

**CITY OF HEATH**  
**ORDINANCE NO. 220927E**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING VARIOUS SECTIONS OF CHAPTER 159, "ZONING," OF THE CODE OF ORDINANCES, CITY OF HEATH, TEXAS, THE SAME BEING THE ZONING ORDINANCE, SPECIFICALLY TO SECTION 159.29, "TOWNE CENTER OVERLAY DISTRICT," AND TO SECTION 159.43, "CONDITIONAL USE PERMITS; PERMIT REQUIREMENTS," TO LIMIT THE BUILDING HEIGHT IN THE "TOWNE CENTER OVERLAY DISTRICT" FROM THREE (3) STORIES TO ONE (1) STORY IN HEIGHT, REQUIRING A CONDITIONAL USE PERMIT (CUP) FOR TWO (2) STORY BUILDINGS, TO PROHIBIT THE CONSTRUCTION OF THREE (3) STORY BUILDINGS, AND TO IMPLEMENT TECHNICAL CORRECTIONS; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Heath, Texas (the "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Section 211.003 of the Texas Local Government Code provides that the City Council may regulate the percentage of a lot that may be occupied; the population density; the size of yards, courts, and other open spaces; the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and the bulk of buildings; and

**WHEREAS**, Section 211.005(a) of the Texas Local Government Code authorizes the City Council to divide the city into districts, within which the City Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; and

**WHEREAS**, the City Council of the City of Heath, Texas (the "City Council") adopted Chapter 159 of its Code of Ordinances, the same being the City's Zoning Ordinance, which sets forth various regulations for the use of land within the city; and

**WHEREAS**, on June 14, 2022, the city adopted Resolution 220614C, endorsing the "Heath Town Center Design Book" as the conceptual design plan for the Heath Towne Center Overlay District (the "District"), after conducting substantial studies and a number of public hearings and work sessions, giving of public notice; and gathering input from the city's professional planner, planning consultant, owners and developers of land within the District; and

**WHEREAS**, in Section 2 of Resolution 220614C, the City Council authorizes city staff to amend § 159.29 "TOWNE CENTER OVERLAY DISTRICT," Code of Ordinances, City of Heath, reflecting revisions to the building height requirements to permit one (1) story buildings as-of-right, to require a Conditional Use Permit (C.U.P.) for the approval of two

(2) story buildings, and to prohibit the construction of three (3) story buildings within the District; and

**WHEREAS**, having considered the recommendations of the Architectural Review Board and the Planning and Zoning Commission concerning the appropriateness of the amendments to the Zoning Ordinance in order to provide clarity and harmonize the regulations of the Zoning Ordinance with the Comprehensive Plan and the "Heath Town Center Design Book"; and

**WHEREAS**, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City, after receiving a recommendation from the Architectural Review Board, has recommended to the City Council that the amendments to the Zoning Ordinance as set forth in this Ordinance be adopted; and

**WHEREAS**, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council, at which the City Council considered the recommendation of the Architectural Review Board and Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and the City Council does hereby find that the amendments to the City's Zoning Ordinance approved hereby accomplishes such objectives; and

**WHEREAS**, the City Council wishes to now amend its Zoning Ordinance to reflect the provisions of Resolution 220614C in conformance with Local Government Code Chapters 211 and 213 and to ensure the public peace, health, safety, morals, and general welfare of the city and for the proper conduct of its affairs; and

**WHEREAS**, the City Council deems it necessary, expedient, and in the best interest of the city to adopt the below revisions to its Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS:**

**Section 1. Incorporation of Premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Findings.** After due deliberations and consideration of the recommendation of the Architectural Review Board, the Planning and Zoning Commission, and the information and other materials received at the public hearings, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City of Heath, Texas, and of the public health, safety and welfare.

**Section 3. Zoning Amendments.** Chapter 159 of the Code of Ordinances of the City of Heath, Texas, the same being the City's Zoning Ordinance, is hereby amended to read as shown in the attached **Exhibit "A"** incorporated herein by reference, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed:

**Section 4. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**Section 5. Severability.** Should any section, subsection, sentence, clause, phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Heath hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**Section 6. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance or Heath's Zoning Ordinance Chapter 159, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Heath from filing suit to enjoin the violation. Heath retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**Section 7. Effective Date.** This Ordinance shall take effect immediately from and after its passage as the law and Charter of the City in such cases provides.

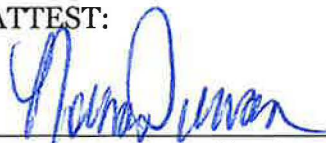
**Section 8. Open Meetings.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Heath, Texas, on this the 27<sup>th</sup> day of September 2022.



Kelson Elam, Mayor

ATTEST:



Norma Duncan, City Secretary

APPROVED AS TO FORM:



Maria Johnson, City Attorney





## **EXHIBIT "A"**

### **§ 159.29 TOWNE CENTER OVERLAY DISTRICT.**

- (A) The Towne Center Overlay District (the District), is contained as Exhibit A, attached hereto and incorporated herein by reference, and shall be on file in the City Secretary's office.
- (B) That where the provisions of the Towne Center Overlay District conflict with the provisions of the underlying zoning district, the provisions of the Towne Center Overlay District shall control.
  - (1) In the case where certain standards are not addressed in this Ordinance, the city's existing relevant codes, as applied to the land use being proposed, shall prevail.
  - (2) The regulation of the sale of alcoholic beverages for off-premise consumption in the District shall be controlled by the underlying zoning of the property, by Chapter 116 of the Code of Ordinances, and by applicable state law.
  - (3) In the District, no density/intensity (units per acre/floor area ratio) limits shall apply. Density and intensity will be controlled by the following standards:
    - (a) Building height.
    - (b) Building setbacks.
    - (c) Landscape coverage.
    - (d) Impervious surface coverage.
    - (e) Parking requirements.
    - (f) Drainage and detention area requirements of the city.
- (C) Key Roads
  - (1) The Key Roads within the District shall include the following thoroughfares:
    - (a) FM 740 (Laurence Drive)
    - (b) Hubbard Drive
    - (c) FM 740 (Bois D' Arc)
    - (d) FM 549
    - (e) FM 1040 (Smirl Drive)
    - (f) FM 550



- (2) New thoroughfares constructed within the interior of the District shall consist of sidewalks, street trees and/or building canopies, with buildings in relatively close proximity to the street.

(D) Permitted Land Uses

- (1) Unless otherwise restricted herein, multiple non-residential uses may occur within the same building. Existing uses that are legal at the time of this Ordinance's adoption shall be allowed to continue in accordance with the city's "existing non-conforming use" provisions as amended.
- (2) The following land uses shall be permitted within the District. Those uses not listed among the specifically permitted uses on this page are not permitted within the District.

(a) Commercial Uses

1. Restaurants/Pubs
2. Retail Stores
3. Bakeries
4. Antique Shops
5. Artisan Workshops
6. Gymnastics/Dance Studio
7. Health/Fitness Center
8. Offices
9. Neighborhood Theater
10. Medical Uses
11. Financial institutions
12. Farmer's Market
13. Print Shop (Retail only. No manufacturing print facilities permitted)
14. Business services (photocopying, etc.)
15. Personal services (hair salons, etc.)
16. Veterinarian Clinic
17. Art Studios/Galleries
18. Food Truck Court

- (b) None of the uses listed above may exceed 8,000 sq. ft. of gross floor area for a single tenant/business.

(c) Public/Institutional Uses

1. Governmental uses and Schools
2. Places of Worship
3. Museums/Art Galleries
4. Municipal Uses operated by the city
5. Park/Playground

(d) Uses and Structures Requiring a Conditional Use Permit (C.U.P.)

1. Bed & Breakfast Inns/Boutique Hotels

2. Licensed Child-Care Center
3. Alcoholic Beverage Sales (Beer/Wine only)
4. Alcoholic Beverage Establishment (Beer/Wine only)
5. Buildings two (2) stories in height.

(e) Specifically Prohibited Uses and Structures

1. Buildings higher than two (2) stories.
2. Indoor Amusement
3. Industrial Uses
4. Manufacturing
5. Gasoline/service stations (as a primary use or accessory to a convenience store use)
6. Automobile sales or repair
7. Junkyards
8. Antennas
9. Cell Towers
10. Car Wash
11. Sexually Oriented Businesses
12. Tattoo parlors
13. Landfill
14. Vapor Businesses
15. Exotic Dancing
16. Transit Center
17. Single Family Residential Uses
18. Specialty auto sales
19. Multi-family Apartments
20. Residential Town Homes or Row Housing
21. Duplex or Four-Plex Residences
22. Payday and Car Title Loan

(E) The Framework: Blocks, Lots & Streets. All future development within the District shall fit within the general concept of blocks, lots and streets. This system comprises the most fundamental "building blocks" of a traditional town center, as follows:

1. Blocks. Blocks shall be comprised of one or more lots. Blocks bounded by peripheral streets and shall follow these standards:
  - (a) Shape - Blocks are typically rectangular or square in shape in order to yield efficiently shaped lots. However, other shapes, such as triangles, are occasionally acceptable; specifically allowing for shapes that best fit the land contour with some shapes that are more organic and less orthogonal.
  - (b) Size - In order to maximize vehicular and pedestrian access, and to reinforce a human scale, no block may exceed 600 ft. in length along any axis.

2. Lots. Lots are land areas for development that are bounded by at least one street and, generally, bound by a rear alley and/or adjacent lots. Lots shall follow these standards:

- (a) Shape - Lots are usually rectangular in shape, although variations are acceptable, flexibility in shapes that best serve the District will be considered.

- (b) Size - No lot may be less than 20 ft. wide or 80 ft. deep. There are no maximum lot size standards. Variances may be considered by the City Council for sensibly proportioned lots to follow the topography where such variances are deemed to not deviate from the underlying goals and objectives established for the District.

- (3) Streets. Street design requirements for the District shall be determined by the street classification. "Primary" streets include FM 740 (Laurence Drive), Hubbard Drive, FM 1140 (Smirl Road), FM 740 (Bois D' Arc), FM 549 (Buffalo Way Road), and FM 550. State roads are controlled by the Texas Department of Transportation standards, and parking is not permitted on F.M. roads. Any existing or future street not designated as a primary street shall be a secondary street. Alleys located central to the block are optional. If provided, alleys must consist of a 20 ft. paved width.

- (a) Primary Street

1. Right-of-way (ROW) - 70 ft. width.
    2. Curb-to-Curb - 38 ft. width Driving Lanes - 11 ft. width.
    3. Parallel Degree Parking Lanes - 9 ft. width.
    4. Sidewalks - 8 ft. width.
    5. Planting Strip with street trees - 8 ft. width.

- (b) Secondary Street

1. Right-of-Way (R.O.W.) - 60 ft. width.
    2. Curb-to-Curb - 36 ft. width.
    3. Driving Lanes - 10 ft. width.
    4. Parallel Parking Lanes - 8 ft. width.
    5. Sidewalks - 6 ft. width.
    6. Planting Strip with street trees - 6 ft. width.

(F) Buildings: Location and Scale

- (1) Front Setbacks from *Primary Streets & Secondary Streets*: Facades shall be 5 ft. to 15 ft. from the lot's frontage line (front lot line/street R.O.W.). Corner buildings are considered as having two frontages.

- (a) Front Setback Exceptions - Setback Intrusions, such as stoops, balconies, porches, canopies, awnings, and bay windows, may encroach within front



setbacks, but not within the public right-of-way, along Secondary Streets only between grade and a 10 ft. clearance height. Right-of-way intrusions meeting the height clearance requirements shall not extend within 2 ft. of the street curb.

- (b) Courtyards - Central courtyard recesses are permitted.
- (c) Outdoor Dining - Front setbacks up to 25 ft. are permitted to accommodate outdoor dining if a design treatment is applied along the lot's frontage line (edge of sidewalk furthest from street). Examples of acceptable design treatments include a wall, fence and/or hedges no greater than 3.5 ft. in height.
- (d) Building setbacks along certain Primary Street thoroughfares - Along FM 740 (Laurence Drive), Hubbard Drive, FM 740 (Bois D' Arc), FM 549, and FM 1040 (Smirl Drive) shall be 35 ft.
  - 1. No paved parking areas shall be allowed within this 35 ft. setback area.
  - 2. Said setback area shall be landscaped in conformance with the 35% landscaped area requirement for each lot.
  - 3. A 10 ft. wide concrete trail, designed with a meandering or serpentine configuration, shall be required on one side of the street as approved by the City Council.

(2) Side Setbacks from *Primary Streets & Secondary Streets*

- (a) Buildings shall be 5 ft. to 15 ft. off the side property line. The only exception is for access drives and/or parking to the side of a building to consist of no more than 70 ft. in width between adjacent buildings.
- (b) Variance request for a 0 ft. internal side yard setback to construct a series of connected storefront façades across more than one lot along the block face of a primary or secondary street shall require approval by the City Council after receiving a recommendation from the Architectural Review Board and the Planning and Zoning Commission.

(3) Rear Setbacks from *Primary Streets & Secondary Streets* - All buildings shall be set back at least 3 ft. from the rear property line.

(4) Building Heights - No building height may exceed one (1) story in height.

- (a) One-story buildings shall be a minimum of eighteen (18) ft. in height, with a maximum height not to exceed twenty-five (25) ft.
- (b) Building heights shall be measured from the average grade level at the front facade to the average height of the highest roof structure for a pitched roof or to the top of the parapet for a flat roof.
  - 1. For buildings with flat roofs, the minimum height of a roof parapet wall shall be three feet and six inches (3'-6") in height, as measured from the highest elevation of the finished roof deck.

2. No rooftop equipment shall be visible from an adjoining sidewalk that serves a building with a flat roof.

(c) Exceptions –

1. An exception is allowed for vertical architectural elements, such as towers, belvederes, and similar elements. Such elements may be up to 35 ft. in height if they have a footprint no greater than 240 sq. ft. This exception may extend to a maximum of 45 ft. in height for institutional and religious buildings.
2. Two-story buildings shall only be permitted with the approval of a Conditional Use Permit (CUP) by the City Council after receiving a recommendation from the Architectural Review Board and the Planning and Zoning Commission.

(G) Cultural/Institutional Buildings

- (1) Cultural and institutional uses, such as churches, schools, governmental buildings, libraries, museums, and parks, may deviate from District standards in order to make them more prominent and as a means of emphasizing their significance to the community. The following standards shall apply:
  - (a) Building Locations - Cultural and institutional buildings shall be allowed to have more generous front and side setbacks than those of commercial buildings in order to emphasize their significance. There shall be no setback standards.
  - (b) Locations at special sites such as corners or sites terminating a street axis shall be sought for cultural and institutional buildings.
- (2) Architectural Character - Cultural and institutional buildings shall have a civic character, which might include classical architectural design elements (symmetry, pediments, columns, etc.). Main entrances shall be clearly articulated. Roof forms shall also include cupolas, steeples, and similar vertical architectural elements intended to give the building prominence. Such vertical elements may extend up to 10 ft. above the maximum building heights otherwise permitted.
- (3) Parking - Off-street parking for cultural and institutional buildings shall not be permitted between the building and its primary street frontage. Parking shall be located and designed to be minimal in appearance when viewed from the public right-of-way.

(H) Buildings: Design & Materials

- (1) Concepts - Architectural character should evoke the image of a classic Texas town. Designs that refer to "period architecture" should be interpreted in a contemporary way. Building groupings should be composed of a series of individual elements that stand on their own but when combined, contribute to a coherent overall sense of place. The buildings and storefronts are to build on

the basic design themes of the Downtown while striving for design creativity and individual expressions.

- (2) Building Walls – Shall be finished in brick, stone, wood clapboard, or wood board & batten. Smooth, 3-coat stucco shall only consume no more than 20% of any façade, excluding door and window openings. Cementitious materials accurately duplicating wood are also permitted. Non-masonry materials shall be painted or unpainted.
- (3) Chimneys - Shall be 100% brick or stone masonry.
- (4) Windows & Door Glass - Window and door glass shall be code compliant and not reflective or noticeably tinted.
- (5) Canopies & Awnings - Canopies shall be constructed of wood, metal, or metal and glass in a design compatible with the building architecture. Awnings shall be made of natural or synthetic canvas or opaque reinforced vinyl on a galvanized steel pipe or tubular aluminum frame. Translucent vinyl and rigid plastic are not permitted.
- (6) Security Features - External security features, such as door or window grilles, are prohibited.
- (7) Street Level Uses - Design and leasing of ground floor areas should focus on uses that enhance and enliven the pedestrian experience along the street. Retail uses should occur as continuously as possible along the ground plane of a primary street.
- (8) Entrances
  - (a) Each building shall have at least one primary entrance having direct access to the applicable street. In the case of corner buildings, the primary entrance shall be on the primary street. For any large structure, a front entrance will be provided for every 100 feet frontage.
  - (b) Secondary entries oriented toward parking lots other than service entries are discouraged. For uses at the ground floor, other than basement mechanical storage and parking levels, the finished floor elevation may not be lower than the finished sidewalk grade.
- (9) Opening Locations - Openings (doors & windows) in upper floors shall be vertically aligned with ground floor openings. Upper floor gable end openings must be centered within the gable. All openings shall be a minimum of 2 ft. from building corners.
- (10) Shutters - When used, shutters shall be sized and shaped to match the window opening.
- (11) Character and Massing
  - (a) Simple yet varied massing promotes a character. Breaking down the massing and scale of larger buildings creates a pedestrian-scaled collection of smaller individualized elements that is in keeping with the overall concept. Especially at corners, create a varied skyline with forms (i.e., towers, domes, and rotundas).



- (b) Accentuate important locations, especially entries. Architecture of "mass" that provides deep openings and shadow lines, as well as details enhanced by the sun, are encouraged. Architecture should enhance the pedestrian experience by providing human-scaled details and amenities.

#### (12) Exterior Appearance of Buildings

- (a) Expression of the Base, Middle, Cap - Architectural massing that strongly defines a base, middle, and cap is required.
  - 1. Base – is the ground level where the building makes contact with the earth.
  - 2. Middle – is the upper middle portion of the building, forming the majority of the structure, and
  - 3. Cap – is the parapet, entablature, or roofline where the building meets the sky.
- (b) Roof forms should be expressed whenever possible along the pedestrian realm in a visually interesting fashion, avoiding flat, unarticulated expressions.
- (c) The base and tops of buildings will vary in material, and facades must include articulated ground floor levels, minimum 3-foot overhangs at eaves, articulated cornice line, and a stone base.

#### (13) Façade Design

- (a) Storefronts - Where ground floor uses are commercial, the ground floor facade shall have continuous storefront windows along the street frontage. Commercial ground floors shall have a minimum of 60% glazed surface (measured between grade and the interior ceiling level). Corner buildings shall only have to comply on one of two frontages.
- (b) Large Spaces - On "Primary Commercial" street frontages, a front entrance shall be provided for every 100 ft. of facade frontage for each building. An alternative to an individual user having multiple front entrances is the use of separate linear space on the frontage for separate users. Such linear space must have a front entrance.

#### (14) Vertical Bays - Facades shall be broken into vertical bays not exceeding 30 ft. in width through the use of one or more of the following approaches:

- (a) Facade recesses.
- (b) Facade projections and/or pilasters.
- (c) Canopies and roofline or parapet changes can supplement those approaches to further define the vertical bays.

#### (15) Corner Treatment

- (a) Buildings will reinforce a strong corner condition at street intersections. Angled corner clips (or other building conditions that do not form a protruding corner) are not allowable at street intersections but may occur up to twice within the block (between street intersections). Buildings will be designed to accommodate City of Heath required visibility triangles without compromising the corner design.

- (b) The dominant primary cladding material will transition a minimum of twenty Fenestration feet (20') around building corners.
- (16)- Punched-type windows are appropriate. They should be inset from the face of the building to create deep shadow lines and visual relief.
  - (a) To control glare and reinforce the traditional image of bearing wall architecture, ribbon windows and curtain walls are discouraged.
  - (b) Clear glass is required in all retail storefronts; smoked, reflective, or black glass is prohibited.
  - (c) Energy compliant glass is required on all commercial properties.
  - (d) Smoked, reflective and black glass is prohibited. Any patterned glass must be approved by the city.
  - (e) Window and door glass shall be code compliant and not reflective or noticeably tinted.
- (17) Colors
  - (a) Color palette should take cues from the classic base colors of Texas materials including but not limited to warm earth tones such as tan, ochre, beige, and terra cotta. Roses, pinks, plums, and violets should generally be avoided.
  - (b) Vibrant accents may be used in limited quantities at appropriate locations. Accents are to be of high-quality materials and are used to promote a vibrant street life in a manner compatible with the "civic" nature of the street.

#### (I) Site Design

- (1) Access to Parking - No driveways are permitted on the District's Primary Commercial street segments. Only access from other streets or alleys is allowed here. Where driveways are permitted, driveways must be at least 200 ft. from other driveways on the same block face, and at least 150 ft. from any intersection.
- (2) Driveway Widths\_- Where driveways are permitted, driveways shall not exceed a width of 24 ft.
- (3) Parking - Within the District, the city's minimum requirements as applied elsewhere in the city may be exceeded by no more than 10%.
- (4) Parking Locations\_- In the District, parking may not be located between a building and its associated street. It may be located beside buildings, may not exceed 70 ft. in width.
- (5) Impervious Surface – The maximum amount of impervious coverage shall not exceed 65% of the net developable lot area.
- (6) Surface Parking - All surface parking lots shall be paved per city standards. Parking lots will not front main arteries in retail/office areas. Parking will be integrated into the District behind buildings where possible through the use of similar landscaping and building materials.

- (a) Consistent repetitive placement of streetscape elements, i.e. trees, will be placed every 10 parking spaces on surface parking lots. Situations where parking spaces directly abut structures are discouraged unless no alternative exists.
- (b) Off street parking aisles will be oriented perpendicular to buildings so that pedestrians walk parallel to moving cars and/or provide separate distinct pedestrian walkways.
- (c) The alignment of travel lanes within parking lots in long straight configurations that facilitate speeding is discouraged. Use of traffic calming elements is encouraged.
- (d) Shared parking is allowable as approved by the city to reduce the total number of parking spaces within the District and to capitalize on off-peak parking synergies.
- (7) On-Street Parking - The street curbs will neck down at intersections where on-street parking occurs.
- (8) Parking Screening - The portion of all parking lots fronting a street shall be screened with a masonry wall, ornamental metal compatible with the adjacent architecture, and/or evergreen hedges.
- (9) Fences and Railings - Fencing within the commercial streetscape can be provided to enhance a neighborhood characteristic.
  - (a) Railings may be necessary as a safety feature or as a functional support rail (leaning rail) for people to lean against.
  - (b) Railings and fences can help define the street space. Fences and railings should have an ornamental character as well as utilitarian function.
  - (c) Where railings or fences in a particular district contribute to the overall image of the area, try to use the same or similar design details to reinforce that character.
  - (d) Permitted fence and railing types shall be masonry, ornamental metal and/or evergreen hedges.
  - (e) Ornamental metal fences and railings shall be black and use historic precedents for design. Wooden fencing is not permitted.
  - (f) Fences and railings must not interfere with pedestrian safety by blocking access from the street to the sidewalk.
  - (g) In certain situations, a railing is required to protect the public against potentially hazardous grade changes.
  - (h) Pedestrian safety railings at grade changes shall be a minimum of 42 inches high. They must have intermediate rails, balusters, ornamental or patterned infill.
  - (i) Fences and railings should be between 32 inches and 48 inches in height.



- (j) Where desired place leaning rails at bus stops, places where shoppers are picked up or dropped off, and places where people are likely to stop or wait without necessarily wanting to sit.
  - (k) Leaning walls should be between 27 inches and 42 inches in height.
  - (l) A 2-inch to 3-inch-high curb, placed 4-inches in front of a railing will prevent the footrest of wheelchairs or other wheeled vehicles from striking the railing's vertical supports.
  - (m) Railings must be designed to support loads in both the horizontal and vertical directions in accordance with applicable Codes.
- (10) Walls and Screens – Walls shall be constructed of either brick or stone, although other masonry materials, such as concrete, may be used if covered in masonry or stucco.
- (a) All walls shall have a distinct capping constructed of brick, stone or concrete and shall be between 32 and 42 inches in height along front lot lines.
  - (b) Walls and screens may be included in a streetscape to direct or screen view or to provide changes of grade.
  - (c) The height and material selected should relate to building architecture and the character of the District.
  - (d) Walls and screens can be important in creating a continuous sidewalk edge that unifies the street space.
- (11) Hedges - Hedges shall be evergreen and planted to create a solid year-round visual screen. At maturity, the hedge shall be maintained at a height between 32 and 42 inches along front lot lines.
- (12) Building Voids - Where voids exist between buildings along the designated primary streets within the District, fences, walls and/or hedges shall be provided along the lot's frontage in accordance with the design requirements described herein for parking lot\_screening. This requirement is limited to developed sites only.
- (13) Rear Walls & Fences – Walls and fences that do not extend beyond the front façade of the associated building may be as high as 6 ft., but only if used for side and rear yards.
- (a) Chain link fences are not permitted anywhere within the District.
- (14) Flagpoles - If attached to a building, flagpoles must be no more than 6 ft. long and wall-mounted at a 45-degree angle. If freestanding, flagpoles shall not exceed 20 ft. in height. No single property may have more than two (2) flagpoles.
- (15) Lighting - Lighting may not produce glare on adjacent properties. Freestanding lighting fixtures, such as those located in parking lots, shall not exceed 16 ft. in height.
- (16) Loading & Dumpsters - Loading areas and dumpsters shall not be visible from any adjacent streets.

- (a) Loading areas shall be screened from streets by either their location or screening treatments.
- (b) Dumpsters shall be located to the rear of their associated buildings and shall be enclosed on all sides by a brick or stone masonry enclosure extending up to the full height of the dumpster.
- (c) Screening gates are required to be primed and painted solid metal and should screen the dumpster from view when closed. Gates should swing out to an angle greater than 90° and create an opening at least 12-feet wide for the truck to enter the enclosure. Pins should hold the gates open while the dumpster is being accessed. Gates should also swing clear of all fire lanes.

(J) Signs

- (1) The purpose of the signage criteria is to ensure that tenants, residents, and visitors can easily make their way through the District and related development. Signage should be designed appropriately to contribute to the overall identity and way-finding system.
  - (a) The process for sign approvals within the District, including variances, shall be consistent with the citywide process for signs. Temporary curb signs are subject to city approval.
- (2) Sign Area - An area on the facade of a building below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following:
  - (a) 25 feet above the adjoining sidewalks,
  - (b) The bottom windowsills of the second story.
  - (c) The highest part of the building between the head of the top story window and the underside of the roof.
  - (d) Signage and environmental graphics should be conceived as an integral part of the building's architectural design. The number of signs should be limited to avoid clutter.
- (3) Wall Signs - Signs mounted directly on a building wall. May not project from the wall more than 8 inches and shall cover no more than 40% of the sign able area. Signs shall not obscure architectural features or detail.
- (4) Applied Letter Signs - Individual letters applied directly to a building facade that shall not cover more than 40% of the sign area.
- (5) Restaurant Menu Signs - A small menu often placed in a glass front box and externally illuminated. Placed at restaurant's primary entrance and shall not exceed 6 square feet.
- (6) Projecting Signs - Sign extends from facade (perpendicular) and shall not extend above the roof eaves or parapet wall.
  - (a) Maximum area: 30 square feet;
  - (b) Minimum height: 7 feet above grade.

- (c) Sign shall not project more than 5 feet from facade.
- (7) Window Sign - Sign painted (not applied) on a window and shall not cover more than 25% of the window.
- (8) Awning Signs - Sign with letters/logo painted, silk-screened or stitched directly on the vertical face of an awning. The sign shall not cover more than 35% of the awning.
- (9) Ground Mounted Signs - Sign extends directly from the ground and is permitted only for buildings having a front setback of at least 20 feet.
  - (a) Signs must have a minimum setback of 5 feet,
  - (b) Maximum area of 35 square feet per side, and
  - (c) Maximum height of 6 feet.
- (10) Facade-Painted Signs - Sign painted directly on the building facade that covers no more than 40% of the sign area.
- (11) Sign Design & Placement
  - (a) Wood, glass, and metal - or appropriate synthetic material that approximates the appearance of wood, glass, or metal - are the only permitted materials.
  - (b) Colors, materials, sizes, shapes, and lighting of signs should be compatible with the architecture of the building, the business it identifies, and the character of the surrounding area.
  - (c) The material's ability to maintain an acceptable appearance over time shall be a consideration in determining the appropriateness of synthetic materials.
  - (d) Signs shall not obscure key architectural features.
  - (e) Signs shall be limited to on-premise signs related to the use or business conducted on the same site.
  - (f) Marquee type signs for announcements of activities taking place at the location are prohibited (exceptions: theatres, churches, schools, and institutional uses).
  - (g) No billboards/off-premise signs shall be permitted. Multiple uses on a single property may share signs but collectively shall not exceed the sizes specified herein.
  - (h) Signs for multiple businesses on a single property shall be of similar material and design.
  - (i) Abandoned signs and signposts shall be removed. Temporary signs shall not exceed 9 sq. ft.
  - (j) Advertising signs shall not be permitted in windows with the exception of those not exceeding 60 square inches, of which a maximum of five are permitted.
- (12) Sign Illumination - Signs shall be illuminated externally using spotlighting.



- (a) Spotlighting shall completely shield all light sources; light should be contained primarily within the sign frame.
- (b) Backlit signs will be permitted.
- (c) Outdoor digital signage posters shall not be permitted.
- (d) The light levels of a sign should not block views of other signs on the street or the facade of nearby buildings.

(K) Streetscape Standards

- (1) The term "streetscape" applies to that area between the buildings on either side of an urban street. The District streetscape is urban in character with a density of pedestrian traffic. Therefore, plantings of shade trees, ornamental trees, scrubs, evergreen groundcovers, vines, and seasonal color set in paved surfaces are appropriate for front yard development. Plantings will promote entrance demarcation and pedestrian interest. Flexibility from the developer will be allowed as long as the intent of these guidelines is respected.
- (2) Streetscape components include driving lanes, parking lanes, sidewalks, landscaping, lighting, streetscape furniture (benches, trash receptacles, etc.), building facades, and similar elements.
- (3) Sidewalks - Sidewalks give pedestrians access along streets. Sidewalks in the District should be detached from the curb. This provides room for street trees close to the curbs.
  - (a) Concrete is the preferred material, although interlocking concrete unit paving, flagstone, and brick paving may be acceptable upon review by building official and city engineer. Special paving in tree lawns with special soil that promotes healthy trees is recommended where pedestrian use is heavy and tree lawns cannot support turf or ground covers.
  - (b) Paving is the best way to unify the street. Over-designed patterns may become chaotic or dated. Pattern and color should be subdued and avoid sharp contrasts with surrounding paving. Paving patterns should provide enough contrast to delineate crosswalk/pedestrian traffic areas in order for drivers to notice. Patterns should relate to the size and shape of the space and should create a sense of order in the placement of other street furnishings and plant materials.
  - (c) There should be established and maintained clear unobstructed pedestrian paths.
  - (d) A path of 10 feet width is desired, but as little as 5 feet may be allowed in constrained locations.
  - (e) Detached sidewalks should include tree grates, surrounded by a hard surface of pavers or concrete.
  - (f) Curb ramps are required anywhere the sidewalk crosses a curb. Trough-type ramps are recommended.

(4) Crosswalk Pavements

- (a) Crosswalks are generally painted at signalized intersections in most areas of the city. In commercial areas, the crosswalk materials and pattern can be an important unifying feature of the District. Within the District, it is important to treat each street intersection the same in terms of size of curb radius, location, and type of curb ramps, signage location and paving within crosswalks. Crosswalk pavement shall contrast with the adjacent street pavement through color or texture.
- (b) Even if the crosswalk is distinguished in terms of color and texture, it is still necessary to install "stop bars" using painted or thermoplastic street marking material.
- (5) Sidewalk Paving - Concrete including plain grey, integral colored concrete, and special finishes are acceptable (excluding stamped concrete, seeded concrete or epoxy concrete).
  - (a) Concrete should be a minimum of 4 inches thick, meeting industry standards for concrete mix, finishing, curing and sealing.
  - (b) Care should be taken when using integral pigmented colored concrete. Select subdued and earth tone colors that will complement natural materials. Rich or bright colors will draw more attention than desired.
  - (c) Use only paving bricks specifically designed for sidewalk use according to industry standards. Brick pavers must be set on a concrete slab with mortar joints and not on a sand base. Interlocking concrete pavers are a durable choice. Set on a sand base with tight sand joints according to manufacturers' recommendations. Flagstone pavers are recommended in historic areas where they originally existed.
  - (d) Installation may be on a sand base with sand joints or on a concrete base with mortar joints. Precast concrete pavers may be installed using finish and color guidelines as discussed under concrete pavement above. These pavers must be installed a concrete slab with mortar joints. Once installed, all pedestrian walks must be safe for pedestrians with no gaps or joints larger than 1/4 inch.
- (6) Paving Not Allowed - Seeded concrete and epoxy concrete are not acceptable because of appearance, poor durability, and future maintenance problems.
  - (a) Any glazed product or smooth, slippery surface product should not be used in pedestrian traffic areas for pedestrian safety.
  - (b) Any thin-set material should not be used because of future maintenance problems.
  - (c) Any clay brick product other than paving brick should not be used because it may be difficult to maintain and the product's resistance to freeze-thaw damage may not be adequate.
  - (d) Any material that is so textured or patterned that it may cause a tripping hazard, should not be used.
- (7) Street Furnishings - Street furnishings such as seating, bicycle racks, bollards, and trash receptacles are important functional elements and amenities, especially in the commercial streetscape. They should be attractive and unified

within any given district. Maintenance, safety, and comfort are primary considerations in the design and placement of street furnishings. All furnishings placed in the right-of-way should be of high quality, designed for outdoor use and require minimum maintenance. In general, street furnishings should be located at least 2 1/2 feet from the curb face where on-street parking occurs, and 3-1/2 feet where travel lanes adjoin the curb.

- (8) Seating - Seating may be provided when space allows for a clear pedestrian walking zone and separate seating areas. Seating expands opportunities for people to use the street, especially in commercial streetscapes. Seating may be provided by benches, planter walls, edges, steps, or moveable chairs.
  - (a) Seating surfaces should be 16 to 18 inches high and should have a minimum depth of 16 inches for seats without backs, 14 inches for seats with backs.
  - (b) Walls, ledges, and steps that are available for seating should be between 12 to 20 inches high and 16 inches wide wherever possible.
  - (c) Walls used for seating on both sides should be a minimum of 30 inches wide. Seating should be durable and comfortable. Avoid sharp edges and poorly designed or fabricated furniture.
  - (d) Metal is the preferred material. Seating design should complement the style of the surrounding architecture and other furnishings.
  - (e) Except for moveable chairs, seating should be secured permanently to paved surfaces for safety and to avoid vandalism.
  - (f) Seating should not interfere with plant materials or pedestrian circulation and should be placed for psychological comfort.
  - (g) Comfortable seating should provide a sense of having protection from behind and something interesting to look at such as storefronts or other pedestrians.
  - (h) Seating adjacent to where bicycling is permitted on sidewalks or other bike paths must have a minimum 3-foot clearance from the bicycle path. These areas should not be provided on the street where possible.
- (9) Bicycle Racks - Bicycle racks should be provided within commercial streetscapes to encourage bicycle use.
  - (a) Avoid placing bicycle racks in areas where they may endanger the safety of pedestrians or cyclists.
  - (b) Select racks that are permanently mounted structures, designed in a simple style, and easy to use.
  - (c) The rack must allow both the frame and at least one wheel to be locked. Racks that allow for the locking of only one wheel are not acceptable.
  - (d) Place bicycle racks where they are near entrances of gathering places. Avoid placement that creates a tripping hazard.
  - (e) If possible, place the racks where the parked bicycles will be visible from inside the adjacent building. Ideally, bicycle parking should be more convenient than automobile parking.



- (10) Bollards - Bollards are generally used to create a low barrier that separates auto and pedestrian traffic, highlight and protect a special feature, emphasize the historical character of the area or direct circulation patterns.
- (a) Select a bollard design that is architecturally and aesthetically appropriate to the area and other streetscape elements. Bollards can be used to provide low-level lighting to pedestrian paths.
  - (b) Bollards should be between 28 and 42 inches high. Bollards should be set 2 1/2 feet minimum clearance from curb face.
  - (c) Clearance between bollards or between bollard and any other structure or pole must be at least 36 inches.
  - (d) Clearance must be at least 60 inches where there is clearly one primary path.
  - (e) Bollards may be chained or cabled together if provided with attachments as an integral part of the design.
  - (f) Standard pipe filled with concrete is not acceptable in pedestrian locations.
  - (g) Utilize removable bollards where service vehicles need periodic access.
- (11) Clocks - Clocks are intended to display time for pedestrian and vehicular use, in addition to serving as a punctuation point for the area. Clocks should relate architecturally to surrounding buildings and furnishings.
- (12) Kiosks - Kiosks are intended to serve as informational points, to direct pedestrian traffic and to organize outdoor spaces. They should be used sparingly and only when needed to impart community information.
- (a) Kiosks should be carefully positioned in conjunction with other elements of street furniture such as benches, lighting, and landscaping. They should be focal points in open areas and may be combined with other elements like business directories, telephones, mailboxes and newspaper racks. The design should be compatible with and complementary to the surrounding architecture and other furnishings.
  - (b) Kiosks should facilitate the posting of notices and their removal and cleaning.
  - (c) Kiosks should be easily accessible from all sides and adequately illuminated.
  - (d) Kiosks should be designed so they are easy to maintain.
- (13) Trash Receptacles - Trash Receptacles should be easily accessible for pedestrians and trash collection. Their design should relate to other site furnishings as well as building architecture. They must be carefully placed to be unobtrusive yet effective.
- (a) On concrete trails where bicycling is permitted, maintain a 3-foot setback from the edge of trail.



- (b) Trash receptacles should be designed to fit the anticipated use and frequency of maintenance. They should be firmly attached to paving to avoid vandalism.
  - (c) Covered tops and sealed bottoms should be included to keep the contents dry and out of sight at all times.
  - (d) Trash receptacles should be designed in two pieces. The inner container should ensure easy trash pickup and removal and an outer shell should blend aesthetically with the other streetscape elements.
  - (e) They should be conveniently placed near benches, bus stops, and other activity nodes, and arranged with other streetscape elements into functional compositions.
  - (f) They should not be placed directly adjacent to benches.
- (14) Fountains - A fountain provides moving water that masks noise, as well as cools and humidifies the air, increasing comfort and beauty in a space. Fountains can also be used to define space or provide an interesting focal point.
- (a) The rim around the fountain or pool should be between 12 and 20 inches in height and 16 inches in width if used for seating.
  - (b) Fountain design should respond to wind direction, building location, pedestrian circulation, potential ice build-up in winter and the appearance of the fountain and its basin when not operating.
  - (c) Fountains should include a recirculating pump for conservation purposes.
  - (d) Maintenance is crucial to the success of all fountains. The owner should be committed to maintenance prior to beginning design.
- (15) Newspaper Racks - Outdoor newspaper racks are prohibited.
- (16) Mailboxes - Mailboxes are placed by the U.S. Postal Service. Their location should be coordinated with the Postal Service during design to minimize clutter.
- (17) Public Art - Public art should capture and reinforce the unique character of a place. It can interpret the community by revealing its culture, history, or fantasy.
- (a) Art that invites participation and interaction and that adds local meaning is preferred. Art should add beauty and interest. It may feature humor, water, seating, and opportunities for children to play.
  - (b) The setting for public art is significant to the experience of the art itself. The place's impact on the art may be as great as the art's impact on the place. The two together enrich the place and make it memorable.
  - (c) When considering placement of freestanding pieces of art or sculpture, avoid locations where it would compete with a storefront or obstruct a pedestrian path, create a traffic hazard, or compete with another sculpture.
  - (d) Bas-relief may be used to enliven otherwise blank walls.

- (e) Construct public art using durable materials and finishes such as stone or metal.
- (18) Miscellaneous Street Uses - Uses such as street vendors, shoeshine stands, food trucks, etc., are encouraged in order to activate and enliven the street, but require a special permit.
- (19) Utility boxes, Meters, and Manholes - Coordinate the location of all proposed utility boxes and meters, including irrigation controls, with the proposed locations of site furnishings, trees, signs and lighting.
  - (a) Boxes and meters should be located 2 1/2 feet from the curb face and should not interfere with pedestrian movement.
  - (b) There are several kinds of utility cabinets that may need to be accommodated, including cabinets for electric meters, water meters, water/irrigation controllers, backflow preventers, traffic signal switching equipment and transformers.
  - (c) Utilities should not be located under walkways, or where they might interfere with or preclude street trees.
  - (d) Traffic signal switching gear cabinets are of a standard design. They must be located near the signals they control, with care not to block pedestrian access at the street corner.
  - (e) Electric meters, water meters and irrigation controllers can be handled individually or consolidated into one cabinet.
  - (f) Transformer vaults and switch cabinets are larger and should be located as inconspicuously as possible.
  - (g) Any cabinet must be accessible, with room to swing the doors open and space to get the necessary equipment in position for service. Check with the appropriate utility for specific access requirements.
  - (h) Before finalizing the design of any streetscape improvements, existing overhead and underground utilities should be located and sized with the assistance of the various city departments.
  - (i) These elements should be painted a neutral background color or be integrated into the surrounding area so that they do not stand out.

(L) Landscaping

- (1) Minimum amount of landscaped areas as a percentage of the net developable lot area shall be 35%, with 50% of the total requirement located in the required front yard. All required landscaped areas shall be permanently maintained and shall have an irrigation system installed meeting all applicable city codes and be approved by the building official.
- (b) Landscaping for the District be simple but substantial. Canopy shade trees, rather than conifers or ornamentals, should line the outside (street side) of sidewalks along all Primary Streets, with a maximum spacing of 40 ft. between trees. Either metal grates or planting beds are recommended for trunk bases. It is recommended that shrubs be avoided, with the exception of screening undesirable views, such as parking and loading areas.

- (3) Tree Grates - Tree grates are an attractive way to protect trees planted in paved areas. Tree grates are the recommended method for tree planting in paved areas.
- (a) Open tree grates should be at least 5 feet by 5 feet with openings no more than 1/4 inch in width.
  - (b) The size and shape of tree grates should relate to the paving pattern. They should be designed to allow for tree trunk growth, constructed of ductile iron, and unpainted or painted a dark color with a durable, factory applied finish.
  - (c) Irrigation systems within grates are preferred but dry wells may be allowed with written maintenance agreements from the owners. The irrigation system should be on a zone separate from all other landscape zones.
  - (d) If string lights are anticipated in the trees, electrical outlets should be provided in the tree grate area.
  - (e) If up lighting is desired, select a tree grate manufactured to support the light. (See Lighting Standards)
  - (f) Tree wells must drain into the storm sewer in order to avoid damage because of existing non-porous clay soil.
- (4) Street Trees - Trees give many benefits to the city. They supply shade, buffer wind, sun, and help clean the air and reduce glare. Street trees are the most important tool for buffering people from cars. They create a pedestrian space, make the street more comfortable and provide beauty year-round. Without street trees, pedestrians are exposed to the sun and the car with little sense of comfort. On commercial streets, trees are the most significant element that makes streets attractive to shoppers. Without street trees, shoppers feel the heat, glare, dust, and pollution of the roadway. With them, the harshness of a paved environment is alleviated, and pedestrians can enjoy shade, beauty, and amenity that is essential to a pleasant shopping experience.
- (a) A formal, repetitive use of trees is recommended to unify districts and create a continuous pedestrian scale suited to storefronts.
  - (b) Design for street trees should respond to the uses on the street. In most areas, the same species should be planted on a block.
  - (c) Different species with similar characteristics, such as form and color may be alternated in a regular pattern to avoid over-use of one species.
  - (d) The loss of numerous trees in any city due to diseases such as Dutch Elm reflects the danger of extensive planting of a single species.
- (5) General Tree Guidelines - Many factors affect design in commercial streets, including the volume of pedestrians, the size and orientation of sidewalks, the distance from trees to buildings, the visibility of facade and signs, and the speed and volume of vehicles.
- (a) Trees should have the same characteristics on both sides of the street. If mixing species, alternate them in a regular pattern. Plant only one species where an area is to be unified. Avoid random changes in species.



- (b) Select trees that will fit when they are mature. Narrow areas suggest a narrow tree and open areas suggest a wide one.
  - (c) Where tree lawns do not exist, tree grates or pavers are recommended to protect tree roots and pedestrians.
  - (d) Ground covers may be considered in low traffic volume areas. Use tree grates where pedestrian traffic is high.
  - (e) Min. 5" Caliper at installation to provide maturity and canopy definition at outset.
  - (f) Trees encouraged where possible, in particular at intersections as a transition to adjacent neighborhoods.
  - (g) Secondary streets shall be planted with trees 25' on center.
  - (h) Trees shall be planted within all parking tree islands.
- (6) Tree Location - Consider mature tree size before planting so that trees have room to grow. Where signs, lights, overhead or underground utilities, utility poles, and fire hydrants would limit mature tree size, adjustments in species or location should be considered to minimize excessive pruning.
- (a) Plant trees with regular spacing on side streets to create a continuous street edge. Adjust spacing for driveways and lights.
  - (b) Trees should be located in the center of the tree lawn, 2'-6" from b.o.c.
  - (c) Create a clear walking zone between trees and buildings. For the District, 10 feet is minimum. Distances as low as 5 feet may be possible where space is very limited, however, few tree species will be appropriate in such a small area.
  - (d) Trees must be placed far enough away from buildings to allow them to grow without excessive pruning.
- (7) Tree Size - Trees should be large enough when planted to add substantial shade and to reach a height appropriate to surrounding buildings.
- (a) Street trees in grates should be 3-inch caliper, minimum, with high branching where pedestrians will be passing beneath the tree canopy, and that adequate branching height is achievable without severe pruning.
  - (b) The branching height of mature trees should be no less than 13 feet 6 inches above the street. The branching height of mature trees should be no less than 8 feet above the sidewalk.
  - (c) Small varieties of thornless and fruitless trees may be used only in median areas or traffic islands where lower branching habit will not interfere with pedestrians, vehicles, or driver visibility.
  - (d) Trees within the special use and small street tree should only be used where power lines overhead would not allow a large street tree to reach maturity without severe pruning.
- (8) Tree Selection - All trees should fit the microclimate, soils, sun, moisture, budget and maintenance environment in which they are planted. This is a



major concern in areas with high levels of pollution or automobile and pedestrian damage. Trees should be able to endure pollution, compacted soils, minimal water, and low maintenance.

- (a) Trees near walks should be thornless and fruitless to minimize maintenance and to reduce pedestrian hazards. They must be strongly wooded, resistant to most diseases and insects, single-trunked, with upright growth and a medium to long life expectancy. Branches should resist breaking.
- (b) Bradford Pear trees and species of a similar weak wood are prohibited. Trees and irrigation techniques that require minimal water should be considered.
- (c) Irrigation must be installed for street trees in all commercial streets. Irrigation must be designed to deliver the appropriate amount of water to each tree with minimum waste. Easily adjustable, automatic irrigation controls are recommended along with bubblers.
- (d) Along commercial streets, trees should be selected that will minimize the obstruction of views to retail signs. Employ trees with appropriate form and character. Utilize tree spacing that supports this concept.
- (9) Recommended Street Trees - Heath's climate and soils limit the variety of species that are recommended for street tree planting. These species best meet the selection and size guidelines for most conditions and are preferred for their dependability, low maintenance, and drought resistance. Watering habits and soil conditions significantly affect the root structure. The following is the approved plant material list for plant materials required in these guidelines. Other species may be utilized with approval from the city.

(a) Large Trees (Shade)

Common Name	Botanical Name
1. Caddo Maple	Acer barbatum "Caddo"
2. Pecan	Carya illinoensis
3. Chinese Pistachio	Pistacia chinensis
4. Bur Oak	Quercus macrocarpa
5. Chinquapin Oak	Quercus muhlenbergii
6. Shumard Oak	Quercus shumardi
7. Texas Red Oak	Quercus shumardi "Texana"
8. Live Oak	Quercus virginiana
9. Cedar Elm	Ulmus crassifolia
10. Lacebark Elm	Ulmus parvifolia

- (b) Special Use and Small Street Trees - These small trees should generally not be planted as street trees; however, they may be used in medians and for entry marker plantings. The small street tree should only be used where

overhead power lines along the street edge would not allow a large street tree to reach maturity without severe pruning. The list below notes those trees that are not appropriate for use along the street edge while the others may be used both as a special use and small street trees.

Common Name	Botanical Name
1. Redbud	<i>Cercis canadensis</i>
2. Desert Willow	<i>Chilopsis linearis</i>
3. Possumhaw Holly	<i>Ilex decidua</i>
4. Yaupon Holly	<i>Ilex vomitoria</i>
5. Eastern Red Cedar	<i>Juniperus virginiana</i>
6. Brodie Red Cedar	<i>Juniperus virginiana</i> "Brodie
7. Flowering Crabapple	<i>Malis</i> spp.
8. Wax Myrtle	<i>Myrica cerifera</i>
9. Afghan (Eldarica) Pine	<i>Pinus eldarica</i>
10. Mexican Plum	<i>Prunus mexicana</i>
11. Callery Pear	<i>Prunus calleryana</i>
12. Texas Sophora	<i>Sophora affinis</i>
13. Chaste Tree	<i>Vitex agnus-castus</i>

(10) Groundcovers, Shrubs, and Flowers - Plantings provide seasonal color, direct circulation, and serve as a buffer between people and cars. Although they provide functional and aesthetic benefits, however, maintenance is extremely important. Plant selections should be drought tolerant.

(a) Plantings other than trees in the streetscape may include turf, ground covers or shrubs. This area helps soften the street environment along the street edge.

(b) Tree lawns should be planted with sod or low groundcovers (below 6 inches mature height) in commercial areas where pedestrian traffic does not warrant paving.

(c) Very narrow tree lawns or those in high traffic areas may be paved with brick, flagstone or concrete pavers and/or colored or scored concrete. However, patterned (stamped) concrete is prohibited.

(11) Planting Pots and Planters - Planting pots provide an added dimension and color to streetscape planting. Although planting pots are not required, they are encouraged to help direct pedestrian traffic, create focal points and provide pedestrian resting areas. Large pots are preferred instead of fixed planter boxes because of potential conflicts with vehicles and maintenance.

(a) Planting pots should be planted with annual flowers or with ground covers.

(b) Pots should occupy a surface area of at least four square feet and should not block other elements such as streets, signs, meters, or streetlights.

- (c) Planters that are to be used for seating should be between 12 and 20 inches in height with a rim of at least 8 inches in width, wider if seating is intended on the edge.
- (d) Plant materials should not interfere with the seating.
- (e) Provisions must be made for ensuring adequate watering and drainage.
- (f) Staining of paving from planter drains should be considered in planter location.

(M) Lighting

- (1) Streetlights are important both for functional and decorative purposes. In order to provide a human scale to the District, it is recommended that lights range between 10 ft. and 14 ft. in height.
- (2) Spacing and Location - Locate lights as part of an overall system that organizes other street elements such as trees, benches, and paving.
  - (a) Place lights at least 2-1/2 feet from the back of the curb to allow room for car bumpers and door swings. Align with street trees where possible.
  - (b) Place lights at least 5 feet from the edge of the curb transition point nearest the driveway, curb cut, or alley and at least 20 feet from the extended flow line of the nearest intersection.
  - (c) Space lights at least 50 feet apart. 60-115 feet is preferable in most cases to provide a pleasing effect and to ensure room for street trees and other furnishings.
  - (d) Closer spacing can also cause uncomfortable glare. Install luminaires a maximum of 14 feet and a minimum of 12 feet above sidewalks to avoid glare into upper windows.
  - (e) Avoid placing lights adjoining residential zoning district boundaries to avoid disturbing inhabitants.
  - (f) Lighting Plans must have a photometric plan submitted to the city for review at time of Site Plan submittal per § 98.05 GENERAL OUTDOOR LIGHTING STANDARDS (Ordinance 220712A).
- (3) Style and Materials - Select lighting styles to integrate with the architectural or historical character of the area.
  - (a) Acorn-type luminaires are recommended for most commercial streets in order to maintain consistency throughout the city. Avoid selecting different types of lighting for small projects.
  - (b) Poles should be well articulated with enough detail to create a range of scale for the pedestrian whether near or far away. Flutes, moldings or other traditional details are strongly preferred.
  - (c) Alternative fixtures that reflect local architectural or historical character are subject to approval. Single luminaires are highly preferred over multiples, which should be considered only for specific locations such as gateways or entry points of a district.

- (d) Luminaires are to be translucent or glare-free, utilizing obscure glass or acrylic lenses. Any fixture having a total light emission exceeding 1,500 lumens shall be a fully shielded light fixture per § 98.05 GENERAL OUTDOOR LIGHTING STANDARDS (Ordinance 220712A)
- (4) Pedestrian Lighting - Pedestrian-scaled light posts and luminaires play a vital role in developing the District's unique character. Pedestrian lights illuminate the sidewalk and provide a feeling of security at night. Fixtures should relate to the image and history of the area.
- (5) Street Lighting - Street lighting plays an important role in the quality and safety of streets, especially at night. Lighting illumination levels are based on two criteria: the uses along the street and the volume of automobile traffic.
- (6) Special Effect Lighting - Special effect lighting may include string lighting in trees.
  - (a) If string lighting is desired, electrical outlets should be included adjacent to each street tree. If uplighting is desired around trees, tree grates should be used with cutouts for the light.
  - (b) Special effect lighting must have pinpoint lighting in order to minimize nuisance.

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#### **§ 159.43 CONDITIONAL USE PERMITS; PERMIT REQUIREMENTS.**

The purpose of the regulations described by this subchapter is to allow the compatible and orderly development, within the city, of uses that may be suitable only in certain locations in a zoning district, if developed in a specific way or only for a limited period of time.

(A) Permit required. A use permit is required for all conditional uses as set forth in the conditional use paragraph of each zoning district. At no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit. A permit may not be issued for any conditional uses not specified in the zoning district without first amending the Zoning Ordinance to permit the conditional use.

(B) Approval, procedure, responsibility and appeals. Conditional use permits shall be considered for approval as an amendment to the Zoning Ordinance and shall be approved as provided in division (D) below.

(C) Application, filing procedures and fees. Requirements for application of conditional use permit:

- (1) Applicant for conditional use permit must be the property owner, as recorded with the Rockwall or Kaufman County Appraisal Districts, or the property owner's designated representative;
- (2) A conditional use permit may be used only by the applicant/property owner. A change in property ownership prior to completion requires a new application by the new property owner;
- (3) Plot plan of lot or parcel of land showing the main building, proposed accessory building/structure, decks, patios, driveways, sidewalks, any and all



existing or proposed improvements to the lot on a scale of one inch equals 20 feet (one inch = 20 feet scale);

- (4) Floor plan on a scale of one-quarter inch equals one foot (one-quarter inch = one foot scale) of proposed accessory building/structure;
- (5) Elevations on a scale of one-quarter inch equals one foot of proposed accessory building/structure;
- (6) Photographs or elevation drawings of the main building (if available);
- (7) Complete description of all materials to be used, including type of building foundation;
- (8) Applications for a conditional use permit within the Towne Center Overlay District shall contain those checklist items listed in the "Retail/Office Site Plan in the Towne Center Overlay District" section in the city's Site Plan Application with such checklist items to take precedence when in conflict with other requirements contained in this section; and
- (9) Any other documentation required by the Planning and Zoning Commission or City Council necessary for their decision regarding the issuance of a conditional use permit.

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(G) Conditions of conditional use.

- (1) Existing railroads and private utilities, including telephone service, may continue to be operated and maintained in residential and commercial districts, but no new railroad or utility structure other than the usual poles, wires, underground utilities and lift stations shall be established in the District without a conditional use permit.
- (2) Churches, schools, railroads, and other conditional uses automatically allowed in each District by state law, but required within a district to obtain a conditional use permit, must be issued a conditional use permit subject to the use meeting reasonable requirements imposed under this section.
- (3) Private club conditions shall be determined by City Council by separate Ordinance.
- (4) Bed and breakfast inns and boutique hotels shall only be considered for the Towne Center Overlay District § 159.29.
- (5) The Planning and Zoning Commission and City Council may impose additional restrictions or conditions to carry out the spirit and intent of this section and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as curbing and sidewalks.
- (6) Wind energy systems and appeal for such systems subject to regulations in § 159.50.
- (7) Buildings designed to exceed one (1) story in height, and not to exceed two (2) stories in height, and that are located inside the *Towne Center Overlay*

*District*, shall require a conditional use permit from the City Council after receiving a recommendation from the Architectural Review Board and the Planning and Zoning Commission.