

Sec. 6.8. O-1 (75 & 82) Overlay District.

(1) *Introduction.*

(a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the overly [overlay] district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) *Intent and purpose.*

(a) *Design elements.* Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the planning and zoning commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) *Building design: Nonresidential.* Design standards for nonresidential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) *Building placement: Nonresidential.* Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) *Landscaping.* Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) *Screening.* Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and

residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) *Glare and illumination.* Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent [areas] are not detrimentally affected.

(3) *Boundary areas.*

(a) *Area boundaries.* Overlay district development areas are those areas adjacent to U.S. Highway 75 and being five hundred (500) feet on either side of said right-of-way, from the intersection of U.S. Highway 75 with Highway 91 north to F.M. 691, and from the south city limits, north to the south boundary of Tract 1 and Tract 2 of the Blalock Industrial Park and along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way, extending from east F.M. 1417 to its intersection with west F.M. 1417.

(b) *Compliance required.* All property within the boundaries of the overly [overlay] district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the planning and zoning commission.

(c) *Action on application.* Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The planning and zoning commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) *Nonresidential building design.*

(a) *General provisions.* All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city.

(b) *Exterior walls.* Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the planning and zoning commission.

(c) *Windows.* Reflective glass with an exterior reflectance percentage in excess of twenty-seven (27) percent, as certified through the manufacturer's specifications,

shall not be used as an exterior building material on any building or structure. Windows and window walls shall not be glazed or reglazed with mirrored glass.

(d) *Fire escapes.* Exterior fire escapes shall not be permitted on the front side of a building.

(e) *Mechanical Equipment.* Exposed duct shall not be permitted on any side of the building visible from the highway.

(f) All buildings shall have at least four architectural features from the following list.

- Canopies, awnings, or porticos
- Recesses/projections
- Arcades (recessed porches)
- Peaked roof forms
- Arches
- Outdoor patios
- Display windows
- Architectural details (such as tile work and moldings) integrated into the building facade
- Articulated cornice line
- Integrated planters or wing walls that incorporate landscape and sitting areas
- Offsets, reveals or projecting rib used to express architectural or structural bays
- Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
- Varied roof heights

(g) *Retaining wall.* Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) *Nonresidential building placement.*

(a) *Setbacks from property lines adjacent to streets.* No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

(1) Forty (40) feet from the highway right-of-way or twenty-five (25) feet plus the height of the building, whichever is greater;

(2) Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

(b) *Setbacks from property lines not adjacent to streets.* No structure of any kind or any part thereof shall be placed within the following setback lines:

(1) Five (5) feet from rear and side property lines;

(2) Forty (40) feet from any residential dwelling that is zoned R for single-story buildings not exceeding thirty (30) feet in height;

(3) All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.

(c) *Loading docks.* Loading docks, overhead doors and service bays shall not be located on the parkway side of any building.

(d) *Parking areas.* Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the zoning board. Cross access driveways are required adjacent to commercial zoned tracts.

(6) *Landscaping.*

(a) *Landscaping definition.* Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) *Site definition.* Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) *Compliance.* Landscaping shall conform to the following:

- (1) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy;
- (2) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way;
- (3) All landscaping shall be installed so as to avoid hazards;
- (4) An effort shall be made to preserve existing trees.

(7) *Screening.*

(a) *Screening of nonresidential uses from residential uses.* Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened.

(b) *Screening height.* Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

(1) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the nonresidential use is at a much lower grade than the residential use).

(2) All landscaping shall be installed so as [to] avoid hazards.

(c) *Materials and methods.* The materials and methods used in screening under this section shall conform to the following:

(1) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.

(2) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

(3) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

(4) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and

permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

(5) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(d) *Screening of site features.* Site features hereinafter shall be screened in accordance with (c) above.

(1) *Rear yards and service yards.* Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to (c) above.

(2) *Loading docks.* Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

(3) *Outdoor storage area.* Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.

(4) *Refuse areas.* All refuse areas shall be screened on three sides. Gates are not required.

(5) *Ground-mounted equipment.* All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) *Glare and illumination.*

(a) *Parking area lighting.* Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) *Walkway lighting.* Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) *Accent lighting.* Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(9) *Utilities.* No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) *Procedures and notice.*

(a) The planning and zoning commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The planning and zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the planning and zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the planning and zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

(Ordinance 4583, sec. 2, adopted 2/10/97; Ordinance 4849, sec. 1, adopted 6/12/00; Ordinance 5081, sec. 1, adopted 3/3/03; Ordinance 5511 adopted 2/4/08)