

§ 155.067 FR, FREEWAY OVERLAY DISTRICT REGULATIONS.

(A) *General purpose and description.* This district shall function as an overlay zoning district the regulations of which are superimposed and shall supersede the regulations of an approved standard zoning district; such standard zoning districts identified as the PR, A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, OP, C-1, C-2, C-3, I-1, I-2, MH and PD District. Where provisions of the "FR", Freeway Overlay Districts shall be applicable to any property which is adjacent to and within 300 feet of the right-of-way lines of a highway abutting a FR District in the City of Mansfield, the "FR" District is created as an overlay district whereby it is recognized that certain specific standards relative to land use, set backs, signage, and the like are appropriate and necessary that such standards shall be superimposed and shall supersede the regulation of an approved standard zoning district. Where such district regulations are in conflict with the provisions of these sections, all regulations of the approved standard zoning districts shall be in effect except as identified in this section.

(B) *Use regulations.* A building or premise in this district shall be used only for the following purposes:

(1) Any use identified in the MF-1, MF-2, OP, C-1, C-2, C-3 or I-1 districts subject to the conditions identified in division (C) herein prohibiting certain land uses or requiring restricted use approval for certain identified land uses so long as said uses are permitted within the approved standard zoning district. No cumulative use permitted in a standard zoning district with a "FR" prefix shall be permitted unless provided for herein.

(C) Uses identified in this division are expressly prohibited as the primary use of land on any lot or tract in the FR, Overlay District. Such uses are also prohibited secondary uses except as identified in this section as permitted secondary usage:

- (1) Any use identified in the MH, C-4 or I-2 district unless otherwise permitted.
- (2) Plant nursery.
- (3) Mobile homes, trailers, temporary buildings, tents, except as temporary office for construction or business relocation and only in compliance with § 155.081(B).
- (4) Open warehousing except as specifically provided herein.
- (5) Any outside storage of vehicles for repair, storage, sale or use except as a secondary use to a permitted use provided herein.
- (6) Travel trailer park.
- (7) Rental stores with outside storage or display.
- (8) Landscape materials, sales, rental or supply with outside storage.
- (9) Any outside storage of materials or products for finishing fabrication or disposal.
- (10) Pool or billiard hall.
- (11) Amusement center.
- (12) Amusement park except as a planned development, or specific use.
- (13) Outdoor amusements including but not limited to commercial swimming pool, drive-in theater, driving range miniature golf course, riding stable or club.
- (14) Buildings or enclosed structures whereby vehicles may enter into and pass completely through to the other side, except for the following purposes:
 - (a) Mechanical service or modification;
 - (b) Inspection; and
 - (c) Electronic product or component installation.

(15) Second hand goods.

(16) Pawn shop.

(17) Kennel.

(18) Carwash with exception that a single bay fully automatic car wash be permitted as a secondary use to retail gasoline sales.

(19) New or used motor vehicle part sales with outside storage.

(20) Used motor vehicles sales except as a secondary use to new motor vehicles sales.

(21) Tire recapping or retreading.

(22) Salvage or reclamation.

(23) Temporary storage of impounded vehicles or vehicles awaiting dismantling or repair.

(24) Trailer rental, sales or storage.

(25) Truck or motorcycle rental, storage or secondary sales except as a secondary use to new truck or motorcycle sales.

(26) Heavy equipment rentals, sales or storage, new or used.

(27) Any use involving nude employees.

(28) Book stores, theaters, or movie houses except those within a strip commercial shopping center, shopping mall or as part of a planned development as provided herein.

(29) Petroleum products, wholesale storage.

(30) Planning mill.

(31) Railroad yard, shop; truck terminal, stops.

(32) Night club, bar or private club except as a secondary use to a hotel, motel, restaurant and provided that the sale of food constitutes a minimum of 60% of total sales.

(33) Any use incorporating the housing outdoors or indoors of any livestock or animals except as a secondary use to an amusement park or Planned Development for amusement purposes (specific use permit required).

(34) Drive-thru or to go food services except as a secondary use to a walk-in restaurant.

(D) *Restricted land uses.* Any building or premises in this overlay district may be used for the purpose identified in this division only when the use has been specifically approved by specific use permit in compliance with the provisions of § 155.080.

(1) Single-family dwelling, zero-lot-line dwelling, and two-family dwelling.

(2) Amusement park (except as may be incorporated as part of a planned development).

(3) Dance hall or night club.

(4) Recycling collection center.

(5) Building materials and lumber sales with outside storage.

(6) Any secondary use incorporating housing of animals indoors.

(7) Auto repair, auto paint and body shop and auto service establishments that meet the requirements of § 155.099 and the following conditions; provided that a car wash shall continue to be prohibited as shown in §

155.067(C) and that an auto service department of a new car dealership shall be exempt from the specific use permit requirement depicted in § 155.067(D) above.

(a) Architectural elements shall be required to enhance all building facades. Such architectural elements may include cornices, moldings, pilasters, wall recesses or projections, arches, special entryways, awnings, canopies, porticoes, pitched roof and/or combinations of such elements. In addition, architectural details such as a variety of patterns, colors and textures of building materials shall also be required. Building elevation drawings shall be included as a part of the application for the specific use permit. Elevation drawings shall be in color and depict the proposed architectural elements and details.

(b) No service bay shall face an abutting public street or highway if it is not completely behind a screening enclosure.

(c) No service bay shall be located less than 100 feet from the highway right-of-way if it is not completely behind a screening enclosure.

(d) Service bays that are not totally screened by an existing intervening building shall be screened from view from any highway that abuts the property where the service bays are located. Screening shall be achieved by a solid masonry wall, earthen berm or a combination of screening wall and earthen berm that is ten feet high minimum, located perpendicular to the exterior facade of the first service bay nearest to the highway to extend out a distance of 20 feet beyond the service bay.

1. The screening wall shall be constructed of the same material used predominately on the building facade that faces the highway.

2. If an earthen berm is used, it shall be designed and constructed to prevent any drainage and erosion problems. The maximum slope for an earthen berm shall be 3:1 (i.e. three feet width for every foot in height).

(e) In addition to the street landscape setback required in § 155.092 and the screening described in this section, additional landscaping, in the amount of 10% of the total area of the property, shall be provided to enhance the appearance from any public street or highway that abuts the property and minimize the view of the service bays.

(f) To demonstrate the effectiveness of the proposed landscaping and screening, the following documents shall be submitted as part of the application for the specific use permit:

1. A landscape plan prepared by a registered landscape architect;
2. A line of sight drawing prepared by a qualified design professional; and
3. A perspective rendering or axonometric drawing prepared by a qualified design professional.

(g) Whenever service bay doors face a side property line, a 20 foot wide landscape buffer shall be provided along the entire side property line. When there are service bay doors on more than one side of the building, this requirement shall apply to all side property lines across from service bay doors. The 20 foot landscape buffer shall be planted at the rate of one approved screening tree for each 200 square feet or portion thereof. At the time of planting, each screening tree shall be a minimum of ten to 11 feet in height, six to seven feet spread, and a minimum of three and one-half inch caliper measured 18 inches above ground. Screening trees shall be chosen from the list in division (1) below. As an alternative to screening trees, a developer may choose from the canopy trees listed in § 155.092, as long as the minimum height and caliper requirements above are met. If canopy trees are utilized, they shall be planted at the rate of one tree for each 300 square feet or portion thereof, and shrubs shall be planted between trees to provide adequate screening. The screening shrubs shall be planted no further apart than four feet on center in two continuous, alternating rows so that screening should be effective within two growing seasons. Screening shrubs shall be a minimum of seven gallon or larger with a minimum height of three-and-a-half feet at the time of planting and shall be chosen from the list in division (2) below.

1. *Screening trees.* Approved screening trees may not be limbed up and the foliage must be full-to-the-ground. Approved screening trees include Eastern Red Cedar, Leyland Cypress, Elderica Pine, Cherry Laurel, and Nelly R. Stevens Holly. The Landscape Administrator may approve other screening trees.

2. *Screening shrubs.* Approved screening shrubs may not be limbed up and the foliage must be full-to-the-ground. Approved screening shrubs include Waxmyrtle, Dwarf Waxmyrtle, Burford Holly, Dwarf Burford Holly, Nandina, Texas Sage, Pampas Grass, Chinese Holly, and other selections of holly which will reach at least five feet in height. The Landscape Administrator may approve other screening shrubs.

(h) Service bay doors shall be painted with a neutral or earth tone color. The developer may propose an alternate color that the Planning and Zoning Commission and City Council may determine to be appropriate for the building design and not detract from the aesthetic quality of the development and surrounding properties. The intent of this provision is to avoid drawing attention to the service bay doors. Glass or transparent overhead doors shall not be permitted.

(i) Vehicles awaiting repair or pickup may be stored overnight only in enclosed spaces. Notwithstanding the foregoing, an auto paint and body shop may store vehicles awaiting repair provided the vehicles are completely behind a screening enclosure.

(j) There shall be no outside storage or display of materials, including goods or products (i.e. tires, batteries, auto parts, etc.) awaiting sale, installation, disposal, finishing or fabrication.

(k) A screening enclosure referenced or required in this section shall be at least six feet in height and constructed of the same material used predominately on the building facade.

(l) The screening and/or landscaping requirements described above may be modified by the City Council if they find that the structure is architecturally designed to effectively screen the service bay doors from view from abutting properties and abutting public street or highway.

(m) The site plan, elevations, landscape plan, line of sight drawing and perspective rendering/axonometric drawings that are submitted to demonstrate architectural elements, effectiveness of screening, and architectural details shall be binding on the development and subsequent expansions.

(n) Buildings constructed for any use permitted under this subsection are limited to one story and maximum height of 35 feet.

(E) *Set back regulations.*

(1) On federal or state numbered highways or access roads the minimum set back adjacent to such highways or access road shall be 25 feet measured from the right-of-way line.

(2) On all arterial streets as designed in the thoroughfare plan adopted by the City Council, minimum set back adjacent to such streets shall be the same as the approved standard zoning district except that in no case shall such set back be less than 20 feet from the property line.

(3) All other set backs including interior lot line, setbacks and set backs on minor or collector streets, shall be in compliance with the approved standard zoning district.

(4) On any lot in this district used for non-residential purposes which adjoins any non "FR" prefix residential district, the minimum setback adjacent to such residential district shall be 15 feet and shall meet the screening requirements of § 155.092.

(F) *Masonry construction.* All development in the Freeway Overlay district shall conform to the regulations of § 155.056.

(G) *Parking regulations.* For each permissible use in this district, off street parking shall be provided in accordance with all regulations governing the approved standard zoning district and the regulations of § 155.091.

(H) *Sign regulations.* All signs in the Freeway Overlay District shall conform to the regulations in § 155.090 and shall pertain only to the principle use or service rendered or product sold on the premises on which the sign is located, and contain only information pertaining to either the name of the occupant, the kind of business or the brand name of the principle commodity being sold, but not including information on subsidiary products or services, nor information on anything or person.

(I) *Special conditions of the "FR" District.*

(1) No fencing shall be permitted in any required set back abutting a public street except as required herein or as part of a secondary landscaping theme. The provisions of § 155.092 shall apply in this district.

(2) No outside display of goods, wears or merchandise shall be permitted except where the primary land use is the show room display and sale of new automobiles, trucks, motorcycles or boats by an authorized dealer. Repair work, storage facilities, rentals or used merchandise sales on the same premises shall be allowed only as incidental to an approved primary use.

(3) When allowed by the standard zoning district, outside storage shall be completely enclosed by a screening device as specified in § 155.092. No outside storage shall be permitted in any required setback.

(4) No loading dock shall be erected fronting any state or federally numbered highway. Any loading dock fronting any public street shall be set back from such street, right-of-way line a sufficient distance so that all loading operations, truck parking and storage, and maneuvering of vehicles into or out of loading dock spaces shall take place outside of public right-of-way.

(5) *Refuse facilities.* Any refuse facility or container shall be screened from view of public streets and highways by screening device as specified in § 155.092. In no case may refuse facilities, dumpsters, or other refuse containers be located in the front or side yard of any business or structure.

(6) *Utilities.* All utilities shall be placed underground except for electrical utilities under the following conditions:

(a) Any transmission line crossing a highway abutting a FR District at an angle of less than 40 degrees from perpendicular with said highway may be placed overhead. For the purpose of this section, a transmission line shall be that line which is responsible for bringing electricity from a generating plant to a distribution substation.

(b) Any distribution feeder lines crossing a highway abutting a FR District at an angle of less than 40 degrees from perpendicular with said highways may be placed overhead. For the purpose of this section, a distribution feeder line shall be that line which is responsible for bringing electricity from a distribution substation to interconnect with a distribution line.

(c) Any distribution line not within 300 feet of the centerline of a highway abutting a FR District may be placed above ground. For the purpose of this section, a distribution line shall be that line responsible for bringing electricity from a distribution feeder line to the business or structure.

(d) No electrical transformer shall be installed on any pole carrying electrical lines. All transformer equipment shall be ground-mounted.

(e) Nothing herein shall be construed as requiring the City of Mansfield or the utility company to bear the increased cost of underground utility placement required by this chapter (as compared to the cost of overhead placement).

(f) Any electrical utility lines placed prior to the effective date of this chapter that are contrary to same are nonconforming.

(g) Nothing contained herein is intended to alter the intent of the electrical franchise agreement ordinance in effect on the effective date of this chapter.

(h) All lines existing at the time of adoption of this chapter are herein exempted from provisions of this chapter.

(7) Approval of a "FR" designation on any given zoning district shall be deemed approval of a less or more intensive district whichever case applies than approval of such zoning district without a FR designation.

(8) Specific use permits shall be permitted in this district when in compliance with § 155.054 and § 155.091 so long as such specific use permit is provided within the suffix district applicable to the property within the FR Overlay District, is consistent with the spirit and intent of the FR Overlay District, and is not a prohibited use within the FR Overlay District.

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