

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, AMENDING MELISSA'S CODE OF ORDINANCES, ORDINANCE NO. 92-04, AS AMENDED, CHAPTER 12 (PLANNING AND ZONING), ARTICLE 12.300 (ZONING ORDINANCE ADOPTED), SECTION 3 (ZONING DISTRICTS ESTABLISHED), SECTION 18 (SPECIAL ZONING DISTRICTS), SECTION 20 (SCHEDULE OF USES AND PARKING REQUIREMENTS), SECTION 22 (OFF-STREET PARKING AND LOADING REQUIREMENTS), SECTION 23 (SPECIAL AND ADDITIONAL REGULATIONS) AND SECTION 31 (RULES OF CONSTRUCTION AND GENERAL DEFINITIONS); ESTABLISHING THE "DOD" DOWNTOWN OVERLAY DISTRICT SPECIAL ZONING DISTRICT AND PRESCRIBING THE DEVELOPMENT STANDARDS AND USES APPLICABLE THERETO; REPEALING THE "H/O" HISTORIC OVERLAY DISTRICT; GENERALLY DESCRIBING THE BOUNDARIES OF THE "DOD" DOWNTOWN OVERLAY DISTRICT TO INCLUDE ALL PROPERTY WITHIN THE AREA BOUNDED BY STATE HIGHWAY 5 AND WALLER STREET TO THE NORTH, MILLER STREET AND SHERMAN STREET TO THE EAST, MELISSA ROAD TO THE SOUTH AND FANNIN ROAD NORTH ALONG THE SCHOOL PROPERTY TO THE WEST, AS MORE PARTICULARLY DEPICTED IN DOD EXHIBIT 1; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Melissa, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Melissa, Texas ("Melissa") to amend Chapter 12 (Planning and Zoning), Article 12.300 (Zoning Ordinance Adopted) ("Zoning Ordinance"), Section 3 (Zoning Districts Established), Section 18 (Special Zoning Districts), Section 20 (Schedule of Uses and Parking Requirements), Section 22 (Off-Street Parking and Loading Requirements), Section 23 (Special and Additional Regulations) and Section 31 (Rules of Construction and General Definitions) of Melissa's Code of Ordinances, Ordinance No. 92-04, as amended ("Code of Ordinances"), as set forth below; and

WHEREAS, the City Council finds that all legal notices required for amending the Zoning Ordinance have been given in the manner and form set forth by law, public hearings have been held on the proposed amendments and all other requirements of notice have been fulfilled; and

WHEREAS, the City Council finds that in order to promote the public health, safety and welfare of Melissa and its citizens, it is in the best interest of Melissa and its citizens to amend the Code of Ordinances as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Chapter 12 (Planning and Zoning), Article 12.300 (Zoning Ordinance Adopted), Section 3 (Zoning Districts Established), Section 18 (Special Zoning Districts), Section 20 (Schedule of Uses and Parking Requirements), Section 22 (Off-Street Parking and Loading Requirements), Section 23 (Special and Additional Regulations) and Section 31 (Rules of Construction and General Definitions). The Code of Ordinances, Chapter 12 (Planning and Zoning), Article 12.300 (Zoning Ordinance Adopted), Section 3 (Zoning Districts Established), Section 18 (Special Zoning Districts), Section 20 (Schedule of Uses and Parking Requirements), Section 22 (Off-Street Parking and Loading Requirements), Section 23 (Special and Additional Regulations) and Section 31 (Rules of Construction and General Definitions) are hereby amended as follows¹:

"ARTICLE 12.300 ZONING ORDINANCE ADOPTED

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SECTION 3
ZONING DISTRICTS ESTABLISHED

The City of Melissa, Texas, is hereby divided into zoning districts as listed in this section.

Abbreviation	General Description
...	
H/O	<u>Historic Overlay District:</u> The Historic Overlay district is intended to protect, enhance and perpetuate the districts and landmarks of historical and cultural importance and to promote the economic, cultural, educational and general welfare of the public.
DOD	<u>Downtown Overlay District:</u> The Downtown Overlay District is intended to guide development and redevelopment of the historic core of Melissa by building on the community's vision for a new downtown with a mix of uses that creates an enhanced transition between neighborhoods and commercial activity. The Downtown Overlay District

¹ Deletions are evidenced by strikethrough.

	allows a mix of commercial, retail and residential uses while encouraging creative integration of temporary uses, streetscaping, landscaping and urban design amenities, specifically walkability, allowing Downtown to be responsive to market trends and innovative developments.
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SECTION 18 SPECIAL ZONING DISTRICTS

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(C) “DOD” DOWNTOWN OVERLAY DISTRICT²

(1) *Applicability.*

- (a) *Purpose and Intent.* The purpose of the Downtown Overlay District (DOD), herein referred to as the “Overlay,” is to guide development and redevelopment of the historic core of Melissa by building on the community’s vision for a new downtown with a mix of uses that creates an enhanced transition between neighborhoods and commercial activity. The Overlay allows a mix of commercial, retail and residential uses while encouraging creative integration of temporary uses, streetscaping, landscaping and urban design amenities, specifically walkability, allowing Downtown to be responsive to market trends and innovative developments. The Overlay and the regulations and requirements relating thereto are intended to substantially advance legitimate governmental interests that include enhancing the quality of life in the City, regulating the character of development and redevelopment in the Downtown area, ensuring the careful and orderly development and redevelopment of the Downtown area and creating and preserving a unique Downtown area for the community.
- (b) *Overlay Area.* The Overlay district includes all property within the area bounded by State Highway 5 and Waller

² It is the intent of the City Council to repeal and replace the existing Section 18(C) (“H/O” Historic Overlay District) of the Zoning Ordinance with this Section 18(C) (“DOD” Downtown Overlay District) as set forth herein.

Street to the north, Miller Street and Sherman Street to the east, Melissa Road to the south and Fannin Road north along the school property to the west, as more particularly depicted in DOD Exhibit 1. Some lots or tracts may be fully or partially located in this Overlay. It is the intent of this Overlay to transition from those lots or tracts located fully in the Overlay district to those lots of tracts not located in the Overlay district by extending building materials and landscape standards to those lots or tracts partially located in the Overlay district. Transitioning concepts will be developed on a project by project basis through the development process.

- (1) *Base Zoning.* The zoning districts assigned to properties within the Overlay are effective unless prescribed otherwise in this Overlay. Any standards, regulations or requirements within this Overlay shall override those in the base district in the event of any conflict. Where this Overlay is silent, the base zoning district standards, regulations or requirements shall govern.
- (c) *Character Zones.* The Overlay sets the framework for development within the district by using two (2) character zones that represent a variety of development types within the district to support the framework for a walkable, connected and attractive Downtown.
 - (1) *Commercial Mixed Use (CMU).* The Commercial Mixed Use (CMU) character zone establishes the commercial core within the district and focuses on the development of commercial and mixed-use structures within the appropriate context of creating a vibrant downtown.
 - (i) For the CMU buildings or uses fronting on State Highway 5, building form will be patterned and developed to perform as a corridor commercial, with the considerations of the development around it and how it transitions toward that context.
 - (ii) For a walkable commercial pattern, rules and considerations are assembled to focus on the pedestrian and the human-scale of the development.
 - (2) *Transition Mixed Use (TMU).* The Transition Mixed Use (TMU) character zone extends the

commercial core of Downtown to the neighborhoods and development surrounding Downtown. It is intended to be used as a transition between the CMU, State Highway 5 and adjoining neighborhoods.

(2) *Downtown Overlay District Design Guidelines.*

- (a) *Design Guidelines Adopted.* The Downtown Overlay District Design Guidelines as set forth in DOD Exhibit 2 are hereby adopted and incorporated into this Section and shall apply to all property in the Overlay. Building design and construction not in conformity with the Design Guidelines is prohibited.
- (b) *Intent of Design Guidelines.* The Design Guidelines contain graphics and text standards that are intended to further the purposes of this Section by illustrating, refining and interpreting its requirements. In case of a conflict between the Design Guidelines and the text of this Overlay, the text shall govern.

(3) *Design Guidelines Generally.* The following standards apply to the CMU and TMU districts.

- (a) *Public Improvement Standards.* Public rights-of-way within the Overlay shall be improved in accordance with the following standards and as depicted in DOD Exhibit 3:
 - (1) *Street Standards.* Street standards, by type, shall be as follows:
 - (i) Commercial Mixed Use (CMU) Streets.
 - (a) 25-mph design speed.
 - (b) Minimum 80 feet of right-of-way.
 - (c) Two travel lanes at 13 feet each with on-street 12-foot-wide angled parking with curbed bulb outs at intersections, where appropriate.
 - (d) Angled parking 12 feet wide with curb and gutter.
 - (e) Minimum 5-foot-wide furnishing zone along outside curb.
 - (f) 10-foot-wide sidewalk outside furnishing zone.

- (g) Street lights are required in furnishing zone.
- (h) Street trees required in furnishing zone.

(ii) Transition Mixed Use (TMU) Streets.

- (a) 25-mph design speed.
- (b) Minimum 76 feet of right-of-way.
- (c) Two travel lanes at 13 feet each with parallel parking 9 feet wide.
- (d) Parallel parking 9 feet wide with curb and gutter.
- (e) Minimum 5-foot-wide landscape strip along outside curb.
- (f) Minimum 10-foot-wide sidewalk outside landscape strip.
- (g) Streetlights are required in landscape strip.
- (h) Street trees required in landscape strip.

(iii) Alleys.

- (a) 20 feet of right-of-way.
- (b) 16-foot-wide paved travel lane.
- (c) Inverted crown asphalt shall be used as an alternative to curb and gutter for drainage purposes.
- (d) 4-foot setback from the edge of pavement.
- (e) Minimum 30-foot-wide radius from travel lane where a travel lane intersects with an alley.

- (f) Utility easements as required by Melissa Development Services.
- (g) Unless otherwise specified in Section III(a)(i)(3) of this Overlay, alleys will be designed and constructed in accordance with City of Melissa Standard Details.
- (iv) Crosswalks.
 - (a) All intersections shall contain crosswalks that connect to sidewalks in all quadrants.
 - (b) Crosswalks shall be demarcated with integrated/mixed-in stamped colored concrete.
- (v) Sidewalks, Trails: 10-feet wide.

(b) *Awning Standards.*

- (1) *Generally.* Awnings shall be consistent with the building architecture and style of the building and the proposed design thereof shall be submitted to the City with the Building Façade Plan.
 - (i) Awnings shall have a minimum depth of 5 feet from the façade. Awnings shall provide a vertical clearance no less than 8 feet above sidewalks, driveways or streets beneath the awnings.
 - (ii) Awnings are permitted to encroach into the public right-of-way.
 - (iii) Text or signage for the business name, address or logo shall be allowed on the awning in accordance with the City's Sign Ordinance, and any proposed text or signage on an awning shall be submitted with the Building Façade Plan.
 - (iv) Canvas or acrylic materials are encouraged. Aluminum, wood or plastic awnings are prohibited.

- (v) Retractable awnings are encouraged, but fixed awnings may be used.
- (vi) Awning hardware shall not be visible.
- (c) *Building Facades.* Buildings wider than 100 feet shall be divided into distinct and separate building facades no wider than 50 feet each with the use of various materials, colors, textures, building form, etc.
- (d) *Required Pedestrian Passage.* Within this Overlay, any block length having 300 feet or more of continuous building frontage shall be required to have an unobstructed pedestrian passageway.
- (e) *Residential Ground Story.* New construction with residential ground stories with direct entry to units (i.e., stoops to ground floor units, townhouses, or live/work units) shall be raised a minimum of 18 inches from the sidewalk level (lobby entries for multifamily buildings are exempt from this requirement).
- (f) *Parking.*
 - (1) *Parking Space Requirements.* Parking shall be required as provided in Section 22.8 of the Zoning Ordinance, as it exists or may be amended.
 - (2) *Off-Street Parking Location.*
 - (i) Off-street parking areas shall be located to the side and/or rear of non-residential buildings, unless there is an additional and larger building on the lot between the proposed parking/building and the street.
 - (ii) Off-street parking areas may not be located between buildings and streets, unless there is an additional and larger building on the lot between the proposed parking/building and the street.
 - (iii) Parking areas on abutting non-residential lots shall be interconnected by access driveways.
 - (iv) Each non-residential lot shall provide easements for its parking areas and access driveways guaranteeing access and use to all other non-residential lots within the tract.

(3) *Shared Parking (Non-Residential Only).* Shared parking for non-residential developments or uses may be permitted pursuant to Subsection 22.6(e) of the Zoning Ordinance, as it exists or may be amended.

(4) *On-street Parking.*

- (i) Melissa Development Services may approve credit for on-street parking spaces provided on streets as a means to reduce the off-street parking requirements for a parcel.
- (ii) On Commercial Mixed Use (CMU) streets, the number of usable on-street parking spaces credited for a parcel shall not exceed the number of feet of linear frontage of the parcel along local streets (not including frontage devoted to driveways) divided by the constant 13.4.
- (iii) On Transition Mixed Use (TMU) streets, the number of usable on-street parking spaces credited for a parcel shall not exceed the number of feet of linear frontage of the parcel along local streets (not including frontage devoted to driveways) divided by the constant 24.
- (iv) Valet parking shall not be permitted in any on-street parking spots.

(5) *Parking Reduction and Awarding of Public Parking Spaces.*

- (i) If it is determined that due to existing site constraints or overall development plan for a project, the requirements of the Zoning Ordinance cannot be met in this Overlay, the Director may award public off-street parking spaces, if available, at City-designated locations if all of the following conditions exist:

 - (a) Any property owner/lessee, or his/her authorized agent, requesting any building permit and/or

Certificate of Occupancy, which affects a parcel in the Overlay and which results in a more intense use or greater square footage, must provide the additional parking required by the Zoning Ordinance if determined by the Director;

- (b) The proposed use represents an increase in parking intensity;
- (c) The existing or proposed use will be located in an existing structure, and non-building areas of the property cannot be reconfigured to provide all of the required off-street parking;
- (d) The owner and/or lessee of the proposed use has exhausted all other means to provide the necessary parking including, without limitation, utilizing any vacant parcel, owned by the owner and/or lessee, which could be developed as parking;
- (e) There must be a surplus of existing Downtown Overlay District public parking spaces, as determined by the Director;
 - (1) A roster of Downtown Overlay District public parking spaces will be kept and maintained by the Director.
- (f) The building occupant agrees to pay, in conjunction with the occupant's water, sewer and garbage bill, a specified Downtown Overlay District parking fee for the use and application of required parking on City-owned property, as solely determined by the City, per spot awarded by the Director for the

maintenance of City-provided parking.

(ii) The Director may approve on-street parking to be credited to a use within the Downtown Overlay District.

(iii) *Retaining Public Parking Spaces.*

(a) Uses in the Downtown Overlay District that have been awarded parking spaces out of any Downtown Overlay District public parking spaces will retain the ability to apply these spaces to their off-street parking requirements for up to six (6) months after the use for which the additional spaces were awarded under this Subsection 18(c)(3)(f)(5), as it exists or may be amended, has vacated the premises.

(b) If after six (6) months the site does not have a new use for which a Certificate of Occupancy has been issued, the spaces will revert to the City as surplus.

(c) In the event a property, previously awarded Downtown Overlay District public parking spaces, changes to a less intensive use, the unneeded spaces shall be forfeited.

(iv) *Intent of Awarding Public Parking Spaces.*

(a) Awarding Downtown Overlay District public parking spaces is allowed solely for the purpose of assisting an applicant in satisfying the off-street parking requirements established by the Zoning Ordinance.

(b) An award of Downtown Overlay District public parking spaces is not a guarantee that the awarded spaces

will be open for parking at any and/or all times.

- (c) Availability of any Downtown Overlay District public parking spaces is on a first come, first serve basis, and the Downtown Overlay District public parking spaces are open to the public.

(6) *Parking Lot Landscaping.* All parking lots shall contain 1 parking island for every 10 parking spaces. Parking islands shall be landscaped and include at least 1 tree in each island that is 5 feet wide or greater or a grouping of shrubs and seasonal flowers for areas less than 5 feet wide. Edges around parking lots shall be landscaped to include trees and shrubs.

(7) *Parking Screening Standards.*

- (i) *Street Screen Required.* Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way. Required street screens shall be one of the following:
 - (a) A brick, stone or textured concrete masonry unit wall the same building material as the principal structure on the lot no less than 3 feet high and no more than 5 feet high; or
 - (b) A fence constructed of masonry piers with iron pickets no less than 3 feet high and no more than 5 feet high with a vegetative screen composed of shrubs planted to be opaque at maturity.
 - (c) The required street screen shall be located at the minimum setback line along the corresponding frontage.
- (ii) Street screens shall not block any required sight triangles along a cross-street or driveway.

(iii) Street screens may include breaks to provide pedestrian access from any surface parking or surface area to the public sidewalk. Such breaks shall be no more than 6 feet wide and no closer than 65 feet apart.

(8) *Off-Street Loading Areas, Outdoor Storage, and Screening Generally.*

(i) *Service Area Location.*

(a) In the CMU, loading and service areas shall be located at the rear of buildings.

(b) In the TMU, all loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets.

(ii) *Screening Requirements.* Screening, including but not limited to screening of dumpsters, shall comply with Section 3.1400 of the Melissa Code of Ordinances, as it exists or may be amended.

(iii) *Outdoor Storage.* Outdoor storage or display of materials shall not be permitted overnight.

(9) *Pedestrian circulation.* Parking areas shall be designed to facilitate safe and convenient use by pedestrians. Commercial and multi-family developments shall provide designated pedestrian pathways or sidewalks at least 6 feet wide connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways.

(10) *Mutual Access Utility and Fire Lane Easements.* Interparcel access, joint driveways, cross-access drives and access easements shall be provided for properties located within the Commercial Mixed Use (CMU) Character Zone, except where Melissa Development Services determines that they are unfeasible because of topographic or other site-specific constraints.

(i) Joint driveways and cross access easements shall be established for nonresidential development that abuts other non-residential development, whether existing or planned. The building site shall incorporate the following:

- (a) Continuous cross-access drive located in a cross-access easement, where necessary to connect adjacent parcels along the thoroughfare;
- (b) A design speed of 15 miles per hour and a two-way travel aisle with a minimum paved width of twenty- 24 to 26 feet (back of curb to back of curb). Paving, base and curb specifications shall meet standards of public streets;
- (c) Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive; and
- (d) A 5-foot-wide sidewalk is required on one side of the cross-access drive.

(11) *Lighting in Parking Lots.*

- (i) Parking lots containing 5 or more spaces shall be properly illuminated for the safety and security of pedestrians and vehicles. Parking area lighting shall provide an average illumination of between 0.5 foot-candles and 2.0 foot-candles.
- (ii) Outdoor lighting shall use only LED fixtures mounted in such a manner that its cone of light is directed downward. Spillover shall not exceed 0.3 foot-candles on to residential properties or 1.0 foot-candles on to non-residential properties and public rights-of-way. The method and construction of outdoor lighting shall shield the light source

from direct view from any adjacent property or right-of-way.

(4) *Commercial Mixed-Use Design Criteria.*

(a) *Purpose.* The Commercial Mixed Use (CMU) Character Zone provides for the adaptive reuse, infill and redevelopment of sites to form a central core of mixed uses for Downtown that conforms to consistent and harmonious design standards for public improvements and private property development so as to unify the distinctive visual quality of the Downtown.

(b) *Permitted Uses.*

(1) All uses permitted in the Commercial Mixed Use (CMU) Character Zone of the Downtown Overlay District are identified in the "CMU" Base Zoning District in the Schedule of Uses in the Zoning Ordinance, as it exists or may be amended.

(2) Mixed-use buildings with commercial uses on ground floor and offices or residences on upper floors.

(c) *Conditional Uses.*

(1) The 2 uses below are permitted on developed properties located within the Commercial Mixed Use (CMU) Character Zone of the Overlay.

(i) Outdoor display of merchandise for sale within principal ground floor use.

(ii) Outdoor food service for eating and drinking establishments.

(2) Standards for approval.

(i) Outdoor display and food service may not interfere with the circulation of pedestrians and automobiles along public right-of-way.

(ii) Outdoor display or food service area may not exceed 10 percent of the interior sales area or interior food service area of the principal use to which it is related.

(d) *Architectural Prototypes.*

(1) Buildings within the CMU area of the Overlay shall be designed in substantial conformity with the

following architectural prototypes, as set forth in the DOD Building and Sign Design Guidelines:

(i) Commercial.

(a) Mercantile Building – 1 story, as described in the DOD Building and Sign Design Guidelines and depicted in Figure 1; or

(b) Mercantile Building – 2 or 3 stories, as described in the DOD Building and Sign Design Guidelines and depicted in Figure 2.

(ii) Residential.

(a) Mixed-use buildings with commercial uses on ground floor and offices or multi-family residential uses on upper floors.

(e) *Development Standards.*

- (1) Minimum lot width: 20 feet.
- (2) Front yard setback: maximum 5 feet. No parking except approved on-street parking shall be permitted in front yard.
- (3) Side yard setback: minimum 0 feet where buildings meet applicable building and fire codes and a maximum of 50 feet.
- (4) Spacing between detached buildings: minimum 15 feet.
- (5) Building height: maximum 3 stories or 45 feet.
- (6) Building length: maximum 100 feet if 2 stories or greater; maximum 50 feet if one story.
- (7) Building facades shall contain facade offsets, appropriate fenestration, and roof treatment consistent with the requirements outlined in Section 23.12(b)(6) of the Zoning Ordinance, as it exists or may be amended, at an interval not to exceed 50 feet.
- (8) Maximum impervious surface: 80 percent.

(f) *Signage.* Signage within the CMU area of the Overlay shall be designed in substantial conformity with the design guidelines set forth in the DOD Building and Sign Design Guidelines.

(5) *Transition Mixed-Use Design Criteria.*

(a) *Purpose.* The Transition Mixed Use (TMU) Character Zone provides development guidelines for parcels developed with newer buildings adjacent to the Downtown core and provides for a transition between the buildings in the Overlay and property outside the Overlay.

(b) *Permitted Uses.*

(1) All uses permitted in the Transition Mixed Use (TMU) area of the Downtown Overlay District are identified in the "TMU" Base Zoning District in the Schedule of Uses in the Zoning Ordinance, as it exists or may be amended.

(2) Mixed-use buildings with commercial uses on ground floor and offices or multi-family residential uses on upper floors.

(c) *Conditional Uses.*

(1) The 2 uses below are permitted on developed properties located within the Transition Mixed Use (TMU) Character Zone of the Overlay.

(i) Outdoor display of merchandise for sale within principal ground floor use.

(ii) Outdoor food service for eating and drinking establishments.

(2) Standards for approval.

(i) Outdoor display and food service may not interfere with the circulation of pedestrians and automobiles along public right-of-way.

(ii) Outdoor display or food service area may not exceed ten (10) percent of the interior sales area or interior food service area of the principal use to which it is related.

(d) *Architectural Prototypes.*

(1) Buildings within the TMU area of the Overlay shall be designed in substantial conformity with the following architectural prototypes, as set forth in the DOD Building and Sign Design Guidelines:

(i) Commercial.

(a) Mercantile Building – 1 story, as described in the DOD Building and Sign Design Guidelines and depicted in Figure 1; or

(b) Mercantile Building – 2 stories, as described in the DOD Building and Sign Design Guidelines and depicted in Figure 2.

(ii) Residential.

(a) Mixed-use buildings with commercial uses on ground floor and offices or multi-family residential uses on upper floors.

(b) Single-family detached dwellings, as described in the DOD Building and Sign Design Guidelines and depicted in Figures 4(a) through 4(f).

(c) Single-family attached, fee simple dwellings.

(e) *Base Development Standards for Single-Family Residential Development.* Single-Family Residential Development shall be in accordance with the City's SF-3 (Single-Family-3 Residential District) base standards, as they exist or may be amended.

(f) *Development Standards for Non-Residential Development.*

(1) Minimum lot width: 80 feet.

(2) Front yard setback: minimum 25 feet, maximum 60 feet. No more than 25 percent parking shall be permitted in front yard with parking lot.

- (3) Side yard setback: minimum 0 feet where buildings meet applicable building and fire codes and a maximum of 50 feet.
- (4) Spacing between detached buildings: minimum 15 feet.
- (5) Building height: maximum 2 stories or 30 feet.
- (6) Building length: maximum 100 feet if 2 stories; maximum 50 feet if 1 story.
- (7) Building facades shall contain facade offsets, appropriate fenestration, and roof treatment consistent with the requirements outlined in Section 23.12(b)(6) of the Zoning Ordinance, as it exists or may be amended, at an interval not to exceed 50 feet.
- (8) Maximum impervious surface: 60 percent.

(g) *Signage.* Signage within the TMU area of the Overlay shall be designed in substantial conformity with the DOD Building and Sign Design Guidelines.

(6) *Adaptive Reuse of Residential Structures.*

- (a) *Purpose.* Adaptive reuse maintains the character of the structures, while allowing for modifications to the structure for a different use. Certain structures, due to particular circumstances with regard to locations, type or size of building and/or architectural style may no longer be useful for the purposes for which they were originally designed and designated. Obsolescence of previous use, changing land use patterns or changing of zoning districts may initiate the change from one use to another.
- (b) *Applicability.* This subsection applies to proposed changes of use in all structures originally constructed as residences within the boundaries of the Overlay. This includes structures in both the Commercial Mixed Use (CMU) and Transition Mixed Use (TMU) Character Zones. A property for which a change in use is proposed requires a zoning change through a Specific Use Permit (SUP) as detailed in the Zoning Ordinance, as it exists or may be amended. The following standards shall apply to specific rehabilitation projects in a practical and reasonable manner, taking into consideration economic and technical feasibility:

- (1) The structure shall not be enlarged or the exterior altered so that it is out of character with the surrounding structures;
- (2) The character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided;
- (3) New additions, exterior alterations or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment; and
- (4) Distinctive landscaping elements and existing topographic features shall not be removed or altered so as to change the visual and environmental character of the site except in cases where site modification and improvements for parking, loading or access require the removal of trees or shrubbery. In such cases, replacement landscaping shall be installed where possible adjacent to the modified area.

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SECTION 20
SCHEDULE OF USES AND PARKING REQUIREMENTS

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20.1 ...

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BASE ZONING DISTRICT LEGEND		Residential		Nonresidential		Special	
X	Use permitted in District						
	Use prohibited in District						
S	Use permitted in District upon approval of a Specific Use Permit						
(a,b,c..)	Use is permitted in the District indicated if the use complies with conditional development standard or limitations in the corresponding alphabetical end note in Subsection 20.3 (Conditional Development Standards)						
SPECIAL ZONING DISTRICT LEGEND							
X	Use subject to Base Zoning District						
X(S)	Use subject to Base Zoning District upon approval of a Specific Use Permit						
	Use prohibited in District						
	Regulation by District (See Individual Section)						
PARKING REQUIREMENT BASED ON USE							
(1,2,3..)		See corresponding numeric end note in Subsection 22.8 (Parking Requirement Based on Use)					
Use Type							
Residential Uses							
A - Agricultural District		SF-1 - Single-Family Residential District 1	SF-2 - Single-Family Residential District 2	SF-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District	DOD CMU - Downtown Overlay District (Commercial Mixed Use)
Cottages		S					S
Garage Apartment		S	S				S
Guest House		S	S				
Manufactured Home				X			
Multifamily Residence				X			
Single Family Dwelling-detached		X	X	X	X		X
Single Family Dwelling-attached				X			S
Studio Residence					S	S	X(S)
Townhome				X			S
Two Family Residence (Duplex)				X	X		S
Nonresidential Uses							
Accessory Structure		X	X	X	X	X	X
Airport/Heliport					S	S	S
Alcoholic Beverage Sales					S(g)	S(g)	S(g)
Alcoholic Beverage Establishment					S(b)	S(b)	S(b)
Amenity Center		X	X	X	X		
Antenna and/or Antenna Support Structure, Commercial		S	S	S	S	S	X
Antenna and/or Antenna Support Structure, Non-Commercial		S	S	S	S	S	X
Antenna, Stealth		S	S	S	S	X	X
Antique Shop					X	X	X
Assisted Living Facility				X			X
Athletic Stadium or Field, Public		S	S	S	S	X	X
Athletic Stadium or Field, Private					S	X	X
Automobile Paid Parking Lot/Garage					X	X	X
Automobile Parking Lot/Garage				S	X	X	X
Automobile Repair, Major					S	X	X
Automobile Repair, Minor					S	X	X
Automobile Sales, Used					S	S	S
Automobile Sale, Leasing, New					S	S	X
Automobile Storage					S	X	
Bank, Saving and Loan or Credit Union					X	X	X
Beauty Salon/Barber Shop					X	X	X
Bed and Breakfast Inn		S	S	S	S	S	X
Big Box Retail Development					S	X	X
Building Material and Hardware Sales, Major					S	X	X
Building Material and Hardware Sales, Minor					X	X	X
Business Service					X	X	X
Cabinet/Upholstery Shop					S	X	X

BASE ZONING DISTRICT LEGEND		Residential			Nonresidential			Special		
X	Use permitted in District									
	Use prohibited in District									
S	Use permitted in District upon approval of a Specific Use Permit									
(a,b,c,...)	Use is permitted in the District indicated if the use complies with conditional development standard or limitations in the corresponding alphabetical end note in Subsection 20.3 (Conditional Development Standards)									
SPECIAL ZONING DISTRICT LEGEND		A - Agricultural District			C-1 - Restricted Commercial District			C-2 - General Commercial District		
X	Use subject to Base Zoning District	SF-1 - Single-Family Residential District 1	SF-2 - Single-Family Residential District 2	SF-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District				
X(S)	Use subject to Base Zoning District upon approval of a Specific Use Permit									
	Use prohibited in District									
	Regulation by District (See Individual Section)									
PARKING REQUIREMENT BASED ON USE		I-1 - Light Industrial District			I-2 - Heavy Industrial District			DOD CMU - Downtown Overlay District (Commercial Mixed Use)		
(1,2,3,...)	See corresponding numeric end note in Subsection 22.8 (Parking Requirement Based on Use)									
Use Type		SUP - Specific Use Permit			CC/CO - Commercial Corridor Overlay District			PD - Planned Development District		
Car Wash, Full Service										
Car Wash, Self Service										
Cemetery or Mausoleum	S S S S S S	S S S S S S	S F-1 - Single-Family Residential District 1	S F-2 - Single-Family Residential District 2	S F-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District	C-1 - Restricted Commercial District	C-2 - General Commercial District	I-1 - Light Industrial District
Child-Care: Foster Family Home (Independent)	X X X							X X		
Child-Care: Foster Group Home (Independent)	X X X							X X		
Child-Care: Licensed Child-Care Center								(k) (k) (k)		
Child-Care: Licensed Child-Care Home	(l) (l) (l)							(l) (l) (l)		
Child-Care: Listed Family Home	(l) (l) (l)							(l) (l) (l)		
Child-Care: Registered Child-Care Home	(l) (l) (l)							(l) (l) (l)		
Church, Temple, Synagogue, Mosque or Other Place of Worship	S S S S S S	S S S S S S	S F-1 - Single-Family Residential District 1	S F-2 - Single-Family Residential District 2	S F-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District	C-1 - Restricted Commercial District	C-2 - General Commercial District	I-1 - Light Industrial District
Civic/Convention Center										
College, University, Trade or Private Boarding School										
Commercial Amusement, Indoor										
Commercial Amusement, Outdoor										
Community Center										
Concrete/Asphalt Batching Plant, Permanent										
Concrete/Asphalt Batching Plant, Temporary	S S S S S S	S S S S S S	S F-1 - Single-Family Residential District 1	S F-2 - Single-Family Residential District 2	S F-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District	C-1 - Restricted Commercial District	C-2 - General Commercial District	I-1 - Light Industrial District
Construction Yard and Field Office, Temporary	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X
Contractor's Shop and/or Storage Yard										
Convenience Store with Gas Pumps										
Convenience Store without Gas Pumps										
Day Services, Adult	S S S S S S	S S S S S S	S F-1 - Single-Family Residential District 1	S F-2 - Single-Family Residential District 2	S F-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District	C-1 - Restricted Commercial District	C-2 - General Commercial District	I-1 - Light Industrial District
Dry Cleaners, Major										
Dry Cleaners, Minor										
Electrical Power Generating Plant										
Equipment and Machinery Sales and Rental, Major										
Equipment and Machinery Sales and Rental, Minor										
Fairgrounds/Exhibition Area	S									
Farm, Ranch, Stable, Garden or Orchard	X S S S S S	S S S S S S	S F-1 - Single-Family Residential District 1	S F-2 - Single-Family Residential District 2	S F-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District	C-1 - Restricted Commercial District	C-2 - General Commercial District	I-1 - Light Industrial District
Farmers Market	S									
Fraternal Organization, Lodge, Civic Club, Fraternity or Sorority										
Furniture Restoration										
Gas Pumps (Accessory Use)										
General Manufacturing/Industrial Use Complying with Performance Standards										
Golf Course and/or Country Club	S X X X X X	S X X X X X	S F-1 - Single-Family Residential District 1	S F-2 - Single-Family Residential District 2	S F-3 - Single-Family Residential District 3	MF - Multi-Family Dwelling District	MH - Manufactured Home Park District	C-1 - Restricted Commercial District	C-2 - General Commercial District	I-1 - Light Industrial District
Governmental Office	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X	X X X X X X
Gunsmith/Gun Dealer Shop										
Gymnastics/Dance Studio										
Hall, Dance										
Hall, Reception/Banquet/Meeting										

BASE ZONING DISTRICT LEGEND						Residential		Nonresidential		Special	
X	Use permitted in District										
	Use prohibited in District										
S	Use permitted in District upon approval of a Specific Use Permit										
(a,b,c,...)	Use is permitted in the District indicated if the use complies with conditional development standard or limitations in the corresponding alphabetical end note in Subsection 20.3 (Conditional Development Standards)										
SPECIAL ZONING DISTRICT LEGEND											
X	Use subject to Base Zoning District										
X(S)	Use subject to Base Zoning District upon approval of a Specific Use Permit										
	Use prohibited in District										
	Regulation by District (See Individual Section)										
PARKING REQUIREMENT BASED ON USE											
(1,2,3,...)	See corresponding numeric end note in Subsection 22.8 (Parking Requirement Based on Use)										
Use Type											
Health/Fitness Center						X	X	X	X	X	24
Home Occupation	(e)	(e)	(e)	(e)	(e)			(e)	(e)	X	50
Homebuilder Design Center		X	X	X	X	X	X	X	X	(S)	49
Hospital							X	X		X	26
Hotel						S	X	X	X	X	26
Household Care Facility	(f)	(f)	(f)	(f)	(f)			(f)	(f)		49
Indoor Gun or Archery Range							X	X			49
Landfill								S			49
Laundromat						X	X	X	X	X	42
Limited Assembly and Manufacturing Use Complying with Performance Standards							X	X	X		26
Locksmith/Security System Company						X	X	X	X	X	42
Machine Shop								X			28
Massage Therapy, Licensed						X	X	X		X	42
Massage Therapy, Unlicensed						X	X	X		X	42
Mini-warehouse/Self-storage						S	S	X	X		29
Miscellaneous, Hazardous Industrial Use								S			28
Mobile Food Vendor						(l)	(l)	(l)	(l)	(l)	(S)
Model Home		X	X	X	X					S	Non
Mortuary or Funeral Parlor						X	X	X			31
Motorcycle Sales/Service							S	S	X		33
Municipal Uses Operated by the City	X	X	X	X	X	X	X	X	X	X	49
Museum/Art Gallery						X	X	X	X	X	12
Nursery, Major	S						X	X	X		35
Nursery, Minor						X	X	X	X	X	35
Nursing/Convalescent Home						S	S	S	S		1
Office & Storage Area for Public/Private Utility								S	X		49
Office/Office Center						X	X	X		X	36
Office>Showroom						X	X	X	X	X	(S)
Office/Warehouse/Distribution Center							X	X		(S)	48
Oil Well/Gas Well and Mineral Extraction	S						S	S			28
Outside Storage and Display (Incidental Use)						X	X	X	X	X	(S)
Outside Storage and Display (Primary Use)							X	X		(S)	48
Park & Playground	X	X	X	X	X	X	X	X	(S)	(S)	49
Pawnshop								X			42
Portable Building Sales								S	X		42
Printing Shop, Major							S	X	X		28
Printing Shop, Minor						X	X	X	X	X	42
Private Club						S(g)	S(g)	S(g)	S(g)	S(g)	(S)
Private Utility (other than listed)	X						S	S	S		39
Recreational Vehicle Sales and Service, New/Used						S	X	X			49

BASE ZONING DISTRICT LEGEND		Residential		Nonresidential		Special	
X	Use permitted in District						
	Use prohibited in District						
S	Use permitted in District upon approval of a Specific Use Permit						
(a,b,c,e)	Use is permitted in the District indicated if the use complies with conditional development standard or limitations in the corresponding alphabetical end note in Subsection 20.3 (Conditional Development Standards)						
SPECIAL ZONING DISTRICT LEGEND							
X	Use subject to Base Zoning District	A - Agricultural District		SF-1 - Single-Family Residential District 1			
X(S)	Use subject to Base Zoning District upon approval of a Specific Use Permit	SF-2 - Single-Family Residential District 2		SF-3 - Single-Family Residential District 3			
	Use prohibited in District	MF - Multi-Family Dwelling District		MH - Manufactured Home Park District			
	Regulation by District (See Individual Section)	C-1 - Restricted Commercial District		C-2 - General Commercial District			
PARKING REQUIREMENT BASED ON USE		I-1 - Light Industrial District		I-2 - Heavy Industrial District		DOD CMU - Downtown Overlay District (Commercial Mixed Use)	
(1,2,3,..)	See corresponding numeric end note in Subsection 22.8 (Parking Requirement Based on Use)						
Use Type		(h)		(h)		(h)	
Recreational Vehicle/Truck Parking Lot or Garage		X	X				
Recycling Center			S	X			
Recycling Collection Point		S	S	X	X		X(S)
Recycling Plant				S			
Rehabilitation Care Institution		S	S	S	S		
Rehabilitation In-Home Care	(h)	(h)	(h)	(h)	(h)	(h)	(h)
Research and Development Center		S	S	S	S		X(S)
Residence Hotel (Extended Stay Hotel)		S	S	X		X	X(S)
Restaurant or Cafeteria		(i)	(i)	(i)		X	X
Restaurant, Drive-In		S	X	X	X	S	X
Retail Stores and Shops		X	X	X	X	X	X
Retail/Service, Incidental			X	X	X	X	X
School, Private	S	S	S	S	S		
School, Public	X	X	X	X	X		
School District Bus Yard	(m)	(m)	(m)	(m)	(m)	(m)	(m)
Sewage Treatment Plant/Pumping Station	S	S	S	S	S	S	S
Sexually Oriented Uses				S	S		
Small Engine Repair Shop				S	X	X	
Solar Panel Systems	X	X	X	X	X	X	
Stable, Commercial	S				X	X	
Storage or Wholesale Warehouse				X	X		
Taxidermist				X	X		
Telephone Exchange	S	S	S	S	S	S	S
Temporary Building	S	S	S	S	S	S	S
Temporary Portable Storage Unit	(n)	(n)	(n)	(n)	(n)		X
Theater, Neighborhood			X	X		X	X
Theater, Regional			S	X	X		X
Trailer Rental			S	X	X		
Trailer/Manufactured Home Display and Sales				X	X		
Transit Center			S	S	X		
Truck Sales, Heavy Trucks				S	X	X	
Truck Terminal				S	X		
Truck/Bus Repair				X			
Utility Distribution/Transmission Line	S	S	S	S	S	S	S
Veterinarian Clinic and/or Kennel, Indoor			X	X	X	X	X(S)
Veterinarian Clinic and/or Kennel, Outdoor	S			S	X	X	
Water Treatment Plant	S	S	S	S	S	S	S

20.3 ...

(i) *Restaurant or Cafeteria:*

(1) Restaurants or Cafeterias are permitted by right in the C-1, C-2, I-1, DOD and CC/O zoning districts.

(2) Restaurants with a drive-through are only permitted in the C-1, C-2, I-1, and CC/O zoning districts and by SUP only in the DOD district.

...

(k) *Child-Care: Licensed Child-Care Center:*

...

(2) A day-care not operated by a public school district is permitted by right in the C-1, C-2, I-1 and DOD districts and by SUP only in the CC/O district.

...

(l) *Mobile Food Vendor:*

(1) Mobile food vendors are permitted by SUP only in the C-1, C-2, I-1, DOD and CC/O zoning districts.

...

SECTION 22 OFF-STREET PARKING AND LOADING REQUIREMENTS

22.2 ...

...

(g) *DOD Detached Garage Setbacks.* In the DOD district, the front of a detached garage shall be set back a minimum of twenty (20) feet from the projection of the front porch or building line.

...

22.3 ...

...

(c) ...

(1) ...

(2) ...

(a) No public right-of-way shall be used for backing or maneuvering into a parking space, except in the DOD district as approved by the Director.

(d) *Dead End Parking.* Dead end parking is prohibited in nonresidential districts, except in the DOD district as approved by the Director.

...

22.6 ...

...

(e) *Shared Parking (Non-Residential Only).*³

(1) Shared parking for non-residential developments or uses may be permitted by the City Manager or his/her designee if the applicant satisfactorily demonstrates that the actual peak parking requirements of the proposed non-residential development or use can be satisfied with fewer parking spaces through sharing adjacent parking for two or more proximate uses because peak demand periods for proposed land uses do not occur at the same time periods.

(2) Non-residential developers requesting reductions based on shared parking shall submit the following:

- (a) Site plan indicating the location of uses proposing to share parking requirements and design of shared parking facilities;
- (b) Names and addresses of the owners and uses that would share parking;
- (c) Location and number of shared parking spaces;
- (d) A proposed cross-access easement between owners to assure the continued availability of adequate parking; and
- (e) A shared parking analysis that shall follow the procedures detailed in the subsections below:

³ It is the intent of the City Council to repeal and replace the existing Section 22.6(e) (Shared Parking Space Calculations) of the Zoning Ordinance with this Section 22.6(e) (Shared Parking (Non-Residential Only)) as set forth herein.

- (1) Determine the minimum amount of parking required for each separate use in Subsection 22.8 or other applicable sections of the Zoning Ordinance, as they exist or may be amended;
- (2) Multiply the parking requirement for each use by the corresponding percentage for each of the time periods in the table below;
- (3) Add the total parking requirements for all uses for each of the time periods in the table below;
- (4) The parking requirement for the time period having the largest required total number of parking spaces based on use of the table below shall be the minimum required number of parking spaces for the development.
- (5) Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in ownership or use, the owner must apply to the City Manager or his/her designee for an evaluation and confirmation of the reduction. If the City Manager or his/her designee finds that the parking reduction is no longer justified, the City Manager or his/her designee shall notify the owner to construct the number of parking spaces necessary to meet the required level or take other action as necessary to enforce these regulations.

Uses	Weekdays		Weekends		Nighttime
	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	1 a.m. to 6 a.m.
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment / recreational	40%	100%	80%	100%	10%
Church	50%	50%	100%	100%	10%

(3) Except as otherwise permitted in the CC/O district, uses that conform to Subsection 22.8(a)(42)(c) (Retail (Shopping Center)) of the Zoning Ordinance, as it exists or may be amended, are prohibited from using shared parking, unless otherwise approved by the City Manager or his/her designee.

(4) Approval of a shared parking agreement by the City may be rescinded by the City, and additional parking shall be obtained by the owners in the event that the City determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety or welfare.

...

22.9 ...

...

~~(b) *Historic Overlay District Parking Reduction and Awarding of Historic Overlay District Public Parking Spaces.*~~

~~(1) If it is determined that due to existing site constraints or overall development plan for a project, the requirements of this Ordinance cannot be met in the H/O district, the Director may, at his/her sole discretion, award public off-street parking spaces, if available, at City designated locations if all of the following conditions exist:~~

~~(a) Any property owner/lessee, or his/her authorized agent, requesting any building permit and/or Certificate of Occupancy, which affects a parcel in the H/O district and which results in a more intense use or greater square footage, must provide the additional parking required by this Ordinance if determined by the Director.~~

~~(b) The proposed use represents an increase in parking intensity.~~

~~(c) The existing or proposed use will be located in an existing structure, and non-building areas of the~~

~~property cannot be reconfigured to provide all of the required off street parking.~~

- (d) ~~The owner and/or lessee of the proposed use has exhausted all other means to provide the necessary parking including, without limitation, utilizing any vacant parcel, owned by the owner and/or lessee, which could be developed as parking.~~
- (e) ~~There must be a surplus of existing H/O district public parking spaces, as solely determined by the Director.~~
 - (1) ~~A roster of H/O district public parking spaces will be kept and maintained by the Director.~~
 - (f) ~~The building occupant agrees to pay, in conjunction with the occupants' water, sewer and garbage bill, a specified H/O district parking fee for the use and application of required parking on City owned property, as solely determined by the City, per spot awarded by the Director for the maintenance of City provided parking.~~
 - (2) ~~The Director may approve on street parking to be credited to a use within the H/O district.~~
- (e) *Retaining Historic Overlay District Public Parking Spaces.*
 - (1) ~~Uses in the H/O district that have been awarded parking spaces out of any H/O district public parking spaces, will retain the ability to apply these spaces to their off street parking requirements for up to six (6) months after the use, for which the additional spaces were awarded under this Subsection 22.9(e), has vacated the premises.~~
 - (2) ~~If after six (6) months the site does not have a new use for which a Certificate of Occupancy has been issued, the spaces will revert to the City as surplus.~~
 - (3) ~~In the event a property, previously awarded H/O district public parking spaces, changes to a less intensive use the unneeded spaces shall be forfeited.~~
- (d) ~~Intent of Awarding H/O District Public Parking Spaces.~~

(1) Awarding H/O district public parking spaces is allowed solely for the purpose of assisting an applicant in satisfying the off street parking requirements established by this Ordinance.

(2) An award of H/O district public parking spaces is not a guarantee that the awarded spaces will be open for parking at any and/or all times.

(3) Availability of any H/O district public parking spaces is on a first come, first serve basis, and the H/O district public parking spaces are open to the public.

...
SECTION 23
SPECIAL AND ADDITIONAL REGULATIONS

23.7 ...
...

Homes and structures in the Historical Overlay District are eligible for a Special Use Permit to use wood or similar construction instead of masonry construction if such construction would make the home or structure more compatible with the preservation of that Historical Overlay District.

23.12 ...
...

(b) *Non-Residential Uses in Non-Industrial Districts:*

...
(2) ...

(A) Buildings constructed within the "DOD" Downtown Overlay District whose design conflicts with any applicable design criteria found in Subsection 18(C) of the Zoning Ordinance because

of the minimum requirements contained herein; provided, however, that nothing herein shall exempt nonresidential buildings constructed within the “DOD” Downtown Overlay District from complying with the façade plan review and approval process set forth in this Subsection 23.12(b).

...

SECTION 31

RULES OF CONSTRUCTION AND GENERAL DEFINITIONS

...

31.2 *General Definitions:* ...

...

Commercial Mixed Use (CMU) Street. A street located in the Commercial Mixed Use (CMU) Character Zone within the Downtown Overlay District.

...

Furnishing Zone. The portion of the public right-of-way used for street trees, landscaping, street lights and site furnishings.

...

Transition Mixed Use (TMU) Street. A street located in the Transition Mixed Use (TMU) Character Zone within the Downtown Overlay District.

...

SECTION 3: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Melissa from filing suit to enjoin the violation. Melissa retains all legal rights and remedies available to it under local, state and federal law.

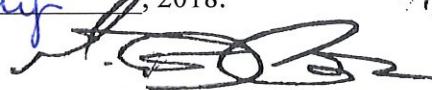
SECTION 4: Savings/Repealing. The Code of Ordinances and the Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such 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 or phrase of this Ordinance be declared unconstitutional and/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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

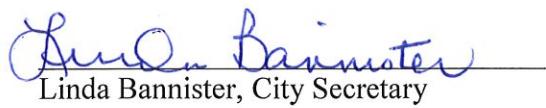
SECTION 6: Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, on this 22 day of May, 2018.

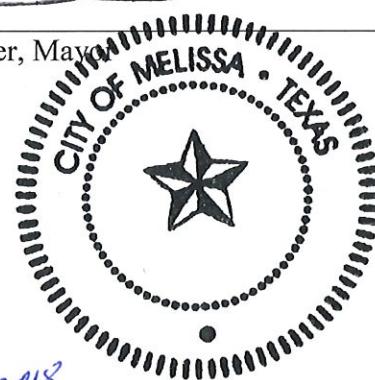


Reed Greer, Mayor

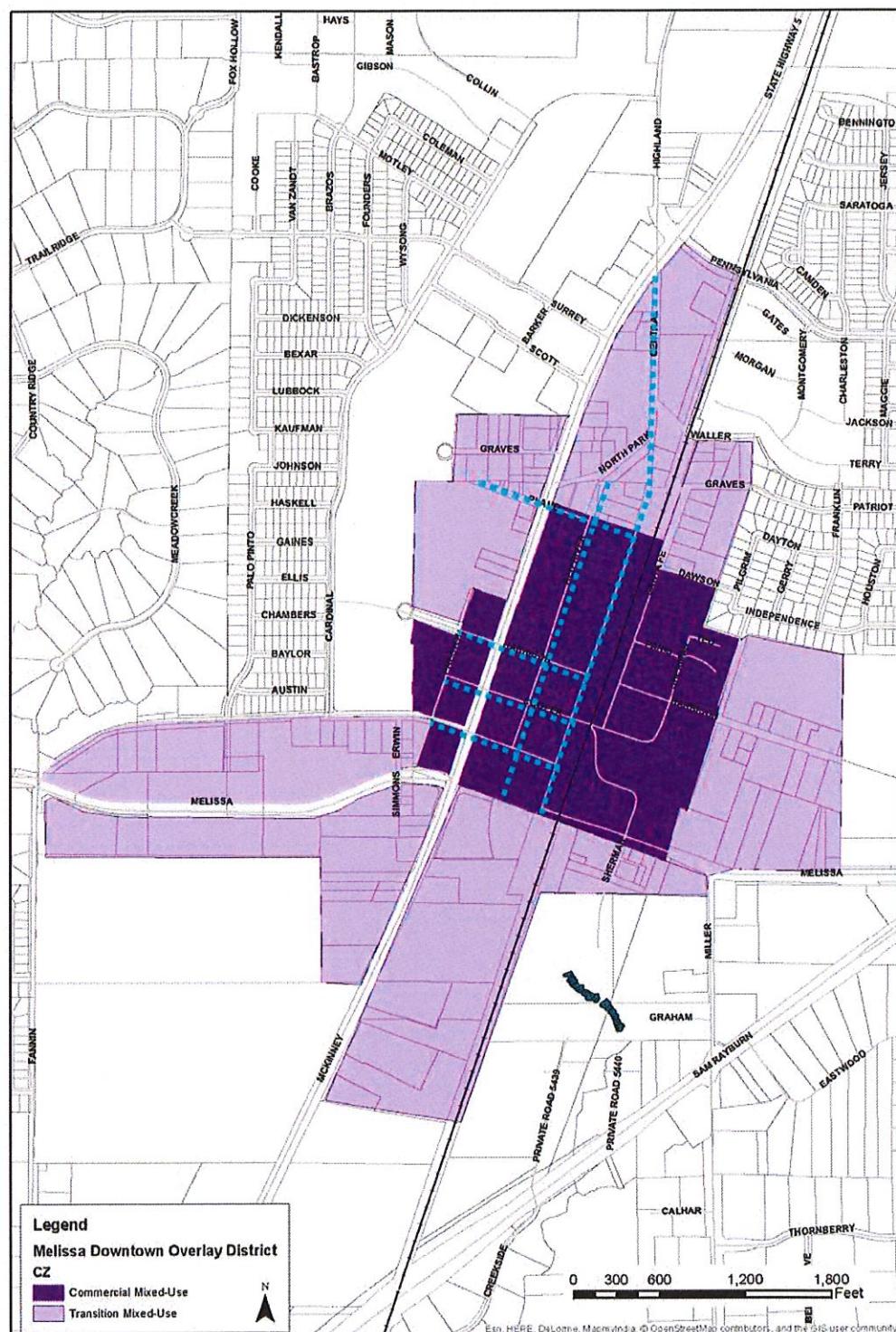
**ATTESTED TO AND CORRECTLY
RECORDED:**


Linda Bannister, City Secretary

Dates of Publication: May 31 & June 7, 2018, Anna-Melissa Tribune



DOD Exhibit 1



Downtown Overlay District - Regulating Plan
Melissa TX

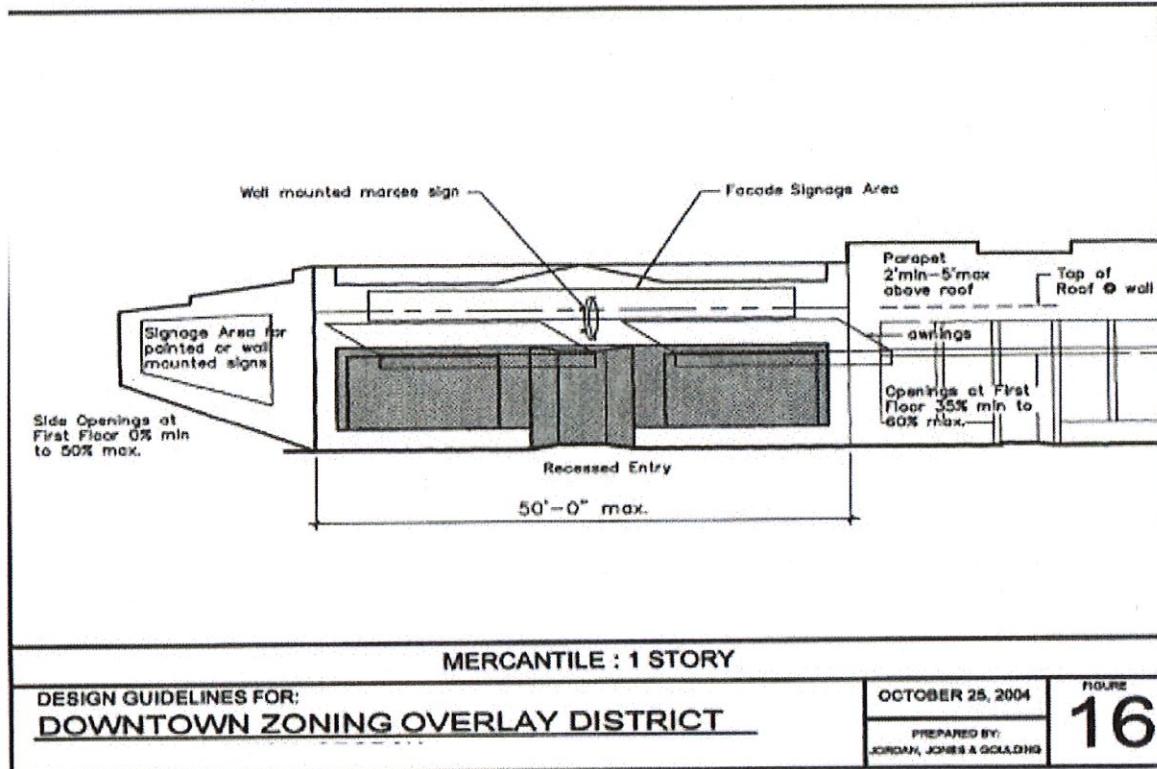


DOD Exhibit 2

DOD Building and Sign Design Guidelines

ARCHITECTURAL PROTOTYPE: MERCANTILE BUILDING, 1 STORY - Figure 1

FIGURE 1: MERCANTILE BUILDING, 1 STORY



Description: Commercial architecture that is similar to turn of the century small town commercial architecture. Type may be free standing but is often constructed with zero lot line setbacks at the sides and shares a party wall with adjacent modules. Large display windows dominate the front facade of the building with recessed entrance(s).

Massing: Simple massing with parapet walls concealing low slope roof beyond. Parapet walls may be stepped to follow sloping roof at sides and may have profiles at front to emphasize signage or ornament. Mercantile modules at corners of major intersections (one street shall be an arterial or collector) shall have two front elevations for the purposes of these design standards.

Height: Maximum one story and no more than 20 feet in height, including all parapet walls and signage.

Width: Maximum building width facing street – 50 foot module. See Figure 1 of DOD Building and Sign Design Guidelines. Modules can be connected with fire-rated party walls to form a single building up to 150 feet wide.

Façade Depth: Other than for recessed entrances within the module, columns, pilasters, cornices and other projecting or receding elements of the façade shall vary by no more than 2 feet from the average face of the facade.

Materials: Primary exterior siding material to be unpainted brick or natural stone. Stucco, metal, wood or similar materials used for ornamental details are permitted but may comprise no more than 20% of the facade elevation.

Roof: Low, sloped roof concealed behind parapet walls from public streets.

Parapet: Parapet walls may be between 2 feet and 5 feet above top of roof at front façade.

Walls: Parapets at side and rear will not exceed front parapet wall height.

Entrance: Main entrance shall be located on front of building. Entrance shall be recessed 3 to 6 feet back from front façade.

Porches: None at front elevation. Porches at front elevation used for dining facilities may be considered for approval by the Planning & Zoning Commission and City Council as part of the Site Planning process. Small porches permitted at side and rear entrances, not to exceed 35 square feet of covered porch area.

Fenestration: Window and glazed door openings on the front elevation, including sashes, casings and mullions, shall comprise between 35% and 60% of the first floor elevation.

- The first floor wall area shall be measured horizontally from exterior corner to corner and vertically from the sidewalk or grade adjoining the building to the top of the roof beyond the parapet wall.
- Side openings for doors and windows shall not exceed a total of 50 percent of side elevation.

Glazing: Reflective or heavily tinted glass is not permitted. Glazing shall allow clear view of interior space. Visible light transmission percentage shall not be less than 65%.

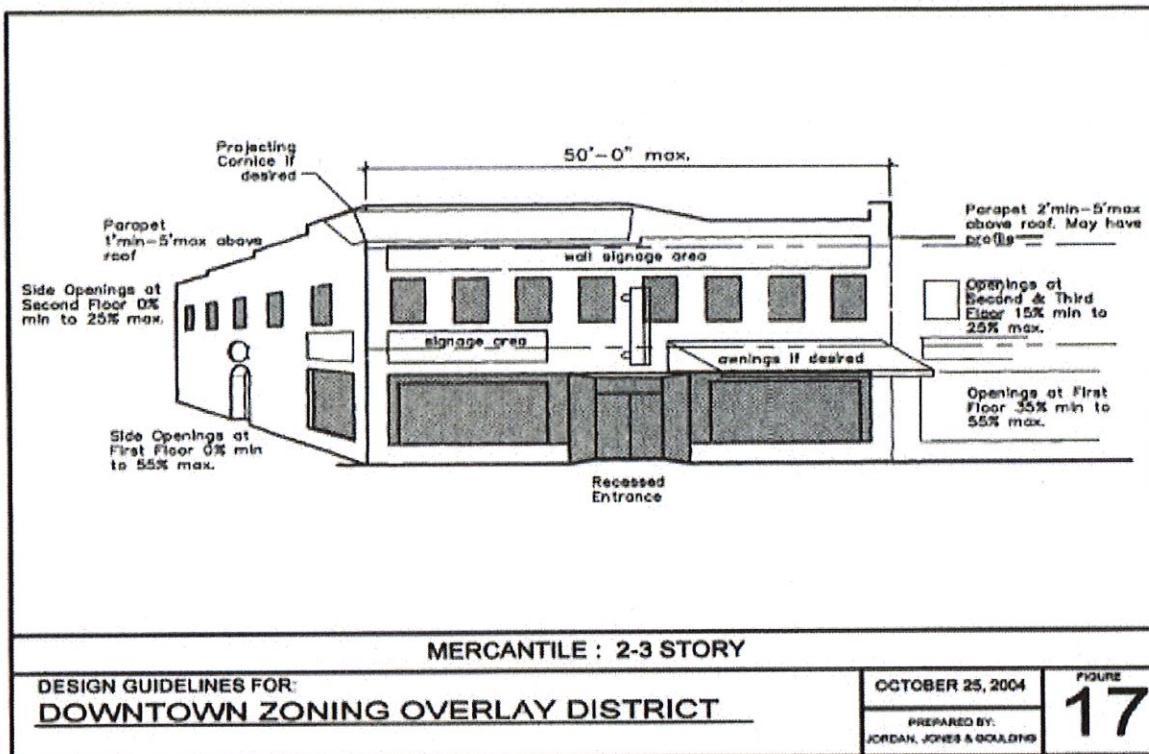
Signage: Signage on the façade of the building shall be limited to wall signs, awning signs, marquee signs, hanging signs and window signs not to exceed a cumulative sign face area of 1.5 square feet per linear foot of frontage of building, unit or tenant space. One side wall or rear wall of a detached building may be used for one painted sign not included in the cumulative total. Such painted sign is limited to no more than 15% of the side or rear elevation of the detached building on which it is applied. Roof signs are only permitted on gable or hip roofs. The length of a roof sign shall not exceed 50 feet of the length of the ridge of the roof on which it is located. The height of a roof sign shall not exceed one-third of its length.

Awnings: Awnings shall comply with the Overlay regulations.

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ARCHITECTURAL PROTOTYPE: MERCANTILE BUILDING, 2-3 STORY - Figure 2

FIGURE 2: MERCANTILE BUILDING, 2-3 STORY



Description: Commercial building that is characteristic of turn of the century urban, commercial architecture. This is an ideal mixed-use prototype for ground floor retail with commercial or residential occupancies on the upper floors. Buildings may be free standing but are often constructed with zero lot line setbacks at the sides and share a party wall with adjacent modules. Large display windows dominate the street level facade of the building with smaller individual openings at the upper levels.

Massing: Simple massing with parapet walls concealing low slope roof beyond. Parapet walls may be stepped to follow sloping roof at sides and may have profiles at front to emphasize signage or ornament. Mercantile buildings at corners of major intersections (one street shall be an arterial or collector) shall have two front elevations for the purposes of these design standards.

Height: The two-story building shall have a maximum height of 32 feet including all parapet walls, with the first floor having a minimum of 12' floor-to-ceiling height. The three-story building shall have a maximum height of 44 feet including all parapet walls.

Width: Maximum width facing street – 50-foot module. Modules can be connected with fire-rated party walls to form a single building up to 150 feet wide.

Façade Depth: Other than for recessed entrances within the module, columns, pilasters, cornices and other projecting or receding elements of the facade may vary by no more than 2 feet from the average face of the facade.

Materials: Primary exterior siding material to be unpainted brick or natural stone. Stucco, metal, wood or similar materials used for ornamental details are permitted but will occupy no more than 20% of the total façade area of a detached building, unit or tenant space.

Entrance: Main entrances into ground floor spaces shall be located on front of building. Entrances shall be recessed 3 feet - 6 feet back from front facade to keep door swings out of sidewalk walking path. Entrances to lobbies for upper floors may be located at front sides or rear of the building.

Building Orientation and Entrance: Front facades of non-residential buildings shall be oriented towards commercial/main streets within the mixed-use tract, with an everyday public entrance in this front facade. When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. The municipal governing body may allow front facades to face existing streets rather than proposed streets, when these facades will extend an existing commercial district located along this existing street. Non-residential buildings must have at least a 3-foot off-set in all facades or roofs for every 40 feet of continuous facade. Such off-sets may be met through the use of bay windows, porches, porticos, building extensions, towers, bays, gables, dormers, steeples, and other architectural treatments.

Walls and Windows: Blank walls shall not be permitted along any exterior wall facing a street. Exterior walls in these locations shall meet the following criteria: Such walls shall have architectural treatments that are the same as the front facade, including consistent style, materials, colors, and details.

Windows: The ground floor of any wall facing a street shall contain windows in accordance with the following requirements:

- Facades along planned street plazas or open space (public or private) shall be glazed with no less than 50% of the ground story measured between the ground and 10 feet above the ground.
- The ground floor front facades of retail commercial uses, personal service businesses, and restaurants shall consist of at least 35% window area, but not more than 75% window area, with views provided through these windows into the business.
- Except for institutional uses, all other ground floor walls facing a street shall contain at least 5% window area but not more than 75% window area, with views provided through these windows into the business.
- For institutional uses, ground floor walls facing a street, parking area, or walking area shall not consist of more than 75% window area.
- Dark tinted glass or reflective glass in windows is prohibited.

- Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments: masonry but not flat block; concrete or masonry plinth at the base of the wall; belt courses of a different texture or color; projecting metal canopy; decorative tilework; trellis containing plantings; medallions; opaque or translucent glass; artwork, vertical visual articulation, horizontal visual articulation; lighting fixtures; or a similar architectural element not listed above, as approved by the municipal governing body.

Roofs: Low sloped roof concealed behind parapet walls from public streets.

Parapet Walls: Parapet walls may be between 2 feet and 5 feet above top of roof at front facade. Parapets at side and rear will not exceed front parapet wall height.

Landscaping:

- Landscaping shall be required in accordance with the existing regulations set forth in Section 27-A Landscape Regulations and Tree Preservation.
- Landscape shall be done within the setback area except where there is a ground floor entry or retail frontage. Where the ground floor entry or retail frontage occur, there shall be paved hardscape matching the grade and material of the sidewalk adjacent.
- A minimum of 75 percent of front yard area shall consist of sidewalks, benches, tables, plazas or other hardscape features approved by the Melissa Development Services

Porches: None at front elevation. Small porches permitted at side and rear entrances. Covered porch area is not to exceed 35 square feet.

Awnings: Awnings shall comply with the Overlay regulations.

Bay Windows: Not permitted on front elevations. No more than one permitted on side and rear.

Balconies: Balconies or bays shall not be greater than 3'-6" inches deep or greater than 7 feet wide. Upper story balconies can extend over the public right-of-way to a maximum depth of five (5) feet. Greater depth used for outdoor eating areas may be considered for approval by Planning & Zoning Commission and City Council as part of the Site Planning process.

Signage: Signage on the façade of the building shall be limited to wall signs, awning signs, marquee signs, hanging signs and window signs not to exceed a cumulative sign face area of 2.5 square feet per linear foot of frontage of a detached building, unit or tenant space. One side wall or rear wall of a building may be used for one painted sign not included in the cumulative total. Such painted sign is limited to no more than 10% of the side or rear elevation of the detached building on which it is applied.

Variations in Heights: At intersections in the CMU, buildings located on corner lots shall utilize variations in building massing to emphasize street intersections as points of interest in the Overlay. Maximum building heights shall exceed by 25% for approximately 20 – 25% of the building frontage along each street façade.

Fenestration: Fenestration shall consist of window and glazed door openings including sashes, perimeter casings and mullions that are less than 12 feet in width.

- First Floor
 - Fenestration on the front elevation shall comprise between 35% and 55% of the first-floor wall area. The first-floor wall area shall be measured horizontally from exterior corner to corner and vertically from the sidewalk or grade adjoining the building to the finished floor of the second level of the building.
 - Window glazing at the first floor shall be raised a minimum of 1'-6" above the sidewalk level.
 - Fenestration on the sides and rear of the building shall not exceed 55% of the first-floor elevation.
- Upper Floors
 - Fenestration on the upper floors shall consist of individual openings, single openings not to exceed 30 square feet, double openings not to exceed 54 square feet each.
 - Windows shall be equally spaced or symmetrically arranged on the facade.
 - Total area of fenestration on the front of the building shall be between 15% and 25% of upper floor wall area and shall not exceed 25% on side and rear elevations.
 - Wall area is measured horizontally from exterior corner to corner and vertically from floor to floor or floor to top of roof as applicable.

Mercantile Buildings in a Modern Setting – Figures 3(a) through 3(b)

FIGURE 3(a): MERCANTILE BUILDINGS IN A MODERN SETTING



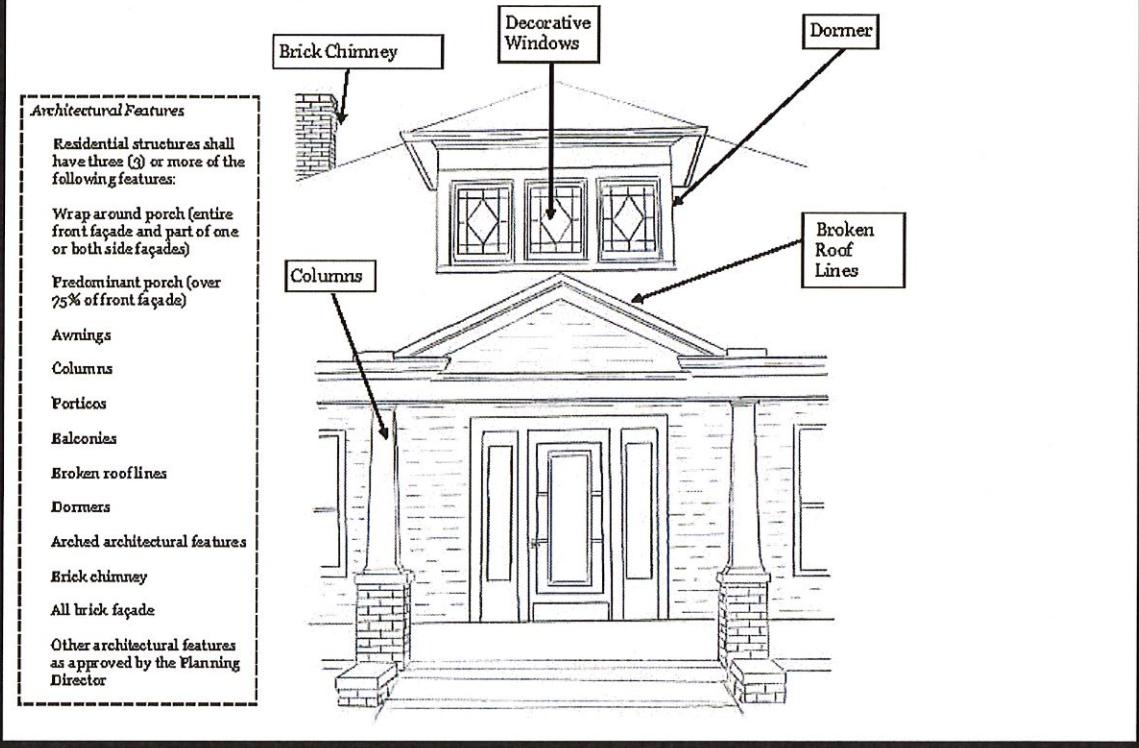
FIGURE 3(b): MERCANTILE BUILDINGS IN A MODERN SETTING



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ARCHITECTURAL PROTOTYPE: Single-Family Detached Dwellings - Figures 4(a) through 4(f)

FIGURE 4(a): SINGLE-FAMILY DETACHED DWELLING - ARCHITECTURAL FEATURES



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FIGURE 4(b): SINGLE-FAMILY DETACHED DWELLING - DECORATIVE FEATURES

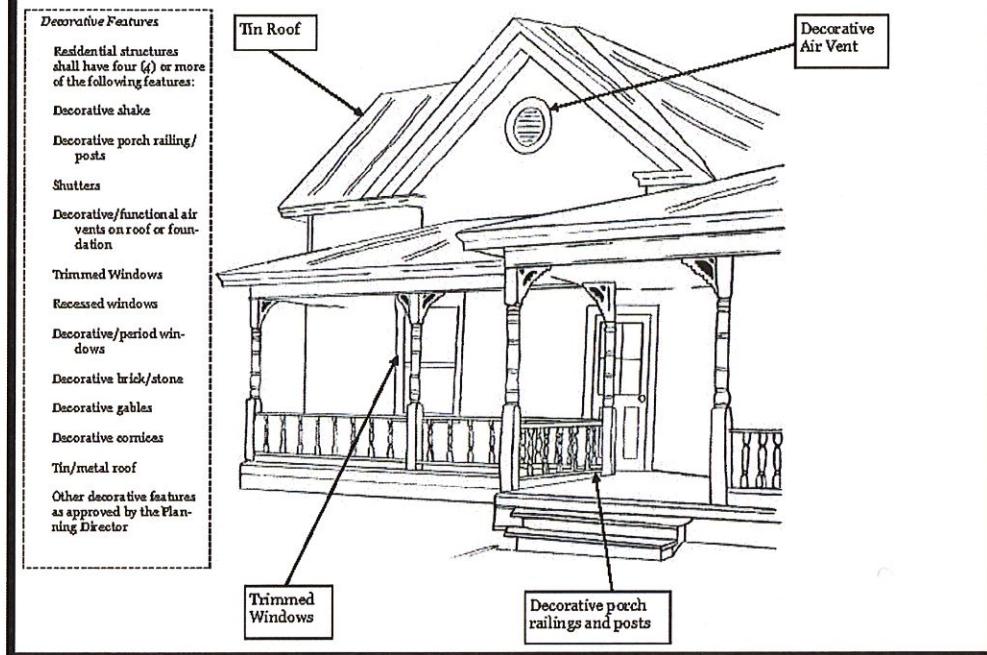


FIGURE 4(c): SINGLE-FAMILY DETACHED DWELLING - ROOFS

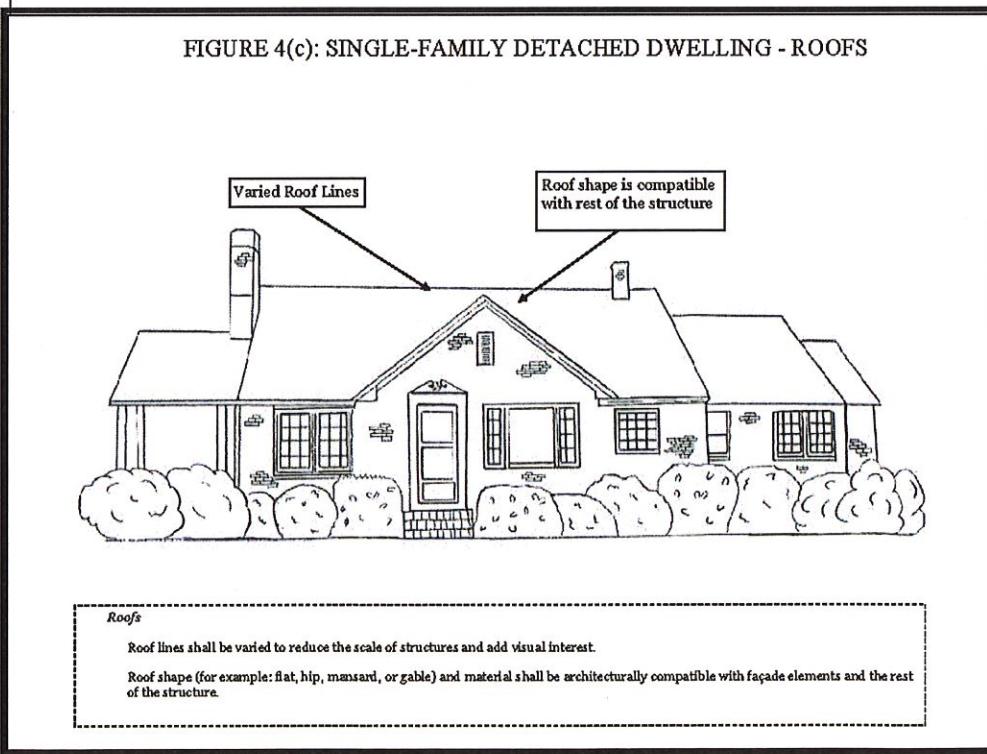
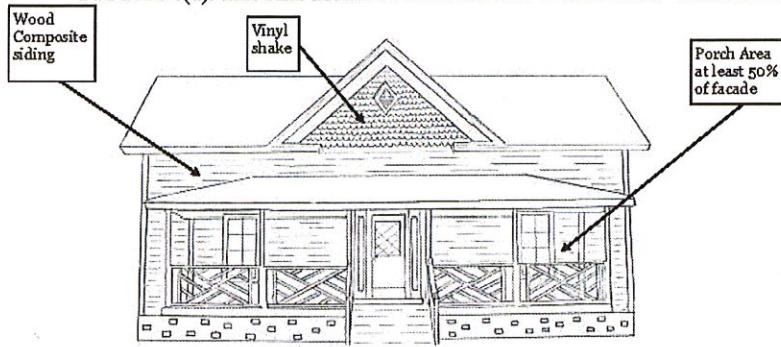


FIGURE 4(d): SINGLE-FAMILY DETACHED DWELLING - FACADES



Facades
The width of the façade shall not be any wider than 1.5 feet times the depth of the principal structure. The width to depth ratio shall be no more than 1.5 feet to 1 foot.

Recesses and projections:
The principal structure's front façade must incorporate recesses and projections along at least 50 (fifty) percent of the length of the façade. Windows, awnings, and porch area shall total at least 50 percent of the façade length abutting a public street.

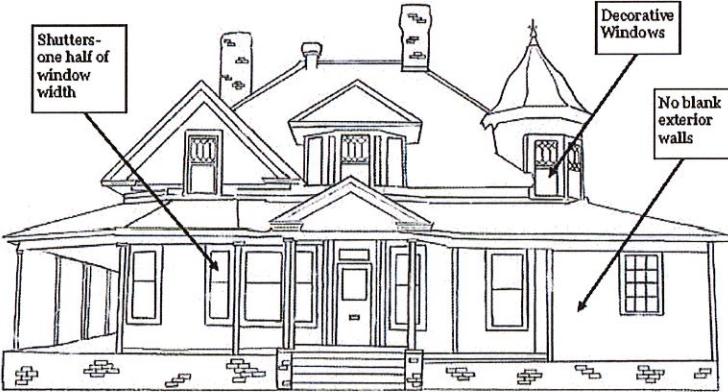
Repeating design patterns:
Façades shall incorporate a repeating pattern of change in color, texture, and material modules.

Renovations:
Façade renovations shall incorporate original building details to the maximum extent practicable.

Materials:
The façade exterior siding shall be brick, stone, wood, wood composite, or fiber cement (or combination thereof). Vinyl shall only be used for exterior shake and trim elements and shall not be used as the siding material.

Roof cornices:
If roof cornices have been removed or damaged on an existing structure, renovations of that structure must include retaining, repairing, and replacing the roof cornices.

FIGURE 4(e): SINGLE-FAMILY DETACHED DWELLING - WINDOWS



Windows
Replacement of windows on the façade of an existing structure shall be accomplished by using windows of the same trim size and character as the original.

Blank exterior walls are prohibited; windows shall be present on all sides of the home.

Shutters on windows shall be one half the width of the window to which they are affixed.

FIGURE 4(f): SINGLE-FAMILY DETACHED DWELLING - ENTRYWAYS



Entryways

Required features:

Doors shall have built in windows; alternatively, a solid door is allowed provided side lights (side windows) are installed immediately adjacent to the solid door.

Variation:

Variations in color schemes and textures are encouraged in order to articulate entryways so as to give greater recognition to these features.

Materials

Predominant exterior building materials:

Predominant exterior building materials shall be high quality materials, including brick, wood, stone, fiber cement, and/or wood composite. Vinyl shall only be allowed in the form of shake and trim elements.

Foundations:

No slab on grade foundations are permitted. Foundations around the principal structure shall be fully enclosed. Front and side porches with open foundations shall have brick or stone piers and openings shall be fully screened with evergreen plantings.

The following standards shall apply to any single-family or multi-family use:

Description: Architectural character focuses on the micro-level details that greatly affect the overall appearance of residential structures in the TMU. These architectural character regulations provide direction in aspects of facade materials, porches, windows and the enhancement of entryways. The primary goal is to define the “finishing touches” that provide the structure with a sense of permanence, style and compatibility. The City will reject proposals that have not taken these matters into account. The City desires that all development be treated as a lasting contributor to the community and as a “good neighbor” to its surroundings. New construction, exterior renovations or additions to the front façade, or renovations of fifty (50) or more of the entire façade are subject to this section.

Architectural Features: Residential structures shall have three (3) or more of the following features:

- Wraparound porch (entire front façade and part of one or both side façades);
- Predominant porch (over seventy-five (75) percent of front façade);
- Awnings;
- Columns;
- Porticos;
- Balconies;
- Broken roof lines;
- Dormers;
- Arched architectural features;

- Brick chimney;
- One hundred (100)% brick exterior construction; and/or
- Other architectural features as approved by the Planning Director.

Decorative Features: Residential structures shall have four (4) or more of the following features:

- Decorative shake;
- Decorative porch railing/posts;
- Shutters;
- Decorative/functional air vents on roof or foundation;
- Trimmed windows;
- Recessed windows;
- Decorative/period windows;
- Decorative brick/stone;
- Decorative gables;
- Decorative cornices;
- Standing seam metal roof; and/or
- Other decorative features as approved by the Planning Director.

Roofs: Residential roofs shall conform to the following standards:

- Roof lines shall be varied to reduce the scale of structures and add visual interest; and
- Roof shape (for example: flat, hip, mansard or gable) and material shall be architecturally compatible with façade elements and the rest of the structure.

Facades: Residential facades shall conform to the following standards:

- The principal structure's front façade must incorporate recesses and projections along at least fifty (50) percent of the length of the façade. Windows, awnings and porch area shall total at least fifty (50) percent of the façade length abutting a public street; and
- Façades shall incorporate a repeating pattern of change in color, texture and material modules; and
- Façade renovations shall incorporate original building details to the maximum extent practicable; and
- If roof cornices have been removed or damaged on an existing structure, renovations of that structure must include retaining, repairing and replacing the roof cornices.

Windows: Residential windows shall conform to the following standards:

- Replacement of windows on the façade of an existing structure shall be accomplished by using windows of the same trim size and character as the original; and
- Blank exterior walls are prohibited; windows shall be present on all sides of the home; and
- Shutters on windows shall be one half the width of the window to which they are affixed.

Entryways: Residential entryways shall conform to the following standards:

- Doors shall have built-in windows; alternatively, a solid door is allowed, provided that side lights (side windows) are installed immediately adjacent to the solid door; and

- Variations in color schemes and textures are encouraged in order to articulate entryways so as to give greater recognition to these features.

Materials: Residential building materials shall conform to the following standards:

- Predominant exterior building materials shall be high quality materials, including brick, wood, stone, fiber cement and/or wood composite. Vacant property or newly subdivided lots shall only be allowed to utilize vinyl in the form of shake and trim elements and shall not have vinyl as the siding material on principal or accessory structures; and
- Front and side porches with open foundations shall have brick or stone piers and openings shall be fully screened with evergreen plantings.

SIGNAGE

Signs are a prominent visual element in the district. In addition to identifying individual businesses the design, size, number and placement of signs contributes to the overall street environment and character. A sign shall never be so large as to overpower a façade or obscure a building's architectural features. The most compelling and legible signs are often not the largest, the brightest, or the cleverest. In a downtown environment, a simple sign may be a more effective way of attracting business.

Good sign design considers all the following factors: layout and composition, materials, color, size, graphics, typeface, and installation. The size, shape, material, and colors of the sign and the building's facade should be compatible and work together to advertise the business.

Materials: Signs shall be made of painted metal, painted wood or solid material that imitates wood, except that signs on awnings shall be silk screened or sewn onto the awning fabric. Plastic and glass signage is not permitted.

Illumination: Signage shall be front lit by light fixtures placed above the sign and directed downward toward the face of the sign. Internally lit signs are not permitted. Neon signs are permitted if located behind storefront windows. Flashing lights are prohibited.

Wall Signs: Wall signs shall not cover or obscure the cornice, facade ornament, windows or similar building features or materials. The area directly above the storefront and transom windows and below the cornice provides an appropriate area to place an applied wall sign. Sometimes this area will be denoted by a patterned or relief brick design, or by architectural detailing, which defines the maximum width and height of the sign.

Painted Signs: Painted signs may be applied directly on either one side or the rear of the mercantile building types without counting as business signage. Locations and design of painted signs over 32 square feet shall be approved by the Director.

Hanging Signs: Hanging signs are suspended from an overhanging structure, such as a canopy or awning, just above eye level. Provide a minimum clearance of 8 feet above streets and sidewalks beneath the sign. When used, hanging signs shall be mounted perpendicular to the building facade near the business or lobby entrance, beneath an overhanging balcony, canopy or

eave. Multi-tenant buildings are allowed one hanging sign for each tenant. Each hanging sign shall be no more than eight square feet in area. One additional hanging sign up to 20 square feet in size is permitted per building.

Marquee Signs: Marquee signs are displayed perpendicular to the façade and suspended from a bracket or cantilevered structure attached to the wall. Marquee signs shall have a minimum clearance of eight feet above the sidewalk, projecting no further than five feet from the face of the building. Marquee signs are permitted no more than two sign faces of 20 square feet.

Awning Signs: Signs may be sewn on to or applied to awnings. The lettering and/or graphics shall not occupy more than 30% of the surface plane on which it is applied. Awning signs shall contain no more than two colors.

Window Signs: Window signs are permitted in storefront display windows and glazed entry doors throughout the district. Permanent window signs are usually painted directly on the glass or constructed of applied vinyl letters. Gold leaf can also be used to make elegant window and door signs and is encouraged for use to identify a building's street address. Neon or stained glass signs hanging on the interior of display windows are also an attractive alternative which maintains the transparency of the storefront area. Permanent display window and entry door signs shall not occupy more than 15 percent of the total window opening on which they are mounted.

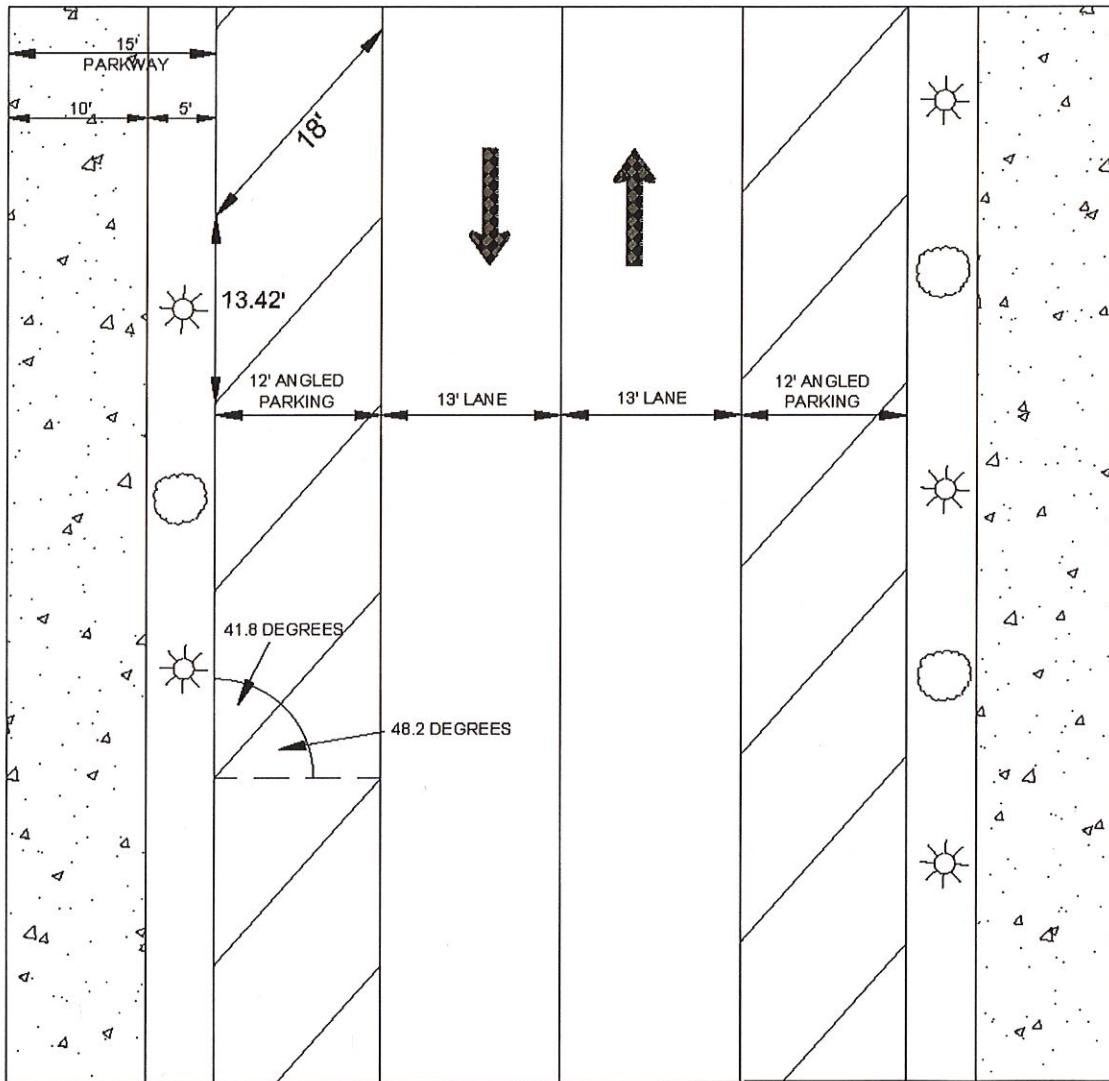
Roof Signs: Roof-mounted signs are a permitted sign type when associated with the prototypes described in the DOD that require sloped roofs. Roof signs should not extend above the height of a sloped roof. Roof signs are not permitted on a flat roof. No more than one roof sign is permitted on any side of a sloping roof and no more than two roof signs are permitted per building. The maximum sign area of a roof sign shall be 32 square feet.

Freestanding Signs: Monument signs consist of a low wall or pilasters forming a sign structure that supports two sign faces not to exceed 32 square feet each. The sign structure shall be constructed of the same material that is the predominant material used for the façade of the principal building on the same lot as the sign. Sign faces may be constructed of metal or wood, but plastic is not permitted. The height of monument signs is limited to 6 feet, not including embellishments that may extend no more than 18 inches above the sign face.

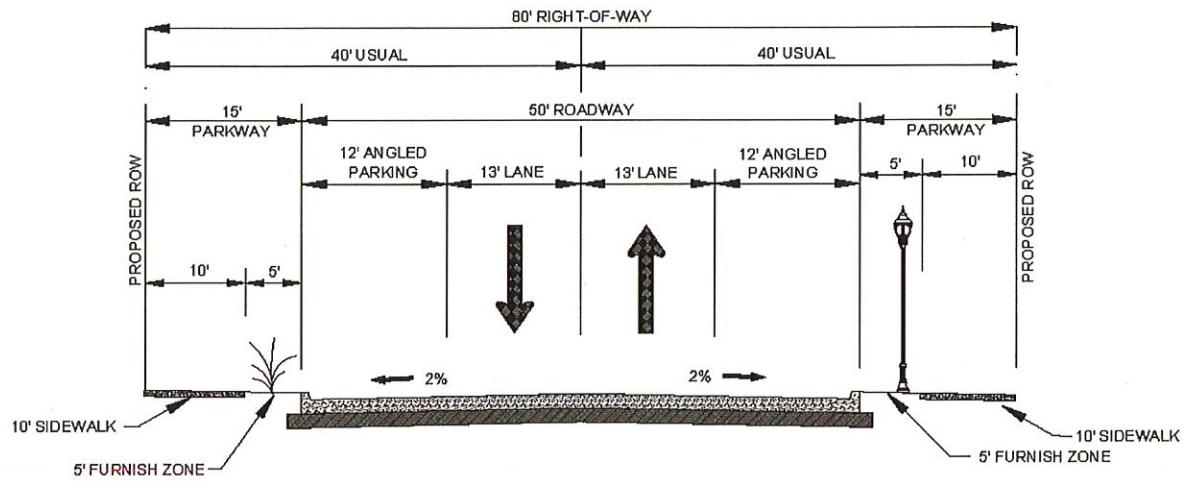
Pedestal Signs: Pedestal signs are signs supported from a central pedestal base or cantilevered from a single wooden or iron support. Pedestal signs shall be made of metal or wood and consist of no more than 2 sides, having a maximum sign area of 20 square feet on each side. Maximum height of the sign face is 6 feet, not including embellishments that may extend no more than 12 inches above the sign face. Pedestal signs may be attached with a bracket to a lamp post, flag pole, or banner post provided the maximum height of the entire structure is 12 feet.

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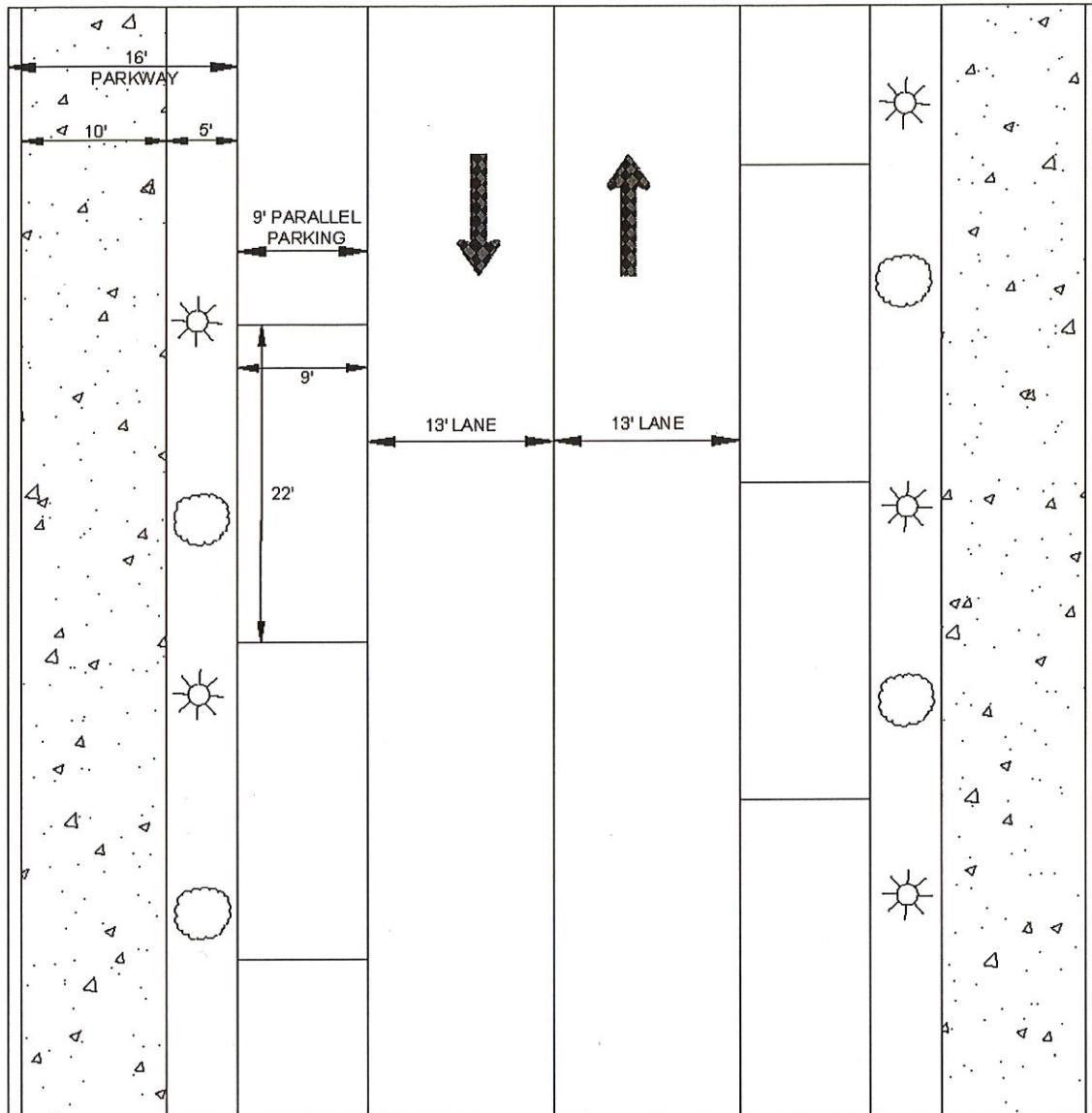
DOD Exhibit 3
Downtown Overlay District
CMU Typical Roadway Sections



Downtown Overlay District
CMU Typical Roadway Sections



Downtown Overlay District
TMU Typical Roadway Sections



**Downtown Overlay District
TMU Typical Roadway Section**

