source may not increase that existing noise level.
- 2) Public facilities and activities are excluded from this standard. Such activities may include the following:
 - a) Any activity the city or its agents conduct in pursuit of its usual activities such as trash removal, police and fire protection.
 - b) Any public event which may occur from time to time such as concerts and other events sponsored by a public or nonprofit organization.

ARTICLE III DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT

SECTION 8 – SMOKE & EMISSION STANDARDS

1. No industrial equipment or process shall cause, create, or allow the emission of air contaminants in violation of the standards specified under title 30 of the Texas Administrative Code, as amended. Where sites are adjacent to single-family or two-family residential zoning districts or uses, including adjacencies where there is an intervening alley, no industrial equipment or process shall cause, create, or allow the emission of smoke, dust, or noxious or toxic gases that are detectable when measured at the residential property line.

SECTION 9 – NONCONFORMING STRUCTURES

1. If a property does not conform to the 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 ten percent (10%) or more of the original structure existing on the site.

ARTICLE XVIII SPECIAL USES

The City Council, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission, may authorize the issuance of a Special Use permit for the uses indicated by "SU" in the Schedule of Permitted Uses.

Any application for a Special Use Permit shall require a site plan for the development, such required site plan to be approved and filed as part of the ordinance granting the Special Use Permit. A Special Use shall comply with all the regulations set forth in this Ordinance for the district in which such use is located, and with any requirements and safeguards which may be imposed to protect adjacent property and the community. A Special Use Permit granted under the provisions of this Article shall be considered as an amendment to the Zoning Ordinance as applicable to such property and shall be indicated on the Official Zoning Map of the City.

ARTICLE XIX

SCHEDULE OF PERMITTED USES

[illegible]

ARTICLE XIX SCHEDULE OF PERMITTED USES

LEGEND:

✓ Allowed by Right

SU Requires Special Use Permit

P Principal Use in "RPO" District

2nd Secondary Use in "RPO" District

At the discretion of the PZ Commission

D Definition Provided

SR Refer to Supplemental Regulations

ARO As related to "ARO" District

	"AG" - Agricultural District	"RL" - Residential Large	"RM" - Residential Medium	"RS" - Residential Small	"MD" - Manufactured Dwelling District	"D" - Duplex	"A" - Apartment	"MH" - Manufactured Homes Park	"ARO" - Adaptive Reuse Overlay District	"PUD" - Planned Unit Development	"RPO" - Restrictive Professional Office	"NR" - Neighborhood Retail	"O" - Office District	"LB" - Local Business	"CB" - Central Business	"C" - Commercial	"LM" - Light Manufacturing	"HM" - Heavy Manufacturing	PARKING RATIO or most current Institute of Transportation Engineers Manual (I.T.E.)
Business Service (Provides wares and/or service in support of professional occupations)											2 nd	SU	2 nd	✓	✓	✓	✓	✓	1 space: 200 sf
BYOB Venue D														SU	SU	SU	SU		1 space: 100 sf
Cabinet and Fixtures Shop														SU	✓	✓	✓	✓	1 space: 500 sf
Camera, Photographic Supply and Film Developing (Retail Only)											✓			✓	✓	✓	✓	✓	1 space: 200 sf
Campground D	SU																		No parking requirement
Candy and Other Confectionary Products Manufacture														SU	✓	✓	✓	✓	1 space: 1,000 sf
Candy, Cigars, Tobacco (Retail Only)											2 nd	✓		✓	✓	✓	✓	✓	1 space: 200 sf
Canning and Preserving Factory															SU	✓	✓	✓	1 space: 1,000 sf
Canvas and Related Products Manufacture														SU	✓	✓	✓	✓	1 space: 1,000 sf
Carpenter Shop														SU	✓	✓	✓	✓	1 space: 500 sf
Carpet and Rug Cleaning Plant														SU	SU	✓	✓	✓	1 space: 1,000 sf
Casein Manufacture																SU	✓	✓	1 space: 1,000 sf
Catering Service												✓		✓	✓	✓	✓	✓	1 space: 500 sf
Cattle Feedlot																	✓	✓	1 space: 5,000 sf of land
Celluloid and Similar Cellulose Manufacture																	✓	✓	1 space: 1,000 sf
Cement Manufacture																	SU	✓	1 space: 1,000 sf
Ceramic Products Manufacture														SU	SU	✓	✓	✓	1 space: 500 sf
Chalk Manufacture																	SU	✓	1 space: 1,000 sf
Chemicals (Agricultural) Manufacture																	SU	✓	1 space: 1,000 sf
Chemicals (Industrial) Manufacture																	SU	✓	1 space: 1,000 sf
Church D	✓	✓	✓	✓	✓	✓	✓					✓		✓	✓	✓	✓	✓	1 space: 4 seats in sanctuary
Clinic D											P	✓	✓	✓	✓	✓	✓	✓	1 space: 300 sf
Clothing Manufacture														SU	✓	✓	✓	✓	1 space: 500 sf
Club/Social Organization (Children) D	SU																		
Coal Yard, Coal Hoist, Coal Pocket, or Coal Car Trestle																	SU	✓	1 space: 1,000 sf
Coffin Manufacture																	SU	✓	1 space: 1,000 sf
Cold Storage Plants														SU	✓	✓	✓	✓	1 space: 1,000 sf
Commercial Amusement (Outdoors)																	SU	SU	Determined by P&Z
Commercial Amusement (Indoors)											SU			SU	SU	✓	✓	✓	1 space: 100 sf
Commercial Laundry and Cleaning Plants														SU	SU	✓	✓	✓	1 space: 1,000 sf
Community or Social Buildings D	✓	SU	SU	SU	SU	SU	✓	✓			✓			✓	✓	✓	✓	✓	1 space: 300 sf
Concrete Mixing and Batching Plant																	SU	✓	1 space: 5,000 sf of land
Concrete Mixing and Batching Plant (Using Dust-Free Conveyers)																	✓	✓	1 space: 5,000 sf of land
Construction Contractor with Storage Yard														SU	✓	✓	✓	✓	1 space: 1,000 sf
Corrugated Metal Manufacture																	SU	✓	1 space: 1,000 sf
Cotton Ginning, Bailing and Compress																	✓	✓	1 space: 1,000 sf
Cotton Oil Mill																	✓	✓	1 space: 1,000 sf
Country Club (Private)	✓																		
Crematory																	SU	✓	1 space: 1,000 sf
Culvert Manufacture																	SU	✓	1 space: 1,000 sf
Cutlery, Handtools and General Hardware Manufacture																	SU	✓	1 space: 1,000 sf
Dairy Products (except Ice Cream) Manufacture																	SU	✓	1 space: 1,000 sf
Day Care D	SU										2 nd	SU		SU	SU	✓	✓	✓	1 space: 3 children
Day Nursery D		✓	✓	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	2 spaces

ARTICLE XIX SCHEDULE OF PERMITTED USES

LEGEND: ✓ Allowed by Right SU Requires Special Use Permit P Principal Use in "RPO" District 2nd Secondary Use in "RPO" District ♦At the discretion of the PZ Commission <u>D</u> Definition Provided <u>SR</u> Refer to Supplemental Regulations ARO As related to "ARO" District										"AG" - Agricultural District	"RL" - Residential Large	"RM" - Residential Medium	"RS" - Residential Small	"MD" - Manufactured Dwelling District	"D" - Duplex	"A" - Apartment	"MH" - Manufactured Homes Park	"ARO" - Adaptive Reuse Overlay District	"PUD" - Planned Unit Development	"RPO" - Restrictive Professional Office	"NR" - Neighborhood Retail	"O" - Office District	"LB" - Local Business	"CB" - Central Business	"C" - Commercial	"LM" - Light Manufacturing	"HM" - Heavy Manufacturing	PARKING RATIO or most current Institute of Transportation Engineers Manual (I.T.E.)
Department, Hardware, Sporting Goods, Toys, Paints, Wallpaper, and Clothing Stores (Retail Only)												SU		✓	✓	✓	✓	✓	1 space: 200 sf									
Dextrine Manufacture															SU	SU	✓	✓	1 space: 1,000 sf									
Distillation of Liquors, Spirits, Etc <u>D</u>																SU	✓	✓	1 space: 1,000 sf									
																			1 space: 1,000 sf (no consumption)									
Distillation of Liquors, Spirits, Etc --Craft <u>D</u>															SU	SU	✓	✓	1space: 100 sf (with consumption)									
																			1 space: 1,000 sf (no consumption)									
Drinking Establishments <u>D</u>															SU	SU	SU	SU	1space: 100 sf (with consumption)									
Drive-in Theater														SU	SU	SU	SU	SU	1 space: speaker									
Driving Range																✓	✓	✓	2 spaces: tee box									
Drug Store (Retail Only)												SU		✓	✓	✓	✓	✓	1 space: 200 sf									
Dwelling - Manufactured Home <u>D</u>						✓				✓									2 spaces: dwelling									
Dwelling - Multiple Family <u>D</u> <u>SR</u>											✓		✓	✓	✓	✓	✓	✓	2 spaces: dwelling									
Dwelling - Single Family <u>D</u>	✓	✓	✓	✓	✓	✓	✓	✓			✓		✓	✓	✓	✓	✓	✓	2 spaces: dwelling									
Dwelling - Two Family <u>D</u>						✓	✓				✓		✓	✓	✓	✓	✓	✓	2 spaces: dwelling									
Dye Manufacture																	✓	✓	1 space: 1,000 sf									
Dyeing Plant															SU	✓	✓	✓	1 space: 1,000 sf									
Eating Establishment (Inside Service Only) <u>D</u>											SU	✓		✓	✓	✓	✓	✓	1 space: 150 sf									
Eating Establishment (With Drive-Thru Service) <u>D</u>											SU		✓	✓	✓	✓	✓	✓	1 space: 150 sf									
Electric Lamp Manufacture																SU	✓	✓	1 space: 1,000 sf									
Electric Power Plant																	✓	✓	1 space: 1,000 sf									
Electric Substation			SU	SU	SU	SU	SU	SU	SU		A	SU		SU	SU	SU	✓	✓	1 space: 1,000 sf									
Electrical Repair - (Domestic Equipment and Autos)											S			✓	✓	✓	✓	✓	1 space: 1,000 sf									
Electrical Supply Manufacture											S					SU	✓	✓	1 space: 1,000 sf									
Electro-plating/Electro-typing																	✓	✓	1 space: 1,000 sf									
Electronic Goods (Retail Only)											S	SU		✓	✓	✓	✓	✓	1 space: 200 sf									
Electronic Cigarette and Vape Shop Retail Stores <u>D</u>																	SU	SU	1 space: 200 st									
Elevator Manufacture																	✓	✓	1 space: 1,000 sf									
Enameling and Painting																SU	✓	✓	1 space: 1,000 sf									
Engine Manufacture																		✓	1 space: 1,000 sf									
Engraving Plant																	✓	✓	1 space: 1,000 sf									
Envelope Manufacture																	✓	✓	1 space: 1,000 sf									
Exterminating Company												SU		✓	✓	✓	✓	✓	1 space: 300 sf									
Farm or Orchard (No size requirement)	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		✓	✓	✓	✓	✓	none									
Farm/Garden Machinery and Equipment Manufacture																	✓	✓	1 space: 1,000 sf									
Fats and Oils (Animal) Manufacture																		✓	1 space: 1,000 sf									
Feed Manufacture																	✓	✓	1 space: 1,000 sf									
Feed Store															SU	✓	✓	✓	1 space: 500 sf									
Felt Manufacture																	SU	✓	1 space: 1,000 sf									
Financial Institutions (No motor bank service)											P	✓	✓	✓	✓	✓	✓	✓	1 space: 300 sf									
Financial Institutions (With motor bank service)											SU	SU		✓	✓	✓	✓	✓	1 space: 300 sf									
Fix-It-Shops - Bike Repair, Saw Filing, Mower Sharpening (No outdoor storage)														✓	✓	✓	✓	✓	1 space: 500 sf									
Fix-It-Shops - Bike Repair, Saw Filing, Mower Sharpening (With outdoor storage)																SU	✓	✓	1 space: 500 sf									
Florist (Retail Only)											2nd	✓		✓	✓	✓	✓	✓	1 space: 200 sf									
Flour and Other Grain Mills																	✓	✓	1 space: 1,000 sf									
Food Processing <u>D</u>																	✓	✓	1 space: 1,000 sf									
Footwear Manufacture																SU	✓	✓	1 space: 500 sf									
Foundry - All Types																		✓	1 space: 1,000 sf									
Fraternity or Sorority House			SU	SU	SU	SU	SU	SU	SU			SU		SU	✓	✓	✓	✓	2 spaces: bedroom									
Fur/Hide Tanning and Finishing																	SU	✓	1 space: 1,000 sf									
Furnace Manufacture																		✓	1 space: 1,000 sf									
Furniture and Appliance Store (Retail Only)														✓	✓	✓	✓	✓	1 space: 500 sf									
Furniture and Fixtures Manufacture																SU	✓	✓	1 space: 1,000 sf									
Furniture Repair and Upholstering (Retail Only - All Storage within Building)														✓	✓	✓	✓	✓	1 space: 1,000 sf									

ARTICLE XIX

SCHEDULE OF PERMITTED USES

LEGEND:																				
✓ Allowed by Right																				
SU Requires Special Use Permit																				
P Principal Use in "RPO" District																				
2nd Secondary Use in "RPO" District																				
◆ At the discretion of the PZ Commission																				
D Definition Provided																				
SR Refer to Supplemental Regulations																				
ARO As related to "ARO" District																				
	"AG" - Agricultural District	"RL" - Residential Large	"RM" - Residential Medium	"RS" - Residential Small	"MD" - Manufactured Dwelling District	"D" - Duplex	"A" - Apartment	"MH" - Manufactured Homes Park	"ARO" - Adaptive Reuse Overlay District		"PUD" - Planned Unit Development	"RPO" - Restrictive Professional Office	"NR" - Neighborhood Retail	"O" - Office District	"LB" - Local Business	"CB" - Central Business	"C" - Commercial	"LM" - Light Manufacturing	"HM" - Heavy Manufacturing	PARKING RATIO or most current Institute of Transportation Engineers Manual (I.T.E.)
Game Room D																		SU	SU	1 space: 200 sf
Garage or Yard Sales SR		✓	✓	✓	✓	✓	✓	✓				✓		✓	✓	✓	✓	✓	✓	none
Gases (Industrial) Manufacture																		SU	✓	1 space: 1,000 sf
Gift or Card Shop (Retail Only)												2 nd ✓		✓	✓	✓	✓	✓	✓	1 space: 200 sf
Glucose Manufacture																		SU	✓	1 space: 1,000 sf
Golf Course		SU	SU	SU	SU	SU	SU	SU				SU		SU	SU	SU	SU	SU	SU	6 spaces: hole
Grocery Store												✓		✓	✓	✓	✓	✓	✓	1 space: 200 sf
Hair Products Factory (Other than Human)																		SU	✓	1 space: 1,000 sf
Hardware Manufacture																	SU	✓	✓	1 space: 1,000 sf
Health Club												SU	SU		✓	✓	✓	✓	✓	1 space: 300 sf
Hobby Supply Store (Retail Only)												✓		✓	✓	✓	✓	✓	✓	1 space: 200 sf
Home Occupations D		✓	✓	✓	✓	✓	✓	✓				✓		✓	✓	✓	✓	✓	✓	none
Hospital D														SU	SU	✓	✓	✓	✓	1 space: bed
															SU	✓	✓	✓	✓	1 space: room plus 1 space:200 sf of common facilities
Hotel and Motel D															SU	✓	✓	✓	✓	1 space: 1,000 sf
Ice Cream Manufacture / Ice Manufacture															SU	✓	✓	✓	✓	1 space: 1,000 sf
Indoor Commercial Recreation and Entertainment												SU			SU	SU	✓	✓	✓	1 space: 200 sf
Institutions of Religious, Educational or Philanthropic Nature			SU	SU	SU	SU	SU	SU	SU				SU		SU	SU	SU	SU	SU	1 space: 200 sf
Iron Works (Ornamental)																	SU	✓	✓	1 space: 1,000 sf
Japanning and Shellacking Works																	SU	✓	✓	1 space: 1,000 sf
Jewelry Store													SU		✓	✓	✓	✓	✓	1 space: 200 sf
Junk Yard D SR																			✓	5 spaces: acre
Kalsomine Manufacture																	SU	✓	✓	1 space: 1,000 sf
Kerosene Manufacture or Storage																	SU	✓	✓	1 space: 1,000 sf
Laundromat D												✓		✓	✓	✓	✓	✓	✓	1 space: 200 sf
Laundry and Cleaning Pickup Station (Retail Only)												2 nd ✓	✓	✓	✓	✓	✓	✓	✓	1 space: 200 sf
Law Office (Limited to 3 Attorneys with support staff) ARO									✓											Existing
Leather Products Manufacture																✓	✓	✓	✓	1 space: 1,000 sf
Library, Rental												SU		✓	✓	✓	✓	✓	✓	1 space: 300 sf
Loading or Storage Tracks																✓	✓	✓	✓	none
Lumber Mill																	SU	✓	✓	1 space: 1,000 sf
Lumber Yard															✓	✓	✓	✓	✓	1 space: 500 sf
Machine Shop															✓	✓	✓	✓	✓	1 space: 1,000 sf
Machinery Manufacture															SU	✓	✓	✓	✓	1 space: 1,000 sf
Manufactured Home Sales																✓	✓	✓	✓	area
Marble Working and Finishing																SU	SU	✓	✓	1 space: 1,000 sf
Market, Open Air, Flea															SU	✓	✓	✓	✓	1 space: 200 sf
Mattress - Making and Renovating																✓	✓	✓	✓	1 space: 1,000 sf
Meat and Fish Market (Retail Only)												✓		✓	✓	✓	✓	✓	✓	1 space: 200 sf
Meat Packing Plant																	SU	✓	✓	1 space: 1,000 sf
Medical Office (Limited to three practitioners with support staff) ARO									✓											Existing
Metal Cans and Shipping Containers Manufacture																SU	SU	✓	✓	1 space: 1,000 sf
Metal Products, Stamping and Manufacture																SU	✓	✓	✓	1 space: 1,000 sf
Milk Depot - Wholesale																	✓	✓	✓	1 space: 1,000 sf
Miniature Golf Course																	✓	✓	✓	3 spaces: hole
Mirror Resilvering															SU	✓	✓	✓	✓	1 space: 1,000 sf
Mortuary														✓	✓	✓	✓	✓	✓	1 space: 4 seats
Motion Picture Studios - Commercial Films															SU	✓	✓	✓	✓	1 space: 300 sf
Motion Picture Theatre														✓	✓	✓	✓	✓	✓	1 space: 4 seats

ARTICLE XIX

SCHEDULE OF PERMITTED USES

LEGEND: ✓ Allowed by Right SU Requires Special Use Permit P Principal Use in "RPO" District 2nd Secondary Use in "RPO" District ♦ At the discretion of the PZ Commission D Definition Provided SR Refer to Supplemental Regulations ARO As related to "ARO" District	"AG" - Agricultural District	"RL" - Residential Large	"RM" - Residential Medium	"RS" - Residential Small	"MD" - Manufactured Dwelling District	"D" - Duplex	"A" - Apartment	"MH" - Manufactured Homes Park	"ARO" - Adaptive Reuse Overlay District	"PUD" - Planned Unit Development	"RPO" - Restrictive Professional Office	"NR" - Neighborhood Retail	"O" - Office District	"LB" - Local Business	"CB" - Central Business	"C" - Commercial	"LM" - Light Manufacturing	"HM" - Heavy Manufacturing	PARKING RATIO or most current Institute of Transportation Engineers Manual (I.T.E.)
Motor Freight Transportation and Storage																✓	✓	✓	1 space: 1,000 sf
Moving and Storage Company																✓	✓	✓	1 space: 1,000 sf
News Printing															✓	✓	✓	✓	1 space: 1,000 sf
Nursery (Retail Sale of Plants and Trees)														✓	✓	✓	✓	✓	1 space: 1,000 sf of sales area
Office Equipment Manufacture																SU	✓	✓	1 space: 1,000 sf
Office, Professional and Business											P	✓	✓	✓	✓	✓	✓	✓	1 space: 300 sf
Oil Compounding and Barreling																SU	✓	✓	1 space: 1,000 sf
Oilcloth Manufacture																SU	✓	✓	1 space: 1,000 sf
Optical Goods Manufacture															SU	✓	✓	✓	1 space: 1,000 sf
Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture															SU	✓	✓	✓	1 space: 1,000 sf
Outdoor Sales D														SU	SU	✓	✓	✓	1 space: 5,000 sf of land area
Paint Manufacture and Mixing																SU	✓	✓	1 space: 1,000 sf
Paint Mixing (Excludes Cooking or Baking of Paint, Varnish and Lacquers)																✓	✓	✓	1 space: 1,000 sf
Painting and Refinishing Shop													SU	✓	✓	✓	✓	✓	1 space: 500 sf
Paper Products and Paper Box Manufacture																✓	✓	✓	1 space: 1,000 sf
Park (Public or Private) D	✓																		none
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity		SU	SU	SU	SU	SU	SU	SU			SU		✓	✓	✓	✓	✓	✓	none
Pattern Shop																SU	✓	✓	1 space: 1,000 sf
Pecan Processing																SU	✓	✓	1 space: 1,000 sf
Penal or Correctional Institute															SU	✓	✓	✓	1 space: 500 sf
Petroleum and Petroleum Products Refining																	✓	✓	1 space: 1,000 sf
Petroleum Products Storage																	✓	✓	1 space: 1,000 sf
Pharmacy (Retail Only)											2nd	✓		✓	✓	✓	✓	✓	1 space: 200 sf
Photo Engraving Plant															SU	✓	✓	✓	1 space: 1,000 sf
Photographer's Studio											2nd	✓		✓	✓	✓	✓	✓	1 space: 300 sf
Piano and Musical Instruments (Retail Only)														✓	✓	✓	✓	✓	1 space: 200 sf
Planing Mill																✓	✓	✓	1 space: 1,000 sf
Plastic Products - Molding, Casting, Shaping														SU	✓	✓	✓	✓	1 space: 1,000 sf
Poultry Hatchery																✓	✓	✓	1 space: 1,000 sf
Poultry Slaughtering and Processing																✓	✓	✓	1 space: 1,000 sf
Print/Copy Shop											2nd	SU	2nd	✓	✓	✓	✓	✓	1 space: 200 sf
Printing Equipment, Supplies and Repairs															SU	✓	✓	✓	1 space: 500 sf
Printing Ink Manufacture																✓	✓	✓	1 space: 1,000 sf
Public Assembly (Auditorium, Gymnasium, Stadium, etc)															SU	✓	✓	✓	1 space: 4 seats
Public Park, Playground	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	none
Public Building - City, County, State or Federal Government	SU	SU	SU	SU	SU	SU	SU	SU	SU		SU		SU	SU	SU	SU	SU	SU	See appropriate use
Public Utility Installations		SU	SU	SU	SU	SU	SU	SU	SU		SU		SU	SU	SU	✓	✓	✓	none
Publishing and Printing Company															✓	✓	✓	✓	1 space: 500 sf
Radio, Television and Communications Towers		SU	SU	SU	SU	SU	SU	SU	SU		SU		SU	SU	SU	SU	SU	SU	none
Rag Treatment or Manufactured Products from Rags															SU	✓	✓	✓	1 space: 1,000 sf
Railroad Yards - Round House or Shop																✓	✓	✓	1 space: 1,000 sf
Recreational Vehicle Park D															SU	✓	✓	✓	1.5 spaces: RV pad
Reduction of Fats, Ores, Metals, Garbage, Offal, Etc.																	✓	✓	1 space: 1,000 sf
Residential Health Care Facility D								SU						SU	SU	SU	SU		greater of 1 space: 3 beds or 1.5 spaces: dwelling

ARTICLE XIX

SCHEDULE OF PERMITTED USES

LEGEND: ✓ Allowed by Right SU Requires Special Use Permit P Principal Use in "RPO" District 2nd Secondary Use in "RPO" District ♦ At the discretion of the PZ Commission <u>D</u> Definition Provided <u>SR</u> Refer to Supplemental Regulations ARO As related to "ARO" District	"AG" - Agricultural District	"RL" - Residential Large	"RM" - Residential Medium	"RS" - Residential Small	"MD" - Manufactured Dwelling District	"D" - Duplex	"A" - Apartment	"MH" - Manufactured Homes Park	"ARO" - Adaptive Reuse Overlay District	"PUD" - Planned Unit Development	"RPO" - Restrictive Professional Office	"NR" - Neighborhood Retail	"O" - Office District	"LB" - Local Business	"CB" - Central Business	"C" - Commercial	"LM" - Light Manufacturing	"HM" - Heavy Manufacturing	PARKING RATIO or most current Institute of Transportation Engineers Manual (I.T.E.)
Retail Store or shop for custom work (retail on premises)											SU			✓	✓	✓	✓	✓	1 space: 200 sf
Rice Cleaning and Polishing																✓	✓	✓	1 space: 1,000 sf
Riding Academy or Commercial Stable <u>D</u>		SU	SU	SU	SU	SU	SU	SU	SU		SU			SU	SU	SU	✓	✓	1 space: 5 stalls
Rock Quarries, Sand, Gravel and Earth Excavations		SU	SU	SU	SU	SU	SU	SU	SU		SU			SU	SU	SU	SU	SU	1 space: acre
Rock Wool Manufacture																✓	✓	✓	1 space: 1,000 sf
Rug Manufacture																SU	✓	✓	1 space: 1,000 sf
Salvage Storage Yard <u>D</u> <u>SR</u>																SU	✓	✓	5 spaces: acre
Sanitary Landfill <u>D</u>																SU	✓	✓	1 space: 10 acres
School - College or University <u>D</u>	✓	✓	✓	✓	✓	✓	✓	✓			✓			✓	✓	✓	✓	✓	10 spaces: classroom plus 2 spaces: office
School - Elementary (Public or Denominational)	✓	✓	✓	✓	✓	✓	✓	✓			✓			✓	✓	✓	✓	✓	2 spaces: classroom and office
School - High School (Public or Denominational)	✓	✓	✓	✓	✓	✓	✓	✓			✓			✓	✓	✓	✓	✓	8 spaces: classroom plus 2 spaces: office
School - Junior High (Public or Denominational)	✓	✓	✓	✓	✓	✓	✓	✓			✓			✓	✓	✓	✓	✓	3 spaces: classroom plus 2 spaces: office
School - Other than Public or Denominational	✓													SU	SU	✓	✓	✓	same as public or denominational
School - Vocational <u>D</u>	✓													SU	SU	✓	✓	✓	1 space: student
Scrap Metal Storage Yard <u>D</u> <u>SR</u>																SU	✓	✓	5 spaces: acre
Seamstress, Dressmaker, or Tailor (Retail Only)											2 nd	✓		✓	✓	✓	✓	✓	1 space: 200 sf
Seed Store														✓	✓	✓	✓	✓	1 space: 500 sf
Sheet Metal Shop																✓	✓	✓	1 space: 1,000 sf
Shellac and Varnish Manufacture																SU	✓	✓	1 space: 1,000 sf
Sheltered Care Facility <u>D</u>								SU						SU	SU	SU	SU		1 spaces: 3 beds or 1.5 spaces: dwelling
Shoe Repair Shop (Retail Only)											2 nd	✓		✓	✓	✓	✓	✓	1 space: 200 sf
Shoe Store (Retail Only)											2 nd	✓		✓	✓	✓	✓	✓	1 space: 200 sf
Sign - Apartment or Housing Project <u>D</u>		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	none
Sign - Business <u>D</u>											✓	✓	✓	✓	✓	✓	✓	✓	none
Sign - Name Plate <u>D</u>		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	none
Sign - Off-Premise <u>D</u>											✓	✓		✓	✓	✓	✓	✓	none
Sign - Permanent Bulletin Boards <u>D</u>		✓	✓	✓	✓	✓	✓	✓	✓					✓	✓	✓	✓	✓	none
Sign, Relocating from CBD within Main Street Area - Off-Premise																SU	SU		none
Sign - Real Estate <u>D</u>		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	none
Skating Rink														SU	✓	✓	✓	✓	1 space: 200 sf
Snuff Manufacture																SU	✓	✓	1 space: 1,000 sf
Soap, Detergents, Cleaning Preparations Manufacture																SU	✓	✓	1 space: 1,000 sf
Starch Manufacture																SU	✓	✓	1 space: 1,000 sf
Steel Mill																	✓	✓	1 space: 1,000 sf
Steel Works, Blast Furnaces and Rolling Mills																	✓	✓	1 space: 1,000 sf
Stone Cutting or Crushing																SU	✓	✓	area
Stone Monument Engraving																✓	✓	✓	1 space: 1,000 sf
Stone Monuments - (Retail Sales Only)														✓	✓	✓	✓	✓	1 space: 500 sf
Stone, Clay, Glass and Concrete Products (other than handicrafts) Manufacture																SU	✓	✓	1 space: 1,000 sf
Storage Facility - Self Service <u>D</u>														SU	✓	✓	✓	✓	1 space: 10 units
Storage of Cement, Sands and Gravel																✓	✓	✓	1 space: 5,000 sf of storage area
Storage of Used Lumber and Building Materials																SU	✓	✓	1 space: 5,000 sf of storage area

ARTICLE XIX SCHEDULE OF PERMITTED USES

LEGEND: ✓ Allowed by Right SU Requires Special Use Permit P Principal Use in "RPO" District 2nd Secondary Use in "RPO" District ♦ At the discretion of the PZ Commission D Definition Provided SR Refer to Supplemental Regulations ARO As related to "ARO" District	"AG" - Agricultural District	"RL" - Residential Large	"RM" - Residential Medium	"RS" - Residential Small	"MD" - Manufactured Dwelling District	"D" - Duplex	"A" - Apartment	"MH" - Manufactured Homes Park	"ARO" - Adaptive Reuse Overlay District	"PUD" - Planned Unit Development	"RPO" - Restrictive Professional Office	"NR" - Neighborhood Retail	"O" - Office District	"LB" - Local Business	"CB" - Central Business	"C" - Commercial	"LM" - Light Manufacturing	"HM" - Heavy Manufacturing	PARKING RATIO or most current Institute of Transportation Engineers Manual (I.T.E.)
Studios - Art, Dance, Music, Drama, Health, Massage, and Reducing											SU			✓	✓	✓	✓	✓	1 space: 200 sf
Studios for Display and Sale of Glass, China, Art, Cloth and Draperies											SU			✓	✓	✓	✓	✓	1 space: 200 sf
Tattoo Parlor															✓	✓	✓	✓	1 space: 200 sf
Taxi Cab Storage and Repair															✓	✓	✓	✓	1 space: 500 sf
Taxi Stand														✓	✓	✓	✓	✓	1 space: 500 sf
Team Tracks and Unloading Docks, Railroads															✓	✓	✓	✓	none
Telephone Exchange		✓	✓	✓	✓	✓	✓	✓	✓		✓			✓	✓	✓	✓	✓	1 space: 500 sf
Temporary Buildings D SR		✓	✓	✓	✓	✓	✓	✓	✓		✓			✓	✓	✓	✓	✓	none
Temporary Commercial Amusement D		♦	♦	♦	♦	♦	♦	♦	♦		♦			♦	♦	✓	✓	✓	Determined by P&Z
Textile Products Manufacture															SU	✓	✓	✓	1 space: 1,000 sf
Tire Retreading and Recapping															✓	✓	✓	✓	1 space: 1,000 sf
Transit Terminal D														✓	✓	✓	✓	✓	1 space: 500 sf
Truck Terminal														✓	✓	✓	✓	✓	1 space: 1,000 sf
Trunk Manufacture															✓	✓	✓	✓	1 space: 1,000 sf
Veterinary Hospital D															SU	✓	✓	✓	1 space: 500 sf
Warehouse														SU	✓	✓	✓	✓	1 space: 1,000 sf
Waste Paper Products Manufacture																	SU	✓	1 space: 200 sf
Water Distillation															✓	✓	✓	✓	1 space: 1,000 sf
Wedding Chapel														✓	✓	✓	✓	✓	1 space: 4 seats
Welding Shop														SU	✓	✓	✓	✓	1 space: 1,000 sf
White Lead Manufacture																	✓	✓	1 space: 1,000 sf
Wholesale Trade - Nondurable Goods														SU	✓	✓	✓	✓	1 space: 500 sf
Wood Container Manufacture															✓	✓	✓	✓	1 space: 1,000 sf
Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar Products)																SU	✓	✓	1 space: 1,000 sf
Wood Preserving Manufacture and Treatment																SU	✓	✓	1 space: 1,000 sf
Wood Products Manufacture															SU	✓	✓	✓	1 space: 1,000 sf
Wood Working Shops															SU	✓	✓	✓	1 space: 1,000 sf
Wrecking Materials Yard SR																SU	✓	✓	1 space: 1,000 sf

ARTICLE XX EXCEPTIONS

1. FRONT YARD

- A. Where a greater front yard is established by ordinance or approved site plan within a zoning district, no building shall be erected closer to the street right-of-way than so specified.
- B. Where a building line is shown on a plat recorded with the County Clerk, and such building line provides for a greater front yard than required by this Ordinance, no building shall be erected closer to the right-of-way than provided for by the recorded plat.
- C. Open and unenclosed terraces or porches and eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided however, that no supporting structure for such extensions or other structure may be located within the required front yard. An unenclosed canopy for a gasoline service station or similar business may extend into the required front yard but shall never be closer than twelve (12) feet from the street right-of-way.

2. SIDE AND REAR YARDS

The required side and rear yards shall be open and unobstructed except as permitted in this Article.

- A. The ordinary projection of window sills, belt courses and other ornamental features not to exceed twelve (12) inches. Eaves, roof extensions and awnings may project to within three (3) feet of a side or rear lot line.
- B. Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues may extend into the required rear yard for a distance not to exceed three and one-half (3 1/2) feet.
- C. Terraces, uncovered porches, pools, platforms and ornamental features which do not exceed more than three (3) feet above ground may project to within two (2) feet of a side lot line.

3. LOCATION OF DWELLINGS AND BUILDINGS

Only one main building for a single-family or two-family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall front and face a street or officially approved place. Whenever two or more single family or two-family dwellings are placed upon a single lot or tract; or a main building will not face a street or officially approved place, the same may be permitted when a site plan is approved in a manner established by applicable ordinance.

Where a lot is used for multiple family dwellings, retail, commercial or industrial purposes or any combination of these uses, more than one (1) main building may be located on the lot, but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and zoning district.

ARTICLE XX EXCEPTIONS

4. ACCESSORY BUILDINGS

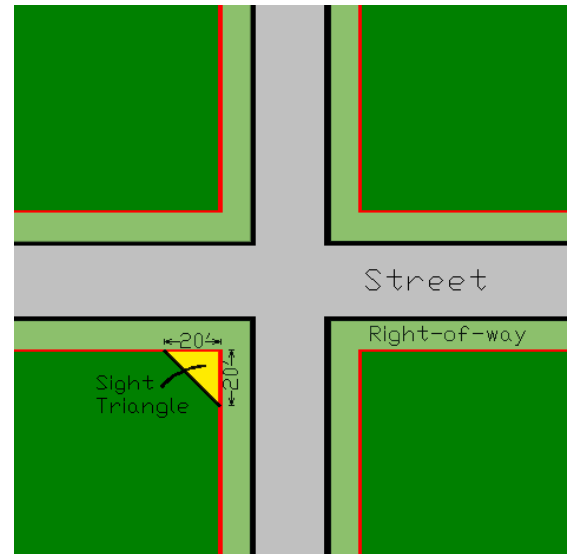
Accessory buildings not exceeding fifteen (15) feet in height may be erected to within five (5) feet of side or rear property lines. Such buildings in excess of fifteen (15) feet in height shall observe the side and rear yard requirements of the applicable zoning district. An accessory building must be located on the same lot as the principal building or principal use with which it is associated. An owner of two (2) or more adjoining lots may use an adjoining lot for an accessory building when the lot on which the accessory building will be located adjoins the lot with the principal building. In any residentially zoned district, the accessory building may not have separate utilities, be used for commercial purposes or utilized by individuals other than the principal building's residents.

ARTICLE XXI

SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

1. SIGHT TRIANGLE AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impair vehicle drivers' vision at intersections, within a triangle defined by the property lines and a line joining two (2) points located twenty (20) feet back from the property lines intersection; except that fences, walls, and/or hedges are permitted within this triangle provided that such fences, walls and/or hedges do not impair vision from three and one-half (3 ½) feet to six (6) feet above the surface of the street.



2. TEMPORARY BUILDINGS

A temporary building for construction purposes shall be removed upon completion or abandonment of construction work. A real estate field office shall be removed upon the sale of the last lot in the subdivision.

3. JUNKYARDS

Any junkyard, whether a primary use or an accessory use, shall provide an opaque screening device of a uniform height (minimum six feet and maximum ten feet) in relation to the ground that screens the view from adjoining lots and/or public places from junk. Stacking of junk which allows visibility from an adjoining lot or public place shall be prohibited.

4. AUTOMOBILE SALES

All vehicles shall be displayed only on an impervious paved surface. A physical barrier shall be placed along the property line to prevent the vehicles from encroaching into the street right-of-way. This provision shall apply equally to sales lots for boats, recreational vehicles and trailers or other similar vehicles.

5. MULTIPLE-FAMILY DWELLINGS

There shall be a minimum distance of thirty (30) feet between multiple-family structures. Balconies, eaves or canopies may extend into the minimum building separation for a distance not to exceed five (5) feet each.

Where two building ends having widths of thirty-five (35) feet or less and which do not contain openings for light, air or access in the areas which are opposite, the minimum distance between the structures shall be ten (10) feet.

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SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

A curb or equivalent barrier shall be placed so as to prevent any vehicle from parking within a minimum distance of four (4) feet from any multiple-family dwelling.

6. GARAGE OR YARD SALES

In connection with the residential or institutional occupancy of a structure, the tenants may offer their personal belongings and household effects for sale to general public provided such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90 day period.

7. SHOPPING CENTERS

Prior to the issuance of a building permit for the development of a shopping center consisting of four (4) or more acres, a site plan indicating:

- a. Arrangement and height of the various buildings;
- b. Parking and loading areas;
- c. Vehicle circulation including ingress and egress;
- d. Landscaped areas;
- e. Free standing signage;
- f. Refuse collection containers; and
- g. Any other information deemed necessary to determine the impact of the project, shall be approved by the Planning and Zoning Commission.

8. FENCES, WALLS, AND SIMILAR BARRIERS

Location:

A fence, wall or similar barrier may not be located within the street right-of-way or within the required site triangle at street intersections. Fences may not block access to any fire hydrant or utility meter unless approved by the City Engineer. A fence, wall or similar barrier shall be placed no closer than ten (10) feet from the street (either back of curb or pavement edge). Fences are required to meet all FEMA requirements as related to placement in regulated floodplain and may not interfere with drainage.

Type:

Fence composition is limited to materials routinely used in fence construction such as wooden picket, brick, stone, pipe, concrete or other material deemed appropriate by the City Planner. The use of sheet metal will only be approved as fence material in LM (Light Manufacturing) HM (Heavy Manufacturing) zoning districts and for institutional uses. It is not be permitted for residential use. Barbed wire fence is limited to properties exceeding two acres and limited to agricultural use.

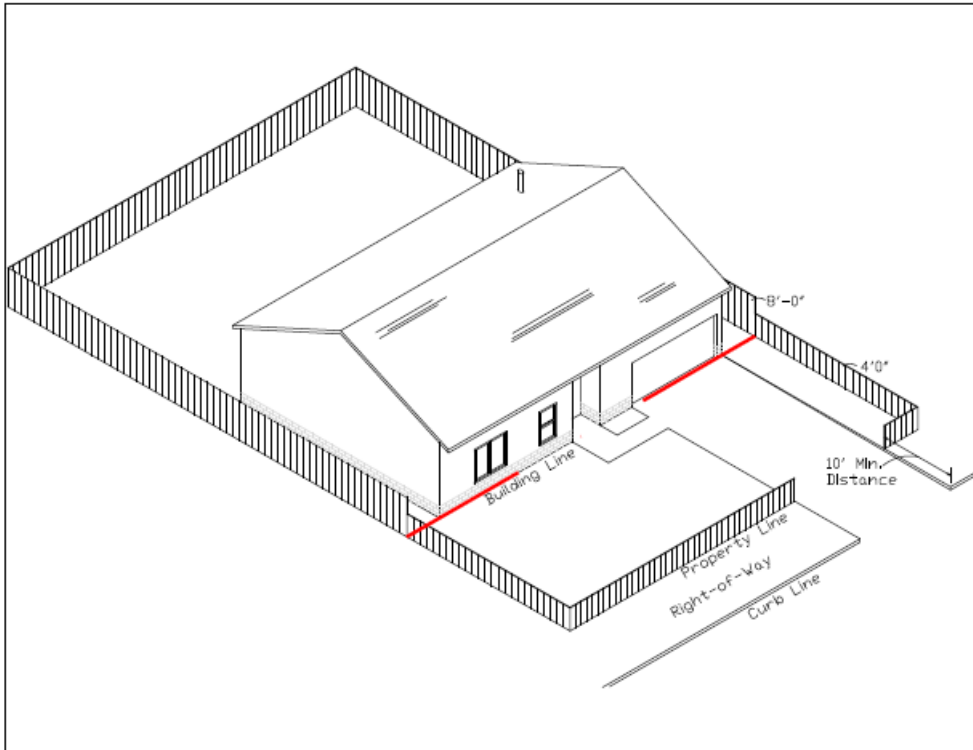
Height:

A fence, wall or similar barrier exceeding four (4) feet in height may not be located within the required front yard unless the property exceeds four (4) acres, and then shall be non-sight restrictive, e.g. chain link, wrought iron, etc. Fences and/or walls are

ARTICLE XXI

SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

limited to eight (8) feet in height unless approved by the City Planner or City Engineer due to extreme elevation differences on the site or for security purposes. Barriers shall be designed by an engineer when required.



Required as Screening:

In “RPO” (Restrictive Professional Office), “NR” (Neighborhood Retail), “O” (Office), “LB” (Local Business), “C” (Commercial), “CB” (Central Business), “HM” (Heavy Manufacturing), and “LM” (Light Manufacturing) districts a solid opaque fence that completely obscures the view from adjoining property (to a minimum height of six (6) feet) shall be employed and maintained within three feet of side and rear lot lines in which a non-residential use abuts any residential zoning district.

When a property classified as “CB” (Central Business) abuts a residentially zoned property, the building line established by the wall of a main structure closest to the street right-of-way shall be considered the front yard in application of fence height requirements. However, when an opaque screening device is required along side lot lines, the screening device shall be extended to the required front yard of the adjoining property.

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SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

In those circumstances where construction of a fence is not desired (by owners of land adjacent to a non-residential property or by the owners of the developing land) the Planning and Zoning Commission may consider a request to waive the fence installation requirement. In the case where neighboring residential 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.

ARTICLE XXI

SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

- 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.

ARTICLE XXI

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- 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.

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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.

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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.

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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.

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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.

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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").

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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:

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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

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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

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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

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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

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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.

ALL SIGNS

All signs may be converted from static message to an electronic format providing the conversion complies with the limitations on Off-Premise signs described herein.

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:

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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 East of Billy Lee, Locksmith	640 per Face	2	45
4	On South side of Frank St. just West of Billy Lee, Locksmith	576 per Face	4	55
5	On South side of Frank St. ½ blk West of Billy Lee, Locksmith	640 per Face	2	80
6	On North side of Frank St. just across from Billy Lee, Locksmith	128 One Face	1	16
7	On North side of Frank St. across from Billy Lee, Locksmith	640 One Face	1	50

This relocation provision allows for a one for one ratio based on the square footage of the sign removed. Provisions for square footage are limited to the area of the sign in its original location within the Main Street area. The replacement sign is prohibited from increases in height (measured from grade) when compared with the original sign and in no case shall be taller than 80 feet (measured from grade). At the time of removal of the sign in the Main Street District and Central Business District, a new sign must be completely installed at the approved location within 6 months from the date of issuance of a sign permit for the new sign or all rights are lost for replacement of the original sign. A sign permit for the new relocated sign must be applied for at the time of relocation. A demolition plan must also be supplied at the time the sign permit is applied for with Inspection Services. This relocation provision ends all removal, relocation and replacement rights related to the original sign.

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B. Billboards, general:

Only permitted with the consideration of the Planning and Zoning Commission and the approval of the City Council by issue of a Special Use Permit (Refer to Article XVIII, Special Uses) within the “HM – Heavy Manufacturing” and “LM – Light Manufacturing” Zoning Districts when a sign is being removed from the Main Street area within the “CB – Central Business” Zoning District.

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11. BED AND BREAKFAST HOME

In all districts:

A site plan to scale shall be presented when application is made for a Bed and Breakfast showing required off-street parking spaces, driveways, sidewalks, and any other paving, and the floor plan of the residence showing bedrooms to be used for public accommodation, entries and exits. The applicant shall submit three photographs of the existing residence; a picture of the front of the property showing the property from the street to the front of the residence; and a view from each side property line showing the property from the property line to the residence.

A detailed site plan showing specific measures of the residence shall be included.

The Bed and Breakfast must be owner occupied. Employees are permitted from outside the home for assistance with laundry, lawn care, cleaning, cooking, and other related support services.

The site shall be designed to maintain appearance, character, and integrity of the property consistent with the surrounding property, as evaluated consistent or inconsistent by the Planning and Zoning Commission and approved or disapproved by the City Council.

The Bed and Breakfast shall be limited to a total of 15 guests per night.

The term of stay shall not exceed seven consecutive days. The owner of the Bed and Breakfast shall keep a registry of all guests.

There will be no outdoor retail sales allowed including vending machines.

Number of Guest Rooms:

A maximum of five guestrooms may be provided in any one Bed and Breakfast Home.

Health Factors:

- A. The owner of the facility shall provide adequate heating, air conditioning, ventilation and lighting; provide adequate hot and cold water; provide adequate sewage disposal; maintain the outside area in a clean and sanitary manner; maintain the structure(s) in suitable state of repair; and properly clean the premises and facilities during the guests stay and after each guest has departed.
- B. Guests shall not cook in bedrooms.

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Parking and access:

- A. Parking shall meet the guidelines listed in the Schedule of Permitted Uses, with the addition of one space.
- B. All parking areas on property (except driveways) shall be behind building lines and must be screened from the view of adjacent residences to a height of six feet by a solid screening fence or dense shrubs or vegetation.
- C. Recreational vehicles, trailer homes, campers, and utility trucks exceeding seven-foot height, seven foot width, or 20 foot length may not be parking by the owners or occupants of a Bed and Breakfast Home on the premises or the street.
- D. Emergency vehicle access should be provided, where feasible, on two sides of the structure satisfactory to the Fire Department.

In Residential Districts the following limitations apply in addition to the restrictions noted above in the “In all districts” section.

Number of Guest Rooms:

A maximum of five guest rooms may be provided in any one Bed and Breakfast Home.

Management:

The owner of the Bed and Breakfast Home must be a full-time resident of the dwelling in which the Bed and Breakfast is housed.

Parties and Public Events:

A Temporary Use Permit, which can be obtained through application to the Planning and Zoning Office, is required for any party, reception, event or similar function that is anticipated to draw more than 15 total guests (including overnight guests) to the Bed and Breakfast. A gathering must end at 9:00 PM on Sunday through Thursday and at 11:00PM on Friday and Saturday. Parties, receptions, events or similar functions, subject to the Temporary Use Permit provision, shall be limited to a total of twelve (12) such functions per calendar year. Temporary Use Permit Events are not restricted to a one meal limitation.

Structural/Site Requirements:

- A. Age of structure: Bed and Breakfast Homes are preferred in structures 50 years of age or older, or of recognized historic or architectural significance.

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- B. No alteration to the exterior of any structure (except for maintenance purposes) shall be permitted, unless, such alteration is for the purpose of restoring an identifiable historic or architectural feature.
- C. Basements, garage apartments and guesthouses can be rented in conjunction with the guidelines for a Bed and Breakfast Home. Existing garages cannot be converted and must be provided as parking for the resident owner.
- D. No exterior evidence of the Bed and Breakfast Home shall be allowed, except by Temporary Use Permit Events and signs.

Sign Requirements:

One non-lighted sign of not more than 20 square feet may be either attached to the building or when detached, no more than four feet in height measured from grade.

Other Requirements:

If a swimming pool is on the property, no person shall occupy the pool between the hours of 10:00 PM and 10:00 AM.

12. SINGLE FAMILY AND DUPLEX INDUSTRIALIZED HOUSING

- (a) Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.
- (b) For purposes of this section, single-family or duplex industrialized housing is real property.
- (c) Any industrialized housing shall:
 - (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the County;
 - (2) have exterior siding, roofing, roof pitch, foundation, fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - (3) comply with building setbacks, side and rear yard setbacks, subdivision control, square footage, and other site requirements applicable to single-family dwellings; and
 - (4) comply with building setbacks, side and rear yard setbacks, subdivision control, square footage, and other site requirements applicable to dwellings in the Duplex zoning district; and

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(5) be securely fixed to a permanent foundation.

(d) For purposes of subsection (c), "value" means the taxable value of the industrialized housing and lot after installation of the housing.

(e) Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the building official and obtain the required permits. The permit shall include a plot plan and addendum detailing compliance with the requirements for regulation of single-family and duplex industrialized housing of Zoning Ordinance 3368 as amended. In addition to any other information otherwise required for said permits, the application shall:

(1) identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county;

(2) describe the exterior siding, roofing, roof pitch, foundation, fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(3) describe the permanent foundation and method of attachment proposed for the industrialized housing;

(4) state the taxable value of the industrialized housing and the lot after installation of the industrialized housing; and

(5) indicate the deed restrictions otherwise applicable to the real property on which the industrialized housing is to be located.

(f). A person commits an offense if the person:

(1) fails to make an application for a permit as required by this section; or

(2) constructs, erects, installs or moves any industrialized housing into the City which does not comply with this section.

(See generally Texas Occupation Code Chapter 1202, especially Section 1202.253).

ARTICLE XXI

SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

13. SINGLE-FAMILY RESIDENTIAL HOUSING BUILT WITHIN NON-RESIDENTIAL ZONED PROPERTY

All single-family residential housing built within non-residentially zoned property, (excluding PUD), shall conform to the building requirements of the adjacent most restrictive single-family zoning district as it relates to yard requirements and minimum required living area.

14. RECREATIONAL VEHICLE PARK REQUIREMENTS

Section 1 - Compliance and Maintenance:

The owner, its agents and representatives, shall operate the Park in compliance with this ordinance and other applicable ordinances and shall provide adequate supervision to maintain the Park, its facilities and its equipment in good repair and sanitary condition.

No recreational vehicle shall remain at a site in excess of ninety (90) consecutive days. The owner is responsible for ensuring that occupants do not exceed a maximum of ninety (90) consecutive days. The owner is required to have documentation available for inspection at all reasonable times by an official of the City detailing occupant lot and space number, name, license plate number, and arrival/departure dates.

The recreational vehicle park facility shall not provide or be used as the permanent address for any units and mailboxes shall not be provided for units.

Current recreational vehicle registration and inspection is required for the state for which the owner resides.

Park design shall to be approved by the Fire Marshall in order to meet all life/safety requirements.

Section 2 - Minimum Park Size, Setbacks, and Landscaping:

Minimum Park Size is 1 acre or 43,560 sq. ft.

A minimum of twenty (20) foot setback from property line shall be required for all yards (including front, side, and rear).

Minimum landscape and tree preservation standards are required to be met.

ARTICLE XXI

SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

Section 3 - Safety and Lighting Standards:

Park must be located where adequate roadways for maneuvering of large vehicles are available.

All recreational vehicle spaces or pads shall display numbers of standard size and placement to facilitate location by emergency vehicles. The numbers designating each space or pad shall be visible from drive aisles.

All drives aisles and walkways shall include permanent lighting that provides average illumination level of not less than 0.2 foot-candles.

Section 4 - Parking, Drive Aisles, and Circulation Standards:

All driving and walkway surfaces shall be asphalt or concrete paving.

1.5 parking spaces per recreational vehicle site.

Drive aisles shall be twenty (20) foot wide for one-way traffic and twenty-four foot (24) wide for two-way traffic. Aisle width may require modification depending on design.

All drive aisles must have interfaces (*no dead ends*) and have turn radii thirty (30) feet or greater.

Section 5 - Unit and Pad Standards:

Recreational vehicle pads shall be constructed from asphalt or concrete paving and be a minimum of 600 square feet with a minimum width of twelve (12) feet and a minimum depth of forty-two (42) feet.

Minimum separation between recreational vehicle sites is thirty-five feet (35) and will be measured from single use pedestal to single use pedestal.

Pads must be angled between (45°) and (60°).

Section 6 - Recreation, Waste Removal, Common Area Standards:

A minimum of 2,000 Sq. Ft. of recreation area, including recreation equipment, shall be provided per fifteen (15) recreational vehicle sites. Areas may consist of playgrounds, picnic/pavilion areas, and game areas (e.g. volleyball courts, swimming pool, etc).

A sewer dump station must be located close to the point of egress for the recreational vehicle park unless sewage connections are provided at each individual recreation vehicle site.

ARTICLE XXI

SUPPLEMENTAL DEVELOPMENTAL REGULATIONS

Parking must be provided per the Schedule of Permitted Uses within the Zoning Ordinance for those individual uses included in the common building, i.e. Office (1 space : 300 sq. ft), General Store (1 space : 200 sq. ft.), Indoor Recreation (1 space : 200 sq. ft.), and 2 spaces per caretaker's residence).

An adequate pedestrian crossing shall be provided linking the parking area to common buildings.

Pedestrian walkways must be provided connecting recreation, restrooms, and laundry facilities.

One dumpster shall be provided per twenty-five (25) recreational vehicle sites in a centrally located area. An enclosure (per City specification) is required.

Restrooms shall be provided for patron use in a common structure at a ratio of one men's restroom and one women's restroom per thirty (30) recreational vehicle sites. For example, 1 to 30 recreational vehicle sites require one men's restroom and one women's restroom, 31-60 recreational vehicle sites require two men's restrooms and two women's restrooms.

ARTICLE XXII

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1- DETERMINE PARKING REQUIREMENTS

Except as herein provided, any lot, or any structure or part thereof, that shall be used, erected, altered or converted for any use permitted in the district in which it is located shall provide on that lot, vehicle parking at the ratio specified in the Schedule of Permitted Uses. In computing the minimum parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development. Where parking requirements are established on the basis of seats or person capacity, the building code provisions applicable at the time of determination shall be used to define capacity.

SECTION 2-PARKING SHARING

Required parking for a development may be located off-site when authorized by the Planning Director and agreed to by all parties involved. The Planning Director may authorize such alternative location of required parking space, along with any conditions determined necessary to promote safety and as will adequately serve the public interest, subject to the following conditions:

- A. Except for location, all other requirements relating to off-street parking shall be met;
- B. Such space shall be conveniently usable without causing unreasonable;
 - 1. Hazard to pedestrians;
 - 2. Hazard to vehicular traffic;
 - 3. Traffic congestion;
 - 4. Detriment to the appropriate use of other properties in the vicinity; or
- C. Location of the shared parking shall be within a functional distance.
- D. A minimum of three spaces is required for all business uses though the remainder of the required parking may be off-site on a shared location up to a rate of fifty percent (50%) of the total parking requirement.
- E. A written agreement shall be drawn to the satisfaction of the Planning Director and executed by all parties concerned, assuring the continued availability of the off-street parking facility for the development it is intended to serve.

Notwithstanding any provision on the contrary, in no case shall a commercial use providing goods or services to the general public on site provide less than three (3) parking spaces. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

ARTICLE XXII OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 3-PARKING REQUIREMENTS AS RESULT OF SITE MODIFICATION

Whenever a building or use is changed to create a need for an increase of twenty-five (25%) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50%) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements established herein.

Any existing parking or lack of same for any conforming structure in the “CB – Central Business” District shall be considered a conforming parking arrangement. In the event of destruction of a conforming structure in the “CB – Central Business” District, such structure may be rebuilt to its pre-destruction size with no requirement for additional parking. If such structure is rebuilt to exceed its pre-destruction size, it shall comply with the parking requirements established therein.

SECTION 4-PARKING SPACE SIZE REQUIREMENT AND PERMITTED MATERIALS

To satisfy the off-street parking requirements, a parking space shall be paved with asphalt, concrete or similar impervious surface and be provided with a similarly paved driveway connecting the parking space to a street or improved (paved) alley. Driveways to single family residential homes, constructed a minimum of 100 feet from the front property line, are exempt from the impervious requirement. Under this exemption, rock, gravel, or other similar material approved by the City Engineer may be used. Artificially engineered pervious block or similar material may be utilized in place of impervious surfacing when reviewed and approved by the City Engineer. The drive approach onto the right of way must be composed of an impervious material. No off-street parking space adjacent to a street, wherein the maneuvering of a vehicle for the purpose of entering or leaving the parking space is done on the street shall be classified as off-street parking in determining satisfaction of any parking requirements herein specified, except that parking requirements for single family and two family residences may be met in such manner. No off-street parking space shall project into any street right-of-way or easement or into an alley.

Additionally, any proposed parking that is in excess of the required amount of parking for a site may be composed of artificially engineered pervious material or similar material or natural pervious material (such as gravel).

ARTICLE XXII

OFF-STREET PARKING AND LOADING REQUIREMENTS

Minimum dimensions for off-street parking spaces are:

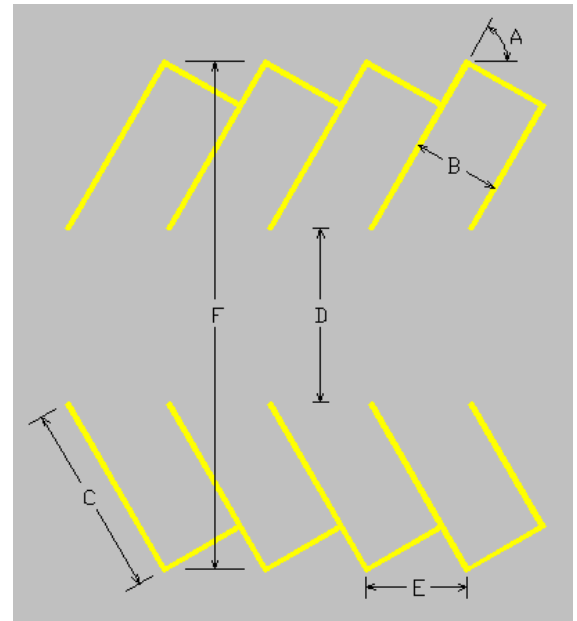
- A. Ninety degree angle parking – each parking space shall not be less than nine (9) feet wide nor less than nineteen (19) feet in length. The aisle width adjacent to the parking space shall be not less than twenty-four (24) feet.
- B. Sixty degree angle parking – each parking space shall not be less than nine (9) feet wide nor less than twenty-one (21) feet in length when measured at right angles to the building or parking line. The aisle width adjacent to the parking space shall not be less than eighteen (18) feet for one way traffic nor twenty-four (24) feet for two-way traffic.
- C. Forty-five degree angle parking – each parking space shall not be less than nine (9) feet in width nor less than nineteen and one-half ($19 \frac{1}{2}$) feet in length when measured at right angles to the building or parking line. The aisle width adjacent to the parking space shall not be less than thirteen (13) feet for one way traffic nor twenty-four (24) feet for two-way traffic.
- D. Thirty degree angle parking – each parking space shall not be less than nine (9) feet in width nor less than seventeen and one-quarter ($17 \frac{1}{4}$) feet in length when measured at right angles to the building or parking line. The aisle width adjacent to the parking space shall not be less than twelve (12) feet for one way traffic nor twenty-four (24) feet for two-way traffic.
- E. Zero degree angle parking – each parking space shall not be less than eight (8) feet in width nor less than nineteen (19) feet in length. The aisle width adjacent to the parking space shall not be less than twelve (12) feet for one way traffic nor twenty-four (24) feet for two-way traffic.

ARTICLE XXII OFF-STREET PARKING AND LOADING REQUIREMENTS

A	B	C	D		E	F
Parking Angle	Stall Width	Stall Depth	Aisle Width (One Way Traffic)	Aisle Width (Two Way Traffic)	Curb Length per Car	Curb to Curb (Parking Lot Width)
0°	8'	20'	12'	24'	23'	--
30°	9'	17.3'	12'	--	18'	37.5'
45°	9'	19.6'	13'	--	12.7'	46.5'
60°	9'	21'	18'	--	10.4'	65.5'
90°	9'	19'	24'	24'	9'	--

Except in the “CB – Central Business” District, all structures used for retail, commercial, industrial or service purposes that receive or distribute materials or merchandise by means other than passenger vehicle shall provide and maintain off-street loading space.

To satisfy the off-street loading requirement, the loading area shall be paved with asphalt, concrete or similar impervious surface and be provided with a similarly paved driveway connecting the loading area to a street or improved (paved) alley. Artificially engineered pervious block or similar material may be utilized in place of impervious surface when reviewed and approved by the City Engineer. Loading spaces shall be located no farther than one hundred (100) feet from an entrance to the building. No off-street loading area wherein the maneuvering of the delivery vehicle for the purpose of entering or leaving the loading area is done on the street or in conflict with required parking spaces or associated drive aisles shall be classified as off-street loading.



ARTICLE XXIII / XXIV NONCONFORMING DEVELOPMENT BOARD OF ADJUSTMENT

SECTION 1 – NONCONFORMING USES

Any lawful use of property existing at the time of passage of this ordinance that does not conform with the regulations prescribed in the preceding sections of this ordinance shall be deemed a nonconforming use.

A nonconforming use of land or a structure may be continued; however, when the nonconforming use is discontinued for a period of six months, such use shall conclusively be deemed to have been abandoned and shall not be resumed. Any future use of said premises shall be in conformity with the provisions of this ordinance. Normal seasonal cessation of a use, or temporary discontinuance for purposes of maintenance or rebuilding after damage or destruction as provided in this Article, shall not be included in calculating the period of discontinuance.

If no structural alterations (except those required by law or ordinance) are made, a nonconforming use may be extended throughout a building. A nonconforming use of a building may be changed to another nonconforming use of the same or more restricted zoning classification provided no structural alterations are made. In the event a nonconforming use of a building is changed to a nonconforming use of a higher or more restrictive zoning classification, it shall not later be reverted to a use in the former lower or less restrictive zoning classification.

If the structures accommodating or serving a nonconforming use are damaged or destroyed by fire, explosion, flood, tornado, riot or act of the public enemy, the structure may be rebuilt in accordance with this Article and the nonconforming use may be resumed.

The right of nonconforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the Zoning Board of Adjustment and Appeals, be reasonably required for the protection of adjacent property.

SECTION 2 – NONCONFORMING STRUCTURES

A nonconforming structure may be continued and may be enlarged, repaired or altered provided such does not create an additional nonconformity or increase the degree of existing nonconformity with respect to maximum building height and minimum yard requirements. Any alteration or enlargement shall not extend further into the required yard than the existing nonconforming portion of the building. This provision shall apply separately to each yard requirement with which the existing structure does not comply.

Nothing in this section shall prevent the restoration within a period of twelve months of a nonconforming building or structure which has been damaged or destroyed by fire, explosion, flood, tornado, riot or act of the public enemy. The restoration shall not create an additional nonconformity or increase the degree of nonconformity established

ARTICLE XXIII / XXIV NONCONFORMING DEVELOPMENT BOARD OF ADJUSTMENT

by the building or structure that was damaged or destroyed. A nonconforming structure shall not be restored in case of obsolescence or demolition.

SECTION 3 – EFFECT OF NONCONFORMING DESIGNATION

A request for nonconforming designation, or request for relief under this designation, shall not create an estoppel of the trial of any lawsuit which may be filed in any court. There is hereby created a Zoning Board of Adjustments and Appeals consisting of five (5) members each to be appointed by the City Council. The City Council shall also appoint four (4) alternate members of the Zoning Board of Adjustments and Appeals who shall serve in the absence of one or more regular members when requested to do so by the Mayor or the City Manager. The members and alternates of the Zoning Board of Adjustments and Appeals shall be residents of the City of Lufkin, Texas, property owners, and qualified voters of the City of Lufkin. Three (3) of the regular members shall be appointed for two (2) year terms and two (2) regular members shall initially be appointed for one (1) year terms and the alternate members shall be appointed for two (2) year terms. Any member is subject to removal for cause by City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member or alternate whose term becomes vacant. The Zoning Board of Adjustments and Appeals may adopt rules to govern its proceedings, provided that such rules are not inconsistent with this ordinance. All cases to be heard by the Zoning Board of Adjustments and Appeals will always be heard by a minimum of five (5) members.

All members present, including the Chairman shall vote on every motion. Any member of the Board present and refusing to vote shall be entered in the minutes of such meeting as voting in the affirmative, provided however, that a member of the Board shall not vote upon the consideration of any matter involving his own official conduct or where his financial interest is involved; in which event such member shall give his reasons for not voting and such reasons shall be entered upon the minutes of the Board. Minutes of all meetings of the Board shall be taken and recorded and such shall constitute a public record. Meetings of the Zoning Board of Adjustments and Appeals may be held at the call of the Chairman, who may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Adjustments and Appeals shall be open to the public.

The Zoning Board of Adjustments and Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.

Such appeals can be taken by any person aggrieved or by any officer, department, board or department of municipality affected by any decision of the administrative office. Such appeals shall be taken within fifteen (15) days

ARTICLE XXIII / XXIV NONCONFORMING DEVELOPMENT BOARD OF ADJUSTMENT

time after the decision has been rendered by the administrative office, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustments and Appeals, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings upon the action appealed unless the officer from whom the appeal is taken certifies to the Zoning Board of Adjustments and Appeals, after the notice of appeal shall have been filed with him, that by reason of facts, stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Zoning Board of Adjustments and Appeals or by a court of record or application on notice to the officer from whom the appeal is taken and on due cause shown.

The Zoning Board of Adjustments and Appeals shall hear an appeal within 30 days from date of filing notice of appeal, after public notice thereof, as well as due notice to the parties in interest and decide the same within 60 days from date of such hearing. Upon the hearing any party may appear in person or by attorney or by agent.

- B. To provide relief from the terms of the Zoning Ordinance when, because of special circumstances applicable to the property, the strict application of the zoning regulations will deprive such property of privileges enjoyed by other property in the vicinity having the identical zoning classification. The Board will ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

The Zoning Board of Adjustment and Appeals may grant a variance, due to an unnecessary hardship, when it makes affirmative findings of fact on each of the following criteria:

1. The hardship for which the variance is requested is unique to the property and not general to the area in which the property is located;
2. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations of the zoning district in which the property is located.

It may be considered an unnecessary hardship when a lot of record within a single-family zoning district does not meet the dimensional requirements of that zoning district, and the application of the dimensional requirements would deprive the property owner of a structure deemed common to the majority of

ARTICLE XXIII / XXIV NONCONFORMING DEVELOPMENT BOARD OF ADJUSTMENT

single-family residences and reasonably required for the maintenance of the residence and for the protection of adjacent property.

- C. In exercising its powers, the Board may, in conformity with the provisions of Articles 1001-A and including 1011-J of the 1925 Civil Statutes of Texas, revise or reform wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken, provided however, that the concurring vote of four (4) members of the Board shall be necessary to revise any order, requirements, decision or determination of any such administrative official; or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variances in said ordinance.

Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board of Adjustments and Appeals, or any officer, department, or Board of the Municipality may present to court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

ARTICLE XXV

ENFORCEMENT AND PENALTY FOR VIOLATION

The provisions of this ordinance shall be administered and enforced by the Building Official of the City. All applications for building permits shall be accompanied by a site plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use of the property, and such other information as may be necessary to provide for the enforcement of the regulations. A careful record of such applications and plats shall be kept in the office of the Building Official.

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one thousand (\$1,000) dollars, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where any thing in violation of this ordinance shall be placed or shall exist, and architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

ARTICLE XXVI

CHANGES AND AMENDMENTS

The City Council, by ordinance, may amend, supplement or change zoning district boundaries or the regulations herein established. Any action by the City Council to amend, supplement or change zoning district boundaries or other regulations herein established, shall be made only after a public hearing conducted by the Planning and Zoning Commission and receipt of a recommendation from the Commission. The City Council shall also conduct a public hearing before adopting any amendment, supplement or change. Notwithstanding any procedure established by the City of Lufkin to facilitate amendments, supplements, or changes, the procedure shall comply with the minimum requirements established by the State of Texas.

Any person, firm or corporation having a proprietary interest in any property may make application requesting an amendment, supplement or change to a zoning district boundary or regulation, herein established. Such application shall consist of all necessary information and documentation to adequately convey the aspects of the request. The application shall be accompanied by a filing fee in an amount established by the City Council.

The Planning and Zoning Commission, on its own volition; at the request of the City Council; or any city department, board, agency or other commission, may study and propose amendments, supplements or changes to zoning district boundaries or the regulations contained herein.

Where the Planning and Zoning Commission is considering a change in zoning or approval of a Special Use Permit, the Commission may, within its discretion, make the following recommendations to the City Council:

- A. Recommend approval of the change in zoning;
- B. Recommend denial of the change in zoning;
- C. Recommend denial of Special Use Permit;
- D. Recommend approval of a Special Use Permit, allowing a specified use, within a higher classified zoning district. Conditions of operation, location, arrangement and construction, may be established when deemed important to the welfare and protection of adjacent property.

If a proposed change to a regulation or boundary receives written protest, being signed by the owners of at least 20 percent of the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, then a three-fourths affirmative vote of all the members of the City Council shall be required in order to take effect. In computing the percentage of land under protest, the area of streets and alleys shall be included. Additionally, an affirmative vote of at least three-fourths of all members of the City Council is required to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a regulation or boundary be denied in order for the change to take effect.

ARTICLE XXVI CHANGES AND AMENDMENTS

The Official Zoning Map of the City shall be kept in the City Planning Department, and all changes in district boundaries shall be noted thereon immediately after approval by the City Council.

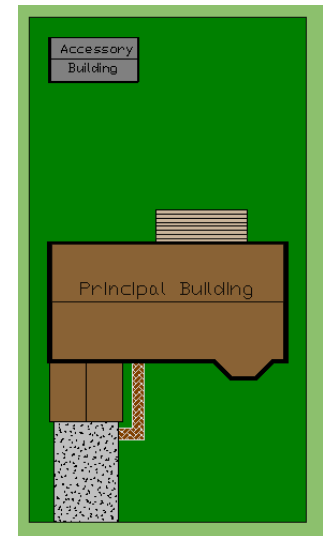
In those circumstances where a request for a change in zoning or a request for approval of a Special Use Permit is denied by the Governing Body there may be no other submittal for approval for the same property until a period of 12 months has passed. An exception may be granted to this provision for applications that have undergone substantial change. Substantial change is evidenced by the addition of a buffer area between the applicant and adjacent properties or the requested zoning classification has been changed from the original application. Additionally, a formal request can be made to the Planning and Zoning Commission to determine whether the application has substantial change and warrants being rescheduled for the Commission at a follow-on meeting. Requests for determinations of substantial change will be listed as individual agenda items for the Commission. This request must occur at a meeting separate from the hearing for approval.

ARTICLE XXVII DEFINITIONS

Certain words in this ordinance are defined for the purpose hereof as follows:

Words in the present tense include the future; words in the singular number include the plural number; the words in the plural number include the singular; the word “building” includes the word “structure”; the word “lot” includes the word “plot”; the word “shall” is mandatory and directive.

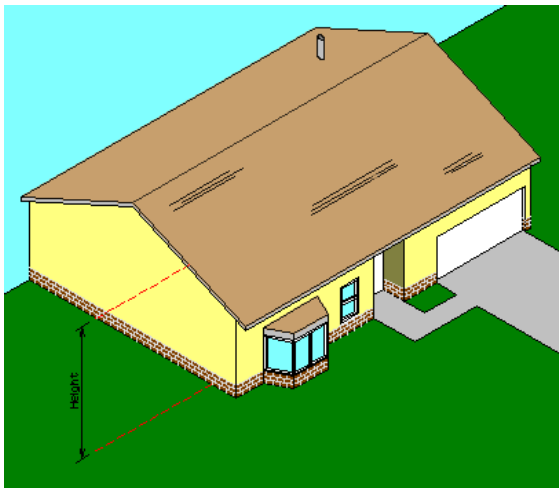
- **ABUT:** To physically touch or border upon; to share a common property line but not overlap. See ADJOINING LOT OR LAND
- **ACCESSORY BUILDING:** A structure detached from the principal building which:
 1. is subordinate to and serves a principal building or principal use;
 2. is subordinate in area, extent, or purpose to the principal building or principal use served; and,
 3. is located on the same lot as the principal building or principal use. An owner of two (2) or more adjoining lots may use an adjoining lot for an accessory building when the lot on which the accessory building will be located adjoins the lot with the principal building. In any residentially zoned district, the accessory building may not have separate utilities, be used for commercial purposes or utilized by individuals other than the principal building’s residents.
- **ACCESSORY USE:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- **ADJOINING LOT OR LAND:** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See ABUT
- **ALLEY:** A public service space or roadway providing secondary means of public access to abutting property and not intended for general traffic circulation.
- **ANIMAL KENNEL:** A commercial establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
- **APARTMENT:** See DWELLING, MULTIPLE FAMILY
- **APPROVED PLAN:** A plan that has been granted final approval by the appropriate approving authority.
- **AUTOMOBILE SALES:** The use of any building, land area, or other premises for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.
- **AUTOMOBILE SERVICE STATION:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and



ARTICLE XXVII DEFINITIONS

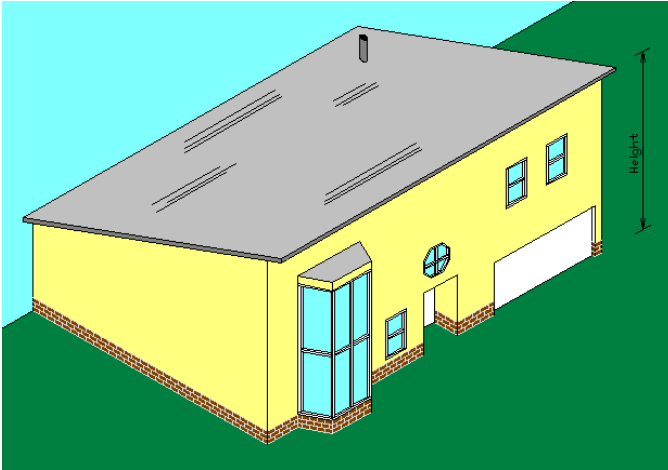
repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, similar vehicle accessories and sundry items.

- **AUTOMOBILE WASH:** Any building or premises or portions thereof used for washing automobiles.
- **AUTOMOTIVE REPAIR SERVICES:** Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.
- **BASEMENT:** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.
- **BED AND BREAKFAST HOME:** An owner occupied residence, other than a hotel; which provides temporary sleeping accommodations and a meal only to registered guests of the establishment at no additional cost; and which meets the criteria established for "Bed and Breakfast Home" as stated in Article XXI of the Zoning Ordinance.
- **BLOCK:** An area within the City enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.
- **BOARDING OR LODGING HOUSE:** A building other than a hotel, where lodging and meals for five or more persons are served for compensation.
- **BUILDING:** Any structure or building for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind.
- **BUILDING HEIGHT:** The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip, and gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, flagpoles, and parapet walls not exceeding four (4) feet in height.

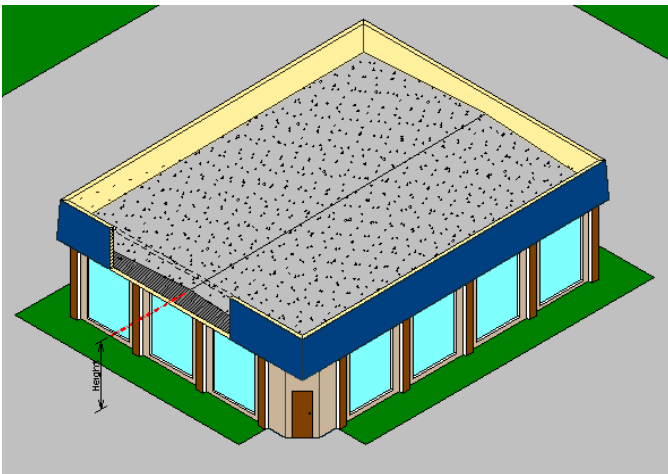


**Note – For a gable, hip or gambrel roof, the building height is measured at the center point between the ridge and the eave.*

ARTICLE XXVII DEFINITIONS



**Note –For a flat or shed roof, the building height is measured at the highest point of the roof.*



**Note –For a mansard roof, the building height is measured at the deck line of the roof, a four (4) foot parapet is permitted.*

- **BUILDING LINE:** A line parallel to the street line establishing the minimum required front yard.
- **BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is located.
- **BUSINESS:** Includes retail, commercial and manufacturing uses and districts as herein defined.
- **BYOB VENUE:** Any room, space, structure, or building or venue open to the public in which patrons bring their own alcoholic beverages which are consumed on premises, and one or more of the following applies:
 1. Patrons are provided with a designated area for dancing or are permitted to dance;
 2. Low lighting levels;
 3. Entertainment by a live band or recorded music generating above normal sound levels.

The hours of operation for BYOB venues are limited to hours of operation between 8:00 a.m. to midnight (12:00 a.m.) daily. Doors shall remain unlocked during business hours.

ARTICLE XXVII DEFINITIONS

- **CAMPGROUND:** Land where individuals can camp overnight in tents but where RV's, trailers, and similar vehicular units are not permitted.
- **CHURCH:** A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated and accessory uses.
- **CLINIC:** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel or social worker.
- **CLUB/SOCIAL ORGANIZATION (CHILDREN):** A facility providing entertainment to the public where activities take place indoors or outdoors and which may include rides, games, concessions, and exhibits.
- **COMMUNITY OR SOCIAL BUILDING:** A building used for recreational, social, educational and cultural activities generally owned, maintained and operated by a homeowners association for the enjoyment of resident members.
- **CUSTOMARY HOME OCCUPATIONS:** A commercial activity that:
 1. is conducted by a person on the same lot (in a residential district) where such person resides, and
 2. is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if:

1. goods, stock in trade, or other commodities are displayed,
2. any on-premises retail sales occur,
3. a person not a resident on the premises is employed in connection with the purported home occupation,
4. it creates objectionable noise, fumes, odor, dust, electrical interference or increases traffic significantly,
5. more than twenty-five percent (25%) of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than five hundred (500) square feet of gross floor area (whichever is less), is used for home occupation purposes,
6. or involves the display of a sign.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria:

1. the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional,
2. workshops, greenhouses, or kilns,
3. dressmaking or hairdressing studios.

ARTICLE XXVII DEFINITIONS

- **DAY CARE:** Any structure which is utilized to provide care to more than six children (exclusive of the natural, foster, or adopted children of the residents of the structure); utilizes persons other than those residing in the structure to provide care; or provides care between 12:00 Midnight and 7:00 AM.
- **DAY NURSERY:** Any dwelling structure, which is utilized by only the residents of that structure, to provide care for not more than six children (exclusive of the natural, foster or adopted children of the residents of the structure) between the hours of 7:00 AM and 12:00 Midnight; and which displays a current registration certificate for the provision of child care from the appropriate State Agency.
- **DISTILLATION OF LIQUORS, SPIRITS, ETC.:** An operation in which an authorized entity is permitted to manufacture distilled spirits and rectify, purify, and refine distilled spirits, mix liquor, bottle and package finished products and sell to wholesalers and qualified individuals outside this state and import from nonresident seller distilled spirits for manufacturing and rectifying purposed in compliance with state and federal law.
- **DISTILLATION OF LIQUORS, SPIRITS, ETC.—CRAFT:** An operation in which an authorized entity is permitted to manufacture distilled spirits and rectify, purify, and refine distilled spirits, mix liquor, bottle and package finished products and sell to wholesalers and qualified individuals outside this state and import from nonresident seller distilled spirits for manufacturing and rectifying purposed in compliance with state and federal law. The operation is authorized to sell distilled spirits to the ultimate consumer for consumption on the licensed premises (up to 3,000 gallons annually) and for consumption off the premises (up to 3,500 gallons annually, no more than two 750 ml bottles to a person in a 30-day period) in compliance with state and federal law.
- **DRINKING ESTABLISHMENT:** Any building or premises primarily engaged in the retail sale of alcoholic beverages such as beer, ale, wine and liquor, for consumption on the premises. Typical establishments include: bars, night clubs, lounges and dance halls.
- **DUPLEX:** See DWELLING, TWO-FAMILY
- **DWELLING, MULTIPLE-FAMILY:** A building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more dwelling units; or which is occupied as the home or residence of three or more families living independently of each other.
- **DWELLING, SINGLE FAMILY:** A building containing one dwelling unit and that is not attached to any other dwelling by any means and which is occupied by not more than one family.
- **DWELLING, TWO-FAMILY:** A building on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units and which is occupied by not more than two families.
- **DWELLING UNIT:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter.

ARTICLE XXVII DEFINITIONS

- **EATING ESTABLISHMENT:** Any building or premises primarily engaged in the retail sale of prepared food and drink for on-premise or immediate consumption.
- **ELECTRONIC CIGARETTES (E-CIGARETTES):** An electronic nicotine delivery system (ENDS) simulates smoking by using a mechanical heating element, battery, or electrical circuit to deliver nicotine or other substances by inhalation. The term includes any such device, whether manufactured or distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or other product name or descriptor.
- **DISTRICT:** A section of the city for which the regulations governing the area, height or use of the building are uniform.
- **FAMILY:** A family is any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood.
- **FARM:** An area of two acres or more, which is used for the growing of the usual farm products such as vegetables, fruit trees and grain and their storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine including dairy farms with the necessary accessory uses and for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.
- **FLOOR AREA, GROSS:** The total horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating adjoined buildings or structures, but excluding any space where the floor-to-ceiling height is less than six feet.
- **FOOD PROCESSING ESTABLISHMENT:** An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.
- **FRATERNITY AND SORORITY HOUSE:** A building other than a hotel, which is occupied only by individuals enrolled in a college or university located within the City and persons to attend the house and supervise the activities of the fraternity or sorority. Except for the attendants, each resident must be a member of a fraternity or sorority that is recognized by the college or university and chartered by a state or national organization.
- **GAME ROOM:** A game room is a for-profit business located in a building or place that contains six or more amusement redemption machines or electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made or adopted solely for bona fide amusement purposes. See *Local Government Code Section 234.131*
 - 1) *All Game Rooms shall be limited to hours of operation between 8:00 a.m. to 10:00 p.m. Monday through Sunday.*
 - 2) *No Game Room shall be located within 300 feet of a residential use or a residential district or within 300 feet of a church, synagogue, other house of worship, school, daycare, or hospital or within 2,000 feet of another Game Room.*

ARTICLE XXVII DEFINITIONS

3) *Doors must remain unlocked during the hours of operation.*

- **GRADE:** For buildings having walls adjoining one street only. It is the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalks at the center of all walls adjoining the street; for buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building; any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the City Engineer shall establish such sidewalk level or its equivalent for the purpose of these regulations.
- **HOME OCCUPATIONS:** See CUSTOMARY HOME OCCUPATION
- **HOSPITAL:** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.
- **HOTEL AND MOTEL:** A facility offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreation facilities.
- **H.U.D. REGULATIONS:** The Mobile Home Construction and Safety Standard Act, 42 U.S.C.S., Section 5401 et seq., as the same now exists or as is amended.
- **IMPERVIOUS SURFACE:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
- **INSTITUTIONAL USE:** A nonprofit, religious, or public use, such as church, library, public or private school, hospital, or government owned or operated building, structure or land used for public purpose.
- **JUNK:** An manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, dilapidated, or so worn, deteriorated or in such a condition as to be generally unusable and/or inoperable. Without limiting the generality of the foregoing, anything that is water-soluble, primarily organic or not typically associated with junkyard activities may not be considered junk.
- **JUNKYARD:** The outdoor use of any lot for the sale, storage, display, dismantling, demolition, abandonment or discarding of junk as defined by this Article.
- **KINDERGARTEN:** A school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.
- **LANDSCAPING:** The following words, terms and phrases, when used in the landscaping section of Article XXI (Supplemental Regulations) shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning.
 - **BUILDING SITE:** the tract, parcel or lot of land area being developed.

ARTICLE XXVII DEFINITIONS

- **DIAMETER:** the measurement of a tree at six (6) inches above ground level.
- **GROUND COVER:** grasses and other plants grown to keep soil from being blown or washed away and planted so as to develop full coverage within eighteen (18) months. Bark mulches, gravel and other pervious material may be used as ground cover under trees and shrubs.
- **LANDSCAPE DEVELOPMENT:** trees, shrubs, ground cover, vines or grass installed in planting areas having a minimum of ten (10) square feet of actual planting area and a minimum inside dimension on any side of eighteen (18) inches.
- **SHRUB:** any self-supporting, woody, evergreen species as normally will grow in the county.
- **TREE:** any self-supporting, woody plant of a species that normally grows to an overall height of a minimum of fifteen (15) feet in the county. At the time of planting, the minimum diameter shall be one (1) inch.
- **TREE BOARD:** an advisory body, appointed by the City Council, having the responsibility to study, investigate, counsel and develop plans for the care, preservation of trees and shrubs in parks, along streets and in other public areas.

■ **LAUNDROMAT:** An establishment providing washing, drying or dry cleaning machines on the premises for use by the general public.

■ **LOT:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

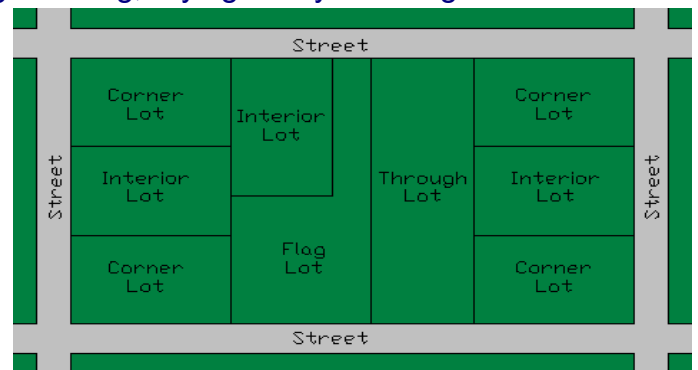
■ **LOT AREA:** The area of the lot shall be the net area within the lot lines and shall not include portions of streets and alleys.

■ **LOT, CORNER:** A lot abutting two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

■ **LOT, FLAG:** A lot which has a stem, or a narrow strip of land connecting the main property to the street. The stem or strip must be wide enough to meet the subdivision requirement for frontage on a street, but may be less than the required width for the particular zone in which it is situated.

■ **LOT, INTERIOR:** A lot other than a corner lot.

■ **LOT, THROUGH:** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.



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- **LOT DEPTH:** The mean horizontal distance between the front and rear lot line on interior lots; between the front and opposite side lot line on corner lots; and between front yard lines on through lots.
- **LOT LINE:** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. The front lot line shall be the line addressed by the City of Lufkin. The rear lot line shall be the line opposite of that addressed. Any lot line not a front or a rear, shall be a side lot line. Front lot lines shall be determined by the City of Lufkin, if there are two potential front lot lines.
- **LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk, or a parcel of land, the deed for which was recorded in the office of the County Clerk prior to June 18, 1963.
- **LOT WIDTH:** The horizontal distance between the side lines of a lot measured parallel to the front lot line at the minimum required building setback line.
- **MANUFACTURED HOME:** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle.
- **NONCONFORMING STRUCTURE:** A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
- **NONCONFORMING USE:** A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.
- **OUTDOOR SALES:** Any primary use of a premises not specifically listed in the Schedule of Permitted Uses, whereon goods, stock in trade or other commodity is displayed for the purpose of sales and which the display area is greater than 30% of the gross floor area of the principal building.
- **OFFICE, PROFESIONAL and BUSINESS:** Administrative, managerial, service, executive, professional, governmental, educational, research, or similar entities and laboratories, whether for profit or non-profit, having only limited contact with the public. Entities which benefit from and contribute to an environment of semi-residential nature characterized by low vehicular traffic and pedestrian volumes, lack of distracting, irritating, or sustained noise, and low density of building developments. It has limited activity regarding sales or distribution of merchandise as to be incidental or accessory to the principal permissible use and constitute no greater than twenty percent (20%) of the gross revenue of the office. Uses in which sales are greater than twenty percent (20%) of the gross revenue of the organization are classified as Retail or Wholesale stores.

ARTICLE XXVII DEFINITIONS

- **OFFICE, MEDICAL:** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, or medical personnel or social worker.
- **PARK (PUBLIC OR PRIVATE):** A recreational facility either Public or Private containing a park or playground.
- **PARKING SPACE:** An area meeting the dimensional requirements prescribed by this ordinance, surfaced with an all-weather surface together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. The space shall not be located within a public street or alley, nor shall head in parking adjacent to a public street or alley, wherein the maneuvering is done on a public street or alley, shall not be classified as off-street parking in computing the parking requirements for any use.
- **PAVEMENT:** A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate pedestrian or vehicular passage as may be required.
- **PERSONS:** Any person, partnership, firm, company, corporation, tenant, owner, lessee or licensee, agent, heir or assign.
- **PLACE:** An open, unoccupied space reserved for purposes of access to abutting property.
- **PRIVATE CLUB:** An association of persons, whether incorporated or unincorporated, and whose members must be passed upon and elected as individuals by a committee or board made of members of such club, said association being required to be licensed or permitted by the Alcoholic Beverage Commission of the State of Texas, and as further defined in Article 666-15e of Vernon's Annotated Penal Code of the State of Texas, as presently written or as the same may be amended or rewritten from time to time hereafter.
- **RECREATIONAL VEHICLE:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self propelled motor homes.
- **RECREATIONAL VEHICLE PARK:** Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
- **RESIDENTIAL HEALTH CARE FACILITY:** Residences usually occupied by the frail elderly that provide rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse and that may provide other services, such as recreational, social, and cultural activities, financial services, and transportation.
- **RIDING ACADEMY, COMMERCIAL STABLE:** An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.
- **SALVAGE STORAGE YARD:** See JUNKYARD.
- **SANITARY LANDFILL:** A site for solid waste disposal.

ARTICLE XXVII DEFINITIONS

- **SCHOOL, COLLEGE OR UNIVERSITY:** An educational institution authorized by the state to award associate, baccalaureate or higher degrees.
- **SCHOOL, VOCATIONAL:** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.
- **SCRAP METAL STORAGE YARD:** See JUNKYARD.
- **SHELTERED CARE FACILITY:** A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation.
- **SHOPPING CENTER:** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking on-site.
- **SERVANTS QUARTERS:** An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.
- **SIGN, APARTMENT OR HOUSING PROJECT:** A sign giving the nature, logo or other identifying symbol, address, or any combination of the name, symbol and address of an apartment complex or housing project. The sign shall be located only within a common area associated with the development and shall not be construed to identify an individual lot or occupant of a premises.
- **SIGN, BUSINESS:** A sign that directs attention to a business or profession conducted; or to a commodity or service sold, offered, or manufactured; or to an entertainment offered on the premises where the sign is located.
- **SIGN, MONUMENT:** Permanent sign wherein the entire bottom of the sign is affixed to the ground, not to a building or similar structure.
- **SIGN, NAME PLATE:** A sign not exceeding one square foot in area, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.
- **SIGN, OFF PREMISE:** Any sign or structure used for advertising or display purposes promoting or advertising goods or services not sold, manufactured, distributed, nor stored for commercial purposes, on the premises on which said sign or structure is located.
- **SIGN, PERMANENT BULLETIN BOARD:** A sign that identifies an institutional use on the premises of which it is located and that contains the name of the institution and general announcements of events or activities occurring at the institution or similar messages. Said sign may include the display of sponsor(s) of the institution provided such display area on each sign face does not exceed 15% of the smallest area that encompasses the name of the institution and the message portion of the sign or 24 square feet, whichever is smaller.
- **SIGN, PYLON:** A freestanding sign with visible support structures or with the support structure enclosed within a pole cover or similar device.

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- **SIGN, REAL ESTATE:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- **STORAGE FACILITY, SELF-SERVICE:** A structure containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases or varying periods of time.
- **STREET:** Any vehicular way, whether improved or unimproved, that:
 - 1. is an existing state, county, or municipal roadway;
 - 2. is shown upon a plat approved pursuant to law; or
 - 3. is approved by other official action.
- **STREET LINE:** A dividing line between a lot, tract or parcel of land and a contiguous street.
- **STRUCTURAL ALTERATIONS:** Any change in the supporting member of a building, such as a bearing wall, column, beam, or girder.
- **STRUCTURE:** Any man-made object that needs support and rises more than 2.5 feet above ground level.
- **TEMPORARY BUILDINGS:** A building used for construction purposes or a field office for the sale of real estate.
- **TEMPORARY COMMERCIAL AMUSEMENT:** Enterprises such as circuses, carnivals, rodeos, pony rides and miniature train rides for a maximum period of ten consecutive days.
- **TRANSIT TERMINAL:** Any premises for the storage or parking of mass transit vehicles such as buses, shuttles and passenger trains and the loading and unloading of passengers.
- **VAPING:** Use of an electronic nicotine delivery system (ENDS) for nicotine or other substance.
- **VAPE SHOP / VAPE RETAIL STORE:** Any commercial establishment with a significant focus on selling ENDS that derives more than fifty percent (50%) of its annual gross sales from e-cigarettes, vaping products, vapes, vaping implements or any accessories thereto and the sale of other products is merely incidental.
 - 1. No electronic cigarette or vape retail store shall be located within one thousand feet (1000') of a residential use or residential district or within one thousand feet (1000') of a church, school, daycare or hospital or within one thousand feet (1000') of another vape shop or vapor retail store.
 - 2. Any vape shop or vape retail store operating as of the effective date of this ordinance, which is determined to be in violation thereof, shall be classified as a legal nonconforming use. Such nonconforming use may continue to operate unless earlier terminated due to any cause, including but not limited to the cessation of business operations for a continuous period of six (6) months or longer. In the event that the business discontinues operations for six months (6) or longer, the nonconforming status shall be deemed forfeited, and the use shall no longer be permitted. Thereafter, any continued operation shall be required to conform in all respects to the provisions and requirements set forth in this ordinance.

ARTICLE XXVII DEFINITIONS

3. EXCEPTION. This section does not apply to grocery stores, department stores or convenience stores in which the sale of electronic cigarettes, vapes, vaping products, vaping juice, e-liquid, vaping paraphernalia and accessories are less than fifty percent (50%) of annual gross sales.

- **VETERINARY HOSPITAL:** A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.
- **WRECKING MATERIALS YARD:** See JUNKYARD.
- **YARD:** An open space between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.
- **YARD, FRONT:** An open space running parallel to an abutting street(s), which is unoccupied by structures from the ground up except for such projections as are expressly permitted.
- **YARD, REAR:** An open, unoccupied space on a lot, and being the minimum horizontal distance between rear lot line and the principal building.
- **YARD, SIDE:** An open, unoccupied space on a lot, and being the minimum horizontal distance between the side lot line and the principal building. Any lot line not the rear line or a front line shall be deemed a side line.

ARTICLE XXVIII

COMPLETION OF EXISTING BUILDINGS AND PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of passage of this ordinance and which the entire building shall be complete within (1) one year from the passage of this ordinance.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within six (6) months from the date of passage of this ordinance. If any amendment to this ordinance is hereafter adopted changing the boundaries or districts, the provisions of this ordinance with regard to building or premises existing or buildings under construction or building permits issued at the time of the passage of this ordinance, shall apply to building permits issued in the area affected by such amendment at the time of the passage of such amendment.

By passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense was committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the Zoning Ordinance (Ordinance No. 1146) was repealed and the present Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

ARTICLE XXIX REPEALING CLAUSE

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ARTICLE XXX VALIDITY

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