



MURPHY PLANNING AND ZONING COMMISSION AGENDA  
REGULAR PLANNING AND ZONING COMMISSION MEETING  
JULY 25, 2011 AT 6:30 PM  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on July 25, 2011 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**CALL TO ORDER**

**ROLL CALL & CERTIFICATION OF A QUORUM**

**PUBLIC COMMENTS**

**CONSENT AGENDA**

All consent agenda items are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Approval of the Minutes from the regular meeting of May 23, 2011.

**INDIVIDUAL CONSIDERATION**

- 1. Discussion on the application of the City of Murphy requesting amendments to Chapter 28 "Development Standards".

**ADJOURNMENT**

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on July 22, 2011 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

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Kim McCranie  
Executive Administrative Assistant

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at (972) 468-4011 or [anemer@murphytx.org](mailto:anemer@murphytx.org).

John McKay  
Chairman

Vacant  
Vice-Chairman

Jon King  
Secretary

Ty Holcomb  
Commissioner

Jane Jan  
Commissioner

Steve Levy  
Commissioner

Stephanie Merrifield  
Commissioner

Gus Delaloye  
Alternate

Kenneth Steubing  
Alternate

Kristen Roberts  
Director of Economic  
and Community  
Development



Murphy Planning and Zoning Commission Regular Meeting Minutes  
206 North Murphy Road  
Murphy, Texas 75094

May 23, 2011

## CALL TO ORDER

Secretary King called the meeting of the Planning and Zoning Commission to order at 6:30 p.m.

## ROLL CALL & CERTIFICATION OF A QUORUM

**Commissioners Present:** Jon King, Ty Holcomb, Jane Jan, Steve Levy  
**Commissioners Absent:** John McKay, Julie Jones, Stephanie Merrifield

**Alternates Present:** Gus Delaloye, Ken Steubing  
**Alternates Absent:** None

**City Staff Present:** David Young, Building Official  
Kim Lenoir, Community Services Manager  
Perry Elliot, Administrative Captain - Fire  
Kim McCranie, Executive Administrative Assistant

Kim McCranie certified a quorum with all Commissioners present except for John McKay, Julie Jones and Stephanie Merrifield and Alternates Gus Delaloye and Ken Steubing voting.

## PUBLIC COMMENTS

There were no public comments received.

## CONSENT AGENDA

All consent agenda items are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Approval of the Minutes from the regular meeting of April 25, 2011.
- B. Consider and/or act on the application of the **Plano Independent School District** requesting approval of the Final Plat for McMillen High School on property zoned PD (Planned

Development) District for Public School, Stadium and Other School District Support Uses. This property is located on North Murphy Road, north of Spring Ridge Drive.

**Commission Action**

Commissioner Jan moved to approve the Consent Agenda as presented. Commissioner Delaloye seconded the motion. Motion passed 6-0.

**INDIVIDUAL CONSIDERATION**

1. Hold a public hearing and consider and/or act on the application of the **City of Murphy** requesting to amend Chapter 86 (Zoning) of the City of Murphy Code of Ordinances regarding Alternative Financial Establishments (aka check cashing business, payday advance or loan business or a car title loan business).

**Staff Comments**

David Young said the current Comprehensive Zoning Ordinance was adopted on May 17, 2004 (via Ordinance No. 04-05-610). He said the City Council adopted the 2008 Comprehensive Plan on October 6, 2008. He said one of the primary methods to implement the recommendations of the Comprehensive Plan is to modify the Comprehensive Zoning Ordinance accordingly. He said Staff is proposing the following amendments to Chapter 86 of the Comprehensive Zoning Ordinance:

- Add definitions for Alternative Financial Establishment, Car Title Loan Business, Check Cashing Business and Payday Advance or Loan Business, which are permitted uses within the Retail District, Light Commercial District and Business Park District.
- Amend the land use, as allowed, under the division of “Retail District”, “Light Commercial District” and “Business Park District” a land use for “Alternative Financial Establishments”, “Car Title Loan Business”, “Cash Checking Business” and “Payday Advance or Loan Business” and designating such use as allowed only by Specific Use Permit (SUP).

Mr. Young said staff recommends a motion to approve the proposed amendments to Chapter 86 as submitted.

**PUBLIC HEARING OPENED AT 6:34 PM**

**Public Comments**

There were no public comments received.

**PUBLIC HEARING CLOSED AT 6:34 PM**

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**Commission Action**

Commissioner Levy moved to approve the application of the City of Murphy requesting to amend Chapter 86 (Zoning) of the City of Murphy Code of Ordinances regarding Alternative Financial Establishments (aka check cashing business, payday advance or loan business or a car title loan business) as submitted. Commissioner Steubing seconded the motion. Motion passed 6-0.

**ADJOURNMENT**

With no other business before the Commission, Secretary King adjourned the meeting at 6:36 p.m.

**APPROVED:**

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Jon King, Secretary

Attest:

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Secretary

**Issue**

Discussion on the application of the City of Murphy requesting amendments to Chapter 28 "Development Standards".

**Background**

On May 18, 2009, City Council adopted an ordinance revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28) in the Code of Ordinances. The following development standards were then moved to Chapter 28 of the Code of Ordinances:

- Sign Regulations
- Lighting Regulations
- Landscape/Tree Preservation Regulations
- Exterior Construction and Design Regulations
- Fence/Screening Regulations
- Performance Standards
- Noise Regulations
- Multi-Family Development Standards
- Hotel/Motel Standards (newly created at the time)
- Senior/Assisted Living Standards (newly created at the time)

On October 18, 2010, the City Council initially directed staff to review Chapter 28 with the main emphasis of potential change to sign regulations, fencing, walls and screening regulations and exterior construction standards.

On June 21, 2011, City Council reviewed new recommendations to Chapter 28 and offered feedback for staff and Planning & Zoning Commission consideration.

**Financial Considerations**

N/A

**Considerations**

Attached are recommended revisions to the development standards listed in Chapter 28. At the December 13, 2010 meeting, the Commission made suggested changes to the Development Standards. On June 21, 2011, City Council made suggested changes to the Development Standards. These changes have been incorporated and are included for your review.

**Staff Recommendation**

Staff recommends discussion of the revisions as submitted. A public hearing, consideration and/or action on the application of the City of Murphy requesting amendments to Chapter 28 “Development Standards” will be held at the August 22, 2011 Planning & Zoning Commission meeting.

**Attachments**

Chapter 28 - Development Standards – with highlighted revisions  
Recommendations Comparison

*Kristen Roberts, Director of Economic and Community Development*  
**Submitted By**

**“ARTICLE I. SIGNS**

**Section 28-1. Purpose.**

Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and, in part, to achieve the following:

- (A) Safety. To promote the safety of persons and property by providing that signs:
  - (1) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
  - (2) Do not obstruct firefighting or police surveillance; and
  - (3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
- (B) Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
  - (1) Businesses and services may identify themselves;
  - (2) Customers and other persons may locate a business or service;
  - (3) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
  - (4) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (C) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
  - (1) Do not interfere with scenic views;
  - (2) Do not create a nuisance to persons using the public rights-of-way;
  - (3) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
  - (4) Are not detrimental to land or property values; and
  - (5) Contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

**Section 28-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Terms not defined herein shall have the meaning assigned to them in the Building Code. Terms not defined herein or in the Building Code shall have the meaning customarily assigned to them by the dictionary.

*Activity* means any person, business, organization or other entity.

*Awning* means a roof-like structure, temporary in nature, which is not an integral structural part of and is accessory to the building which it serves and is retractable, collapsible or capable of being folded.

*Building* means a structure which has a roof supported by walls for the shelter, support or enclosure of persons, animals or chattel.

*Canopy* means a projecting roof-like covering which is a permanent and integral part of the building's structure.

*Character* means any letter of the alphabet or any numeral.

*City* means the City of Murphy, Texas.

*Commission* means the Plan Commission of the City of Murphy.

*Expressway* means any public right-of-way designated as an expressway or freeway by the ordinances or resolutions of the City of Murphy, as amended.

*Facade* means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five (45) degrees of one another, they are to be considered as part of a single facade.

*Height*, as applied to a sign, shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average grade within 5 feet of any part of the sign.

*Intersection* means the junctions of the centerlines of any two (2) public rights-of-way, other than alleyways, crossing at grade, or, where the crossing is separated at grade, the intersection shall be the point at which expressway travel pavements converge or diverge, or the point at which any expressway interchange ramp intersects the expressway travel pavement.

*Luminance* means the brightness of a sign or a portion thereof expressed in terms of foot candles. For the purpose of this chapter, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards and equipped with a foot candles scale.

*Occupancy* is the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

*Parapet* is a low wall or railing which protects the edge of a roof, porch or terrace.

*Roofline* means the ridge line or the highest portion which is the highest part of a roof.

*Setback* means the required distance between any point on private land and the nearest point at the edge of the nearest public right-of-way, other than an alley. Where a public way crosses a railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way.

*Sign* means any device, flag, light, figure, mural, painting, picture, letter, word, message, symbol, plaque or poster visible from outside the site on which it is located and designed to inform or attract the attention of persons not on that premise, excluding those lights and landscape features which display no words or symbols, and temporary holiday decorations.

*Sign area*, for freestanding signs, means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A viewpoint for this projection is to be taken which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, such as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The sign area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade. This definition shall also apply to signs which are composed solely of words which identify a premise and which are attached to freestanding walls not over six (6) feet in height.

*Sign, attached* means any sign attached to, applied on, or supported by any part of a building (including canopy fascia, walls and awnings) which encloses or covers usable space.

*Sign band* means an architectural element expressly designed to accommodate attached signs on a building.

*Sign copy.* See definition of "Sign."

*Sign, directional* means an off-premise sign the content of which is limited exclusively to the identification of a specific site, activity or occupancy located elsewhere, and which tells the location of or route to that site, activity or occupancy.

*Sign, freestanding* means any detached sign connected to the ground which is not an attached, portable or vehicular sign.

*Sign, illegal* means any sign that was erected in violation of any sign regulation applicable at the time of erection of such sign. Any sign which does not comply with the provisions of this Article, or which is not deemed as a nonconforming sign by the Building Official shall be considered an illegal sign.

*Sign, illuminated* means any sign which is directly lighted by any electrical light source, internal or external. This definition shall not include signs which are illuminated by street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

*Sign, kiosk* is a freestanding sign located within any public right-of-way that features a City of Murphy identification panel at the top of each structure and displays directional information to subdivisions, homebuilders, new homes and municipal facilities and parks.

*Sign, marquee* means any sign which has interchangeable letters (plastic, metal, magnetic, etc.) and these individual letters are changed manually.

*Sign, monument* means any permanent low profile sign built on a monument base, solid from the ground up, which has no clear space for the full width of the sign between the bottom of the sign and the ground and is not an attached, portable or vehicular sign. Pole(s) or support(s) must be concealed.

*Sign, movement control* means a sign which directs vehicular or pedestrian movement within or onto the premise on which the movement control sign is located.

*Sign, nonconforming* means any sign erected legally and in compliance with all sign regulations applicable at the time of erection, but which does not comply with the provisions of this Article. It shall be the burden of the owner of a nonconforming sign to prove that the sign was erected legally and in compliance with all sign regulations applicable at the time of its erection.

*Sign, off-premise* means any sign which is not an on-premise sign.

*Sign, on-premise* means any sign the content of which relates to the site on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities of or on those sites, or the sale, lease or construction of those sites.

*Sign, pole* means a permanent freestanding pole sign, utilizing either a monopole or dual pole design.

*Sign, political* means any type of non-premise sign which refers only to the issues or candidates involved in a political election.

*Sign, portable* means a sign which is easily moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes and which are not fixed permanently to the ground, and which is not an attached sign, political sign, vehicular sign or a sign which refers solely to the sale or lease of the premises.

*Sign, projecting* means any attached sign, other than an awning or canopy, which projects perpendicular from a building and which has one (1) end attached to the building.

*Sign, protective* means any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "Bad Dog," "No Trespassing," and "No Solicitors."

*Sign, special purposes* means a sign temporarily supplementing the permanent signs on a site.

*Sign, temporary* means any sign that is used only temporarily and is not permanently mounted or affixed to any structure or to the ground.

*Sign, vehicular* means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection, bumper stickers, magnetic signs not to exceed four square feet, taxicab signs, or delivery vehicle signs so long as the vehicle is shielded from public view when stored or stopped and otherwise does not park at any one location longer than reasonably necessary to make a delivery.

*Sign, window* means a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within three (3) feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

*Site* means a building which houses a single activity and the contiguous grounds and parking areas which exclusively service that building or any number of activities housed by a single building or multiple buildings which share common egress or ingress from a public street or right-of-way.

*Street* means a public right-of-way utilized by the public and shall include such terms as avenue, drive, circle, road, boulevard, highway, but shall not include alleys.

*Thoroughfare* means any public right-of-way which is eighty (80) feet in width or greater designated as a thoroughfare by the City by ordinance or resolution.

*Wind device* means any flag, banner, pennant, streamer or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached by the same rules as other signs. Heavier-than-air inflatable must be firmly tethered to the ground and shall not exceed a maximum of 35 feet in height. Feather signs are considered wind device signs.

*Word:* For the purpose of this chapter, one word shall be deemed to be any of the following:

- (A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.
- (B) Any proper noun or any initial.
- (C) Any separate symbol or abbreviation, such as "&," "\$," "%," and "Inc."
- (D) Any telephone number, street number or commonly used combination of numerals and/or symbols such as "\$5.00" or "50%."
- (E) Any symbol or logo which is a registered trademark, but which itself contains no word or character.
- (F) Otherwise, each separate character is considered to be a word.

*Zoning district, business* means any zoning district designated other than residential zoning by the Comprehensive Zoning Ordinance of the City of Murphy, Texas, as amended.

*Zoning district, residential* means any zoning district designated as a residential district in the Comprehensive Zoning Ordinance as amended.

### **Section 28-3. General provisions.**

(A) All signs erected or maintained pursuant to the provisions of this chapter shall be erected and maintained in compliance with all applicable state laws and with the Building Code, Electrical Code and other applicable ordinances of the City. In the event of conflict between this chapter and other laws, the most restrictive standard applies.

(B) No sign shall be erected, maintained, placed or otherwise situated in such a manner so as to obstruct or interfere with the minimum sight line standards.

### **Section 28-4. Imitation of traffic and emergency signs prohibited.**

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors or lights which imitate standard public traffic regulatory, emergency signs or signals.

### **Section 28-5. Roof signs.**

No sign shall project above the roofline or be attached to a roof of a building.

Exceptions:

(A) Signs may be placed on the first 30" above the roof on a parapet or similar projection which is continuous on two or more sides of the structure.

(B) Signs may be placed a maximum of 10 feet above the roof on a parapet or similar projection which is continuous on three or more sides.

(C) Signs shall not project above any portion of a parapet or similar projection.

### **Section 28-6. Signs in rights-of-way prohibited.**

Except as specifically authorized in this Chapter, no sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way. This section shall not be construed so as to prohibit the carrying or displaying of signs by any person so long as such sign is not connected or affixed to the real property comprising the public right-of-way, its fixtures and appurtenances. Homeowners' Association and Crime Watch meeting and alert may have signs projecting over the public right-of-way. Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be responsible for the illegally placed sign.

### **Section 28-7. Signs on public property.**

Except as specifically authorized in this Chapter, no person shall attach any sign, paper, or other material or paint, stencil, or write any name, number or otherwise mark any sidewalk, curb, gutter, street, tree, utility pole, traffic sign, traffic light standard, public building, public fence, or public structure. This section shall not prohibit the posting of governmental signs or the painting or attaching of street address numbers to curbs. Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be responsible for the illegally placed sign.

### **Section 28-8. Floating sign prohibited.**

Signs consisting of lighter-than-air or floating devices are prohibited.

### **Section 28-9. Portable signs prohibited.**

Portable signs are prohibited.

### **Section 28-10. Political signs.**

Political signs regarding an issue or candidate in an election may be erected on private property without limit as to number; provided, that such signs comply with other applicable requirements of this chapter, and provided further, that the owner or occupant of the property on which sign is displayed shall comply with the following regulations:

- (1) Political signs must comply with state law and are prohibited from:
  - a. Having a surface area greater than 36 square feet;
  - b. Being more than eight feet in height;
  - c. Being illuminated; or
  - d. Having moving elements.
  - e. Being located in center medians or within 15 feet of any stop sign / traffic light.
  - f. Being placed on private property without the permission of the property owner.
  - g. Being placed on City of Murphy owned property except:
    - 1) Along the south entrance of the Municipal Complex. Signs may be placed on the south side of this driveway beginning 10 days prior to early voting. The sign placement area shall be between the Customer Service Utility Payment Drive area and the right of way at Murphy Road.

2) The total sign area of a candidate on City of Murphy owned property may not exceed 16 square feet.

3) On election day, candidates and/or supporters may place campaign signs in the east lawn across from the City Hall south parking lot, as long as they are outside the mandated election boundary lines.

4) All candidate signs must be removed within 2 days after the conclusion of the election.

(2) The City may remove any sign that is not in compliance with any of the above regulations.

(3) Political signs must comply with all laws and regulations regulating the placement, location, and site visibility triangle which relates to all signage.

### **Section 28-11.Special Purpose Signs**

(A) Flags, emblems and insignia of a governmental entity are allowed.

(B) Special purpose, temporary construction signs denoting the architect, engineer, contractor, subcontractor or financier and temporary signs denoting the future location of a particular business, retail center or institution are allowed one such construction sign and one such future location sign per street adjacent to the construction site or future location site. No such sign shall exceed thirty-two (32) square feet in area nor extend higher than fifteen (15) feet as measured from ground level; provided, that such signs are located on the premises where construction or location being advertised is or will be occurring. Such signs shall be removed upon issuance of a Certificate of Occupancy.

(C) Special purpose freestanding signs for the purpose of identifying the location of or direction to subdivisions or major home builder sites are allowed. Such signs shall be on-premise and shall not exceed thirty-two (32) square feet in area, nor extend more than ten (10) feet in height, or when located adjacent to a screening wall shall not extend more than fifteen (15) feet in height. A home builder with twenty-five (25) lots or more qualifies as a major home builder. One such sign may be allowed for subdivisions, major home builders, sites or developments of thirty (30) acres, or less. One additional sign shall be allowed for each additional thirty (30) acres. Permits for such signs may be granted for a maximum period of ~~six-~~ 12 month intervals, with such signs being removed upon ninety (90) percent completion of the project. No such sign shall be located closer than one hundred (100) feet to a residential dwelling not within the subdivision.

(D) Off-premise, special purpose freestanding directional signs for the purpose of identifying the location of or direction to a subdivision within a residential zoning district are allowed under the following conditions:

(1) Such signs shall not advertise any site located outside the city limits of Murphy, Texas;

(2) Such signs shall be located within a one (1) mile radius of the subdivision to which it pertains and shall not be located closer than one hundred (100) feet to a residential dwelling;

(3) Such signs shall not exceed one hundred (100) square feet in area, nor extend more than fifteen (15) feet in height;

(4) The maximum number of such signs shall not exceed one (1) sign per fifty (50) lots, or fraction thereof, nor a maximum of two (2) signs per subdivision;

(5) No such off-premise, special purpose freestanding directional sign shall be erected closer than one hundred (100) feet from any other off-premise sign on the same side of the thoroughfare;

(6) Permits for such signs may be granted for maximum intervals of twelve (12) months each with such signs being removed when ninety (90) percent of the lots within the subdivision have been developed.

(E) Wind devices, heavier-than-air inflatable, and similar special purpose signs promoting a single-family subdivision or multi-family complex shall be allowed a maximum single use period not to exceed ~~sixty (60)~~ **fifteen (15)** days, with a minimum period between permits of ~~sixty (60)~~ **thirty days (30)** and a maximum number of three (3) permits per year for a given subdivision or complex.

(F) Wind devices, heavier-than-air inflatables, and similar special purpose signs promoting a retail or commercial establishment or center shall be allowed a maximum single use period not to exceed ~~sixty (60)~~ **seven (7)** days with a minimum period between permits of **fifteen (15) days** and a maximum number of three (3) permits per year for a given establishment or center.

(G) Signs that advertise sales, specials, grand openings, or other goods or services available within an establishment may be placed in windows using water soluble paint, appliques or other temporary and removable means provided that no such window sign may:

(1) Be located on the window surface in any manner that obscures more than twenty five percent (25%) of the visible window area available in the absence of any signs; and

(2) Remain in place more than ~~60 days~~ **30 days** in any six month period.

### **Section 28-12.Movement control signs.**

Movement control signs may be erected at any activity or on any site, other than a single-family or duplex premise; may be attached or freestanding, and may be erected without limit as to number; provided, that such signs shall comply with other applicable requirements of this chapter; and:

(A) Freestanding movement control signs shall not exceed six (6) square feet in effective area and shall not exceed three (3) feet in height.

(B) If a movement control sign is an attached sign, the letters shall not exceed four (4) inches in height and the sign area shall not exceed six (6) square feet.

(C) The signs must contain no advertising or identification message.

### **Section 28-13. Protective signs.**

A site may not contain more than two (2) protective signs and one (1) additional protective sign per site for every 450 linear feet abutting a public street, in accordance with the following provisions:

(A) Each sign shall not exceed one hundred (100) square inches in area;

(B) Freestanding signs shall not exceed two (2) feet in height;

(C) Letters shall not exceed four (4) inches in height.

### **Section 28-14. Sale or lease signs.**

A site may contain on-premise attached or freestanding signs for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions:

(A) Signs advertising the sale or lease of residential property shall not exceed eight (8) square feet in area nor five (5) feet in height. The number of such signs shall be limited to one (1) per lot or complex where such lot or complex abuts one (1) street; one (1) additional sign shall be allowed for each additional street.

(B) Signs advertising the sale or lease of a business property shall not exceed sixteen (16) square feet in area or eight (8) feet in height.

(C) Permits for such signs may be granted for a maximum period of twelve month intervals.

### **Section 28-15. Vehicular signs.**

Vehicular signs are prohibited.

### **Section 28-16. Kiosk Signs**

Kiosk Signs provide a uniform, coordinated method of providing homeowners, developers and municipalities a mean of utilizing directional signs, while minimizing the negative impacts to the City and its residents. Kiosk Signs shall be used for homebuilder, developer and subdivision directional signage. Kiosk Signs shall also provide service to the public on directions to municipal facilities and parks.

Kiosk Signs must meet the following regulations:

(A) Procedures for Installing a Kiosk Sign

(1) The City Council may, pursuant to a duly executed services contract, grant to a person or company (a “Contractor”) the right to design, erect, and maintain Kiosk Signs within Murphy and administer the Kiosk program as set forth by that contract.

(2) Kiosk Signs shall be constructed, installed and maintained by the City or a Contractor authorized by the City under a contract and may be moved or removed at any time by a decision of the City Council.

(3) Once a services contract is approved by City Council, the Contractor shall submit a map, elevations, and any other documentation deemed necessary by city staff, showing the location and design of the proposed Kiosk Signs to the City Manager or his designee. Upon review of the map, elevations, and any other applicable documentation, the City Manager shall make a recommendation to City Council as to whether the location and design of the proposed Kiosk Signs should be approved, denied, or modified.

(4) City Council may approve, deny, or approve with modifications the location and design of the proposed Kiosk Signs as shown on the map, elevations, and other applicable documentation. Modifications include, but are not limited to, modifications of the color of, or materials used in, the sign panels. No party may erect a Kiosk Sign without City Council approval of the location and design of the kiosks.

(5) The Contractor must comply with all permitting requirements set forth in the City’s Code of Ordinances.

(B) Location of the Kiosk Signs. Although the City Council has the authority to determine where Kiosk Signs may be located, locations must at least meet the following criteria:

(1) The location of Kiosk Signs must not create traffic hazards. The obstruction of the visibility of motorists, pedestrians, or traffic control signs will constitute a type of traffic hazard. The City Manager or his designee shall review the location of each proposed Kiosk Sign. A Kiosk Sign shall not be installed if the City Manager or his designee determines that the location of the proposed sign would create a traffic hazard.

(2) The location of Kiosk Signs must not interfere with the general use of, and handicap accessibility of, sidewalks, walkways, bike, and hiking trails.

(3) The location of Kiosk Signs must not interfere with any public utilities or be located in a utility easement.

(4) Kiosk Signs must not be located within a sight visibility triangle.

(5) A Kiosk Sign must be located at least one-hundred (100) feet from all other Kiosk Signs, including signs located across a street from each other.

(6) Kiosk Signs must not be located within a median.

(7) Kiosk Signs must be located at least five (5) feet from the edge of a curb or pavement line, which includes improved surfaces and shoulders.

(C) Design of Kiosk Signs. Although the City Council has the authority to determine which designs are appropriate, designs must at least meet the following criteria:

(1) Kiosk Signs shall be ladder type with individual sign panels of uniform height.

- (2) At least two (2) sign panels on each Kiosk Sign must provide directions to a municipal facility or provide information about an upcoming city-sponsored event.
- (3) Kiosk Signs may not exceed twelve (12) feet in height and four (4) feet in width.
- (4) Kiosk Signs must include breakaway design features as required by the Texas Department of Transportation's (TxDOT) Sign Mounting Details for Roadside Signs. Break-away fittings must be installed below grade or concealed from public view in another manner approved by City Council through the Building Inspections Department.
- (5) The font and color of the Kiosk Sign must be uniform throughout the entire sign.
- (6) Kiosk Signs shall not be illuminated.
- (7) There must be an identification panel at the top of each Kiosk Sign that displays only the name and official logo of the city.
- (8) No signs, pennants, flags, streamers, balloons or other devices or appurtenances used for visual attention may be attached to Kiosk Signs.
- (9) Phone numbers and addresses are not allowed to be displayed on the sign panels.

(D) Variances to Kiosk Sign Regulations. The City Council may authorize a variance to the Kiosk Sign procedures or regulations set forth in this Ordinance.

#### **Section 28-17. Government signs.**

Nothing in this chapter shall be construed to prevent or affect the display of a national or state flag, or to limit flags, insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies. Nothing in this chapter shall be construed as affecting or limiting the City from displaying signs upon City rights-of-way and City property.

#### **Section 28-18. Creation of site.**

The Building Official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established for the sign.

#### **Section 28-19. Presumption.**

It shall be a rebuttable presumption that a sign was erected, placed, displayed or maintained by the person identified on the sign by name, address, telephone number, or other identifying characteristics, or to whose benefit the sign directly contributes.

#### **Section 28-20. Provisions for business zoning districts.**

(A) The provisions of this section apply to all signs in business zoning districts unless the sign is within twenty-five (25) feet of either a residential zoning district boundary or a public park of more than one acre.

(B) Signs within twenty-five (25) feet of either a residential zoning district boundary or a public park of more than one acre shall be governed by the provisions applicable to signs in residential zoning districts.

**Section 28-21. General provisions applicable to signs in business zoning districts.**

(A) In business zoning districts, no illuminated sign which has a sign area of fifty (50) square feet or less shall have a luminance greater than three hundred (300) foot candles, nor shall any such sign have a luminance greater than three hundred (300) foot candles for any portion of the sign within a circle two (2) feet in diameter. The restrictions of luminance in this section shall be determined from any other premise or from any public right-of-way.

(B) No sign or part of any sign shall flash, change its illumination or copy, rotate, move or create an illusion of movement, except that:

(1) Time and temperature informational signs which are oriented to be read from public ways may be allowed; provided, that no change of message occurs more than once each three (3) seconds or less than once each five (5) seconds.

(2) Electronic Reader boards which are oriented to be read from the public way may allowed; provided that no change of message occurs more than once every thirty (30) seconds.

(C) Marquee signs which meet all the requirements of either the attached or freestanding sign provisions are allowed.

(D) Pole signs are prohibited.

**Section 28-22. Freestanding Monument signs – Business Districts.**

Monument signs are permitted in business zoning districts as follows:

(A) Number of monument signs:

(1) Only one monument sign of any type may be erected on any site's thoroughfare frontage, not to exceed two signs per site.

~~(a) A site which has more than three hundred (300) feet along a single thoroughfare may have one (1) additional freestanding sign.~~

~~(b) Freestanding signs shall be allowed on each thoroughfare frontage of a site.~~

~~(c) No more than two (2) freestanding signs shall be allowed on each thoroughfare frontage of a site.~~

~~(d) In no case shall a site possess more than four (4) freestanding signs.~~

(a) Fast food and drive-through restaurants may have additional sign(s) not exceeding eight (8) feet in height nor fifty (50) square feet in area and, if monument, located no further than fifteen (15) feet from the building housing that activity.

(b) Signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on premises. No activity shall have more than one such sign per street front. In no case shall such sign be monument.

(B) Setback:

(1) Freestanding signs of a sign area of fifty (50) square feet or less may be located as near as five (5) feet to the public right-of-way.

(2) No part of a freestanding sign shall be closer than twenty-five (25) feet measured radially to another freestanding sign on an adjacent sign site, nor shall any part of a freestanding sign on the same site be closer than one hundred (100) feet radially to another freestanding sign on that same sign site.

(C) Size, Height and Building Materials:

(1) No freestanding sign shall exceed fifty (50) square feet in sign area or seven (7) feet in height except as herein provided.

(2) Freestanding signs may incorporate embellishments or cut-outs; provided, that they shall not exceed twenty (20) percent of the area of the sign face and that they shall not extend beyond the sign face a distance exceeding eighteen (18) inches as measured horizontally.

(3) Every monument sign shall be required to have a minimum one half foot (1/2') foot masonry base, measured from grade level to the bottom of the sign area. Every monument sign shall be required to have a minimum six (6") inch masonry border on each side of the sign area. A minimum six (6") inch masonry cap is allowed above the sign area, however, it is not required. If, the masonry cap option is not chosen, the maximum height of the sign structure shall be limited to seven (7') feet. All monument signs will require engineer sealed drawings.

Building materials and colors utilized for construction of monument bases, side borders, caps, and sign frames shall be constructed of the same materials found on the main building on the lot, unless otherwise approved by the City Council.

If the proposed sign is to be constructed on a lot with an existing building which does not contain a masonry façade, the materials used for the monument base, side borders and cap, must be stone or brick.

(D) Off-Premise Signs. Off-premise signs are prohibited.

### **Section 28-23. Attached signs – Business Districts.**

Attached signs are permitted in business districts in accordance with the following provisions:

(A) Sign Area:

- (1) The sign area of an attached sign shall have a maximum square footage of two (2) times the width of the occupant space as measured along main entrance or frontage.
- (2) The sign area for attached signs on multi-story buildings shall be two times the width of the main building frontage. The sign area for attached signs on tenant spaces within a multi-story building which has a public entrance shall be allowed per the attached sign requirements in Item 1.

(B) Location and Height:

- (1) Where an activity is located on the first story of a multi-story building, an attached sign may not project above the floor level of the second story.
- (2) Where an activity is located above the first story of a multi-story building, an attached sign may not project above the floor immediately above.
- (3) No attached sign shall project a distance greater than eighteen (18) inches from the architectural element to which it is affixed.

### **Section 28-24. Window signs.**

Window signs in the use districts, where permitted, do not require a sign permit and do not require approval by any municipal agency prior to erection. In no event may signs be located on the window surface internally or externally in any manner to obscure more than 25-50 percent of the visible window area available in the absence of any signs. Where multiple windows exist fronting on a single street or sidewalk, the 25-50 percent visibility shall be maintained for the total window area on such street or sidewalk. Specifically, window signs shall include:

- (1) Signs painted on the external or internal surface of the window of an establishment in commercial or retail districts with water-durable paint on external surfaces.
- (2) Signs (except posters), banners or displays located on the internal surface of the window of an establishment in commercial or retail districts only.
- (3) Posters, providing such posters are not located on the external surface of the window.
- (4) Decorations intended to direct attention to and stimulate citizens' interest in public events, providing such signs are painted on the external surface of the window and a 25-50 percent visibility requirement is maintained.
- (5) Signs attached to the external surface of a window of a retail or commercial establishment if of water-durable paint or noncombustible material and signs attached to the

internal surface of a window which define the name, proprietor, telephone number or address of such retail or commercial establishment.

**Section 28-25. Provisions for residential zoning districts.**

The provisions of this section shall apply to all signs in any residential district, within twenty-five (25) feet of a residential district boundary, within twenty-five (25) feet of a public park of more than one acre, or where a multi-family residential use occurs.

**Section 28-26. General provisions applicable to signs in residential zoning districts.**

(A) No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot candles.

(B) No sign nor part of any sign in a residential zoning district shall move, flash, rotate or change its illumination or copy. Marquee signs which meet all the requirements of either the attached or freestanding sign provision are allowed.

(C) An occupant in residential zoning districts may erect only special purpose signs and special purpose political signs, and premise signs, which include movement control signs and protective signs. Temporary holiday decorations are permitted. Nameplates less than one square foot, security signs and child recognition signs are allowed.

(D) The Planning and Zoning Commission may permit the erection of signs on any legally erected structure in any single-family and patio home residential subdivisions. The maximum sign area of such signs shall not exceed forty (40) square feet. The maximum number of signs permitted for each subdivision shall be two (2) signs per street entrance into the platted subdivision area. The sign height, maximum sign area, location on the site, words, setbacks, a graphic presentation of the sign, and number of signs per subdivision shall be prominently indicated on the plans submitted to the Planning and Zoning Commission.

Exception: Building Inspection may issue permits on subdivision signs according to the above-mentioned criteria and the following:

(1) The signs are attached to screening walls which are not in the right-of-way (R.O.W.).

(2) The signs are not illuminated.

(E) Homeowners' Association and Crime Watch meeting and alert signs not exceeding two and one-half (2 1/2) feet in height nor two (2) square feet in area may be placed on public property at the entrances of the Homeowners' Association and Crime Watch areas on the week of the meeting or alert and must be removed the following day by 12:00 p.m.

**Section 28-27. Freestanding Monument signs – Residential Districts.**

Multi-family and nonresidential sites in residential zones may have monument signs subject to the following restrictions:

(1) Number of Signs: Each site may have a monument sign for each five hundred (500) feet of frontage along a street, other than an alley. In no case shall such site have more than two (2) monument signs.

(2) Setback, Sign Area and Height: A minimum setback of five (5) feet is required of all monument signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in sign area or fifteen (15) feet in height. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in sign area or twenty (20) feet in height. No monument sign shall exceed fifty (50) square feet in sign area or twenty-five (25) feet in height.

(3) Every monument sign shall be required to have a minimum one half foot (1/2') foot masonry base, measured from grade level to the bottom of the sign area. Every monument sign shall be required to have a minimum six (6") inch masonry border on each side of the sign area. A minimum six (6") inch masonry cap is allowed above the sign area, however, it is not required. If, the masonry cap option is not chosen, the maximum height of the sign structure shall be limited to seven (7') feet. All monument signs will require engineer sealed drawings.

Building materials and colors utilized for construction of monument bases, side borders, caps, and sign frames shall be constructed of the same materials found on the main building on the lot, unless otherwise approved by the City Council.

If the proposed sign is to be constructed on a lot with an existing building which does not contain a masonry façade, the materials used for the monument base, side borders and cap, must be stone or brick.

#### **Section 28-28.Attached signs – Residential Districts.**

Attached signs are permitted for multi-family premises and nonresidential uses in residential zoning districts and are subject to the provisions of the section governing attached signage in business districts.

#### **Section 28-29.Powers and duties of the Building Official.**

(A) Generally. The Building Official is hereby authorized and directed to enforce all the provisions of this Code.

(B) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code; provided, that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the

building or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Building Official or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to this chapter.

(C) Stop orders: Whenever any work is being done contrary to the provisions of this chapter, the Building Official may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official to proceed with the work.

### **Section 28-30. Permits, applications, fees.**

(A) Permits. No person, firm or corporation shall erect, construct, alter, rebuild, enlarge, extend, convert, maintain, replace, relocate, remove or demolish a sign or alter or change words or rearrange neon tubing on a sign or cause the same to be done without first obtaining a separate sign permit for each sign.

(B) The following type of signs is exempt from permitting:

- (1) The changing of words on a sign that is designed with interchangeable words.
- (2) Normal maintenance to replace worn parts and repainting deteriorated paint without word change.
- (3) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (4) Government signs such as flags, insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.
- (5) Special purpose political signs.
- (6) Non-illuminated temporary construction signs.
- (7) Signs painted directly on internal or external window surfaces.
- (8) Non-illuminated movement control signs not exceeding six (6) square feet in effective area; or three (3) feet in height.
- (9) Non-illuminated freestanding protective signs not exceeding one hundred (100) square inches in effective area; or two (2) feet in height.

(10) Non-illuminated on-premise signs advertising the sale or lease of a nonbusiness property not exceeding eight (8) square feet in effective area or five (5) feet in height.

(11) Non-illuminated, on-premise, freestanding signs advertising the sale or lease of a business property.

(12) Homeowners' Association and Crime Watch meeting and alert signs.

(C) Other required permits. Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

(D) Application. To obtain a permit, the applicant shall file an application in writing on a form furnished for that purpose. Every such application shall:

(1) Identify and describe the work to be covered by the permit for which application is made.

(2) Describe the land on which the proposed work is to be done by zoning, lot, block, tract, subdivision, and street address, or similar description that will readily identify and definitely locate the proposed work.

(3) Be accompanied by a notarized authorization from the owner of the property.

(4) Be accompanied by plans and specifications as required in this Code and all applicable laws and ordinances.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant, or an authorized agent who may be required to submit evidence to indicate such authority.

(7) Give such other information as reasonably may be required.

(E) Plans and specifications. With each application for a permit, not less than two (2) sets of plans and specifications shall be submitted and all drawings, specifications and accompanying data shall bear the name and address of the designer. The structural design of monument signs in excess of ~~eight (8)~~ **seven (7)** feet in height shall be prepared and designed by an engineer licensed by the State of Texas. The plans and specifications for attached signs shall be prepared by an engineer licensed in the State of Texas as required by the International Building Code, as adopted by the City.

(F) Fees. The fee for such permit shall be as prescribed by the Fee Schedule located in Appendix A of the Code of Ordinances.

(G) Expiration. Every permit issued under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of more than one

hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained.

(H) Special Purpose / Builder Sign Renewal. If previously permitted sign has not been moved or altered in any way, a sign permit renewal request, photo or artwork of sign and appropriate fee payment are required.

(I) Suspension or revocation. The ~~Building Official~~ the City Manager or his designee may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any law or ordinance.

(J) Refunds. There shall be no refunds of sign permit fees paid under the terms of this Code, except for the following:

(1) When it is determined that a sign permit was issued due to an error, a full refund may be authorized by ~~the Building Official~~ the City Manager or his designee.

(2) When it is determined that a sign permit cannot be legally issued, any permit fee received may be returned.

(K) Inspections. All signs for which a permit is required shall be subject to inspection by the Building Official.

(1) Pre-inspection. The Building Official, upon receipt of an application for permit for a sign, may make a pre-inspection. The application, plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fees specified in paragraph (f) herein have been paid, he shall issue a permit therefor to the applicant.

(2) Final inspection. The Building Official, upon the call of the permit holder, shall make a final inspection after the work is completed. All requests for final inspection shall be made at least twenty-four (24) hours before the inspection is desired.

(3) Responsibility of contractor. It shall be the responsibility of the contractor to ensure that each necessary inspection is requested from the Building Official and to ensure that subsequent stages of construction are not started until said inspection has been conducted and approved. This also includes all subcontractor types of inspections such as electrical, mechanical, plumbing, etc. If it is found, upon inspection by the City, that a contractor has completed a sign without having obtained the necessary inspections and approvals, future permits shall be denied to that contractor pending completion and approval of said inspections.

## **Section 28-31.Design.**

(A) Construction. All signs and their supports shall be built, constructed and erected in conformance with the requirements of all laws and ordinances.

(B) Structural. Signs shall comply with the design standards of the International Building Code as adopted by the City of Murphy.

(C) Electrical. Signs in which electrical wiring and connections are used shall comply with the requirements of the Electrical Code of the City of Murphy.

(D) Plumbing and mechanical. Signs in which plumbing or mechanical devices are used shall comply with the requirements of the Plumbing and Mechanical Codes of the City of Murphy.

(E) Materials. The type of materials used in the construction, wiring, plumbing or mechanical portion of the sign shall conform to the structural codes of the City of Murphy (Building, Electrical, Mechanical and Plumbing Codes).

(F) Protection. Electrical devices within reach of persons on public property shall be protected by wire glass, safety glass, locked box of metal or wood, or other approved methods. No sign shall be erected nearer than two (2) feet from any telephone cable, electrical street light standard, electrical power poles, or electrical power distribution lines when voltage between conductors is less than three hundred (300) volts. If the voltage between conductors is three hundred (300) volts or greater, clearances shall be maintained as follows:

Voltage of Conductors	Horizontal Clearance in Feet	Vertical Clearance in Feet
300 to 8,700	3	8
8,700 to 15,000	8	8
15,000 to 50,000	10	10
50,000 +	10 plus 9.5 inch per kv in excess	10 plus 0.5 inch per kv in excess

Note: For spans greater than one hundred fifty (150) feet, refer to the National Electrical Safety Code.

(G) Clearance from fire escapes, exits, or standpipes. No sign or its supports shall be erected in such a manner which will interfere in any way with the use of any fire escape, exit or standpipe. No sign or its supports shall be attached to a standpipe or fire escape.

(H) Obstruction of openings in buildings. No sign or its supports shall obstruct any required openings to such an extent that light or ventilation is reduced below that required.

(I) Weatherproofing. All signs shall be constructed so as to prevent the accumulation of water.

(J) Conflict. In the event of a conflict between any applicable ordinance of the City of Murphy, then the most restrictive code requirements shall apply.

(K) Materials. All freestanding signs shall be constructed of materials that are noncombustible or slow burning (as in the case of plastic insert of facings) and shall be supported by noncombustible material only and finished in a presentable manner. Untreated wood or unpainted or non-galvanized steel supports are specifically prohibited.

### **Section 28-32. Existing signs.**

(A) Maintenance of signs. Except as provided in paragraphs (B) and (C) of this section, any sign or portion of a sign or sign support determined by the City to be unsafe or unsecured, a menace to the public, becomes dangerous to life, limb or property, or an obstruction to the use of any sidewalk or roadway, or interferes with the operation of the Fire Department, or in such dilapidated condition as to be unsightly and, therefore, prejudicial to the public welfare shall be repaired, maintained, or removed.

(B) Nonconforming signs. Except as provided in this paragraph, any sign which is designated by the Building Official a nonconforming sign, as defined, shall be permitted to be continued as a nonconforming sign unless such sign is made a conforming sign. Any nonconforming sign which is destroyed, deteriorated, or dilapidated to such extent that the cost of repairing the sign to a condition acceptable by the Building Official is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location shall be removed.

(C) Illegal signs. Illegal signs shall be immediately removed upon written notice by ~~the Building Official~~ the City.

(D) Time limitations. Except as provided in paragraph (C) above, any sign which is required by this section to be removed, relocated, or repaired shall be removed, relocated or repaired at the expense of the owner, within ten (10) days of a notice given by the Building Official. Any such sign not removed, relocated, or repaired, within this time limit may be removed by the Building Official at the expense of the owner of such sign.

### **Section 28-33. Variance procedure.**

(A) The Planning and Zoning Commission may, for a particular site, recommend variances and exceptions with respect to the provisions of this article.

(B) When the Commission is ready to act upon the variance or exception request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions or denial of the request. If the Commission's recommendation is to

approve the request, either as submitted or with additional conditions, then the request will be automatically forwarded to the City Council for a second public hearing thereon.

(C) When the Planning and Zoning Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is filed by the applicant with the City Manager or his/her designee within 15 days of the date of the denial.

(D) The Planning and Zoning Commission shall recommend to the City Council legislation for amendments to this Code in keeping with technological progress with respect to public health, safety and welfare.

(E) The Planning and Zoning Commission may hear and decide appeals which allege error in any order, requirement, decision or determination made by the Building Official in the enforcement of this article.

(F) The Planning and Zoning Commission may require a nonconforming sign to be brought into immediate conformity with all current standards of all ordinances of the City or to be removed when, from the evidence presented, the commission finds the sign to be hazardous to the public or to have been abandoned by its owners.

(G) The Planning and Zoning Commission, in considering an application for a variance, shall consider to what extent, if any, the site for which the applicant seeks a variance differs from adjoining sites, the extent that the hardship or inequity claimed by the applicant is self-created or based upon financial need of the applicant, and the adverse effects that the granting of a variance may or would create.

#### **Section 28-34. Public hearings provided.**

The Planning and Zoning Commission shall hold a public hearing on any proposed amendment or supplement to this article. After the public hearing is closed, the Planning and Zoning Commission shall immediately make its recommendation and report to the City Council. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper having a general circulation in the City.

### **ARTICLE II. FENCING, WALLS AND SCREENING**

#### **Section 28-51. Purpose.**

The purpose of this division is to encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations in this division are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this division in accordance with the following standards.

#### **Section 28-52. Screening of nonresidential, multifamily areas and manufactured/mobile home parks.**

(A) In the event that a multifamily or manufactured housing district (including planned developments, PDs) sides or backs upon a single-family or duplex residential district, or in the event that a nonresidential district (including PDs) sides or backs upon any type of residential, a solid brick/masonry screening wall of not less than six feet, nor more than eight feet, in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. For these required screening walls, and also for screening walls/fences along arterials, ornamental lighting and detailing that are placed on top of the masonry support columns may exceed the maximum eight-foot height limit by up to 24 inches provided that they are decorative in nature and are integrated into (and complementary to) the design of the screening wall, and provided that light fixtures do not illuminate adjacent property or cause a nuisance to adjoining neighbors. Grand entryway features into subdivisions from an arterial shall be located on private property, and shall be owned and maintained by a private entity. Such features shall not extend over public right-of-way, and shall be limited to a height of ten feet above grade unless otherwise approved on the screening/landscaping plans by the city council, upon recommendation by the planning and zoning commission. All fences/walls, other than private wood fences on residential lot/tracts, which shall only require a fence permit from the city, and subdivision entryway features shall be properly engineered, and shall be approved by the city engineer and by city council.

(1) The owner of the multifamily or manufactured/mobile home property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district.

(2) When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.

(3) Any screening wall or fence required under the provisions of this division or under a specific use permit, planned development district, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings, except limited gates for pedestrian access, if approved, and which are finished on both sides with the same or similar materials and colors as the main building on the property that is responsible for the screening wall. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

(4) Alternative equivalent screening may be approved through the site plan approval process, article II, division 7 of this chapter (see the subdivision regulations in chapter 74 for suggested screening alternatives that may be used in lieu of a solid masonry wall).

(B) In nonresidential, multifamily and manufactured housing districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence/wall is required to screen the development from an adjacent residential area. In this case, the screening fence/wall shall be extended out to the street right-of-way line by the developer of the nonresidential, multifamily or manufactured/mobile home development, and the fence/wall shall be finished on both sides in a manner/color that is compatible to the exterior finish materials used on the main buildings, except for a manufactured housing park. Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential,

multifamily or manufactured/mobile home development (see section 86-828 for sight visibility requirements).

(C) All fences and walls require permits.

(D) Fence applications will not be accepted without prior written and confirmed approval from respective Homeowners Association, if applicable.

(E) See section 86-828(a) for sight visibility requirements for fences and screening walls.

(F) Open storage of materials, commodities or equipment (see Appendix 3, Use Regulations, for zoning districts permitting outside storage) shall be screened with a minimum six-foot fence or wall, and shall not be visible from the street or from adjacent property. (See definition of "outside storage" in section 86-6).

(G) In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:

- (1) Solid masonry (brick, concrete block or concrete panels).
- (2) Wrought iron with solid landscape screening.
- (3) Alternate equivalent screening may be approved through the site plan approval process under article II, division 7 of this chapter.

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet shall require a specific use permit.

(H) Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured housing park uses shall be visually screened by a minimum six-foot solid masonry wall on at least three sides (see Illustration 11 for refuse container enclosure diagrams printed at the end of this chapter). The fourth side, which is to be used for garbage pickup service, shall provide a solid gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the site plan approval process, article II, division 7 of this chapter. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 11.

(I) Plans and specifications for screening and/or fencing around ground-mounted utility structures shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the city manager, or his designee, for review and approval prior to construction of said screening/fencing.

### **Section 28-53. Fences in residential areas.**

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

*Build* shall mean construct, erect, or place or cause, suffer or allow another to construct, erect or place.

*Fence* shall mean any structure which exceeds 18 inches in height above the nearest grade and which encloses, partitions or divides any yard as defined in this chapter.

*Residentially-zoned* shall mean property zoned single-family, patio home, single-family attached, or any property zoned as a planned development district, (hereafter PD district), where the base zoning within the PD district is one of the foregoing.

*Zoning ordinance* shall mean city zoning ordinance, as set out in this chapter, as amended.

(B) Height limitation. No fence shall be built so as to exceed eight feet in height on any residentially-zoned property nor shall a fence be built so as to exceed ten feet on any nonresidential property.

(C) Measurement of fence height. Fence height shall be measured from the grade adjacent to the fence from the applicant's side of the fence. If the fence is constructed on top of a retaining wall it shall be measured from the top of the retaining wall.

(D) Depth of posts. Posts must be set at a depth according to the following.

<u>Fence Height</u>	<u>Post Depth</u>
• 8 feet or higher	3 feet
• 6 feet	2 feet
• 4 feet or lower	18 inches

(E) Permit requirement. It shall be unlawful for any person to construct or repair a fence that is equal to or greater than 25 percent of the total existing linear footage of a fence on any lot without having first obtained a fence permit from the permit department. All fences require a permit; however, if the construction or repair is equal to or greater than 25% of the total existing linear footage, a permit fee will be assessed. A person may not construct or repair less than 25 percent of the total linear footage of a fence more than once in a consecutive six-month period. Adequate plans and specifications, as determined by the City, must accompany each application for a permit. If you are adding any percentage of linear feet to existing fencing, a fence permit fee will be assessed.

(1) *Inspection and maintenance.* When any fence is completed, it must be inspected. The building-inspection permit department shall be notified upon completion of the fence. The building official (or his designee) will issue a card of acceptance if the fence complies with the provisions of this division, or it will be rejected. All fences constructed under the provisions of this division shall be maintained so as to comply with the requirements of this division at all times. Fences shall be maintained by the owner or

person in charge of the property in as near as possible the condition of such fence when installed and accepted as provided herein, and shall be maintained as follows:

- (a) Such fence shall not be out of vertical alignment more than 20 degrees.
- (b) All damaged, removed or missing portions of such fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portion of such fence.
- (c) If a new fence, section of fence or fence replacement is proposed to be composed of wood, all wood elements (posts, fence panels, etc.) used shall be pressure treated with the chemicals Alkaline Cooper Quaternary (ACQ), Copper Azole (CA) or Micronized Copper Quaternary (MCQ). In addition, non pressure treated cedar and redwood are acceptable.
- (d) All masonry columns greater than four (4) feet in height shall require an engineered stamped design.

(F) Appeals.

- (1) An appeal from a decision of the building official under the terms of this division shall be made to the zoning board of adjustments.
- (2) When in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the zoning board of adjustments may authorize special exceptions to the regulations provided in this division in order to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in an unnecessary hardship.

(G) Prohibited materials.

- (1) No person shall build any fence composed, in whole or in part, of:
  - a. Barbed wire or razor wire;
  - b. Welded or woven wire such as chicken wire, hog wire, stockade panels and similar agricultural wires, (does not include chain link);
  - c. Used materials (as defined by the city);
  - d. An electric fence;
  - e. Galvanized sheet metal, corrugated metal, or corrugated fiberglass; or
  - f. Materials not approved for exterior exposure.
- (2) The following are affirmative defenses to a violation of this section:

a. On a lot that has an area of 1 1/2 acres or more, provided that the fence is not otherwise prohibited by any other ordinance or law, a fence may be composed of barbed wire, welded wire or woven wire, or both and may include an electric fence if the electric fence charging device is approved by a nationally recognized testing laboratory.

b. In a residential zone, an electric fence may be located only within the side and rear yard, all electrified components must be located a minimum of six inches inside another fence (which must be a minimum of 36 inches in height), the electric fence charging device must be approved by a nationally recognized testing laboratory and the fence shall otherwise comply with all applicable laws and ordinances.

c. This section does not prohibit the use of corrugated metal material with a minimum 26 gauge and one inch corrugation when commercially designed and engineered as a fencing material as a component of a modular, prefabricated fence.

d. When mandated by state or federal statute.

e. When required for public safety for local governmental facilities.

(H) Not permitted on public property. No fence or any part of such fence shall be constructed upon or caused to protrude over public property. All fences must be maintained in a plane so as not to overhang public property.

(I) Certain locations, construction prohibited.

(1) *Within easements.* No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement. Fences within utility, surface drainage (including inlets and concrete plumes) and maintenance easements must be constructed with ornamental iron and removable fence sections. All vertical bars must be a minimum of three inches on center and must not exceed 3 15/16 inches on center. The maximum diameter of all vertical and horizontal bars shall be two inches. The minimum clearance between the bottom of the fence and grade is two inches. Fences within drainage easements that serve underground reinforced concrete pipe (i.e. – non-surface drainage) must be constructed with metal posts and with removable fence sections.

(2) *Screening walls.* Where subdivisions are platted so that the rear or side yards of single-family residential lots are adjacent to a public street on which a screening wall has been provided, no wall or fence shall be attached to the screening wall.

(J) Front yard fencing. No fence shall be built within the required front yard, as defined in this zoning ordinance, except for lots that have an area of 1 1/2 acres or greater. Front yard fencing shall be limited to four feet in height and shall not be of solid construction, providing that at least 50 percent of the fence be open.

(K) Gates required.

(1) Any fence built so as to enclose an area shall provide a gate or other opening in the fence of at least three feet in width and with a minimum headroom clearance of six feet, eight inches in height.

(2) Gates for vehicular use must be a minimum of 24 feet from the property line for all types of property other than residential.

(L) Wind load requirement. Fences must be able to structurally support fencing materials for a 70-mile-per-hour wind speed.

(M) Fences around swimming pools. Fences around swimming pools shall be in conformance with this section and with chapter 18, article VI.

(N) Sight visibility. See section 86-828(a) for sight visibility requirements for fences and screening walls.

(O) Special purpose fencing. Special purpose fencing, such as fencing around tennis courts, dog runs, etc. is permitted. Special purpose fencing shall comply with the requirements as set forth in this section. Smooth, nonclimbable two-inch by four-inch mesh on metal posts will be acceptable behind the building line. Any other materials require approval from the building official.

(P) Back-to-back fencing. Back-to-back fencing is not allowed at a distance of less than five (5) feet.

(Q) Nonconforming fences. A fence that does not comply with the requirements of this division as of May 27, 2004, shall be allowed to remain unless the fence is replaced, destroyed or damaged to the extent of 60 percent or more of the value of the structure, in which event the right to maintain the structure shall terminate.

(R) Fence Transition. Where a privacy fence and a fence or wall that screens a thoroughfare or public street of different heights meet or connect, a gradual stair step transition/effect shall be provided to match the height of the fence that is smaller lower in height. Such transition must be approved by the City.

(S) Fence Post Visibility - Where a privacy fence faces a public right of way, the fence must be built with the posts on the inside of the property and may not be facing the public right of way.

#### **Section 28-54. Variance Procedure.**

(A) The Planning and Zoning Commission shall hold a public hearing on any request for a variation or exception to the standards provided by this Article. The Planning and Zoning Commission may not recommend a variation or exception unless the Planning and Zoning Commission determines that the variation or exception will not substantially alter the intent of the standards established by this Article.

(B) All recommendations of the Planning and Zoning Commission under this Article shall be forwarded to City Council. When the Planning and Zoning Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is filed by the applicant with the City Manager or his/her designee within 15 days of the date of the denial.

### **ARTICLE III. LIGHT AND GLARE**

#### **Section 28-75. Glare.**

(A) Any use shall be operated so as not to produce glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together the light beam is controlled and not directed across any bounding property line above a height of three (3) feet.

(B) The allowable maximum intensity measured at the property line abutting a residential use shall be 0.5 foot candles.

#### **Section 28-76. Parking and Loading Area Lighting.**

(A) All off-street parking areas for nonresidential uses in nonresidential districts which are used after dark shall be illuminated beginning at sunset and shall remain continually illuminated until sunrise. The level of intensity of illumination, measured at a height of three (3) feet above the pavement surface, shall be a minimum average of 2.0 foot candles, and a minimum level at any point of at least 0.66 foot candles. Illumination shall be uniformly distributed throughout the lighted area at an average-to-minimum uniformity ratio of 3:1.

(B) The mounting height of luminaire fixtures shall not exceed the following heights:

Width of Parking Area	Maximum Luminaire Mounting Height
0 - 60 feet	14 feet
61 - 102 feet	20 feet
103 or greater feet	30 feet

(C) Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building.

(D) All lighting fixtures shall be restricted to down-light, cut-off types or shielded.

- (E) Low-pressure sodium lighting or lighting of similar color shall not be used.
- (F) All efforts should be made to install energy efficient lighting.
- (G) If establishment is not open, non operating hours, lighting should be minimal; for security purposes and entries.

**Section 28-77.Walkway Lighting.**

- (A) All outdoor pedestrian areas and uncovered walkways, separate from parking or buildings but essential to the nighttime operation of nonresidential uses within nonresidential districts, shall be continually illuminated between sunset and sunrise. The level of intensity of illumination, measured at the walkway surface, shall be a minimum average of 0.8 foot candles 1 foot-candle, distributed at an average-to-minimum uniformity ratio of 5:1.
- (B) The mounting height of luminaire fixtures shall not exceed 12 feet.
- (C) Pole and wall-mounted fixtures mounted above 6 feet shall be of a down-light or cut-off type.

**Section 28-78.Accent Lighting.**

Up-lighting shall be concealed or otherwise positioned in such a manner that the light source cannot be seen from any property line of the site on which the light is located.

**Section 28-79.Security Lighting.**

- (A) Pole and wall-mounted fixtures mounted above 6 feet shall be of a down-light or cut-off type.
- (B) If a rear yard security light is mounted higher than 10 feet, it shall be placed at the property line and directed away from adjacent properties.

**Section 28-80.Recreational Area Lighting.**

- (A) Lighting for recreational uses such as athletic courts and fields may employ fixtures mounted in excess of the heights described in this Chapter, subject to the approval of the City.
- (B) Where recreational uses are adjacent to residential uses, separation by streets notwithstanding, and such recreational use is illuminated in such a matter as to produce a light intensity in excess of 0.5 foot candles at the property line of the residential use, or where the light source is exposed to the residential use, live screening consisting of a variety of tree which normally grows to or in excess of a height of 30 feet shall be planted no more than 30 feet on center along the property line abutting the residential use. Further, the tree variety shall maintain a crown width sufficient to form a continuous screen at heights between 10 feet and 30 feet above grade. Such trees shall be a minimum of one-half the required height at the time of planting.

### **Section 28-81. Thoroughfare Lighting.**

Lighting provided by governmental entities on public thoroughfares is expressly exempted from this section.

### **Section 28-82. Maintenance.**

All fixtures and supports shall be painted or otherwise treated to resist rust and corrosion and shall be maintained in an attractive condition and in a manner compatible with the surrounding architecture.

### **Section 28-83. Variance Procedure.**

(A) The Planning and Zoning Commission shall hold a public hearing on any request for a variation or exception to the standards provided by this Article. The Planning and Zoning Commission may not recommend a variation or exception unless the Planning and Zoning Commission determines that the variation or exception will not substantially alter the intent of the standards established by this Article.

(B) All recommendations of the Planning and Zoning Commission under this Article shall be forwarded to City Council. When the Planning and Zoning Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is filed by the applicant with the City Manager or his/her designee within 15 days of the date of the denial.

## **ARTICLE IV. PERFORMANCE STANDARDS**

### **Section 28-101. Performance standards generally.**

In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by county, state and/or federal agencies. All uses, including those which may be allowed by planned development or special use permit, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, and vibration, and glare as set out in division 9 of this article.

### **Section 28-102. Environmental legal requirements to be observed.**

All federal and state pollution, noise, and requirements for toxic waste disposal shall be observed by all uses, including those which may be allowed by planned development or special use permit.

### **Section 28-103. Smoke and particulate matter.**

No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

(A) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the ASTM except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and 3-1302-2 shall not apply.

(B) The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.

(C) Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sandblasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air.

**Section 28-104. Odorous matter.**

(A) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.

(B) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials ASTM D 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of ASTM D 1391-57 is hereby incorporated by reference.

**Section 28-105. Fire or explosive hazard material.**

(A) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the fire chief of the city.

(B) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the city fire code or are approved by the fire chief.

**Section 28-106. Toxic and noxious matter.**

No operation or use shall emit a concentration across the boundary property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such

standards are set forth by the state department of health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

**Section 28-107. Vibration.**

No operation or use shall at any time create earth borne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

Frequency Cycles Per Second	Displacement (in inches)
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

**Section 28-108. Variance Procedure.**

(A) The Planning and Zoning Commission shall hold a public hearing on any request for a variation or exception to the standards provided by this Article. The Planning and Zoning Commission may not recommend a variation or exception unless the Planning and Zoning Commission determines that the variation or exception will not substantially alter the intent of the standards established by this Article.

(B) All recommendations of the Planning and Zoning Commission under this Article shall be forwarded to City Council. When the Planning and Zoning Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is filed by the applicant with the City Manager or his/her designee within 15 days of the date of the denial.

**ARTICLE V. EXTERIOR CONSTRUCTION AND DESIGN**

**~~Section 28-131. Definitions.~~**

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

~~Masonry Construction.~~

~~(A) — The term "masonry construction" means that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, the term "masonry construction" shall include the following materials:~~

~~(1) — Hard fired brick (kiln fired clay or slate material; severe weather grade; minimum thickness of three inches when applied as a veneer; shall not include unfired or under fired clay, sand or shale brick; may include concrete brick if it conforms to the same ASTM standards, and to the above stated additional standards, as hard fired clay brick);~~

~~(2) — Stone (includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured, stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of 3 5/8 inches when applied as a veneer);~~

~~(3) — Concrete pre cast or tilt wall panels (only allowed if a highly textured, architectural finish which is at least as textured in appearance and physically as face brick or stone; can be brick-like or stone-like in appearance; coloration shall be integral to the masonry material and shall not be painted on; shall not include smooth, untextured or inadequately textured finishes).~~

~~(B) — The following materials shall not qualify nor be defined as "masonry construction" in meeting the minimum requirements for the exterior construction of buildings:~~

~~(1) — Decorative concrete block~~

~~(2) — Glass blocks or tiles~~

~~(3) — Stucco, exterior plaster, adobe or mortar wash surface material;~~

~~(4) — Exterior insulation and finish system (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;~~

~~(5) — Cementitious fiber board siding (such as "HardyPlank," HardyBoard," etc.);~~

~~(6) — PVC or other plastic based siding material;~~

~~(7) — Lightweight or featherweight concrete blocks or cinderblocks; or~~

~~(8) — Any other cementitious product not listed above.~~

**Section 28-132. — Minimum Exterior Construction Standards.**

The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new building construction occurring within the city. (See subsection (D) of this section for exemptions.)

~~(A) Single family.~~

~~(1) All new single family residences shall be of exterior fire resistant construction, and shall have a minimum of 85 percent masonry construction for the entire residence.~~

~~(2) Any exterior elevation of new single family residences (regardless of location) that faces a public or private street shall be 80 percent masonry. No single elevation of the residence shall be comprised of less than 75 percent masonry construction. Areas of a residence elevation that are devoted to windows, doors, covered porches or stoops, chimneys, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement provided that covered porches and stoops are at least four feet deep and eight feet wide (i.e., at least 32 square feet in area) and breezeways are not over four feet wide and eight feet deep (i.e., no larger than 32 square feet in area) and courtyards are no larger than 500 square feet.~~

~~(3) Concrete, concrete block or metal exterior construction is not permitted on any single family residential structure.~~

~~(4) Roof materials for a single family structure shall be comprised of architectural/dimensional composition shingle (30 year minimum), flat pan standing seam metal roofing (only with a factory baked on muted color finish; no bright colors or natural colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for "Santa Fe" (with a flat roof and highly articulated parapet that conceals the roof and any roof mounted equipment), "Texas ranch house" (with low pitched roofs, large eaves/overhangs, rambling design), or other uniquely styled home. Any proposed addition to an existing single family structure shall have a minimum roof pitch of 4:12.~~

~~(B) Single family attached residential.~~

~~(1) All single family attached residential dwelling units shall be of exterior fire resistant construction, and shall have a minimum of 85 percent masonry construction for the entire structure.~~

~~(2) Any exterior elevation of a single family attached building that faces, or is visible from, a public or private street shall be 100 percent masonry. No single elevation of the residence shall be comprised of less than 75 percent masonry construction. Areas of a single family attached building elevation that are devoted to windows, doors, covered porches or stoops, chimneys, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement provided that covered porches and stoops are at least four feet deep and eight feet wide (i.e., at least 32 square feet in area) and breezeways are not over four feet wide and eight feet deep (i.e., no larger than 32 square feet in area) and courtyards are no larger than 500 square feet.~~

~~(3) — Concrete, concrete block, or metal exterior construction is not permitted on any multifamily or single family attached residential structure.~~

~~(4) — Roof materials for a single family attached structure shall be the same as for single family detached or duplex residences (see subsection (1) of this section).~~

~~(5) — All elevations of buildings that face a public street or a residentially zoned district shall have elevation offsets of at least five feet for every 50 foot length of flat wall, both horizontally and vertically.~~

~~(C) — Nonresidential and institutional buildings.~~

~~(1) — All nonresidential and institutional buildings shall have a minimum of 90 percent masonry construction for the first story (i.e., below the first floor ceiling plate), and a minimum of 80 percent for any story above one.~~

~~(2) — Any exterior elevation of a nonresidential or institutional building that faces, or is visible from, a public street shall have a minimum of 100 percent masonry construction, and no single elevation shall be comprised of less than 75 percent masonry construction. Areas of an elevation that are devoted to windows, doors, covered porches or stoops or arcades/colonnades, breezeways or courtyards shall not be counted as "wall surface" when calculating the masonry requirement provided that covered porches, stoops, arcades/colonnades, breezeways and courtyards are at least four feet deep and eight feet wide (i.e., at least 32 square feet in area).~~

~~(3) — Metal exterior construction is not allowed on any nonresidential or institutional structure located within any zoning district, and is only allowed on such a structure within a business park (BP) zoning district on a building facade that does not face, and that is not visible, from an existing or planned public street. The use of any type of metal for exterior building construction (such as profiled panels, deep ribbed panels, concealed fastener system panels, etc.) shall be clearly shown on the site plan, and shall only be allowed with site plan approval. The exterior finish of metal used in exterior construction shall be of a permanent, maintenance free nature such as a baked on finish. The use of corrugated, galvanized, aluminum coated, zinc coated, unfinished, or similar metal surfaces shall be prohibited (unless approved on the site plan for a restaurant that uses such materials as part of its "signature design aesthetic," in which case a maximum of ten percent of any wall facade may be devoted to such materials if this is specifically approved on the site plan).~~

~~(4) — Any roof materials for a nonresidential or institutional structure that are visible from a public street shall be comprised of architectural/dimensional, composition shingle (30 year minimum), flat pan standing seam metal roofing (only with a factory baked on muted color finish; no bright colors or natural colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch of a gabled or otherwise pitched roof shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for flat roofed structures that shall have a highly articulated parapet that conceals the roof and any roof mounted equipment. e. All facades of main~~

~~buildings that face a public or private street or a residentially zoned district shall have elevation offsets of at least five feet for every 50 foot length of flat wall, both horizontally and vertically~~

~~(D) Exemptions. The following structures are exempt from the masonry construction requirements outlined within this subsection:~~

~~(1) — Barns or other accessory buildings in the agricultural (AG) zoning district and SF-E estate district, or located on property of five acres or more in any zoning district, provided that such barns or accessory buildings are used solely for agricultural purposes (as distinguished from commercial purposes) or for residential use only;~~

~~(2) — Historic structures (with a local, state or national designation/registry as an historic structure);~~

~~(3) — Accessory building in a single family, duplex or single family attached zoning district that has equal to or less than 120 square feet of floor area;~~

~~(4) — Accessory and maintenance buildings (any size) for a public golf course, a public or parochial school no larger than 120 square feet, or any city facility;~~

~~(5) — Temporary construction buildings and field offices (provided that such facilities are legally permitted by the city for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first); temporary sales offices shall be permitted with first model home, provided that sales office is completely removed from the premises upon expiration of the permit or upon completion of construction; and~~

~~(6) — Residential and nonresidential structures legally in existence as of the effective date of this chapter, and any additions to such structures that do not exceed 20 percent of the original building size (as it existed on May 27, 2004.). Such additions shall be allowed to be constructed of the same exterior materials as the original building.~~

~~(E) Accessory buildings.~~

~~(1) — In the agricultural (AG) zoning district: See subsection (D)(1) of this section regarding exceptions.~~

~~(2) — In a single family, duplex or single family attached zoning district: Accessory buildings that have over 500 square feet of floor area shall conform to the minimum exterior construction standards for the main building on the lot/tract, tract or site, and shall be compatible in exterior finishes and colors as the main building, unless located on property of one-half (1/2) acre or more.~~

~~(3) — In a multifamily or nonresidential zoning district: Accessory buildings (any size) shall conform to the minimum exterior construction standards for the main building on the lot/tract, tract or site, and shall be architecturally compatible in design and constructed of the same exterior finishes and colors as the main building.~~

~~(F) — Alternative exterior materials.~~

~~(1) — All written requests for alternative exterior building materials shall be clearly noted and described in detail on a color elevation plan that is submitted along with the site plan (for multifamily, single-family attached and nonresidential structures only). The city shall require submission of an actual sample of the proposed exterior finish material along with the elevations plan and the site plan.~~

~~(2) — Consideration for exceptions to the above exterior construction requirements shall be based only upon the following:~~

~~(a) — Architectural design, creativity and innovation;~~

~~(b) — Compatibility with surrounding structures;~~

~~(c) — Relative ease of maintenance of the material;~~

~~(d) — Long term durability and weather resistance of the material; and~~

~~(e) — Long term stability in property value due to the high quality of the material.~~

**~~Section 128-133. — Variance Procedure.~~**

~~(A) — The Planning and Zoning Commission shall hold a public hearing on any request for a variation or exception to the standards provided by this Article. The Planning and Zoning Commission may not recommend a variation or exception unless the Planning and Zoning Commission determines that the variation or exception will not substantially alter the intent of the standards established by this Article.~~

~~(B) — All recommendations of the Planning and Zoning Commission under this Article shall be forwarded to City Council. When the Planning and Zoning Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is filed by the applicant with the City Manager or his/her designee within 15 days of the date of the denial.~~

**Sec. 28-131 Minimum Exterior Construction Standards:**

Definitions - For the purpose of this section, the following definitions shall apply:

Masonry Construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. Synthetic masonry materials are prohibited.

The standards for masonry construction types are listed below:

(1) Stone Material. Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all-weather

stone. Cut stone and dimensioned stone techniques are acceptable. Stone veneer is acceptable with a minimum thickness of 3 5/8 inches.

(2) Brick Material. Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed. Brick veneer is acceptable with a minimum thickness of three (3) inches.

(3) Concrete Masonry Units. Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish as approved by the City Council. Lightweight concrete block or cinderblock construction is not acceptable as an exterior finish. Colored concrete masonry units are prohibited.

(4) Concrete Panel Construction. Concrete finish, precast panel, tilt wall, or cementitious composition reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable.

(5) Glass and Metal Standards are as follows: Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

### **Sec. 28-132 Construction Standards:**

Construction Standards - The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

#### (a) Residential:

(1) All residential buildings and structures shall be of exterior fire resistant construction having at least eighty-five percent (85%) of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the City's Building and Fire Codes.

(2) All principal buildings and structures located in the SFA and MF Districts shall be of exterior fire resistant construction having at least eighty-five percent (85%) of the total exterior walls, excluding doors and windows, constructed of brick, stone, brick veneer, stone veneer in accordance with the City's Building and Fire Codes.

(3) Concrete or metal exterior construction is not permitted on any residential structure.

(4) The concrete foundation of any building or structure may not be exposed more than two feet from the final grade.

(5) Exemptions:

(a) Barns or other accessory buildings in the agricultural (AG) zoning district and SF-E Estate District, or located on property of five (5) acres or more, provided that such barns are used solely for agricultural purposes as distinguished from commercial or industrial purposes, shall be exempt from provisions of this Section.

(b) Mobile homes otherwise lawfully existing under the provisions of this chapter shall also be excluded from provision of this Section.

(c) Historic structures (with a local, state or national designation/registry as an historic structure).

(d) Accessory building in a single-family, duplex or single-family attached zoning district that has equal to or less than 120 square feet of floor area;

(e) Accessory and maintenance buildings (any size) for a public golf course, a public or parochial school no larger than 120 square feet, or any city facility;

(f) Temporary construction buildings and field offices (provided that such facilities are legally permitted by the city for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first); temporary sales offices shall be permitted with first model home, provided that sales office is completely removed from the premises upon expiration of the permit or upon completion of construction; and

(g) Structures in existence on May 27, 2004, and any addition to those structures that does not exceed 25% of the heated and cooled square footage of the structure as measured on May 27, 2004.

(6) Roof materials shall be composition (30-year), standing seam metal, terra-cotta tiles, concrete tiles or slate in muted colors. Wood shingle, shake, and metal roofing systems associated with agricultural or industrial buildings are prohibited. Only flat pan, standing seam metal roof materials are allowed with a factory finish of an approved color. Natural metal roofs are not allowed, whether galvanized or metal aluminum. Minimum roof pitch shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for "Santa Fe" (with a flat roof and highly articulated parapet that conceals the roof and any roof-mounted equipment), "Texas ranch house" (with low pitched roofs, large eaves/overhangs, rambling design), or other uniquely styled home. Any proposed addition to an existing single-family structure shall have a minimum roof pitch of 4:12.

The exterior color of all residential structures must be muted, rustic earth tones. Bright colors like pinks, purples, and those classified as primary colors are expressly prohibited.

(b) Nonresidential:

(1) All nonresidential structures, including parking structures, shall be of exterior fire resistant construction having at least seventy-five percent (75%) of the total exterior walls above grade level, excluding doors and windows, constructed of masonry in accordance with the City's building and fire codes. Strict adherence to this requirement shall not be such as to prevent architectural creativity.

(2) The following materials are permitted materials for exterior construction:

- (a) Stone
- (b) Granite
- (c) Marble
- (d) Other stone (e.g. – limestone)
- (e) Glass, permitted as thirty percent (30%) or less of the exterior wall
- (f) Brick

Use of other exterior construction materials may be permitted by the City Council at the time of site plan approval.

(3) The following materials for exterior construction shall not exceed twenty-five percent (25%):

- (a) Painted wood
- (b) Concrete (including painted or stained concrete)
- (c) Glass, when over thirty percent (30%) of the exterior wall
- (d) Synthetic materials

(4) The concrete foundation of any building or structure may not be exposed more than two feet from the final grade.

(5) Any roof materials that are visible from a public street shall be comprised of architectural/dimensional, composition shingle (30-year minimum), flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch of a gabled or otherwise pitched roof shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for flat-roofed structures that shall have a highly articulated parapet with a minimum length of two (2) feet and a maximum length of 100 feet that conceals the roof and any roof-mounted equipment.

(6) The exterior color of all nonresidential structures shall be muted, rustic earth tones. Bright colors like pinks, purples, and those classified as primary colors are expressly prohibited.

(7) Elevated Water Storage Tanks and Pump Stations - All water storage facilities which serve the public shall be designed and painted to complement natural surroundings. All public water storage facilities shall be placed, to the extent possible, so as to have minimal negative impact on surrounding areas and shall be painted earth-tone, natural colors. The City Council shall be authorized to approve alternate color selections if such color(s) are more acceptable with surrounding areas.

(8) Temporary Construction Buildings - Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the building official and subject to periodic renewal by the inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices or buildings and material storage areas shall be removed at the satisfaction of the building official.

(c) Procedure for Determining Alternative Exterior Materials:

(1) All written requests for alternative exterior building materials shall be noted and described on the site plan. If requested by the City, a sample(s) of the proposed exterior finish material(s) may be required to be submitted with the site plan.

(2) The City may approve an alternative exterior material if it is determined to be equivalent or better than the exterior materials cited in subsection (b)(2) above as part of the approval of the site plan.

(3) Consideration for exceptions to the above requirements shall be based only on the following:

(a) Architectural design and creativity

(b) Compatibility with surrounding developed properties

(4) The request shall be reviewed by the Planning and Zoning Commission, and shall be approved or disapproved by the City Council.

(d) Exterior Building Design Standards:

(1) Purpose: To ensure the aesthetic value and visual appeal of nonresidential land uses and to ensure that structures relate harmoniously with the land and on a pedestrian, human scale. The architectural character of the built environment should complement the natural landscape and not dominate it. Vertical proportions which exaggerate building height shall be avoided. Building masses shall be broken up horizontally and vertically to provide relief in the facade. It is encouraged that every building reduce its perceived height and bulk by dividing the building into smaller components, and providing both Articulation and Variation on all building sides.

(2) Variation: Variation shall refer (for purposes of this section) to a combination of colors, textures, design features, and/or building materials. Variation shall include but not be limited to design features such as recessed windows, awnings, shutters, canopies, balconies, columns, arches and mullions, cornices, best courses, corbelling, molding,

stringcourses, latticework or ornamentation with vegetation, decorative light fixtures, and other sculpturing of the facade with permitted materials.

(3) Variation shall be accomplished as follows:

(a) A minimum thirty-three (33) percent of the front and any building side visible from a public roadway shall contain Variation. This percentage is reduced to twenty-five (25) percent of the total square footage of the face of each building side for any face not visible from a public roadway; and,

(b) For the front of buildings and any side visible from a public roadway, a minimum of five (5) changes in variation (5 textures, 5 colors and materials) is required, excluding the roof, doors and gutters; the required number of variation or design features is reduced to three (3) changes for all other building sides; and,

(4) Articulation: Articulation shall be defined (for purposes of this section) as an interruption of the building wall plane with an offset, either a recess or projection of at least four (4) feet, at an angle or arc of between forty-five (45) degrees and one hundred thirty five (135) degrees to the wall plane. Articulation shall include (and be used synonymously with) an offset, inset, relief, recess, setback, or projection.

(5) Horizontal Articulation shall be accomplished as follows:

(a) Wall planes of thirty (30) feet or less in length do not require an horizontal Articulation (offsets); and,

(b) No wall plane shall extend more than fifty (50) feet in length. Larger buildings shall be divided into modules, preferably not exceeding thirty (30) feet, but permitted up to fifty (50) feet in length, that are expressed three-dimensionally throughout the entire building (modifications to the facade only shall not meet this standard). The building modules should be expressed with at least one of the following:

(1) A setback in wall planes a minimum of four (4) feet;

(2) A change in the primary facade material for the extent of the building module; or

(3) A vertical architectural element such as a change in roof type or other vertical articulation described below.

Alternating use of similar building modules shall not be permitted.

(6) Vertical Articulation, as defined above, shall be accomplished as follows:

(a) By providing varying roof lines for each building mass through the use of pitched roofs with eaves, false pitch roofs with the appearance of true hips and

gables from all public rights-of-way, flat roofs with projecting cornices, parapets and other variations in roof heights and angles (excluding mansard roofs); and,

(b) Except for pitched roof buildings, no less than thirty (30) percent of the roofline distance for each building side shall have vertical articulation of at least two (2) feet or ten (10) percent of the average height of the wall plane, whichever is greater; however, no single run of roofline shall exceed sixty (60) feet in length without a minimum two-foot transition in vertical roofline height; and,

(c) Except for pitched roof buildings, by vertically articulating and emphasizing all principal building entrances by at least two (2) feet or ten (10) percent of the average height of the wall plane, whichever is greater; and,

(7) Facade articulations or offsets shall be shown, along with calculations verifying that the building elevations meet the above requirements, on a building facade elevation plan for all sides, and shall be submitted for Planning and Zoning Commission review and approval by the City Council, along with the site plan.

(8) All building sides shall have aesthetic detail including Articulation and Variation, with architectural elements that provide shadow lines and visual depth (unless substantially screened with landscaping, whereby the landscape screening in itself provides the aesthetic detailing), with proper maintenance program in place to provide upkeep of landscaping.

(9) Street-level storefronts and building entrances shall be open and inviting to pedestrians. Buildings 10,000 sq. ft. or greater shall have a street/parking-to-building zone of at least twenty (20) feet to be used for sidewalks, including a minimum fifteen-foot landscaped buffer strip or pedestrian spaces including benches and other seating facilities.

(10) A minimum exterior entryway offset/inset to help delineate a building's main entrance and add variety to the streetscape shall be provided for businesses based on their floor space as follows:

(a) Less than 5,000 sq. ft. shall have a minimum entryway area of 15 sq. ft.

(b) 5,000 to 15,000 sq. ft. shall have a minimum entryway area of 25 sq. ft.

(c) 15,001 to 30,000 sq. ft. shall have a minimum entryway area of 50 sq. ft.

(d) Greater than 30,000 sq. ft. shall have a minimum entryway area of 100 sq. ft.

(11) Windows shall be offset by no less than 4 inches and/or have a perimeter accent border of at least four (4) inches. No section of glass windows shall extend longer in width than fifteen (15) feet without a three-foot minimum break.

(12) All rooftop mechanical equipment shall be shielded from public view. The parapet must be of equal height to the tallest equipment.

(13) Building placement on slopes shall not only incorporate stepped massing, but shall also create footprint offsets to save vegetation and natural landforms. Topographical changes shall be reflected by vertical offsets in the massing of buildings wherever possible.

(14) Garage-style roll-up doors shall not face public roadways. When used, they must be screened from adjacent properties and public view, unless used for an outdoor patio or bar.

(15) Every outparcel building, liner building or other building set between the street right-of-way and a larger adjacent building shall include the architectural detailing set forth above on all sides on the building, including those that face internal parking areas.

(16) Irrigation systems must include rain and freeze sensors.

(e) Accessory buildings.

(1) In the agricultural (AG) zoning district: See subsection (a)(5)(a) of this section regarding exceptions.

(2) In a single-family, duplex or single-family attached zoning district: Accessory buildings that have over 500 square feet of floor area shall conform to the minimum exterior construction standards for the main building on the lot/tract, tract or site, and shall be compatible in exterior finishes and colors as the main building, unless located on property of one-half acre or more.

(3) In a multifamily or nonresidential zoning district: Accessory buildings (any size) shall conform to the minimum exterior construction standards for the main building on the lot/tract, tract or site, and shall be architecturally compatible in design and constructed of the same exterior finishes and colors as the main building.

### **Section 28-133. Variance Procedure.**

(a) The Planning and Zoning Commission shall hold a public hearing on any request for a variation or exception to the standards provided by this Article. The Planning and Zoning Commission may not recommend a variation or exception unless the Planning and Zoning Commission determines that the variation or exception will not substantially alter the intent of the standards established by this Article.

(b) All recommendations of the Planning and Zoning Commission under this Article shall be forwarded to City Council. When the Planning and Zoning Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is filed by the applicant with the City Manager or his/her designee within 15 days of the date of the denial.

## **ARTICLE VI. LANDSCAPE STANDARDS**

### **Section 28-151. Purpose.**

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, stormwater runoff, and consequent nonpoint pollution in local waterways. Therefore, landscaping is hereafter required of new development.

### **Section 28-152. Scope and Enforcement.**

(A) The standards and criteria contained within this division are deemed to be minimum standards and shall apply to all new, or altered, exceeding 30 percent of the original floor area, construction occurring within the city. Additionally, any use requiring a specific use permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this division shall be administered and enforced by the city manager or his designee. The landscape standards in this division apply to nonresidential and multifamily developments, including uses such as schools and churches within a residential zoning district, and minimal front yard landscaping standards apply to single-family and duplex residential developments and individual lot/tracts.

(B) If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this division, the city manager, or his designee, shall issue notice to the owner, citing the violation and describing what action is required to comply with this division. The owner, tenant or agent shall have 30 days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this chapter.

### **Section 28-153. Permits.**

(A) No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the city manager or his designee, along with the site plan and engineering/construction plans. A landscape plan shall be required as part of the site plan submission. The landscape plan may be shown on the site plan (provided the site plan remains clear and legible) or may be drawn on a separate sheet. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

(B) In any case in which a certificate of occupancy is sought at a season of the year in which the city manager, or his designee, determines that it would be impractical to plant trees, shrubs or ground cover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six months of the date of the issuance of the certificate of occupancy.

**Section 28-154. Landscape Plan.**

(A) Prior to the issuance of a building, paving, grading or construction permit for any use, a landscape plan shall be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall review such plans and shall provide City Council with a recommendation and City Council shall take final action on such plans. If the plans are in accordance with the criteria of these zoning regulations an action of approval shall be taken. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

(B) Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- (1) Minimum scale of one inch equals 50 feet; show scale in both written and graphic form.
- (2) Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
- (3) Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
- (4) Species and common names of all plant materials to be used.
- (5) Size of all plant material to be used (container size, planted height, etc.).
- (6) Spacing of plant material where appropriate.
- (7) Layout and description of irrigation, sprinkler, or water systems including location of water sources and rain and freeze sensors.
- (8) Description of maintenance provisions.
- (9) Name and address of the person responsible for the preparation of the landscape plan.
- (10) North arrow/symbol, and a small map showing where the property is located.
- (11) Date of the landscape plan.
- (12) The plan shall also be provided electronically and in color.

**Section 28-155. General Standards.**

The following criteria and standards shall apply to landscape materials and installation:

- (A) All nonpaved surfaces shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total pervious surface area.
- (B) Plant materials shall conform to the standards of the approved plant list for the city (see section 86-741 for the approved plant list referenced in that section) and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (C) Trees shall have an average crown spread of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown spread. Large trees shall be a minimum of three inches in caliper (measured four feet above the ground) and seven feet in height at time of planting. Small ornamental trees shall be a minimum of 1.5 inches in caliper and five feet in height at time of planting. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet by five feet diameter.
- (D) Shrubs not of a dwarf variety shall be a minimum of two feet in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous 75 percent visual screen which will be at least six feet high within three years after time of planting, except for parking lot/tract/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting.
- (E) Vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- (F) Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- (G) Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- (H) All landscaped areas shall be equipped with an automatic, underground irrigation system with freeze and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than ten square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the city council may waive the requirement for an underground irrigation system at the time of site plan approval. However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from public streets or walkways.
- (I) Earthen berms shall have side slopes not to exceed 33.3 percent (three feet of horizontal distance for each one foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the city engineer.

**Section 28-156. Minimum Landscaping Requirements for Nonresidential and Multifamily Developments.**

(A) For all nonresidential and multifamily developments, including schools, churches, day care facilities, and other similar uses in a residential district, at least 20 percent of the lot/tract area shall be pervious, permanently landscaped area. For corner lot/tracts, a 600 square foot landscaped area shall be provided at the street intersection, which can be counted toward the 20 percent requirement.

(B) A minimum 25-foot landscaped street buffer adjacent to the right-of-way of any arterial (Type "B" or larger) is required for the first 250 feet from the beginning (i.e., tangent) point of the street corner radius. Beyond the first 250 feet, the landscaped street buffer may either continue at the 25-foot width (developer's option), or it shall transition down to a required width of 15 feet along the remainder of the arterial frontage (minimum length of transition shall be 100 feet). A minimum 15-foot landscaped street buffer shall be required along any street frontage for any other nonresidential or multifamily development (including schools, churches, day care facilities, and other similar uses in a residential district). Corner lot/tracts fronting two arterials shall provide the appropriate required landscape buffer on both street frontages. ~~One~~ **Two** large shade tree and four small ornamental trees shall be required per 50 linear feet (or portion thereof) of street buffer frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped street buffer area may be included in the required landscape area percentage.

(C) Landscape areas within parking lot/tracts should generally be at least one parking space in size, with no landscape area less than 50 square feet in area. Landscape areas shall be no less than five feet wide, shall equal a total of at least ~~46~~ **32** square feet per parking space, and shall be dispersed throughout the parking area (i.e., not confined to the perimeter). There shall be a landscaped area with at least one large shade tree within 60 feet of every parking space. There shall be a minimum of one large shade tree, **a minimum of four inch caliper measured 48 inches above the ground,** planted within the parking area for every ten parking spaces for parking lot/tracts having more than 20 spaces. Within parking lot/tracts, landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. Landscape islands shall be located at the terminus of all parking rows and within bays of parking such that bays do not generally exceed 15 parking spaces in length, and all islands shall contain at least one tree (large or ornamental). All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.

(D) Each lot/tract shall provide a minimum ~~five~~ **fifteen**-foot-wide landscaped buffer strip around the sides and rear perimeters of the lot/tract, provided that each side or rear lot/tract line does not abut residentially zoned property, which requires a screening wall, per division 5 of this article. Within the five-foot perimeter buffer shall be provided a four-foot-tall screen comprised of hardy, evergreen shrubs, decorative walls with shrubs, or similar landscaping. If a side or rear lot/tract line abuts a residentially zoned property, and for nonresidential and institutional uses in residential zoning districts, then that portion of the perimeter buffer strip shall observe the required screening per division 5 of this article, shall be a minimum of ten feet in width, and shall be required to have one large shade tree, in lieu of the four-foot-high screen described above for every 30 linear feet for overstory screening/buffering for the adjacent residences.

(E) Only shrubs, ground covers and small ornamental trees shall be used under existing or proposed overhead utility lines.

(F) Vehicular driveways from the public right-of-way and sidewalks, in accordance with city regulations, shall be permitted through all required landscaping.

**Section 128-57. Minimum Landscaping Requirements for Single-Family and Two-Family Residential Developments.**

(A) For all single-family and two-family developments, each residential lot/tract shall be required to have one large shade tree for each 50 feet, **or portion thereof**, of lot/tract width. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals. The required trees shall be installed prior to issuance of a certificate of occupancy for the premises.

(B) The shade trees shall be a minimum of ~~three~~ **four** -inch caliper measured 48 inches above the ground. If the tree is located on a slope, measurement shall be from the highest side of the slope. The shade trees shall be selected from the current Texas A&M University Collin County Extension Agent's recommended tree list.

(C) The minimum height required for shade trees shall be seven feet.

(D) Shade trees in single-family developments are **not** required to be maintained.

**Section 128-58. Sight Distance and Visibility.**

(A) Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections (see section 86-828 for visibility requirements at street intersections and corners).

(B) Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any vehicular pavement in order to avoid visibility problems when plant materials mature.

(C) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the city manager, or his designee, the requirements set forth herein may be slightly reduced, if necessary, to remove the conflict.

**Section 128-59. Maintenance.**

(A) The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within 90 days. Trees with a trunk diameter in excess of six inches measured four feet above the ground may be replaced with ones

of similar variety having a trunk diameter of no less than three inches measured four feet above the ground on a caliper-inch for caliper-inch basis (e.g., for a six-inch tree, two three-inch replacement trees shall be required). A time extension may be granted by the city manager or his designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

(B) It shall be the duty of any person or persons owning or occupying real property bordering on any street to prune trees next to the street in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view from any street or alley intersection (see visibility requirements in division 5 of this article). The minimum clearance of any portion of a tree overhanging public street right-of-way shall be 14 feet, and overhanging a public sidewalk shall be eight feet.

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

**Section 28-160. Variance Procedure.**

(A) The Planning and Zoning Commission shall hold a public hearing on any request for a variation or exception to the standards provided by this Article. The Planning and Zoning Commission may not recommend a variation or exception unless the Planning and Zoning Commission determines that the variation or exception will not substantially alter the intent of the standards established by this Article.

(B) All recommendations of the Planning and Zoning Commission under this Article shall be forwarded to City Council. When the Planning and Zoning Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is filed by the applicant with the City Manager or his/her designee within 15 days of the date of the denial.

**" ARTICLE I. SIGNS**

Section	Current Ordinance	Recommendations
<b>Section 28-2. Definitions</b>	<i>Sign, freestanding</i>	It is recommended to keep this definition in addition to <i>Sign, Monument</i> .
	No current definition for <i>Sign, Monument</i>	It is recommended to add the definition: <i>Sign, monument</i> means any permanent low profile sign built on a monument base, solid from the ground up, which has no clear space for the full width of the sign between the bottom of the sign and the ground and is not an attached, portable or vehicular sign. Pole(s) or support(s) must be concealed.
	No current definition for <i>Sign, Pole</i>	It is recommended to add the definition: <i>Sign, pole</i> means a permanent freestanding pole sign, utilizing either a monopole or dual pole design.
	No current definition for <i>Sign, Temporary</i>	It is recommended to add the definition: <i>Sign, Temporary</i> as included in the new draft
	No current definition for <i>Sign, Window</i>	It is recommended to add the definition: <i>Sign, window</i> means a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within three (3) feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.
	<i>Wind device</i> means any flag, banner, pennant, streamer or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached by the same rules as other signs.	It is recommended to add the verbiage: Heavier-than-air inflatables must be firmly tethered to the ground and shall not exceed a maximum of 35 feet in height. Feather signs are considered wind device signs.
	<i>Sign, vehicular</i> means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection.	It is recommended to add the verbiage: ...bumper stickers, magnetic signs not to exceed four square feet, taxicab signs, or delivery vehicle signs so long as the vehicle is shielded from public view when stored or stopped and otherwise does not park at any one location longer than reasonably necessary to make a delivery.
<b>Section 28-6. Signs in Right-of-Way prohibited.</b>	It is recommended to add verbiage to this section.	Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be criminally responsible for the illegally placed sign.
<b>Section 28-7. Signs on public property.</b>	It is recommended to add verbiage to this section.	Both the person who erected or affixed the sign and the person or business who benefits from the placement of the sign shall be criminally responsible for the illegally placed sign.
<b>Section 28-10. Political Signs</b>	It is recommended to add additional bullets to subsection 1.	(1) Political signs must comply with state law and are prohibited from: a. b. c., d. - remain as is e. Being located in center medians or within 15 feet of any stop sign / traffic light. f. Being placed on private property without the permission of the property owner. g. Being placed on City of Murphy owned property except: 1) Along the south entrance of the Municipal Complex. Signs may be placed on the south side of this driveway beginning 10 days prior to early voting. The sign placement area shall be between the Customer Service Utility Payment Drive area and the right of way at Murphy Road. 2) The total sign area of a candidate on City of Murphy owned property may not exceed 16 square feet. 3) All candidate signs must be removed within 7 days after the conclusion of the election. h. The City may remove any sign that is not in compliance with any of the above.
<b>Section 28-11. Special Purpose Signs</b>	Section C: ...Permits for such signs may be granted for a maximum period of six month intervals, with such signs being removed upon ninety (90) percent completion of the project.	It is recommended to change the interval from six months to twelve months.
	(E) Wind devices, heavier-than-air inflatable, and similar special purpose signs promoting a single-family subdivision or multi-family complex shall be allowed a maximum single use period not to exceed sixty (60) days, with a minimum period between permits of sixty (60) days and a maximum number of three (3) permits per year for a given subdivision or complex.	It is recommended to change the single use permit interval from sixty days to fifteen days with a minimum period between permits of thirty days.
	(F) Wind devices, heavier-than-air inflatables, and similar special purpose signs promoting a retail or commercial establishment or center shall be allowed a maximum single use period not to exceed sixty (60) days with a minimum period between permits of sixty (60) days and a maximum number of three (3) permits per year for a given establishment or center.	It is recommended to change the interval from sixty days to seven days with a minimum period between permits of fifteen days.
	(G) Signs that advertise sales, specials, grand openings, or other goods or services available within an establishment may be placed in windows using water soluble paint, appliques or other temporary and removable means provided that no such window sign may: (1) Be located on the window surface in any manner that obscures more than twenty five percent (25%) of the visible window area available in the absence of any signs; and (2) Remain in place more than 60 days in any six month period.	It is recommended to change the interval noted in (2) from sixty days to thirty days.
<b>Section 28-14. Sale or lease signs.</b>	It is recommended to add bullet (C) to this section.	A site may contain on-premise attached or freestanding signs for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions: (A), (B) remain as is. (C) Permits for such signs may be granted for a maximum period of twelve month intervals.
<b>Section 28-16. Kiosk Signs.</b>	It is recommended to edit staff contact verbiage.	It is recommended to edit staff contact verbiage in section (A) and (B).

Section	Current Ordinance	Recommendations
<b>Section 28-22. Freestanding signs - Business Districts.</b>	Current section is as follows: Freestanding signs are permitted in business zoning districts as follows: (A) Number of Freestanding Signs: (1) Only one freestanding sign of any type may be erected on any site, except that: (a) A site which has more than three hundred (300) feet along a single thoroughfare may have one (1) additional freestanding sign. (b) Freestanding signs shall be allowed on each thoroughfare frontage of a site. (c) No more than two (2) freestanding signs shall be allowed on each thoroughfare frontage of a site. (d) In no case shall a site possess more than four (4) freestanding signs. (e) Fast food and drive-through restaurants may have additional sign(s) not exceeding eight (8) feet in height nor fifty (50) square feet in area and, if freestanding, located no further than fifteen (15) feet from the building housing that activity. (f) Signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on premises. No activity shall have more than one such sign per street front. In no case shall such sign be freestanding.	It is recommended to change this section as follows: Section 28-22. Monument signs - Business Districts. Monument signs are permitted in business zoning districts as follows: (A) Number of Monument Signs: (1) Only one monument sign of any type may be erected on any site's thoroughfare frontage, not to exceed two monument signs per site. (a) Fast food and drive-through restaurants may have additional sign(s) not exceeding eight (8) feet in height nor fifty (50) square feet in area and, if monument, located no further than fifteen (15) feet from the building housing that activity. (b) Signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on premises. No activity shall have more than one such sign per street front. In no case shall such sign be monument.
<b>Section 28-22. Freestanding signs - Business Districts. (CONT...)</b>	Current Section is as follows: (C) Size and Height: (1) No freestanding sign shall exceed fifty (50) square feet in sign area or seven (7) feet in height except as herein provided. (2) Freestanding signs may incorporate embellishments or cut-outs; provided, that they shall not exceed twenty (20) percent of the area of the sign face and that they shall not extend beyond the sign face a distance exceeding eighteen (18) inches as measured horizontally.	It is recommended to change this section as follows: (C) Size, Height and Building Materials: <i>please see Chapter 28 draft, Section 29-22 for Size, Height and Building Materials recommendations.</i>
<b>Section 28-24. Window Signs</b>	It is recommended to change the visible window area percentage from 25 to 50 percent.	Window signs in the use districts, where permitted, do not require a sign permit and do not require approval by any municipal agency prior to erection. In no event may signs be located on the window surface internally or externally in any manner to obscure more than 50 percent of the visible window area available in the absence of any signs. Where multiple windows exist fronting on a single street or sidewalk, the 50 percent visibility shall be maintained for the total window area on such street or sidewalk. Specifically, window signs shall include: (4) Decorations intended to direct attention to and stimulate citizens' interest in public events, providing such signs are painted on the external surface of the window and a 50 percent visibility requirement is maintained.
<b>Section 28-27. Freestanding signs - Residential Districts.</b>	Current Section is as follows: Section 28-27. Freestanding signs – Residential Districts.	It is recommended to change this section as follows: Section 28-27. Monument signs – Residential Districts. <i>please see Chapter 28 draft, Section 29-27 for Size, Height and Building Materials recommendations.</i>
<b>Section 28-30. Permits, applications, fees.</b>	It is recommended to add an additional subsection.	It is recommended to add a new subsection after (G) Expiration (H) Special Purpose / Builder Sign Renewal -If previously permitted sign has not been moved or altered in any way, a sign permit renewal request, photo or artwork of sign and appropriate fee payment are required.
<b>"ARTICLE II. FENCING, WALLS AND SCREENING</b>		
<b>Section 28-52. Screening of nonresidential, multifamily areas and manufactured/mobile home parks.</b>	It is recommended to add an additional subsection.	It is recommended to edit this section as follows: insert new subsection and shift lettering (D) Fence applications will not be accepted without prior written and confirmed approval from respective Homeowners Association.
<b>Section 28-53. Fences Residential Areas.</b>	It is recommended to change verbiage of section (E) Permit requirement.	It is recommended to edit this section as follows: (E) Permit Requirement. Permit requirement. It shall be unlawful for any person to construct or repair a fence that is equal to or greater than 25 percent of the total existing linear footage of a fence on any lot without having first obtained a fence permit from the permit department. All fences require a permit; however, if the construction or repair is equal to or greater than 25% of the total existing linear footage, a permit fee will be assessed. A person may not construct or repair less than 25 percent of the total linear footage of a fence more than once in a consecutive six-month period. Adequate plans and specifications, as determined by the City, must accompany each application for a permit. If you are adding any percentage of linear feet to existing fencing, a fence permit fee will be assessed.
	Current section is as follows: (R) Fence Transition. Where a privacy fence and a fence or wall that screens a thoroughfare of different heights meet or connect, a gradual transition shall be provided to match the height of the fence that is smaller in height.	It is recommended to edit this section as follows: (R) Fence Transition. Where a privacy fence and a fence or wall that screens a thoroughfare or public street of different heights meet or connect, a stair step transition/effect shall be provided to match the height of the fence that is lower in height. Such transition must be approved by the City.
	New subsection addition recommended	(S) Fence Post Visibility - Where a privacy fence faces a public right of way, the fence must be built with the posts on the inside of the property and may not be facing the public right of way.
	New subsection addition recommended	(S) Fence Post Visibility - Where a privacy fence screens a public right of way, the fence must be built with the posts on the inside of the property and may not be facing the public right of way.
<b>"ARTICLE III. LIGHT AND GLARE</b>		
<b>Section 28-76. Parking and Loading Area Lighting</b>	New subsection addition recommended	(G) If establishment is not open, non operating hours, lighting should be minimal; for security purposes and entries.

Section	Current Ordinance	Recommendations
Section 28-77. Walkway Lighting	It is recommended to change the minimum average of foot candles from 0.8 to 1 foot.	(A) All outdoor pedestrian areas and uncovered walkways, separate from parking or buildings but essential to the nighttime operation of nonresidential uses within nonresidential districts, shall be continually illuminated between sunset and sunrise. The level of intensity of illumination, measured at the walkway surface, shall be a minimum average of 1 foot candles, distributed at an average-to-minimum uniformity ratio of 5:1.
<b>"ARTICLE V. EXTERIOR CONSTRUCTION AND DESIGN"</b>		
Section 28-131 - Minimum Exterior Construction Standards	It is recommended that this entire section be rewritten.	Please see Section 28-131 Minimum Exterior Construction Standards recommendation. Also included in this section is the verbiage: (16) Irrigation systems must include rain and freeze sensors.
<b>"ARTICLE VI. LANDSCAPE STANDARDS"</b>		
Section 28-154 Landscape Plan	It is recommended to add verbiage to this section.	(7) Layout and description of irrigation, sprinkler, or water systems including location of water sources <i>and rain and freeze sensors</i> .
<b>"ARTICLE VI. LANDSCAPE STANDARDS"</b>		
Section 28-156 Minimum Landscaping Requirements for Nonresidential and Multifamily Developments	It is recommended that edits as noted in Section 28-156 of the Draft Chapter 28.	Please see Section 28-156 Minimum Landscaping Requirements for Nonresidential and Multifamily Developments